



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

June 19, 2019

10:00 a.m. – 12:00 p.m.

Montgomery Regional Office

Auditorium

8787 Georgia Avenue

Silver Spring, Maryland 20910

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MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, June 19, 2019
MRO (Auditorium)
10:00 a.m. – 12 noon

| | | <u>ACTION</u> | |
|----|--|---------------|---------|
| | | Motion | Second |
| 1. | Approval of Commission Agenda (10:00 a.m.) | (+*) | Page 1 |
| 2. | Approval of Commission Minutes (10:05 a.m.) | | |
| | a) Open Session – May 1, 2019 | (+*) | Page 3 |
| | b) Closed Session – May 1, 2019 | (++) | |
| | c) Open Session – Special Commission Meeting June 6, 2019 | (+*) | LD |
| 3. | General Announcements (10:05 a.m.) | | |
| | a) June is National Caribbean American Heritage Month | | |
| | b) June is Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month | | |
| 4. | Committee Minutes/Board Reports (For Information Only) (10:15 a.m.) | | |
| | a) Executive Committee Meeting – Open Session – June 5, 2019 | (+) Page 11 | |
| | b) Executive Committee Meeting – Closed Session – June 5, 2019 | (++) | |
| | c) Employees’ Retirement System Board of Trustees Meeting – Open Session – March 5, 2019 | (+) Page 15 | |
| | d) Employees’ Retirement System Special Board of Trustees Meeting – April 26, 2019 | (+) Page 19 | |
| 5. | Action and Presentation Items (10:15 a.m.) | | |
| | a) Resolution #19-05, Adoption of the Approved Veirs Mill Master Plan (McVary) | (+*) | Page 21 |
| | b) Resolution #19-13, Adoption of the Approved MARC Rail Plan (Weaver) | (+*) | Page 37 |
| | c) Resolution #19-14, Land Exchange between M-NCPPC and City of Takoma Park (Sandberg) | (+*) | Page 45 |
| | d) Resolution #19-12, Adoption of the Fiscal Year 2020 Commission Operating Budget and Capital Budget (Kroll) | (+*) | Page 59 |
| | e) Resolution #19-10, FY20 Wage Adjustments for Certain Non-Represented Merit System and Term Contract Employees (Bennett) | (+*) | Page 79 |
| | f) Resolution #19-06, FY20 Wage Reopener Agreement for MCGEO Bargaining Unit Members (Bennett) | (+*) | Page 81 |
| | g) Resolution #19-07, FY20 Wage Reopener Agreement for Fraternal Order of Police Bargaining Unit Members (Bennett) | (+*) | Page 83 |
| | h) Resolution #19-08, FY20 Pay Increment Adjustment for Seasonal/Intermittent Employees (Bennett) | (+*) | Page 85 |
| | i) Resolution #19-09, FY20 Cost of Living Adjustment for Park Police Candidates (Bennett) | (+*) | Page 87 |
| | j) Resolution #19-04, Health Insurance Premium Holiday for FY20 – Date TBD (Kroll) | (+*) | Page 89 |
| | k) Budget Transfer for Reclassification Marker (Kroll) | (+*) | Page 91 |
| | l) Resolution #19-11, Approval of Fiscal Year 2020 115 Trust/OPEB - Employer Contribution for Retiree Group Health Insurance (Zimmerman) | (+*) | Page 93 |
| | m) Revised Salary Savings Memo for Finance Department (Zimmerman) | (+*) | Page 95 |

- n) Approve Daniel Singh has the Montgomery County Open Trustee to the Board of Trustees for the Term Ending June 30, 2022 (Rose) (+*)Page 97
- o) Approve the Reappointment of Amy Millar as the Municipal and County Government Employees Organization Representative for the Term Ending June 30, 2022 (Rose) (+*)Page 98
- p) Approve the Reappointment of Howard Brown as the Fraternal Order of Police Representation Trustee for the Term Ending June 30, 2022 (Rose) (+*)Page 99
- q) Approve the Reappointment of Elizabeth M. Hewlett as the Prince George’s County Commissioner to the Board of Trustees for the Term Ending June 30, 2022 (Rose) (+*)Page100
- r) Employees’ Retirement System FY20 Operating Budget (Rose) (+*)Page 101
- s) Adjustment to ERS-BOT Public Member Stipend (+*)Page 107

- 6. **Officers’ Reports (11:15 a.m.)**
 - a) Executive Director’s Report (For Information Only)
Late Evaluation Report, April 2019 (+) Page 109
 - b) Secretary Treasurer (For Information Only)
MFD 3rd Quarter Purchasing Statistics (+)Page 111
 - c) General Counsel (For Information Only)
 - 1. Litigation Report, January 2019 – FY 2019 (+) Page 147
 - 2. Annual Legislative Update (+) Page 171

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
May 1, 2019
For Combined April/May 2019 Meetings

The Maryland-National Capital Park and Planning Commission met at the Prince George’s Parks and Recreation Administration Office Auditorium in Riverdale, Maryland.

PRESENT

Prince George’s County Commissioners

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

Montgomery County Commissioners

Casey Anderson, Vice-Chair
Gerald Cichy
Norman Dreyfuss
Natali Fani-Gonzalez
Tina Patterson

NOT PRESENT

A. Shuanise Washington

Chair Hewlett convened the meeting at 11:09 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Commissioner Geraldo to approve the amended Commission agenda
Seconded by Commissioner Doerner
9 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – March 13, 2019
ACTION: Motion of Commissioner Geraldo to approve the Commission minutes
Seconded by Commissioner Doerner
9 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

- a) Military Appreciation Month
- b) Asian Pacific American Heritage Month
- c) Jewish-American Heritage Month
- d) National Fitness Month/Fitness Days in May – Commission Fitness week, May 12-18
- e) National Prevention Week (mental and/or Substance Use Disorders), May 12-18

Chair Hewlett also noted it was Older Americans month, and acknowledged May 1 as May Day and Law Day.

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

- a) Executive Committee – Open Session – April 8, 2019
- b) Employees’ Retirement System Board of Trustees Meeting – December 4, 2018

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Resolution #19-02, In Recognition and Appreciation of Hogan Lovells US LLP and Neal Kumar Katyal for Distinguished Public Service (Gardner)
Approved without discussion.
ACTION: Motion of Geraldo to approve Resolution #19-02
Seconded by Fani-Gonzalez
9 approved the motion
- b) Resolution #19-03, Refunds to M-NCPPC's Appropriate Non-Departmental Accounts for Fiscal Year 2019 Overpayments to M-NCPPC's Group Insurance Fund (Zimmerman)
Approved without discussion.
ACTION: Motion of Bailey to approve Resolution #19-03
Seconded by Geraldo
9 approved the motion
- c) Budget Reductions to meet County Executive's Budget (Kroll)
Corporate Budget Director Kroll briefed Commissioners on the status of the proposed budget reductions for bi-county operations and departments as presented to the Montgomery County Planning, Housing and Economic Development (PHED) Committee. These proposed reductions will be addressed on Monday May 6 at the Montgomery County Council meeting, and again on May 9 at the Joint Council meeting at WSSC.
- d) Commission-Wide IT Budget Adjustment – NeoGov Onboarding Project (Kroll)
Mr. Kroll requested Commissioners approve a budgetary adjustment of \$92,600 to fund the implementation of NeoGov software which will be used by the bi-county offices to automate the agency's recruitment efforts. The project is supported by the M-NCPPC's IT Council and funded by the Prince George's County Parks and Recreation Department, as they are the largest beneficiary of an automated hiring process. In addition to authorizing the budget adjustment, the Commission must authorize funds coming from Prince George's operations to fund a bi-county project.
ACTION: Motion of Geraldo to approve the adjustment.
Seconded by Fani-Gonzalez
9 approved the motion
- e) Request for Use of Salary Savings
a. Department of Human Resources and Management (DHRM) (Bennett)
Acting Executive Director Bennett has personnel savings due to unexpected retirements and unanticipated position turnover. The Department is requesting a transfer of \$375,000 to address priorities identified during discussions with both Planning Boards.
ACTION: Motion of Fani-Gonzalez to approve
Seconded by Geraldo
9 approved the motion

b. Office of the General Counsel (Gardner)

General Counsel Gardner stated the Legal Department has personnel savings for FY19 due to a variety of staffing changes. The Department is requesting \$627,500 to fund temporary services, project studies, and issue rebates on legal fees paid by the Montgomery County Parks Department and Prince George's County Department of Parks and Recreation.

ACTION: Motion of Geraldo to approve
Seconded by Patterson
9 approved the motion

c. Department of Finance (Zimmerman)

Secretary Treasurer Zimmerman stated the Finance Department has projected approximately \$200,000 in personnel savings for FY19 due to delays in filling critical positions. The Finance Department would use the savings to fund the Lawson Budgeting and Planning (LBP) Replacement and a transfer of funds to the IT unit.

ACTION: Motion of Geraldo to approve
Seconded by Bailey
9 approved the motion

d. Office of the Inspector General (Kenney)

Inspector General Kenney requested to transfer personnel savings of \$10,000 to cover identified expenses in the OIG work program.

ACTION: Motion of Bailey to approve
Seconded by Geraldo
9 approved the motion

f) Revisions to Practice 1-40, Organization and Functions of the Legal Department (Gardner)

General Counsel Gardner asked Commissioners to approve amendments to the Practice to reflect current operations. The Practice established the authority of the General Counsel to appoint a Deputy General Counsel. Commissioner Patterson asked about the timing of hiring a Deputy General Counsel. General Counsel Gardner indicated hiring in FY19 is conceivable, particularly considering the salary lapse.

ACTION: Motion of Geraldo to approve
Seconded by Bailey
9 approved the motion

g) Acknowledge Elaine Stookey as the Bi-County Open Trustee to the Employees' Retirement System Board of Trustees for the term ending June 30, 2021 (Rose)

Approved without discussion.

ACTION: Motion of Geraldo to approve
Seconded by Bailey
9 approved the motion

h) I-495/I-270 Managed Lanes Study Update (Rubin/Borden)

Special Project Manager Carol Rubin from Montgomery County Planning and Principal Counsel Debra Borden from the Office of the General Counsel's Land Use Team in Prince George's County were introduced to provide a briefing on the Maryland State Highway Administration's (SHA) proposal on the I-495/I-270 Managed Lanes Study in anticipation of the deadline for agency comments to the recommended alternatives retained for detailed study (ARDS). Of the 15 Preliminary Alternatives, SHA recommended 7 move forward with all the build alternatives including only managed (toll) lanes without any elements of transportation demand management or transit. Ms. Rubin also introduced other members of the team, including Maria Martin (Prince George's Planning), Matt Harper (Montgomery Parks), and Steve Aldridge (Montgomery Planning).

Ms. Borden said the SHA had been holding public hearings in both counties to describe and discuss the seven ARDS and shared the interactive map the SHA developed to illustrate the impacts from each. Except for the National Environmental Policy Act (NEPA)-required no-build option, 6 ARDS involve only toll lanes. Ms. Rubin described differences between the remaining alternatives, mostly based on their proposed operations. The ARDS do not significantly differ in footprint and would not have a significant difference in impact to the environment.

Ms. Rubin and Ms. Borden demonstrated the interactive map, which shows the impact for the different ARDS in a satellite view-style map, which is a planning-level engineering study. Without consideration of land use or transportations planning and other design issues, there is no way to know the actual parkland impacts.

SHA will be selecting a private partner to design the project but will be required to complete the Final Environmental Impact Statement (FEIS) before they do so. The private partner would be required to follow the limits of the EIS, or the EIS would have to be reopened. The design has not taken into account overall planning factors such as land use planning, economic development, or social justice review. Ms. Rubin asked for authority to communicate these concerns to the SHA as early as possible.

Ms. Rubin laid out critical issues she wished Commissioners to consider, including:

- Proposed Managed Lanes access decisions appear to be based entirely on geographic impact without consideration of the relationship to existing and future origin-destination patterns, planned land use, economic development considerations social equity or safe and efficient accesses to transit facilities.
- The ARDS recommendations do not include a social justice analysis as required by NEPA.
- Impacts to parkland along I-495 and I-270 have likely been underestimated due to discrepancies in ownership/control along and including portions of highway.
- Public transportation must be considered as an integral element in design of the preferred alternative.

- Relocations on I-495 and property impacts should include evaluation of whether partial takings result in nonconforming properties under current environmental and zoning laws.
- The benefits and impacts from any of the alternatives will be incomplete without a local road system/interchange analyses, particularly given the selection of limited access to the managed lanes.

Commissioners and staff discussed specific issues based on interchanges in the design. Commissioner Dreyfuss said it is hard to raise questions about the impact until proposals from the partner are reviewed. Ms. Rubin said dealing with issues at an earlier stage can be useful, so the outside limits of the project are clear. The state will not want to re-open and have a supplemental EIS. M-NCPPC's comments will provide some certainty to the communities that are impacted by the project. Chair Hewlett agreed, saying issues should be flagged in advance so the partner can take them into their design beforehand, rather than need to go back and change their design.

Commissioner Cichy suggested defining where the interchanges would be and let the engineering firms provide the innovation to execute the plan within the parameters of the EIS.

Ms. Rubin described issues with right of way in specific areas in each county in that SHA asserts that it owns that they do not. General Counsel Gardner discussed the Capper-Crampton Act, which in the 1930s tasked M-NCPPC to acquire parklands and protect certain watersheds. Commissioner Cichy noted that these areas can be developed, but extensive mediation and approval is required. Ms. Rubin agreed, and said the National Capital Parks Commission is the approving body to change or expand the current use.

Ms. Rubin explained that the SHA is underestimating the impact on private property and parkland. Ms. Rubin said that 34 homes and four businesses within the study area are marked as "displacements" by SHA. The team believes the number of properties that the SHA has put forth publicly as displaced will grow substantially. Ms. Rubin said that while 34 homes are on the total take list, many more homes and businesses would be impacted. Commissioner Doerner asked about the limit or scope of what the M-NCPPC is doing, saying whether SHA attempts a partial or full taking would need to be settled in a court of law. Ms. Rubin replied the M-NCPPC's involvement would be concerning parkland; she was listing those as examples to illustrate the scope of the impact. General Counsel Gardner noted the M-NCPPC also has a responsibility not only as a property owner, but as a planning advisor.

Ms. Rubin said the impact to parkland has been substantially underestimated, based on discrepancies of ownership along, and including, portions of the highways. We do not agree on what is under the SHA's ownership and control versus the M-NCPPC's and there are limited resources to do the research. Mr. Harper agreed staff have seen clear discrepancies between what SHA is identifying as theirs.

Ms. Rubin said NEPA suggests cooperating agencies assist in reaching conclusions on the EIS record of decision. The SHA has only brought the M-NCPPC in as a cooperative agency

because the agency owns so much parkland. She said the SHA has said it does not have any interest in the agency's input on Transportation or Land Use planning and does not care that the M-NCPPC are the local experts. Ms. Rubin read from the SHA statement supporting this assertion. The M-NCPPC is not being compensated for any planning consultation.

Commissioner Dreyfuss noted that every government agency has an objective and it is the SHA's job to get the highway built. He said it should not be a surprise that the SHA wants to get this done quickly and efficiently and avoid bringing other agencies in that will slow the process down by bring up objections and problems. Ms. Rubin replied that it is the Commission's responsibility to advise on local land use and this project is relevant to the growth of Montgomery and Prince George's Counties. The SHA is making decisions that completely disregard land use decisions and analyses approved by the County Councils and M-NCPPC.

Ms. Rubin and Ms. Borden described several more examples of how SHA's current designs do not consider major local planned expansions that will be under way soon and their impact to transportation planning, safety issues, economic development and social equity. Ms. Borden spoke about the SHA's design to end the project in Prince George's County a half mile west of Branch Avenue which would exclude the last five miles of I-495 in Maryland, including exits for St. Barnabas Road, Oxon Hill Road, National Harbor, the interchange with MD-295, and the Woodrow Wilson Bridge from the project. When asked about this, the SHA responded that this portion of I-495 would be part of a future project that the Commonwealth of Virginia will design and build. There are currently no plans for merging the highways after the conclusion of the managed lanes construction and there is no guarantee or expectation that the Commonwealth will build on Maryland property. Stopping the project at Branch Avenue also ignores the county's (and one of the state's) largest economic engines, National Harbor.

Chair Hewlett verified with Ms. Rubin that despite bringing these issues to the SHA's attention, they were dismissive. Ms. Rubin agreed, saying the SHA did not make the process iterative when they looked at planning. They did not consider how to address it, and when M-NCPPC staff brought it up, they ignored them. Ms. Rubin said staff thought the project would be better planned if the Public Private Partnership (P3) knew about those land use issues in advance of their design. Commissioner Doerner noted managed lanes access cannot be everywhere. Designers will have to pick and choose and there are going to be winners and losers. He suggested changing the way we talk about it and use language they are using. By changing the pitch, such as framing it as a safety concern, rather than a planning concern, we might have the same desired outcome.

Commissioner Patterson asked if, in the M-NCPPC's communication with the SHA, we are proposing alternative plans, or are we simply saying, "you can't do this"? Ms. Rubin replied that staff comments have been solution-oriented from a planning perspective. Commissioner Patterson advised to take the emotion out of any responses, and lay out clearly, this is what we anticipate will happen if we continue with these alternatives, and these are ways we suggest mitigating them. Ms. Rubin agreed.

Vice Chair Anderson stated he had been approached by Montgomery County Councilmembers and staff and other stakeholders to assert the M-NCPPC's position as a property owner to refuse to hand over land at all. Vice Chair Anderson noted it was his position, that it is not appropriate for the M-NCPPC to make a judgment but must have the County Council support or oppose the project. We should use that power only if the county councils direct us to. It is entirely appropriate for, and he expects that, the County Councils will ask the M-NCPPC's advice on the project, as the local transportation and land use authority, and we should bring any recommendations or modifications to them. The County Councils will then make their decision, and it would then be the Commission's responsibility to carry them out.

Ms. Rubin also said none of the ARDS recommendations include a social justice analysis as required under NEPA. Ms. Rubin said staff are pushing this particular issue forward. Commissioner Doerner noted there were plenty of places where the SHA could have examined that. Commissioner Geraldo agreed that Commissioners made those suggestions at length. Ms. Rubin reported the SHA's response is that they have not really studied the tolls. Commissioner Bailey asked about the process to present a recommendation. By presenting the recommendation in writing and within their deadlines, Ms. Rubin stated. The recommendation would be followed up in discussion among the cooperating agencies. Ms. Rubin noted the discussions have not been consensus-based, but more a matter of them telling us what they are doing, and M-NCPPC staff commenting.

Ms. Rubin said the SHA has eliminated public transit options from all ARDS. Excluding transportation as an integral part of any plan is giving the wrong message to the P3. She said the initial planning and message must include public transportation as an element. Just allowing buses to use the managed lanes is not sufficient. Staff continues to push those transit opportunities.

She said there needs to be an analysis of the benefits and impacts on local road systems and access. The difficulty is that M-NCPPC does not model interstate highways and the state does not integrate with local road systems. State planners and M-NCPPC planners need to resolve this on a system-wide basis to mitigate the impact on our communities. Staff response is to ask the SHA to let us assist as the local experts.

Chair Hewlett thanked Ms. Rubin, Ms. Borden and the team for their comprehensive work on this project and bringing the various issues to Commissioners' attention, adding they wouldn't have known about them without the team's extensive analysis and pushback. Commissioner Geraldo also thanked the team and added his concern regarding stopping the managed lanes project at Branch Avenue. He said ignoring MGM and National Harbor economic zone was senseless and expecting Virginia to finish it is unrealistic.

ITEM 6

OFFICERS' REPORTS

- a) Executive Director's Report (For information only)
Employee Evaluations Not Completed by Due Date (March 2019)

- b) Secretary Treasurer (For information only).
Investment Report, October 2018 - March 2019
- c) General Counsel (For information only)
Litigation Report, February-March 2019

Chair Hewlett asked for a motion to enter closed session at 12:55 p.m. Commissioner Geraldo moved, Commissioner Patterson seconded. 9 approved the motion.

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

Open session resumed at 2:00 p.m. There being no further business to discuss, the meeting ended at 2:00 p.m.


James F. Adams, Senior Administrative Specialist


Anju A. Bennett, Acting Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item 4a.

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES

June 5, 2019

On June 5, 2019, the Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Elizabeth M. Hewlett, Vice Chair Casey Anderson, and Acting Executive Director Anju Bennett. Also present were:

Department Heads

Andree Green Checkley, Director, Prince George’s County Planning
 Darin Conforti, Acting Director, Prince George’s County Parks and Recreation
 Adrian Gardner, General Counsel (departed 10:35)
 John Nissel, Deputy Director, Montgomery County Parks (for Director Mike Riley)
 Tanya Stern, Deputy Director, Montgomery County Planning (for Director Gwen Wright)
 Joseph Zimmerman, Secretary-Treasurer

Presenters/Staff

Michael Beckham, Policy Manger, CPMO
 Mazen Chilet, CIO
 William Dickerson, Principal Counsel
 Michael Doaks, Policy Analyst, CPMO
 Tracey Harvin, Acting Corporate Policy and Management Operations (CPMO) Director
 William Spencer, Human Resources Director

Acting Executive Director Bennett convened the meeting at 10:08 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

| | |
|------------|--|
| Discussion | Approved without modification. Chair Hewlett moved approval; Vice Chair Anderson seconded. 3 approved. |
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ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for June 19, 2019

| | |
|------------|--|
| Discussion | Items to be added to the Commission Agenda: <ul style="list-style-type: none"> • Public Member expense per diem for ERS Board of Trustees. • Revised lapse spending memo and resulting budget transfer to move funds into the Commission-wide IT project (Zimmerman) |
|------------|--|

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

| | |
|------------|---|
| Discussion | Items to modify the Rolling Agenda: <ul style="list-style-type: none"> • Add items for general announcements (July/Aug) • Benefits Campaign on Telemedicine (July) (Secretary-Treasurer to confirm) • July Bond Sale(s) may move to September • Literacy Program Ceremony (September 20th, 2019) • Move CAFR to November or December (Secretary-Treasurer to confirm) |
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ITEM 2 – FEBRUARY 12, 2019 EXECUTIVE COMMITTEE MEETING MINUTES

| | |
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| ACTION | April 8, 2019, minutes approved w/o comment. Chair Hewlett moved approval; Acting Executive Director Bennett seconded. 3 approved. |
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ITEM 3 – DISCUSSION/PRESENTATION ITEMS

ITEM 3a – Special Meeting of the Commission (Bennett)

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| Discussion | Arrangements are being made for the special meeting of the full Commission on June 6, 2019. Chairs have talking points to move into the meeting from Planning Board, |
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| | along with language if needed to move into closed session. The meeting will be held via teleconference in both Planning Board auditoriums and will be live streamed. |
| ITEM 3b – Ratification of Collective Bargaining Agreements (Bennett) | |
| Discussion | Both FOP and MCGEO have ratified the tentative agreements presented to the Commission on May 1, 2019. This will allow Resolutions on the terms to be adopted by the Commission at the June meeting. Vice Chair Anderson shared his appreciation for negotiations which were led by Acting Executive Director Bennett, stating she deserves a huge amount of credit for the successful negotiations. |
| ITEM 3c – Proposed Amendments to Practice 3-70, Authorization of Professional Membership Payments (Harvin) | |
| Discussion | <p>Acting Corporate Policy and Management Operations Director Harvin reviewed the proposed amendments to the Practice, indicating the policy addresses authorized coverage of professional memberships for employees, when such membership related to the assigned work duties. Ms. Harvin covered the background for the existing provisions, and summarized proposals which were developed based on discussions with Department Heads.</p> <p>Ms. Harvin introduced Mr. Beckham who described amendments to the Policy. Mr. Beckham explained amendments broaden the authority of Department Heads to authorize memberships, allow up to 100% coverage based on the benefits of the membership to the agency, and clarify that decisions of Department Heads are final and not grievable. Amendments also encourage the use of group membership discounts when offered and clarify that employees may be required to repay membership fees in the event the employee leaves within one year of the payment.</p> <p>Acting Executive Director Bennett noted that proposed amendment #7, which requires reports be provided to the Planning Board Chairs, is a duplicative effort as Chairs already must approve memberships. Chair Hewlett and Vice Chair Anderson agreed, and staff was asked to revise the policy to remove #7.</p> <p>Vice Chair Anderson inquired whether a report could help assess if there are organizations to which multiple employees are members, suggesting the agency might negotiate lower rates for group memberships and related cost savings. Deputy Director Nissel noted the agency negotiates discounts with organizations such as the NRPA and the MRPA which saves a considerable amount. Deputy Director Stern noted Montgomery Planning has group membership rates as well. Acting Executive Director Bennett inquired whether the Secretary-Treasurer could provide information on associations with multiple memberships. Secretary-Treasurer Zimmerman stated a report would be provided to the Executive Committee.</p> <p>Chair Hewlett inquired about the authorization process and payments, if employees typically ask for advance or reimbursement. Acting Executive Director Bennett replied the agency generally pre-pays membership dues, but employees can also be reimbursed for dues, provided memberships have been preauthorized for business needs.</p> |
| Action/Follow-up | Chair Hewlett motioned approval of the revised Policy with the removal of amendment 7; Vice Chair Anderson seconded. 3 approved. |

| ITEM 3d – Investment Report – April 2019 (Zimmerman) (information item only) | |
|--|--|
| Discussion | Secretary Treasurer Zimmerman reported the M-NCPPC’s investment return is doing very well at 2.3%. |
| | |

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), Chair Hewlett moved to go into closed session to consult with counsel for legal advice. Acting Executive Director Bennett seconded. The Executive Committee Meeting moved into closed session at 10:38 a.m. to discuss Item 4a.

Open session resumed at 10:54 a.m. There being no further business to discuss, the meeting adjourned at 10:54 a.m.



 James F. Adams, Administrative Program Specialist II



 Anju A. Bennett, Acting Executive Director

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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, March 5, 2019; 10:00 A.M.
ERS/Merit Board Conference Room

The Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees met in the ERS/Merit Board Conference Room at its office in Riverdale, Maryland on Tuesday, March 5, 2019 and was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner

Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner

Anju A. Bennett, M-NCPPC Acting Executive Director, Ex-Officio

Howard Brown, FOP Represented Trustee

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

Pamela F. Gogol, Montgomery County Public Member

Rick Liu, Montgomery County Open Trustee

In 10:08 a.m.

Amy Millar, MCGEO Represented Trustee

In 10:03 a.m.

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

Barbara Walsh, Bi-County Open Trustee

Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

ERS Staff Present

Andrea L. Rose, Administrator

Heather D. Van Wagner, Senior Administrative Specialist

Sheila S. Joynes, Accounting Manager

Presentations

Groom Law Group - Alexander P. Ryan, Counsel

M-NCPPC Legal Department – Amy Foster, Associate General Counsel

Wilshire Associates - Bradley A. Baker, Managing Director; Martell McDuffy, Senior Analyst; and, Ned McGuire, CFA, FSA, FRM, Managing Director

Other(s) Present

Elaine A. Stookey

ITEM 1 APPROVAL OF THE CONSENT AGENDA

- A. Approval of the March 5, 2019 Board of Trustees Meeting Agenda
- B. Minutes of Open Session, February 5, 2019
- C. Minutes of Closed Session, February 5, 2019 (**Confidential**)
- D. Minutes of Administrative Functions, February 5, 2019 (**Confidential**)
- E. Disbursements Granted Report – January 2019

CHAIRMAN HEWLETT revised the March 5, 2019 Board of Trustees Meeting Agenda to include an Item 2.D. Resolution for Rick Liu.

ACTION: MS. BENNETT made a motion, seconded by MS. GOGOL to approve the Consent Agenda that includes the revised March 5, 2019 Board of Trustees Meeting Agenda. The motion PASSED unanimously (8-0). MR. BROWN was out of the room. (Motion #19-10)

ITEM 2 CHAIRMAN'S ITEMS

MS. MILLAR arrived at 10:03 a.m.

MS. GOGOL handed out a report of highlights from the Opal Group's Investment Education Symposium.

On behalf of the Board of Trustees, CHAIRMAN HEWLETT, presented Barbara Walsh and Rick Liu with Board resolutions for their service on the Employees' Retirement System Board of Trustees. The Board wishes them much success in all their future endeavors.

ITEM 3 MISCELLANEOUS

CHAIRMAN HEWLETT informed the Board, Elaine A. Stookey won the Bi-County Open Trustee seat by acclamation. Ms. Stookey will serve for the remainder of the term ending June 30, 2020.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. BENNETT to approve the appointment of Elaine A. Stookey as the new Bi-County Open Trustee for the remainder of the term ending June 30, 2020. The motion PASSED unanimously (9-0). MR. BROWN was out of the room. (Motion #19-11)

ITEM 4 COMMITTEE REPORTS**Administration & Personnel Oversight Committee – February 14, 2019 Meeting**

Committee Chairman MS. WALSH said the Administration & Personnel Oversight Committee ("Personnel Committee") discussed options for the engagement of an actuarial consulting firm. The Personnel Committee agreed Cheiron was most familiar with the ERS' data, calculations, issues, and results, having recently completed the actuarial valuation and actuarial equivalence factor audits. ERS Administrator Andrea Rose pointed out Cheiron's multi-tiered internal control process with various checks and balances which includes all client work being audited every three years by Cheiron's own independent review specialists. These audits are performed without the regular consulting team's involvement and involves independent programming of all benefit provisions and assumptions to confirm the calculations and reports; and, to ensure quality control standards were adhered to. This additional assurance of its work allows Cheiron to offer no limit on liability.

The Personnel Committee agreed the ERS had an immediate need for actuarial services for calculations related to transfers and the purchase of credited service window and issuing a new Request for Proposal was time-intensive for staff. Therefore, the Personnel Committee recommends the Board engage Cheiron for a three-year period ending May 1, 2022 and requests the Chairman grant a Waiver of Competition due to the immediate need for actuarial consulting services. CHAIRMAN HEWLETT agreed to grant the Waiver of Competition which was vetted by legal counsel with Board approval.

ACTION: MS. MILLAR made a motion, seconded by VICE CHAIRMAN CICHY to approve the engagement of Cheiron for actuarial consulting services for a three-year period ending May 1, 2022 and that the Chairman grant a Waiver of Competition due to the immediate need for actuarial consulting services. The motion PASSED unanimously (9-0). MR. BROWN was out of the room. (Motion #19-12)

ITEM 5 CLOSED SESSION

At 10:08 a.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-

305(b)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosure about a particular proceeding or matter and to discuss matters that are subject to Section 4-335 of the General Provisions Article of the Maryland Annotated Code, which prevents public disclosure of confidential commercial or financial information to discuss proprietary information of Golub Capital Partners and Capital Group; and, Section 3-305(b)(7) to consult with counsel to obtain legal advice on particular legal matters and to preserve attorney-client privilege.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. WALSH to go into Closed Session. The motion PASSED unanimously (9-0). MR. BROWN was out of the room. (Motion #19-13)

MR. LIU arrived at 10:08 a.m.

During Closed Session, the following matters were discussed:

1. Golub Capital Partners update on recent risk disclosures.
2. The Administration & Personnel Oversight Committee's Confidential Report of February 14, 2019.
3. Capital Group's Amendment to the Account's Fee Schedule.
4. Consultation with legal counsel on particular legal matters.

At 10:40 a.m. the Board moved back into Open Session.

ACTION: MS. GOGOL made the motion, seconded by MS. BENNETT to ratify the actions taken in Closed Session. The motion PASSED unanimously (11-0). (Motion #19-17)

ITEM 6 REPORT OF THE ADMINISTRATOR

Andrea Rose presented the Administrator's Report dated February 21, 2019.

Ms. Rose requested Board approval for a 2.4% Cost-of-Living Adjustment (COLA) for retirees and beneficiaries effective July 1, 2019. In accordance with the Provisions of the Employees' Retirement System, the COLA was calculated using data from the Consumer Price Index for All Urban Consumers (CPI U) at December 2018. All retirees and beneficiaries receiving annuities for at least six months are eligible for the COLA.

ACTION: VICE CHAIRMAN CICHY made the motion, seconded by MS. BENNETT to approve a 2.4% Cost-of-Living Adjustment effective July 1, 2019 for eligible retirees and beneficiaries in accordance with the provisions of the Employees' Retirement System. The motion PASSED unanimously (11-0). (Motion #19-18)

ITEM 7 MANAGER REPORTS/PRESENTATIONS

Wilshire Associates – Asset Liability Valuation Study and Quarterly Performance Review
Presentations by Bradley A. Baker, Managing Director; Martell McDuffy, Senior Analyst; and, Ned McGuire, CFA, FSA, FRM, Managing Director

Bradley Baker presented Wilshire's Asset Liability Valuation (ALV) study. The ERS' last ALV was completed in the first quarter of 2016. Since that time, the ERS has experienced strong absolute and relative investment returns. The actuarial assumed rate of return has declined over the past several years and currently stands at 6.90%. This has been a conscious and strategic decision based on the plan's funded level and long-term return assumptions. The current asset allocation

is considered efficient from both a return and risk perspective, with the 10- and 30-year expected returns being 7.5% and 8.1%, respectively, with expected risk of 11.1%.

The ALV includes five (5) portfolio optimization options at various levels of risk, return, and liquidity. Option 1 provides a lower expected return and risk, albeit at an expected return of 7.1% which is above the actuarial assumed rate of return of 6.9%; Options 2 through 4 all provide a lower expected risk while not materially sacrificing expected return to the portfolio; and, Option 5 provides a higher expected return and risk compared to the current portfolio.

From an asset class perspective, Wilshire is comfortable with the current emerging market exposure, but recommends carving out a dedicated allocation to Emerging Market Debt for additional diversification. This is currently imbedded within the Global Opportunistic Fixed Income allocation. Following questions and discussion, CHAIRMAN HEWLETT asked the Investment Monitoring Group to further review the ALV study, Wilshire's recommendation, and return with a recommendation for the Board.

MS. MORGAN-JOHNSON left the meeting at 12:06 p.m.

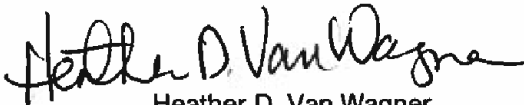
The Board was provided with an Executive Summary of Investment Performance for quarter ending December 31, 2018. Mr. Baker reported on the fund's performance for the quarter ending December 31, 2018. The ERS' total fund return was -5.26% (net of fees) for the quarter, outperforming the actual policy index return of -6.84%. The ERS fund return was -2.02% for the one-year ended, 7.62% for the three-years ended, 4.74% for the five-years ended, and 8.82% for the ten-years ended December 31, 2018 versus the actual policy index which returned -4.43%, 5.87%, 3.58% and 7.59%, respectively. The total market value through December 31, 2018 was \$896.5 million.


Mr. Baker said all managers are performing as expected and pointed-out the ERS did better than its peers primarily due to performance of private equity.

Mr. Baker informed the Board that Mark Brubaker left Wilshire. Mr. Brubaker was the ERS' first pension consultant from Wilshire Associates in 2001 and continued as a back-up consultant until his departure. Currently, Mr. Baker is the lead consultant and Martell McDuffy, Senior Analyst, is the back-up consultant.

The Board of Trustees meeting of March 5, 2019 adjourned at 12:28 p.m.

Respectfully,


Heather D. Van Wagner
Senior Administrative Specialist


Andrea L. Rose
Administrator



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

Item 4d

**SPECIAL BOARD OF TRUSTEES MEETING
MINUTES**

Friday, April 26, 2019; 9:00 A.M.
ERS/Merit Board Conference Room
or
via Conference Call

The Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees met in the ERS/Merit Board Conference Room at its office in Riverdale, Maryland and via teleconference call on Friday, April 26, 2019 and was called to order at 9:04 a.m. by CHAIRMAN HEWLETT.

Board Members Present

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner
Melissa D. Ford, Prince George's County Open Trustee
Pamela F. Gogol, Montgomery County Public Member
Amy Millar, MCGEO Represented Trustee
Sheila Morgan-Johnson, Prince George's County Public Member
Elaine Stookey, Bi-County Open Trustee
Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

Board Members Not Present

Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
Anju A. Bennett, M-NCPPC Acting Executive Director, Ex-Officio
Howard Brown, FOP Represented Trustee

ERS Staff Present

Andrea L. Rose, Administrator
Heather D. Van Wagner, Senior Administrative Specialist

Presentations

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

**ITEM 1 APPROVAL OF THE APRIL 26, 2019 SPECIAL BOARD OF
TRUSTEES MEETING AGENDA**

ACTION: MS. GOGOL made a motion, seconded by MR. ZIMMERMAN to approve the April 26, 2019 Special Board of Trustees Meeting Agenda. The motion PASSED unanimously (7-0). (Motion #19-19)

ITEM 2 CLOSED SESSION

At 9:06 a.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(7) to consult with counsel to obtain legal advice on particular legal matters and to preserve attorney-client privilege.

ACTION: MS. MORGAN-JOHNSON made a motion, seconded by MR. ZIMMERMAN to go into Closed Session. The motion PASSED unanimously (7-0). (Motion #19-20)

During Closed Session, the following matters were discussed:

1. Consultation with legal counsel on particular legal matters.

At 9:13 a.m. the Board moved back into Open Session.

ACTION: MR. ZIMMERMAN made the motion, seconded by MS. FORD to ratify the actions taken in Closed Session. The motion PASSED unanimously (7-0). (Motion #19-23)

The Board of Trustees meeting of April 26, 2019 adjourned at 9:14 a.m.

Respectfully,



Heather D. Van Wagner
Senior Administrative Specialist



Andrea L. Rose
Administrator



Resolution of Adoption of the Approved Veirs Mill Corridor Master Plan

Jessica McVary, Planner Coordinator, Area 2 Division, Jessica.McVary@montgomeryplanning.org, (301) 495-4723

Nancy Sturgeon, Master Planner Supervisor, Area 2 Division, Nancy.Sturgeon@montgomeryplanning.org, (301) 495-1308

Carrie Sanders, Chief, Area 2 Division, Carrie.Sanders@montgomeryplanning.org, (301) 495-4653

Completed: 06/05/19

Recommendation

Approve the Resolution of Adoption.

Summary

Attached for your review and approval is the M-NCPPC Resolution Number 19-05 to adopt the Veirs Mill Corridor Master Plan. The Montgomery County Council, sitting as the District Council, approved the Veirs Mill Corridor Master Plan by Resolution Number 19-76 on April 23, 2019. The Montgomery County Planning Board approved the adoption of the Veirs Mill Corridor Master Plan by Resolution Number 19-052 on May 23, 2019.

Attachments

1. Montgomery County Planning Board Resolution No. 19-052; M-NCPPC Resolution No. 19-05
2. Montgomery County Council Resolution No. 19-76



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB NO. 19-052
M-NCPPC NO. 19-05

RESOLUTION

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

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on April 26, 2018 on the Public Hearing Draft Veirs Mill Corridor Master Plan, being also an amendment to portions of the approved and adopted 1989 *Master Plan for the Communities of Kensington-Wheaton*; 1992 *North Bethesda-Garrett Park Master Plan*, as amended; 1994 *Aspen Hill Master Plan*; *The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*, as amended; the 2013 *Countywide Transit Corridors Functional Master Plan*; the 2018 *Master Plan of Highways and Transitways*, as amended; and the 2018 *Bicycle Master Plan*.

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on December 13, 2018, approved the Planning Board Draft Veirs Mill Corridor Master Plan, recommended that it be approved by the District Council, and forwarded it to the County Executive on December 20, 2018 for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Veirs Mill Corridor Master Plan and forwarded those recommendations and analysis to the District Council on February 5, 2019; and

WHEREAS, the Montgomery County Council sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on February 7, 2019, wherein testimony was received concerning the Planning Board Draft Veirs Mill Corridor Master Plan; and

WHEREAS, the District Council, on April 23, 2019 approved the Planning Board Draft Veirs Mill Corridor Master Plan subject to the modifications and revisions set forth in Resolution No. 19-76.

Approved for legal sufficiency
M-NCPPC Office of the General Counsel

NOW, THEREFORE BE IT RESOLVED, that the Montgomery County Planning Board and The Maryland-National Capital Park and Planning Commission do hereby adopt the said Veirs Mill Corridor Master Plan, together with the *General Plan for the Physical Development of the Maryland-Washington Regional District within Montgomery and Prince George's Counties*, as amended, and as approved by the District Council in the attached Resolution No. 19-76; and

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

This is to certify that the foregoing is a true and correct copy of Resolution No. 19-052 adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission at its regular meeting held on Thursday, May 23, 2019 in Silver Spring, Maryland, on motion of Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 4 to 0, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor of the motion, and Vice Chair Dreyfuss absent.



Casey Anderson, Chair
Montgomery County Planning Board

ATTACHMENT 2

Resolution No.: 19-76
Introduced: April 23, 2019
Adopted: April 23, 2019

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

Lead Sponsor: County Council

SUBJECT: Approval of December 2018 Veirs Mill Corridor Master Plan

1. On December 20, 2018, the Montgomery County Planning Board transmitted to the County Executive and the County Council the December 2018 Planning Board Draft Veirs Mill Corridor Master Plan.
2. The December 2018 Planning Board Draft Veirs Mill Corridor Master Plan contains the text and supporting maps for an amendment to portions of the approved and adopted 1989 Master Plan for the Communities of Kensington-Wheaton; 1992 North Bethesda-Garrett Park Master Plan, as amended; and 1994 Aspen Hill Master Plan. It also amends The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties, as amended; the 2013 Countywide Transit Corridors Functional Master Plan; the Master Plan of Highways and Transitways, as amended; and the Bicycle Master Plan.
3. On February 7, 2019, the County Council held a public hearing on the December 2018 Planning Board Draft Veirs Mill Corridor Master Plan. The Master Plan was referred to the Council's Planning, Housing, and Economic Development Committee for review and recommendations.
4. On February 5, 2019, the Office of Management and Budget transmitted to the County Council the Executive's Fiscal Impact Statement for the December 2018 Planning Board Draft Veirs Mill Corridor Master Plan.
5. On February 25, March 4, and March 7, 2019, the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the Planning Board Draft Veirs Mill Corridor Master Plan.
6. On March 26, 2019, the County Council reviewed the Planning Board Draft Veirs Mill Corridor Master Plan and the recommendations of the Planning, Housing, and Economic Development Committee.

Action

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

The Planning Board Draft Veirs Mill Corridor Master Plan, dated December 2018, is approved with revisions. County Council revisions to the Planning Board Draft Veirs Mill Corridor Master Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring. All page references are to the December 2018 Planning Board Draft Veirs Mill Corridor Master Plan.

Page 2: Add a new paragraph after the last paragraph under “1.5 Community Outreach” as follows:

Recognizing that there are barriers such as language and geographic access to the decision-making process that may prevent people in the immigrant community from playing an active role in important issues that affect their daily lives, Council staff engaged collaboratively with key partners and the communities around the Veirs Mill Corridor to create and publicize bilingual outreach brochures, engage in informational sessions about the Master Plan before the hearing, and assist with the process of signing up to testify. The Council provided simultaneous English to Spanish translation and interpretation services for audience members provided through headsets. These efforts are a direct result of the Latino Civic Project, launched by the Council in 2012, to strengthen the civic participation of the immigrant community in the decision-making process in a linguistic and culturally-proficient manner, which resulted in the Veirs Mill Corridor Master Plan public hearing’s attendance being reflective of the diversity of the corridor as residents were able to testify in both English and Spanish and share their recommendations on the Plan.

Page 8: Revise Table 1 to include the following short-term recommendation after #16 per the Council decision:

Provide a pedestrian and bicycle overpass of Veirs Mill Road for users of the Matthew Henson Trail.

Page 8: Revise Table 1, #10 to include the following short-term recommendation per the Council decision:

[Consider the elimination of the proposed interchange at Veirs Mill and Randolph Road from the *Master Plan of Highways and Transitways*. If such an interchange is constructed, it must be constructed in such a way that would not inhibit pedestrian, bicycle and transit accessibility. In addition, it should minimize disruption to local businesses and homes.] Confirm the proposed interchange at Veirs Mill Road and Randolph Road in the Master Plan of Highways and Transitways.

Page 9: Delete #17 in Table 2 as follows:

[Provide a grade-separated crossing at the Matthew Henson Trail.]

Page 13: Amend the second bullet under “2.2.1 Land Use and Zoning Goals” as follows:

Preserve, [and] enhance and provide market-affordable housing through partnerships with public, private and non-profit organizations.

Page 13: Amend the second bullet under “2.2.2 Land Use and Zoning Recommendations” as follows:

[Retain the majority] Balance the retention of existing multi-family residential developments as a continued source of market-affordable housing while producing new affordable units through redevelopment of existing multi-family properties, including Rock Creek Woods and Halpine View.

Page 15: Revise Map 3 to reflect the Council decisions.

Page 17: Revise Map 5 to reflect the Council decisions.

Page 28: Modify the third bullet under “2.4.1 Housing Goals” as follows:

Prioritize MPDUs as a top public benefit [point] in the [commercial-residential townhouse] Commercial Residential Town (CRT) zones.

Page 30: Insert a new paragraph after the last paragraph under “2.5 Transportation” as follows:

The Veirs Mill Corridor Master Plan recommends an amendment to the 2016-2020 Subdivision Staging Policy to create a unique intersection delay standard of 100 seconds per vehicle at signalized intersections on Veirs Mill Road between the Wheaton Central Business District Policy Area and the Rockville City Policy Area. Due to the high level of fatalities and severe crashes on Veirs Mill Road, there is particular urgency to prioritizing road safety over congestion.

Page 31: Amend the “Veirs Mill Road” subsection in “2.5.2 Street Network” as follows:

This plan proposes to maintain the existing right-of-way of Veirs Mill Road, which varies between 100 feet and 175 feet based on the existing residential service roads. The right-of-way is generally characterized by four conditions [(shown in Figures 10 through 13)], including: (1) no residential service roads (Figure 10); (2) one service road on either the north or south (Figure 11); (3) [one service road on the south;] and ([4]3) service roads on both the north and the south (Figures 12 and 13). Figure 12 represents the recommended cross-section in locations adjacent to residential uses, while Figure 13 represents the recommended cross-section at areas with commercial land use. The ultimate cross-section of Veirs Mill Road will be determined

with the design and implementation of long-term redevelopment or infrastructure projects, such as bus rapid transit (BRT).

Page 32: Amend the note associated with Figure 10 as follows:

Left turns at Pendleton Drive and left turns at Newport Mill Road would be [are] prohibited due to constraints associated with the right-of-way and the Hammond Wood National Register District.

Page 36: Revise Map 6 to reflect the Council decisions.

Page 37: Amend the third bullet under “2.5.3 Street Network Recommendations” as follows:

Reduce target speeds on Veirs Mill Road to 35 miles per hour, outside the Road Code Urban Area, to improve safety. Define the areas between Havard Street and Bushey Drive on Veirs Mill Road as a Road Code Urban Area with a target speed of 25 miles per hour.

Page 37: Amend the fourth bullet under “2.5.3 Street Network Recommendations” as follows:

Explore opportunities to improve compliance with the existing bus- and right-turn only lanes, including strategies such as enhanced or illuminated signage, striping, colored pavement demarcating bus lanes, pavement material and automated [speed] enforcement.

Page 37: Amend the sixth bullet under “2.5.3 Street Network Recommendations” as follows:

[Limit left turn lanes to a single lane where feasible at signalized intersections to improve safety of all road users.] As a goal, the number of additional lanes at signalized intersections should be minimized so that crossing distances and exposure of pedestrians and bicyclists to traffic when crossing the road are also minimized. Wherever it is determined to be beneficial to safety and does not create unacceptable congestion levels as defined by the applicable Subdivision Staging Policy congestion standard, the number of left turn lanes at a signalized intersection should be limited to one. Where dual left turn lanes are provided, consider the implementation of strategies to mitigate the speed of left-turning vehicles and to mitigate the additional width of the road that pedestrians and bicyclists must cross.

Page 37: Amend the tenth bullet under “2.5.3 Street Network Recommendations” as follows:

If the Montgomery County Department of Recreation’s administrative office site on Bushey Drive is redeveloped, extend Gannon Road northwest as a business district street, as shown in Figure 14, from its current terminus west of Bushey Drive to provide a connection between Gannon Road and Colie Drive. Montgomery County should consider funding the extension of Gannon Road to maximize the potential for development of affordable housing on the site.

Page 38: Revise Table 3 to reflect the Council decisions.

Page 39: Amend “Notes for Table 3: (1)” as follows:

The minimum recommended right-of-way (ROW) includes residential service roads along segments of Veirs Mill Road. The minimum ROW may not include land needed for spot improvements, such as but not limited to local bus or BRT stations, protected intersections and other non-auto facilities, auxiliary travel lanes such as turn lanes, or areas needed for future grade separation projects.

Page 40: Amend the fourth sub-bullet under the first bullet as follows:

In the [long-term] short term, provide a [grade-separated crossing] pedestrian and bicycle overpass of Veirs Mill Road for users of the Matthew Henson Trail [and preserve a protected at-grade crossing.] Independent of the provision of an overpass, safe at-grade crossing opportunities of Veirs Mill Road must also be provided in this vicinity.

Page 42: Amend the first sub-bullet under “2.5.7 Bicycle Network Recommendations” as follows:

In the short term, develop an interim continuous bicycle network along the residential service roads of Veirs Mill Road and on parallel streets that provide a combination of facilities, including new sidepaths, neighborhood greenways and connections to existing trails. (Refer to Map 7.)

Page 49: Amend the second bullet under “2.5.9 Transit Network Recommendations” as follows:

Implement the short-term BRT alternative identified through the 2016 Veirs Mill Road Bus Rapid Transit Study to provide improved transit service to residents and employees of the plan area. With the implementation of the short-term BRT alternative, construct [all] sidewalks and interim bikeways to provide safe and convenient access to BRT stations.

Page 52: Amend the second sentence under “2.5.10 Bicycle and Pedestrian Priority Area (BiPPA)” as follows:

An area centering on Veirs Mill Road and Randolph Road was included as a Montgomery County BiPPA.

Page 54: Amend the last sentence of the first paragraph under “2.5.12 Intersections” as follows:

Notably absent from these intersections are components that emphasize and highlight the pedestrian and bicyclist domains, including pedestrian countdown signals, leading pedestrian intervals, high-visibility crosswalks, pedestrian-scale lighting and median refuge islands.

Page 54: Delete the third sentence of the second paragraph under “2.5.12 Intersections” as follows:

[A grade-separated interchange at this intersection is inconsistent with the overall transportation goals of this plan, which seek to improve conditions for pedestrians, bicyclists and transit users on Veirs Mill Road and the surrounding communities.]

Page 54: Amend the third paragraph under “2.5.12 Intersections” as follows:

[If such an] When the interchange is constructed, it must be constructed in such a way that would not inhibit pedestrian, bicycle and transit accessibility. In addition, it should minimize disruption to local businesses and homes.

Page 54: Amend the second bullet under “2.5.13 Intersection Recommendations” as follows:

[Remove] Wherever it is determined to be beneficial to safety, remove the channelized right-turn lanes, particularly at the intersection of Veirs Mill Road and Connecticut Avenue, if feasible. [to improve safety for pedestrians, bicyclists, transit users and motorists.] If channelized right-turn lanes prove to be necessary, design the lanes to limit the exposure of vulnerable road users, including implementing measures to reduce the speed of turning vehicles so that vehicles yield, as required, and/or consider implementation of no right-turn on red restrictions to improve safety for pedestrians and bicyclists crossing the turn lane.

Page 54: Amend the second sentence of the third bullet under “2.5.13 Intersection Recommendations” as follows:

Retrofits can include curb extensions, reduced corner radii, accessible pedestrian signals, leading pedestrian intervals, high visibility crosswalks on each intersection leg, pedestrian-scaled lighting and median refuge islands, where feasible.

Page 54: Amend the last bullet under “2.5.13 Intersection Recommendations” as follows:

[Consider the elimination of] Confirm the proposed interchange at Veirs Mill Road and Randolph Road [from] in the Master Plan of Highways and Transitways. [If such an interchange is constructed,] The construction of the interchange must not be prioritized over the construction of Bus Rapid Transit on Veirs Mill Road, and it must be constructed in [such] a way that would not inhibit pedestrian, bicycle and transit accessibility. In addition, it should minimize disruption to local businesses and homes, as conceptually shown in Figure 18.

Page 54: Amend Figure 18 to reflect the Council decisions.

Page 54: Insert a new bullet at the end of section “2.5.13 Intersection Recommendations” as follows:

Amend the 2016 Subdivision Staging Policy to create an intersection delay standard of 100 seconds per vehicle at signalized intersections on Veirs Mill Road between the Wheaton Central Business District Policy Area and the Rockville City Policy Area. Due to the high level of fatalities and severe crashes on Veirs Mill Road, there is particular urgency to prioritizing road safety over congestion there.

Page 60: Amend the third sub-bullet under the first bullet of “2.7.2 Environmental Recommendations” as follows:

Establish a minimum of 30 percent tree canopy cover for new or retrofitted surface parking areas, where feasible.

Page 60: Amend the third bullet under “2.7.2 Environmental Recommendations” as follows:

Reduce energy consumption and [increase] improve air quality through the following:

Page 65: Amend Table 7 to reflect the Council decisions.

Page 68: Amend the second sentence under “Postwar Boom of Residential Development” and add four paragraphs as follows:

The Servicemen’s Readjustment Act of 1944, commonly known as the G.I. Bill of Rights, offered subsidized housing loans for veterans and Federal Housing Administration (FHA) programs provided low-cost mortgages for homeowners, ensuring a steady market for home sales.

The FHA programs stimulated residential construction but further propagated the use of racial restrictive covenants. The FHA encouraged and often required racial covenants to meet appraisal standards prior to insuring low-interest loans for the property. While the Supreme Court ruled that racial restrictive covenants were not legally enforceable in 1948, these covenants continued to be written in deeds, and social enforcement sustained their effectiveness. The FHA did not amend their rules to deny properties with racial restrictive covenants for mortgage insurance until December 1949. However, private racial restrictive covenants continued to proliferate the language of segregation until the 1968 Fair Housing Act made the use of such covenants illegal.

The Veirs Mill Village and Twinbrook subdivisions, as well as others including Connecticut Gardens, established racial restrictive covenants between 1947 and 1949 to prohibit the migration of minority groups into their neighborhoods. The covenant for Veirs Mill Village stated the following:

“All lots are intended for use by the Caucasian race. No race of nationality other than those for whom the premises are intended, shall use or occupy any building on any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race or nationality employed by an owner or tenant.”¹

The amendment to the FHA rules in 1949 that prohibited the inclusion of racial restrictive covenants may have limited the proliferation of such language throughout the Plan area. Many of the subdivisions likely received FHA-backed mortgage insurance and initial research revealed no racial restrictive covenants in the 1950s.

¹ Montgomery County Land Records, “Viers Mill Village Company, Protective Covenants,” Liber 1199, Folio 43, <http://mdlandrec.net>.

Page 75: Amend the second bullet under “3.1.1 Land Use and Zoning” as follows:

Rezone the Montclair Manor Townhouses from RT-12.5 to the Townhouse [Low] Medium Density [(TLD)] (TMD) zone.

Page 77: Amend Map 16 to reflect the Council decisions.

Page 83: Amend the first bullet under “Department of Recreation Administrative Offices” as follows:

Rezone the Department of Recreation administrative offices site (4010 Randolph Road and the vacant parcel) from R-60 to [CRN 1.0, C-0.0, R-1.0, H-65] CRN 1.0, C-0.5, R-1.0, H-65 to allow the construction of medium density residential uses and neighborhood-serving commercial uses near the commercial center.

Page 85: Amend Map 19 to reflect the Council decisions.

Page 86: Amend Map 20 to reflect the Council decisions.

Page 96: Amend the first sentence of the second bullet under “Recommendation” as follows:

Support a future application for the Commercial[-]Residential Neighborhood[-]Floating Zone (CRNF) for [the single-family residential properties that directly abut 12607 and 12615 Veirs Mill Road, bordered by Adrian Street to the north and Robindale Drive to the east] five properties: 12700 Robindale Drive, 4710 Adrian Street, 4714 Adrian Street, 12700 Weiss Street and for the abutting outlot behind 12700 Weiss Street.

Page 99: Amend the fifth paragraph under “3.4.1 Land Use and Zoning” as follows:

With the redevelopment of the Rock Creek Woods Apartments, this plan recommends maximizing residential development with a minimal amount of commercial density to fulfill the requirements of the Optional Method Development of the CRT zone. An optional method project that includes residential dwelling units should provide a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs) and five percent market-affordable units for up to 30 years. This plan also prioritizes two- and three-bedroom units for public benefit points. With redevelopment, a minimum of 20 percent of the units should be two-bedroom units and five percent of the units should be three-bedroom units. Priority should be given to existing residents for the two- and three- bedroom units and the units under market-affordable rents. Redevelopment of the Rock Creek Woods Apartments should also incorporate an improved frontage on Veirs Mill Road.

Page 100: Insert a new sentence at the end of the third paragraph as follows:

After the review and approval of the limited preliminary plan amendment, Montgomery County and the property owner confirmed that the road extension was conveyed by a deed in

fee simple. As such, the Aspen Hill Road extension cannot be abandoned but rather must be disposed of through the County's disposition process.

Page 100: Amend the first sentence of the fourth paragraph as follows:

[Consistent with the previous master plans, the] The Veirs Mill Corridor Master Plan [continues to support the abandonment] supports the return of the Aspen Hill Road extension [to further facilitate the synergistic redevelopment of Halpine View, Parkway Woods and Halpine Hamlet.] to the Halpine View property through Montgomery County's disposition process in exchange for the requirement to provide a minimum of 30 percent of the dwelling units attributable to the density of the 1.9-acre parcel in the form of MPDUs.

Page 100: Amend the first bullet under "Recommendation" as follows:

Rezone the Rock Creek Woods Apartments from R-20 to CRT 1.25, C-0.25, R-1.25, H-85. Maximize residential development on the site, with a minimal amount of commercial density to fulfill the requirements of the Optional Method Development of the CRT zone. An optional method project that includes residential dwelling units should provide a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs) and five percent market-affordable units under a rental agreement for up to 30 years. This plan also prioritizes two- and three-bedroom units for public benefit points. With redevelopment, a minimum of 20 percent of all units must be two-bedroom units and five percent of all units must be three-bedroom units. Priority should be given to existing residents for the two- and three- bedroom units and the units under market-affordable rental agreements.

Page 100: Amend the second bullet under "Recommendation" as follows:

Rezone the Halpine View Apartments[, Parkway Woods and Halpine Hamlet] from R-30 to CRT 1.25, C-0.25, R-1.25, H-85 to allow increased residential density near the Twinbrook Metrorail Station and the future bus rapid transit station.

Page 100: Amend the first sub-bullet under the second bullet under "Recommendation" as follows:

The plan recommends maximizing residential development with a minimal amount of commercial density to fulfill the requirements of the Optional Method Development of the CRT zone[, with the following public benefits]. An optional method project that includes residential dwelling units should:

- Provide a minimum of 15 percent MPDUs [as the highest priority public benefit.];
- Provide [5] 10 percent market-rate affordable units [pursuant to] under a rental agreement [with the Department of Housing and Community Affairs for twenty years. Redevelopment shall be phased to ensure maintenance and/or creation of a minimum of 5 percent market-rate affordable units.] for up to 30 years. To achieve no net loss in market-rate affordable units, each phase of development should provide a number of affordable units (MPDUs

plus market-affordable units under rental agreement) equal to the number of units being removed.

- Provide a range of unit sizes, including those that accommodate larger families. [At] With redevelopment, a minimum [17.5] of 20 percent of all [new] units must be two-bedroom units and five percent of all units must be provided as three-bedroom units[, which includes replacing the existing 307 two-and three-bedroom units on site]. Priority should be given to existing residents for the two- and three- bedroom units and the units under market-affordable rental agreements.

Page 100: Amend the second sub-bullet under “Recommendation” as follows:

This plan recommends the following design guidance with the redevelopment of Halpine View[, Parkway Woods and Halpine Hamlet]:

Page 100: Insert two new bullets after the second sub-bullet under “Recommendation” as follows:

Rezone Parkway Woods from R-30 to CRT 1.50, C-0.25, R-1.50, H-85 to allow increased residential density near the Twinbrook Metrorail Station and the future bus rapid transit station.

Rezone Halpine Hamlet from R-30 to CRT 1.25, C-0.25, R-1.25, H-85 to allow increased residential density near the Twinbrook Metrorail Station and the future bus rapid transit station.

Page 103: Amend Map 26 to reflect the Council decisions.

Page 104: Amend the sub-bullet under the first bullet of “3.4.3 Parks, Trails and Open Space” as follows:

[Create public open space totaling a minimum of 1.2 acres in size, to be divided between the Rock Creek Woods properties when they redevelop. Provide at least one larger open space on each of the two properties. Each larger space should be at least one-half acre in size, similar to a neighborhood green urban park (as defined in the PROS Plan) and should include hardscape elements and lawn areas to serve as a gathering space. Both should be formally planned with visibility from Veirs Mill Road, and one should connect with the future Bus Rapid Transit station near Twinbrook Parkway.] Provide public open space on both sides of the Rock Creek Woods apartments, under the requirements of the CRT zone. Consolidate open space, as site constraints allow, to create significant open spaces that may include play structures, shaded seating and/or flexible lawn areas. A connection to the future Bus Rapid Transit station should be considered at the time of development review.

Page 104: Amend the second sub-bullet under the second bullet of “3.4.3 Parks, Trails and Open Space” as follows:

[Public open space totaling a minimum of 4.5 acres in size, to include at least three significant open spaces, each at least a half-acre in size, similar to a neighborhood green urban park (as defined in the PROS Plan) ton include play structures, shaded seating and flexible lawn areas.]

Provide public open space under the requirements of the CRT zone. Consolidate open space, as site constraints allow, to create [significant] the largest practicable open spaces, totaling 4.5 acres combined, that may include play structures, shaded seating and/or flexible lawn areas.

Page 107: Amend the last sentence in the second paragraph under “4.1 Financing” as follows:

Long-term infrastructure investments may leverage federal and state aid, similar to previous federal aid programs, such as the [Transportation Investment Generating Economic Recovery (TIGER) grant] Better Utilizing Investments to Leverage Development (BUILD) program.

Page 107: Amend the first bullet under “4.3 Public Benefits” as follows:

Supply [15 percent] an increased percentage of moderately-priced dwelling units (MPDUs) and market-rate affordable units pursuant to a rental agreement for new residential development.

Page 107: Insert a new bullet under the last bullet under “4.3 Public Benefits” as follows:

The Veirs Mill Corridor Master Plan also recommends the provision of market-rate affordable units under a rental agreement for up to 30 years with redevelopment of select properties in the Twinbrook District, including Rock Creek Woods and Halpine View. This plan acknowledges that amendments to the County Code are necessary to formalize this recommendation. This plan recommends amendments to Chapters 25 and 59 of the County Code to achieve regulated market-affordable units under a rental agreement for Optional Method Development projects in the C/R zones.

Page 108: Amend the 12th project in Table 8: Capital Improvements Program as follows:

Explore opportunities to improve compliance with the existing bus- and right-turn only lanes, including strategies such as enhanced or illuminated signage, striping, colored pavement demarcating bus lanes, pavement material and automated [speed] enforcement.

Page 108: Amend the 14th project in Table 8: Capital Improvements Program as follows:

[Limit left turns to a single lane where feasible at signalized intersections. Potential locations include: Connecticut Avenue, Randolph Road, Aspen Hill Road and Twinbrook Parkway.] As a goal, the number of additional lanes at signalized intersections should be minimized so that crossing distances and exposure of pedestrians and bicyclists to traffic when crossing the road is also minimized. Wherever it is determined to be beneficial to safety and does not create unacceptable congestion levels as defined by the applicable Subdivision Staging Policy congestion standard, the number of left turn lanes at a signalized intersection should be limited to one. Where dual left turn lanes are provided, consider the implementation of strategies to mitigate the speed of left-turning vehicles and to mitigate the additional width of the road that pedestrians and bicyclists must cross.

Page 109: Amend the 4th project in Table 8: Capital Improvements Program as follows:

[Removal of channelized right turns at intersection of Veirs Mill Road and Connecticut Avenue] Wherever it is determined to be beneficial to safety, remove the channelized right-turn lanes, particularly at the intersection of Veirs Mill Road and Connecticut Avenue, if feasible. If channelized right-turn lanes prove to be necessary, design the lanes to limit the exposure of vulnerable road users, including implementing measures to reduce the speed of turning vehicles so that vehicles yield, as required, to improve safety for pedestrians and bicyclists crossing the turn lane.

Page 109: Amend the 9th project in Table 8: Capital Improvements Program as follows:

Provide a [grade-separated crossing] pedestrian and bicycle overpass for the Matthew Henson Trail.

Page 110: Amend the Glossary to include the following terms and definitions:

Accessible Pedestrian Signals: Devices that communicate information about the WALK and DON'T WALK intervals at signalized intersections and mid-block crossings in non-visual formats to pedestrians who are blind or who have low vision.

Countdown Pedestrian Signals: Devices that communicate information about the number of seconds remaining in the pedestrian DON'T WALK interval.

Leading Pedestrian Interval: An approach to traffic signalization that allows pedestrians or bicyclists to enter the intersection in advance of vehicles traveling in the same direction.

Page 110: Amend the Glossary to revise the following definition:

Market-Rate Affordable Housing: Market-rate affordable dwelling units rent at prices affordable to households earning no more than 80 percent of area median income, based on unit and household sizes. [These units are typically found in older buildings and their rents are lower than the median rent for the planning area.] Market-rate affordable dwelling units are not income-restricted by government regulation [and not defined in the Montgomery County Code].

General

All illustrations and tables included in the Plan will be revised to reflect the District Council changes to the Planning Board Draft Veirs Mill Corridor Master Plan (December 2018). The text and graphics will be revised as necessary to achieve and improve clarity and consistency, to update factual information, and to convey the actions of the District Council. Graphics and tables will be revised and re-numbered, where necessary, to be consistent with the text and titles.

This is a correct copy of Council action.


Megan Davey Limarzi
Clerk of the Council



M-NCPPC
Item No.
Date: 6/19/2019

Resolution of Adoption of the Approved MARC Rail Communities Sector Plan

RVD
[Signature]
fb
RAW

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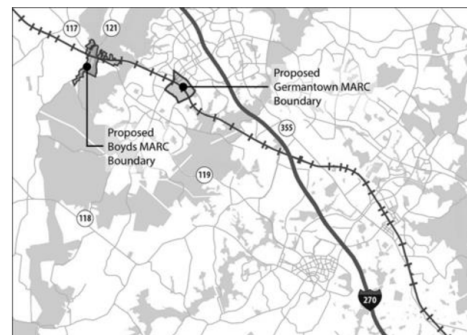
Completed: 6/7/2019

Description

MARC Rail Communities Sector Plan Resolution of Adoption

Recommendation

Approve the Resolution of Adoption

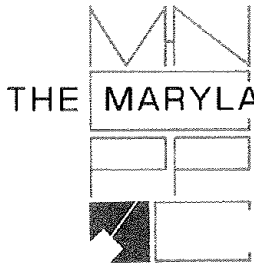


Summary

Attached for your review and approval is MNCPPC Resolution Number 19-13 to adopt the MARC Rail Communities Sector Plan. The Montgomery County Council, sitting as the District Council, approved the MARC Rail Communities Sector Plan by Resolution Number 19-84 on April 30, 2019. The Montgomery County Planning Board approved the adoption of the MARC Rail Communities Sector Plan by Resolution Number 19-056 on May 30, 2019.

Attachments

1. Montgomery County Planning Board Resolution No. 19-056; M-NCPPC Resolution No. 19-13
2. Montgomery County Council Resolution No. 19-84



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MCPB NO. 19-056
M-NCPPC NO. 19-13

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

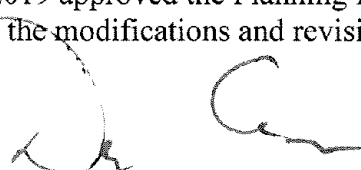
WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on February 1, 2018 on the Public Hearing Draft for the MARC Rail Communities Sector Plan, being also an amendment to portions of the approved and adopted 1985 *Boyds Master Plan*; 1989 *Germantown Master Plan*; 2009 *Germantown Employment Area Sector Plan*; *The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*, as amended; 2004 *Rustic Roads Functional Master Plan*, as amended; 2013 *Countywide Transit Corridors Functional Master Plan*, as amended; 2018 *Master Plan of Highways and Transitways*, as amended; 2018 *Countywide Bikeways Functional Master Plan*, as amended; and *the Master Plan for Historic Preservation in Montgomery County*, as amended.

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on December 20, 2018, approved the Planning Board Draft of the MARC Rail Communities Sector Plan, recommended that it be approved by the District Council, and forwarded it to the County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Council sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on February 12, 2019, wherein testimony was received concerning the Planning Board Draft of the MARC Rail Communities Sector Plan; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the MARC Rail Communities Sector Plan and forwarded those recommendations and analysis to the District Council on February 26, 2019; and

WHEREAS, the District Council, on April 30, 2019 approved the Planning Board Draft Of the MARC Rail Communities Sector Plan subject to the modifications and revisions set forth in Resolution No. 19-84.


Approved for legal sufficiency
M-NCPPC Office of the General Counsel

NOW, THEREFORE BE IT RESOLVED, that the Montgomery County Planning Board and The Maryland-National Capital Park and Planning Commission do hereby adopt the said MARC Rail Communities Sector Plan, together with the *General Plan for the Physical Development of the Maryland-Washington Regional District within Montgomery and Prince George's Counties*, as amended, and as approved by the District Council in the attached Resolution No. 19-84; and

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

This is to certify that the foregoing is a true and correct copy of Resolution No. 19-56 adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission at its regular meeting held on Thursday, May 30, 2019 in Silver Spring, Maryland on motion of Commissioner Patterson, seconded by Commissioner Cichy, with a vote of 4 to 0, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor of the motion and Vice Chair Dreyfuss absent.



Casey Anderson, Chair
Montgomery County Planning Board

Resolution No.: 19-84
Introduced: April 30, 2019
Adopted: April 30, 2019

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

Lead Sponsor: County Council

SUBJECT: Approval of December 2018 MARC Rail Communities Sector Plan

1. On December 20, 2018, the Montgomery County Planning Board transmitted to the County Executive and the County Council the December 2018 Planning Board Draft MARC Rail Communities Sector Plan.
2. The December 2018 Planning Board Draft MARC Rail Communities Sector Plan contains the text and supporting maps for an amendment to portions of the approved and adopted 1985 Boyds Master Plan, the 1989 Germantown Master Plan, and the 2009 Germantown Employment Area Sector Plan. It also amends The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties, as amended; the Master Plan of Highways and Transitways within Montgomery County, as amended; the 2004 Rustic Roads Functional Master Plan, as amended; the Bicycle Master Plan, as amended; and the Master Plan for Historic Preservation in Montgomery County, Maryland.
3. On February 12, 2019, the County Council held a public hearing on the December 2018 Planning Board Draft MARC Rail Communities Sector Plan. The Sector Plan was referred to the Council's Planning, Housing, and Economic Development Committee for review and recommendations.
4. On February 26, 2019, the Office of Management and Budget transmitted to the County Council the Executive's Fiscal Impact Statement for the December 2018 Planning Board Draft MARC Rail Communities Sector Plan.
5. On March 11 and 25, 2019, the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the Planning Board Draft MARC Rail Communities Sector Plan.

6. On April 30, 2019, the County Council reviewed the Planning Board Draft MARC Rail Communities Sector Plan and the recommendations of the Planning, Housing, and Economic Development Committee.

Action

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

The Planning Board Draft MARC Rail Communities Sector Plan, dated December 2018, is approved with revisions. County Council revisions to the Planning Board Draft MARC Rail Communities Sector Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring. All page references are to the December 2018 Planning Board Draft MARC Rail Communities Sector Plan.

Page 7: Revise name of plan under “Previous Plans” in Table 1 as follows:

[2018 Countywide Bikeways Functional] Bicycle Master Plan

Page 12: Revise the third sentence under “3. Improving Traffic Flow” as follows:

In some cases, residents report it takes up to 15 minutes to drive through the intersection.

Page 48: Add a bullet after the third bullet under “h.” as follows:

This Plan offers two alternatives connecting Clarksburg Road to Clopper Road: an underpass or a bridge.

Page 48: Revise the fourth bullet under “h.” as follows:

For the underpass option, [Design] design the new road under the new railroad bridge to modern standards with a span wide enough to accommodate a sidewalk on the west side connecting to the MARC station, a sidepath on the east side and bikeable shoulders on both sides of Clarksburg Road.

Page 49: Revise the sixth bullet under “h.” as follows:

Coordinate the alignment of the replacement underpass or bridge to limit its adverse effects on Black Hill Regional park, the Hoyles Mill Natural Surface Trail connection and environmentally sensitive natural resources in this area. These natural features include forested buffers around water resources and county-designated Best Natural Areas within the park.

Page 49: Add a new graphic depicting the overpass alternative.

Page 58: Rename Figure 32 as Figure 32a.

Page 58: Add “Figure 32b – Proposed Typical Street Section for Middlebrook Road Mid-Term”.

Page 58: Revise the seventh bullet under “e.” as follows:

In the mid-term, implement street improvements in a phased approach, with incremental changes as redevelopment occurs or as capital projects are implemented. Figure 32b shows the mid-term section. Mid-term improvements should be considered the first step towards implementation of the road diet.

Page 58: Add a new eighth bullet under “e.” as follows:

MCDOT is likely to conduct further analytical studies of the road diet. If this analysis proves that full implementation results in severe operational problems on Middlebrook Road, a modification of the six-lane section with narrower lanes, improved pedestrian facilities, and a two-way separated bike lane on the south side of the road should be implemented. Additional details on this section may be found in Appendix C.

Page 60: Revise the final bullet under “h.” as follows:

Confirm restrictions on the widening of the intersection approaches on Germantown Road [intersections] north of the tracks, unless needed for pedestrian safety or improved bus and bicycle access.

Page 62: Revise the second bullet under “i.” as follows:

[Extend] Create a public road route from Bowman Mill Road to Great Seneca Highway to improve connectivity and access to the MARC station. This [extension] route will also help to distribute traffic and avoid the widening of intersections beyond the recommended 60-foot crossing distances for pedestrians.

Page 65: Revise the first bullet under “p.” as follows:

Confirm classification of Walter Johnson Road as a two-lane business district street with parking on both sides. It should intersect with Middlebrook Road at least 100 feet from the Middlebrook Road/Germantown Road intersection. Turns from Walter Johnson should be designated as “right in, right out” only.

Page 67: Revise the first bullet under “Boyd’s Recommendations”, “a.” as follows:

[Retain] Support existing or similar uses throughout the Boyds plan area to preserve the character of the community and serve as a transition and a gateway to the historic district. Any modernizations or parking expansions should occur at the rear of the existing buildings to retain the architectural character and prevent adverse visual impacts on the community.

Page 69: Replace Figure 47 with the final Boyds MARC Station Conceptual Plan if determined prior to the publication of the Plan.

Page 78: Revise recommendation “a.” and delete bullets under “Germantown Recommendations” as follows:

- a. Ensure that new building heights and transitions between building heights are context-sensitive and compatible with the Germantown Historic District and other existing structures that shape the character of the community. Transition the buildings along Waters Road, Germantown Road, Walter Johnson Road, and Wisteria Drive from higher to lower heights to ensure compatibility with the Germantown Historic District[:]. On Site GJ, the Rolling Hills apartment complex, allow maximum building heights on the eastern portion of the property, nearer Great Seneca Highway. On the western portion of the property, lower building heights, similar to those recommended for Site GF, should be maintained for compatibility with the nearby Historic District.
 - [Building heights may reach 60 feet immediately north of the historic district on the existing MARC station surface parking lots (Site GF).
 - Allow building heights up to 60 feet east of Walter Johnson Road and south of Wisteria Drive (Site GH).
 - Allow building heights up to 60 feet along Waters Road (Site GH).
 - The western side of the Rolling Hills apartments property should have heights limited to 60 feet, due to its proximity to the Germantown Historic District, but may step up to 90 feet near Great Seneca Highway.
 - Allow building heights to step up to 75 feet on Germantown Road between Bowman Mill Road and Wisteria Drive (Site GII).
 - Allow building heights up to 75 feet along north of Wisteria Drive between Walter Johnson Road and Crystal Rock Drive (Site GL)
 - Allow building heights up to 100 feet along Germantown Road north of Wisteria Drive and along Middlebrook Road (Site GK.)]

Page 78: Eliminate Figure 54.

Page 83: Revise second bullet under “Germantown Recommendations”, “a.”, “North of the Railroad Tracks” as follows:

Replace the Commercial Residential zone (CR 2.0, C 1.5, R 1.5, H 40T) with the Commercial Residential Neighborhood zone (CRN 0.75, [C 0.25] C 0.5, R 0.75, H 60) on the Pumphrey-Mateny House property at 19401 Walter Johnson Road (Site GF). The remainder of Site GF is recommended for reclassification from CR 2.0, C 1.5, R 1.5, H 40T to CRT 0.75, C 0.5, R 0.75, H 60 to reflect the recommended land uses, heights and densities in this plan [(Site GF)].

Page 88: Revise the start of “Boyds Recommendations”, “b.” as follows:

Retain as much as feasible of the 1927 pedestrian underpass under the railroad where White Ground Road once crossed the tracks (Sites BD and BE).

Page 88: Revise the second bullet under “Boyd’s Recommendations”, “b.” as follows:

Incorporate ramps and wheelchair lifts to the extent feasible to meet accessibility standards.

Page 91: Revise the first two sentences under “3.”, “Germantown Recommendations”, “a.” as follows:

Design parking structures to be sensitive to and complementary in scale and materials to nearby historic resources (GF, GH and GI). Discourage the construction of garages within the historic district south of the railroad tracks to preserve the area’s historic and visual character [(GF, GG and GH)].


Page 95: Revise recommendation “b.” under “4.”, “Boyd’s Recommendations” as follows:

In order to maintain Boyd’s rural, historic and residential character, and protect the area from development pressures, provide community sewerage service only if the County determines that provision of service is necessary to safeguard the public’s health. [Confirming the 1985 Boyd’s Master Plan recommendation, if] If it is determined that sewerage service is necessary for public health reasons, the service area should be limited to residential and institutional uses along White Ground Road and Hoyles Mill Road and include the MARC Station area and Anderson properties.

General

All illustrations and tables included in the Plan will be revised to reflect the District Council changes to the Planning Board Draft MARC Rail Communities Sector Plan (December 2018). The text and graphics will be revised as necessary to achieve and improve clarity and consistency, to update factual information, and to convey the actions of the District Council. Graphics and tables will be revised to be consistent with the text, and titles should be renumbered where appropriate.

This is a correct copy of Council action.


Megan Davey Limarzi
Clerk of the Council



MONTGOMERY COUNTY PLANNING BOARD
MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Item 5c

MCPB Item # 7
Date 6/13/2019

MEMORANDUM

May 31, 2019

TO: Montgomery County Planning Board

VIA: Mike Riley, Director of Parks

Mitra Pedoeem, Deputy Director for Administration *Mitra*

John Nissel, Deputy Director for Operations

Jai Cole, Chief, Park Planning & Stewardship Division (PPSD) *Jai Cole*

Andrew Frank, Acting Chief, Park Development Division (PDD) *Andrew Frank*

Hyojung Garland, Supervisor, Park and Trail Planning, PPSD *Hyojung Garland*

FROM: Mark S. Wallis, Planner Coordinator, Park and Trail Planning Section, PPSD *MSW*

Brenda Sandberg, Real Estate Management Supervisor, PDD *BS*

SUBJECT: Land Exchange between M-NCPPC and the City of Takoma Park

STAFF RECOMMENDATION

- Approve the attached Joint Resolution (MCPB No. 19-058/M-NCPPC No. 19-14) to direct staff to implement a land exchange between M-NCPPC and the City of Takoma Park as proposed in the 2012 Takoma-Langley Crossroads Sector Plan. The proposed land exchange will transfer the Takoma Langley Recreation Center (Parcel N621) owned by M-NCPPC to the City of Takoma Park in exchange for a parcel owned by the City (Parcel P259) that will connect portions of Long Branch Stream Valley Park (Figure 1).

SUMMARY

The intent of this proposed land exchange between M-NCPPC and the City of Takoma Park is to allow the City to redevelop the recreation center site with a newer and larger recreation center while removing from Montgomery Parks the ongoing liability for the maintenance and repair of an out-of-date structure. In addition, this land swap will benefit the Commission by consolidating ownership of a down-county Stream Valley Park, thus facilitating the creation of trails and other future park improvements.

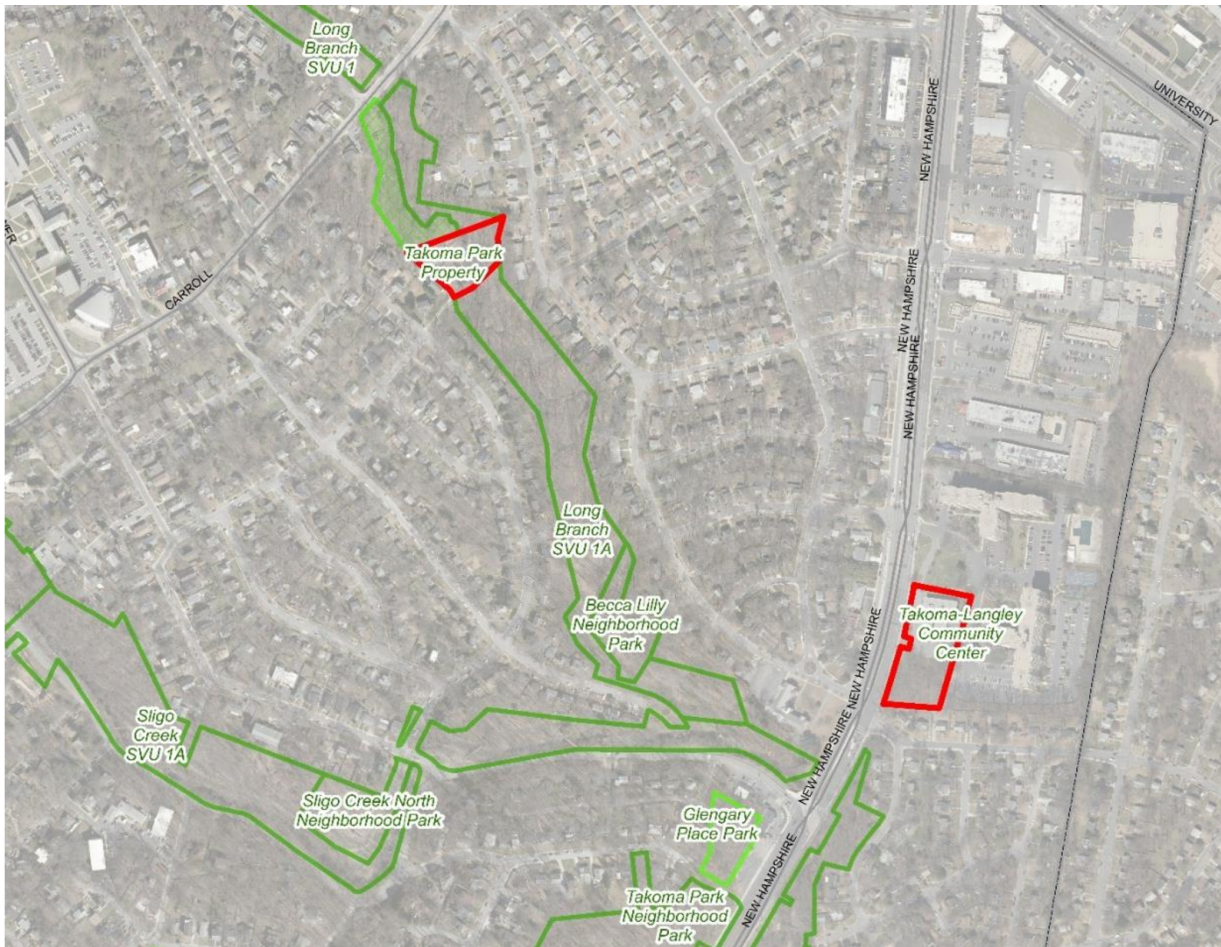


Figure 1. Vicinity Map, Proposed Land Exchange Properties

BACKGROUND/CURRENT CONDITIONS

Prior to 1997, the City straddled two counties with the eastern portion of Takoma Park located in Prince George’s County and the western portion in Montgomery County. After much lobbying, the City of Takoma Park was unified entirely into Montgomery County after approval by both County Councils and the Maryland General Assembly in 1997. That process transferred control of certain M-NCPPC land and improvements from Prince George’s Department of Parks and Recreation to Montgomery County Department of Parks, including the Takoma Park Recreation Center. After unification, Montgomery Parks assumed control of the property and became responsible for maintenance and repairs to the building. The City of Takoma Park assumed control of recreation programming within the building.

The City of Takoma Park pays no rent to the Department of Parks for use of the building. Further, the City receives an annual operating subsidy under a contract with the Montgomery County Recreation Department (\$85,000 most recently). The City also collects all programming revenue. Despite the recreation center being used very heavily, the City operates the building at a financial loss due to the small building size, poor condition, and inefficient layout for recreational purposes.

Montgomery Parks is responsible for cyclical maintenance and all major component life-cycle replacements on this structure. Parks is seeing a significant rise in maintenance and repair costs as the building is reaching the end of its lifespan, and the potential for a major system failure that would necessitate significant repair costs increases every year. Since the current structure does not meet the recreation needs of the City residents, it is not an efficient use of public funds to continue to maintain and repair this structure.

TAKOMA/LANGLEY CROSSROADS SECTOR PLAN

In 2007, a study of all Park Activity and Ancillary Buildings recommended that ownership of the Takoma Recreation Center be transferred to the City. Shortly thereafter, the *Takoma/Langley Crossroads Sector Plan* was initiated in 2009 and approved and adopted by the Planning Board and County Council in June 2012. The Sector Plan recommended this land exchange as a creative solution to support the redevelopment of this parcel with improved recreation amenities, housing, and other uses to serve this highly populated area of Montgomery County. The Sector Plan outlines the parameters of the recommended land transfer (page 53):

- *Replace the Takoma Park Recreation Center due to its age and inefficient layout. To achieve a new building, the following sequence of events is recommended:*
 - *Secure a legal entrance to the recreation center site. Securing a legal entrance can be accomplished by acquisition of the property north of the recreation center site or by direct access to New Hampshire Avenue via an access permit from the Maryland State Highway Administration, whoever proves most feasible and economical.*
 - *Execute a land exchange between the City of Takoma Park and the Maryland-National Capital Park and Planning Commission to better align management priorities and long-term facility needs. A land exchange is consistent with the Commission practice of land exchanges to further public goals. The City would deed to M-NCPPC the Long Branch parcel 259 and M-NCPPC would deed the Takoma Park Recreation Center parcel N621 to the City of Takoma Park. The transfer deed for the recreation center property would contain a reversion clause stating that if the property no longer functions for recreation purposes, it would return to M-NCPPC, if requested.*
 - *After land exchange between M-NCPPC and the City of Takoma Park and rezoning of the recreation center between M-NCPPC and the City of Takoma Park and rezoning of the recreation center property, the City of Takoma Park and any selected partner would be obligated by the exchange agreement to build a new recreation center with additional mixed-use development that should include senior housing, affordable housing, or local retail.*

The Sector Plan and subsequent zoning actions changed the zoning on the Commission property from R-60 residential to CRT 2.0 to accommodate mixed-use development on the Rec Center site. This increase in density supports the provision of a new recreation building along with senior housing, affordable housing, and/or local retail. The first recommended action from the sector plan also has been completed: the recordation of an easement providing legal access to the Commission property along the current driveway entrance.

As the owner of the Takoma Recreation Center parcel, the City will benefit by being able to leverage the parcel's development potential in exchange for the construction of a new recreation center. In 2017, the City issued a solicitation to gauge the level of developer interest in such a development partnership. The responses provided the City with confidence that a mixed-use project was viable on this property.

The benefits for the Department of Parks are twofold: first, to transfer the maintenance responsibilities and life cycle replacement costs for an aging building to the City; and second, to gain ownership of an important portion of the Long Branch Stream Valley to accommodate trails and other resource-based recreation opportunities.

PROPOSED TERMS OF LAND EXCHANGE

The Takoma Langley Recreation Center property (Parcel N621, "Commission Property") consists of 1.8 acres and includes a 6,894 square foot recreation building, parking for approximately 30 cars, and a wooded buffer area to the south (Figure 2). The exchange parcel (Parcel P259, "City Property") consists of 0.9 acres of forested stream valley land located as an inholding within Long Branch Stream Valley Park, Unit 1A (Figure 3).

The Commission will transfer all responsibilities for the existing recreation center building and land at the time of the land exchange, resulting in measurable operating budget savings to the Commission. Per the master plan recommendation, the City of Takoma Park intends to partner with a developer to construct a new approximately 20,000 sf recreation center with housing and/or neighborhood retail. The City of Takoma Park will operate the new recreation center.

In April 2019, The City of Takoma Park and Montgomery County Department of Parks signed a non-binding Letter of Intent (LOI) outlining the proposed terms for the future land exchange agreement (see Attachment A). In the LOI, The City and the Department of Parks each agreed:

- To use the exchanged parcels for parks, open space, and recreation purposes.
- That the City intends to pursue a mixed-use redevelopment of the Commission parcel to build a new recreation center and housing/local retail, per the Sector Plan guidance. Such plan will be subject to Planning Board review through the normal development review and/or Mandatory Referral process.
- That if the City pursues a different development plan to achieve the overall goal of a new rec center, such as putting only housing on this parcel and constructing the new rec center on a different parcel, such plan will require prior approval by the Planning Board. This clause allows the City to pursue innovative options that may not have been considered during the Sector Plan process, as long as The City receives Planning Board approval for the new proposal.

After approval by the Planning Board, this land swap must then be approved by the entire Maryland-National Capital Park and Planning Commission (M-NCPPC). The exchange approval is targeted for completion prior to July 1, 2019, to take advantage of budget year efficiencies.

PROPERTY INFORMATION

As noted above, the Commission property was transferred to Montgomery Parks control during the 1997 consolidation of the City of Takoma Park within Montgomery County. The City property was acquired in 1997 with a State Program Open Space (POS) grant to preserve the wooded parcel in the Long Branch Stream Valley Park. As with all other POS-purchased properties in the park system, the City parcel is subject to a State POS covenant that stipulates the land may not be converted from outdoor public recreation or open space to another use without State approval. While formal approval is not necessary for the proposed transfer of the property to the Commission, the Maryland Department of Natural Resources that administers the POS program will be informed of the proposed land swap.

The intent of this land exchange is to meet a variety of public goals, not to be an equitable exchange of land either financially or physically. Prior to the Sector Plan, the City and Commission properties were both zoned R-60 and were valued accordingly. During the Sector Plan process, the recommendation to rezone the Commission parcel and pursue this exchange was based on a clear understanding that the two parcels were different in size and value and would become more significantly different in value after the rezoning of the Commission parcel. Creating that value was precisely the intent of the Sector Plan recommendations to give the City of Takoma Park an asset that they could leverage to create a new, larger recreation center for their residents.



Figure 2 – Takoma Recreation Center, M-NCPPC property to be conveyed to City of Takoma Park



Figure 3 – City of Takoma Park property to be conveyed to M-NCPPC

NEXT STEPS

Several procedural steps will follow approval of the attached Joint Resolution to meet the preferred timeline of completing this land transfer before the end of the fiscal year on June 30.

- Definitive Agreement developed to implement the in-fee land swap
- Approval by full Commission (tentatively scheduled on June 19)
- Signature on the Definitive Agreement by the Executive Director
- Settlement for transfer of the parcels and recordation of the new deeds (targeted for completion prior to June 30)

Attachments:

- A: Letter of Intent between City of Takoma Park and Department of Parks, 5/15/2019
- B: Joint Resolution, MCPB No. 19-058/M-NCPPC No. 19-14

cc:

Megan Chung, Office of General Counsel
Jim Poore, Facilities Management
Bill Tyler, Southern Region Operations
Michelle Grace, Facilities Management
Michael Brown, Planning Department
Melissa Williams, Planning Department

City of Takoma Park, Maryland

Office of the City Manager
Tel: (301) 891-7230
Fax: (301) 270-8794
email: SuzanneL@takomaparkmd.gov



7500 Maple Avenue
Takoma Park, MD 20912
www.takomaparkmd.gov

Suzanne R. Ludlow, City Manager

May 2, 2019

Mr. Michael F. Riley, Director
Montgomery County Department of Parks
Maryland-National Capital Park and Planning Commission
9500 Brunett Avenue
Silver Spring, Maryland 20901

Subject: Takoma-Langley Recreation Center Land Exchange

Dear Mr. Riley,

This non-binding Letter of Intent expresses the City of Takoma Park's interest in transferring ownership of a vacant residentially zoned parcel located adjacent to the Long Branch Stream Valley Park in exchange for the Takoma Park Recreation Center property and to identify the terms and conditions of the desired exchange (the "**Contemplated Transaction**").

Background

- A. The Maryland-National Capital Park and Planning Commission ("**Commission**") is the owner of the Commission Property (defined below).
- B. City of Takoma Park Maryland ("**City**") is the owner of the City Property (defined below) and wishes to exchange certain Property interest with the Commission.
- C. The property exchange between the parties was recommended in the 2012 Approved and Adopted Takoma/Langley Crossroads Sector Plan.

Purpose

1. This Letter of Intent ("**LOI**") will establish the basic terms to be used in a definitive exchange agreement ("**Definitive Agreement**") to be entered into between the Commission and the City. The terms contained in this LOI are not comprehensive and it is expected that additional terms may be added, and existing terms may be changed or deleted. The basic terms are set forth below.

Non-Binding

2. This LOI is non-binding. The terms and conditions of the Definitive Agreement will supersede any terms and conditions contained in this LOI.

Non-Exclusive

3. The Commission and City may each enter into negotiations with other third parties regarding the subject matter of this LOI, prior to the execution of the Definitive Agreement.

Property Descriptions

4. The property owned by the Commission that is the subject of this LOI is the Takoma Park Recreation Center, located at 7315 New Hampshire Avenue, Takoma Park, Maryland 20912, containing 1.86 acres, more or less, improved, and further identified as Tax Account No. 13-03171273 (the "**Commission Property**"). The Commission Property was rezoned from R-60 Single Family to CRT 2.0, C 2.0, R 2.0, H 60 pursuant to the Sectional Map Amendment G-953 approved 12/11/12 by County Council Resolution #17-644.

5. The Commission has secured an access easement to serve the Commission Property over and through the Takoma Overlook Condominium, Inc., property. The access easement was recorded in the Montgomery County land records on February 13, 2019, at Liber 57211 folio 57.

6. The property owned by the City that is subject of this LOI is located at 922 Jackson Avenue, Takoma Park, Maryland 20912, containing 0.93 acres, more or less, unimproved, and further identified as Tax Account No. 13-03163466 (the "**City Property**"). The City Property is zoned R-60.

Contemplated Transaction

7. The City and the Commission acknowledge that they are a Maryland government agency and municipality, and as such must adhere to applicable legal requirements prior to completing the Contemplated Transaction. The parties acknowledge that the Commission Property and City Property are subject to certain restrictions regarding their use, disposition, and receipt of government approval, among others (collectively, the "**Restrictions**"), and that closing of the Contemplated Transaction is conditional upon the Commission and the City resolving the Restrictions.

8. If the Restrictions may be removed or otherwise resolved to the parties' satisfaction, the City and the Commission will conduct a property exchange pursuant to the terms of the Definitive Agreement, with the desired closing time and date of midnight on July 1, 2019, whereby:

- a) The City will own the fee-simple interest in the Commission Property, collectively with the improvements.
- b) The Commission will own the fee-simple interest in the City Property.

9. The Commission agrees to use the City Property for public park and open space purposes as a part of Long Branch Stream Valley Park.

10. The City agrees to use the Commission Property for a public recreation purpose.

11. The City intends to pursue a mixed-use redevelopment of the Commission Property to build a new recreation center, plus housing or local retail, per the Approved and Adopted Takoma/Langley Crossroads Sector Plan (the "**Intended City Plan**"). Such plans will come before the Commission's Montgomery County Planning Board through the Mandatory Referral and/or the regulatory development review process.

12. If the City pursues a development that deviates from the Intended City Plan, the City must first obtain prior approval from the Commission's Montgomery County Planning Board.

13. This Letter of Intent will be made effective on the last signature date below.

Sincerely,

Suzanne R. Ludlow
City Manager

SEEN AND AGREED TO:

CITY OF TAKOMA PARK

By: 
Suzanne R. Ludlow, City Manager

Date: May 2, 2019

MARYLAND-NATIONAL PARK AND PLANNING COMMISSION

By: 
Michael F. Riley, Director
Montgomery County Department of Parks

Date: 5/15/19

Introduced by: Councilmember Searcy

First Reading: April 10, 2019
Second Reading: May 1, 2019
Effective Date: May 1, 2019

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2019-6

Approving the Land Exchange for the Takoma Park Recreation Center

- WHEREAS, the property identified as 922 Jackson Avenue is an unimproved, vacant, residentially zoned parcel that functions as part of Long Branch Stream Valley Park; and
- WHEREAS, the City of Takoma Park acquired title to the property at 922 Jackson Avenue from Forma, Inc. by deed on January 8, 1998 and recorded in Liber 15436, Folio 00640; and
- WHEREAS, it was determined that the property should not be developed and the land should remain unimproved, given its location adjacent to Long Branch Stream Valley Park; and
- WHEREAS, the property is not needed by the City of Takoma Park for the public use; and
- WHEREAS, the exchange of the property for the Takoma Park Recreation Center at 7315 New Hampshire Avenue (Tax I.D. #13-03171273), owned by Maryland-National Capital Park and Planning (M-NCPPC), was anticipated and affirmed by the Takoma Park City Council most recently through Resolution 2018-59, Resolution of Intent to Proceed with the Takoma Park Recreation Center Land Exchange; and
- WHEREAS, the Takoma Park City Council, having investigated the potential fiscal and operational impact of the proposal on the City's recreation programs and solicited input from residents and members of the Recreation Committee, has expressed support of the proposal to transfer ownership of 922 Jackson Avenue to M-NCPPC in exchange for the Takoma Park Recreation Center; and
- WHEREAS, in exchange for the deed from M-NCPPC for 7315 New Hampshire Avenue, the City will execute and deliver a deed conveying City owned property at 922 Jackson Avenue (Tax I.D. #13-03163466), containing 40,511 square feet (0.93 acres), unimproved land to M-NCPPC, to become part of Long Branch Stream Valley Park for public park and open space purposes; and
- WHEREAS, the City filed a Mandatory Referral submission regarding the disposition of 922 Jackson Avenue to Montgomery County (#MR2019008), which was approved by Montgomery County on January 7, 2019; and

WHEREAS, the City will accept the Takoma Park Recreation Center property at 7315 New Hampshire Avenue, Takoma Park, Maryland 20912 containing 1.86 acres, more or less from the Maryland-National Capital Park and Planning Commission; and

WHEREAS, the City agrees to use the property for a public recreation purpose; and

WHEREAS, the City intends to pursue a mixed-use redevelopment of the property to build a new recreation center, plus housing or local retail, per the Approved and Adopted Takoma/Langley Crossroads Sector Plan; and

WHEREAS, if the City pursues a development that deviates from the intended plan, the City must first obtain prior approval from the Montgomery County Planning Board.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT:

- Section 1. The property at 922 Jackson Avenue is not needed by the City for public use and that the Council authorizes the exchange of the property with M-NCPPC for the Takoma Park Recreation Center at 7315 New Hampshire Avenue.
- Section 2. The City shall give not less than twenty (20) days of public notice that the City is to dispose of the property at 922 Jackson Avenue in exchange for the Takoma Park Recreation Center at 7315 New Hampshire Avenue.
- Section 3. Pursuant to Section 401(b)(41) of the Municipal Charter of the City of Takoma Park, public notice of this proposed conveyance of the property at 922 Jackson Avenue shall be published in a newspaper of general circulation at least 20 days before the disposition of the property.
- Section 4. The City Manager is instructed to set procedures for the City to pursue the land exchange with M-NCPPC, to be completed by July 1, 2019.

Adopted by the Council of the City of Takoma Park this 1st day of May, 2019.

AYE: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy
NAY: None
ABSTAIN: None
ABSENT: None

Attachment B: Joint Resolution: Takoma Park Recreation Center, Land Exchange with the City of Takoma Park

MCPB No. 19-058
M-NCPPC No. 19-14

Takoma Park Recreation Center:
Land Exchange with City of Takoma Park

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission ("**Commission**") is authorized under the Md. Code, Ann., Land Use, §17-206(b), to exchange land held by it for any other land held by any other public body or agency, which the Commission determines to be more suitable; and

WHEREAS, the Commission holds fee-simple title to a parcel of property known as the Takoma Park Recreation Center, located at 7315 New Hampshire Avenue, Takoma Park, Maryland 20912, containing 1.86 acres, more or less, improved, and further identified as Tax Account No. 13-03171273 (the "**Commission Property**"); and

WHEREAS, the City of Takoma Park (the "**City**") holds fee-simple title to a property known as 922 Jackson Avenue, Takoma Park, Maryland 20912, containing 0.93 acres, more or less, unimproved, and further identified as Tax Account No. 13-03163466 (the "**City Property**"); and

WHEREAS, the 2012 Takoma/Langley Crossroads Sector Plan recommended the exchange of the City Property and Commission Property to facilitate various recreation and open space goals, including the construction of a new recreation center (the "**Exchange**"); and

WHEREAS, the Commission and the City intend to conduct the land exchange pursuant to a land exchange agreement prior to June 30, 2019; and

WHEREAS, the City agrees to use the Commission Property for a public recreation purpose, and the Commission agrees to use the City Property for public park and open space purposes; and

WHEREAS, following review and analysis of the Exchange by the Commission's Montgomery County Department of Parks ("**Parks**"), the Parks staff issued a memorandum to the Commission's Montgomery County Planning Board (the "**Planning Board**"), dated May 31, 2019, setting forth its analysis and recommendation for approval; and

WHEREAS, on June 13, 2019, the Planning Board held a public hearing on the Exchange, at which the Planning Board heard testimony and received evidence submitted for the record and voted to recommend that the Commission approve the Exchange by the vote as certified below.

NOW THEREFORE BE IT RESOLVED that the Planning Board finds that the Exchange is suitable for and furthers the recreational purposes at the subject properties;

BE IT FURTHER RESOLVED that, the Planning Board hereby recommends that the Commission approve conveyance of the Commission Property to the City in exchange for the receipt of the City Property in accordance with the terms and conditions recommended and imposed by the Planning Board; and

BE IT FURTHER RESOLVED that, the Commission hereby adopts the Planning Board’s findings, accepts the Planning Board’s recommendation and approves the conveyance of the Commission Property in exchange for the receipt of the City Property in accordance with the terms and conditions recommended and imposed by the Planning Board.

* * * * *

CERTIFICATION

This is to certify 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 _____, and with _____, _____, and _____ voting in favor of the motion, at its regular meeting held on Thursday, June 13, 2019 in Silver Spring, Maryland.

Casey Anderson, Chair
Montgomery County Planning Board

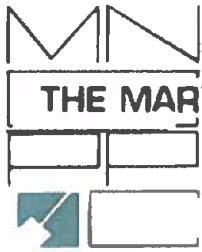
* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the 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, June ___, 2019, in _____, Maryland.

Anju Bennet
Acting Executive Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

June 19, 2019

To: The Maryland-National Capital Park and Planning Commission

Via: Anju Bennett, Acting Executive Director *AMB*

From: John Kroll, Corporate Budget Director *JK*

Subject: Resolution 19-12 - Adoption of the Commission's FY 2020 Operating and Capital Budgets

Recommendation:

Approve Resolution No. 19-12 "Adoption of the FY 2020 Commission Operating and Capital Budgets".

Background:

Pursuant to the Land Use Article, of the Annotated Code of Maryland, the Commission submitted its Proposed Budget to the County Executives of Prince George's County and Montgomery County on January 15th. In accordance with the Land Use Article, each County Council has approved that portion of the Commission budget allocated to its county. On May 23, 2019, Montgomery County Council adopted resolutions 19-122 and 19-131. On May 29, 2019, the Prince George's County Council approved bill CB-26-2019. Further, both Councils on May 9, 2019 approved those portions of the Commission budget allocable to both counties.

Resolution No. 19-12, "Adoption of the FY 2020 Commission Operating and Capital Budgets" adopts the budget for FY20 including the additions, deletions, increases, and decreases from the submitted Proposed Budget as approved by the respective County Councils of Montgomery County and Prince George's County.

The Adopted Budget totals \$670.7 million excluding reserves, ALARF, and Internal Service Funds. Compared to the FY19 Adopted Budget, the FY20 Budget is about \$64.4 million higher.

In Prince George's County, the budget is increasing by 9.4 percent for FY20. This primarily reflects an increased capital program and associated debt service, transfers and expenditures, as well as rightsizing staffing at existing facilities to accommodate increased usage. Property tax rates remain the same as those set in FY16.

In Montgomery County, the budget is increasing by 13.2 percent for FY20. This net increase is also due to an increase in capital projects, and associated debt service, transfers and expenditures. Tax supported funds increased by 3.2 percent. As part of the final balancing, the County decreased both

the Administration Fund's and the Park Fund's proposed property tax rates, transferred \$125,000 from the Administration Fund to the Park Fund, increased the use of fund balance in the Administration Fund and decreased the use of fund balance in the Park Fund. The following chart provides a comparative summary of the FY20 Adopted Budget for each county.

**Summary of FY20 Adopted Budget Expenditures
(net reserves, ALARF, and Internal Service Funds)**

| | FY19 Adopted | FY20 Adopted | \$ Change | % Change |
|-------------------------------|-----------------------|--------------------|----------------------|--------------|
| Prince George's Funds | | | | |
| Administration (1) | \$ 52,399,074 | 56,164,239 | \$ 3,765,165 | 7.2% |
| Park (2) | 160,694,581 | 182,826,294 | 22,131,713 | 13.8% |
| Recreation (3) | 97,487,006 | 93,683,334 | (3,803,672) | -3.9% |
| ALA Debt | - | - | - | - |
| Subtotal Tax Supported | 310,580,661 | 332,673,867 | 22,093,206 | 7.1% |
| Park Debt Service | 13,753,538 | 15,296,269 | 1,542,731 | 11.2% |
| Capital Projects | 59,791,000 | 75,345,205 | 15,554,205 | 26.0% |
| Enterprise | 19,314,798 | 19,050,792 | (264,006) | -1.4% |
| Special Revenue (4) | 8,442,397 | 8,145,469 | (296,928) | -3.5% |
| Total Prince George's | \$ 411,882,394 | 450,511,602 | \$ 38,629,208 | 9.4% |
| Montgomery Funds | | | | |
| Administration | \$ 31,767,007 | 32,619,879 | \$ 852,872 | 2.7% |
| Park (2) | 103,860,211 | 107,395,961 | 3,535,750 | 3.4% |
| ALA Debt | 2,024,928 | 2,075,264 | 50,336 | 2.5% |
| Subtotal Tax Supported | 137,652,146 | 142,091,104 | 4,438,958 | 3.2% |
| Park Debt Service | 6,461,285 | 6,624,410 | 163,125 | 2.5% |
| Capital Projects | 32,530,000 | 52,619,000 | 20,089,000 | 61.8% |
| Enterprise (4) | 9,746,959 | 10,197,934 | 450,975 | 4.6% |
| Property Management | 1,528,240 | 1,563,320 | 35,080 | 2.3% |
| Special Revenue | 6,519,833 | 7,084,740 | 564,907 | 8.7% |
| Total Montgomery | \$ 194,438,463 | 220,180,508 | \$ 25,742,045 | 13.2% |
| Combined Total | \$ 606,320,857 | 670,692,110 | \$ 64,371,253 | 10.6% |

(1) Includes transfer to Park Fund

(2) Includes transfer to Debt Service and Capital Projects Fund

(3) Includes transfer to Enterprise Fund

(4) Includes transfer to Capital Projects Fund

Summary of Adjustments in the FY20 Adopted Budget

The FY20 budgets, as approved by the respective County Councils, included the following adjustments from the Proposed Budget.

Montgomery County Adjustments from Proposed

Administration Fund

- ✓ Within the Planning Department,
 - Capital Equipment ISF debt service was reduced by \$45,600.
 - Wheaton Headquarters OBI was reduced by \$106,730.
- ✓ Within the Legal Department,
 - Salary lapse was increased by \$50,942.
- ✓ OPEB Pay-go was reduced by \$174,333.
- ✓ Reclassification marker funding was reduced by \$52,428.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Proposed transfer of \$500,000 to Development Review Special Revenue Fund was not funded.
- ✓ Property tax revenues have been adjusted to reflect the March 2019 assessable base estimates issued by Montgomery OMB; and the tax rate contemplated in the Proposed Budget (1.75 cents) was reduced to 1.70 cents
- ✓ To provide further balance between the Administration and Park Funds, \$125,000 of fund balance is transferred to the Park Fund.
- ✓ To balance the Administration Fund, use of fund balance was increased by \$244,958.

Park Fund

- ✓ Capital Equipment ISF debt service was reduced by \$684,000.
- ✓ Debt service on CIP was reduced by \$500,000.
- ✓ Salary lapse was increased by \$209,007.
- ✓ OBI capital outlay for Southern Parks was reduced by \$110,000.
- ✓ Wheaton Headquarters OBI was reduced by \$106,730.
- ✓ OPEB Pay-go was reduced by \$614,186.
- ✓ Reclassification marker funding was reduced by \$81,410.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Property tax revenues have been adjusted to reflect the March 2019 assessable base estimates issued by Montgomery OMB; and the tax rate contemplated in the Proposed Budget (5.68 cents) was reduced to 5.60 cents.
- ✓ To provide further balance between the Administration and Park Funds, \$125,000 of fund balance is transferred from the Administration Fund.
- ✓ To balance the Park Fund, use of fund balance was decreased by \$481,745.

Advance Land Acquisition Debt Service Fund

- ✓ Property tax revenues have been adjusted to reflect the March 2019 assessable base estimates issued by Montgomery OMB; the tax rate remained unchanged.
- ✓ Contribution to the Advance Land Acquisition Revolving Fund was similarly adjusted.

Advance Land Acquisition Revolving Fund

- ✓ Contribution from the Advance Land Acquisition Debt Service Fund was adjusted as was the budget for land acquisition.

Capital Projects Fund

- ✓ Capital project expenditures were decreased by \$2,236,000, reflecting a decrease of \$2,500,000 in acquisition and an increase of \$174,000 (White Oak ballfields) in park development. This reflects a similar decrease in revenue, primarily state POS funds.

Enterprise Fund

- ✓ OPEB Pay-go funding was reduced by \$30,341.
- ✓ Reclassification marker funding was reduced by \$6,127.

Risk Management Fund

- ✓ OPEB Pay-go funding was reduced by \$2,460.
- ✓ Reclassification marker funding was reduced by \$173.

Capital Equipment Fund

- ✓ Service Charges from Planning and Parks Departments were reduced by \$729,600.

Wheaton Headquarters Building Fund

- ✓ Office space rental charges from Planning and Parks Departments were reduced by \$213,460.
- ✓ Operating expenditures were reduced by \$193,193.

CIO/CWIT Fund

- ✓ OPEB Pay-go funding was reduced by \$2,065.

Prince George's County Adjustments from Proposed

Administration Fund

- ✓ In the Planning Department:
 - the budget for professional services was increased by \$775,000 to fund an expanded workplan.
 - Two new GIS positions were funded for \$173,346.
 - A new project charge of \$150,000 to provide for a planning position for the Council was funded.
- ✓ OPEB Pay-go funding was reduced by \$215,170.

- ✓ Reclassification marker funding was reduced by \$54,597.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Property tax revenues have been adjusted to reflect the March 2019 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the estimates used in the Proposed Budget.

Park Fund

- ✓ Web Design Services was moved from Public Affairs & Marketing to Management Services (no dollar change).
- ✓ The new Youth and Countywide Sports Division was created and funded for \$276,097.
- ✓ Increased the transfer to Capital Projects Fund by \$7,735,000.
- ✓ OPEB Pay-go funding was reduced by \$642,886.
- ✓ Reclassification marker funding was reduced by \$52,811.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget, after realigning marker between Park and Recreation Funds by \$14,543.
- ✓ Property tax revenues have been adjusted to reflect the March 2019 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the estimates used in the Proposed Budget.

Recreation Fund

- ✓ Project charges were increased by \$94,350.
- ✓ The new Youth and Countywide Sports Division was created and funded for a total division budget of \$3,452,824. A portion of the previous Sports, Health and Wellness Division was transferred into the new Division, and the remaining portion was renamed Aquatics and Athletic Facilities. (New net funding of \$1,494,834)
- ✓ OPEB Pay-go funding was reduced by \$241,082.
- ✓ Reclassification marker funding was reduced by \$64,950.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget, after realigning marker between Park and Recreation Funds by \$14,543.
- ✓ The subsidy to the Enterprise Fund was reduced by \$65,787, reflecting the reduction to OPEB and the reclassification marker.
- ✓ Property tax revenues have been adjusted to reflect the March 2019 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the estimates used in the Proposed Budget.

Capital Projects Fund

- ✓ Capital project expenditures were increased by \$15,645,205, funded by the increased transfer from the Park Fund of \$7,735,000; \$2,162,205 of additional state POS funds, \$900,000 of state bond bills and grants, \$2,000,000 contribution by the Maryland Transit Authority per the terms of the Purple Line Memorandum of Understanding, and \$2,848,000 of additional bonds.

Enterprise Fund

- ✓ OPEB Pay-go funding was reduced by \$54,940.
- ✓ Reclassification marker funding was reduced by \$10,847.
- ✓ The operating subsidy from the Recreation Fund was reduced by \$65,787.

Risk Management Fund

- ✓ OPEB Pay-go funding was reduced by \$2,460.
- ✓ Reclassification marker funding was reduced by \$173.

CIO/CWIT Fund

- ✓ OPEB Pay-go funding was reduced by \$2,855.

Commission-wide Adjustments from Proposed

Executive Office Building Fund

- ✓ OPEB Pay-go funding was reduced by \$1,640.
- ✓ Reclassification marker funding was reduced by \$964.

Group Insurance Fund

- ✓ OPEB Pay-go funding was reduced by \$4,920.
- ✓ Reclassification marker funding was reduced by \$3,032.

Attachments
M-NCPPC Resolution 19-12
Exhibits A, B, and C

cc: Joe Zimmerman, Secretary-Treasurer
Adrian Gardner, General Counsel
Department Directors



M-NCPPC
RESOLUTION NO. 19-12
June 19, 2019

**ADOPTION OF THE FY 2020 COMMISSION OPERATING BUDGET
AND FY 2020 CAPITAL BUDGET**

WHEREAS, the Maryland-National Capital Park and Planning Commission (the “Commission”) has prepared and submitted its proposed FY 2020 operating budget (“the Proposed Operating Budget”) and its proposed FY 2020 capital budget (“Proposed Capital Budget”) to the County Executives of Montgomery and Prince George’s Counties in compliance with the § 18-104 of the Land Use Article of the Annotated Code of Maryland (“Land Use Article”), as amended and to the County Councils of Montgomery and Prince George’s Counties in compliance with § 18-105 of the Land Use Article; and

WHEREAS, the respective County Councils have established work programs and made certain deletions and additions to the Proposed Operating Budget, which actions are set forth in the Montgomery County Resolution 19-131, and Prince George’s County Bill CB-26-2019; and

WHEREAS, the Montgomery County Council made certain revisions to the Proposed Capital Budget, which action is set forth in Montgomery County Resolution 19-122; and

WHEREAS, the County Councils on May 9, 2019 have reviewed and together acted to approve the Bi-County budget items allocable to both counties; and

WHEREAS, the respective County Councils have acted to appropriate as the Commission’s FY 2020 operating budget (“the Operating Budget”) and FY 2020 Capital Budget certain expenditures, including those funded by grants, together totaling in the aggregate \$243,296,494 allocable to the various sources derived in Montgomery County as set forth in Exhibit A hereto and \$471,024,833 allocable to the various sources derived in Prince George’s County as set forth in Exhibit B hereto; and

WHEREAS, the Operating Budget includes the Executive Office Building and Group Health Insurance Funds as set forth in Exhibit C, which are Commission-wide Internal Service Funds funded through the operating department appropriations made by

the respective County Councils for Montgomery County and Prince George's County;
and

WHEREAS, the Commission does hereby delegate to the Montgomery County Planning Board and the Prince George's County Planning Board for review of expenditure plans for departments, offices and divisions within the Commission and the allocation of funds in accordance with the Operating Budget and this Resolution;

NOW, THEREFORE BE IT RESOLVED that the Commission does hereby approve and adopt the FY 2020 Operating Budget and the FY 2020 Capital Budget as set forth in Exhibit A, Exhibit B, and Exhibit C hereto; and

BE IT FURTHER RESOLVED that the Commission's Secretary-Treasurer and other officers are authorized to carry out financing for the Capital Equipment Internal Service Fund consistent with funding levels in the Operating Budget at such time and on such terms as they believe to be advantageous to the Commission without further action required by the Commission or either Planning Board; provided that the appropriate officers shall provide the Commission and each Planning Board subsequent notice of any action taken pursuant to this resolution; and

BE IT FURTHER RESOLVED that the Executive Director and Secretary-Treasurer are directed to establish the necessary controls to ensure compliance with the § 18-109 of the Land Use Article, which provides that no expenditure of funds shall be made or authorized by the Commission in excess of the approved budget amounts plus 10% thereof for each park and recreation project and for each administration or operating department or function of the Commission, and for each planning project contained in the planning work program for each county, as set forth in the approved Council Resolutions, unless approved by either or both County Councils, whichever is appropriate, and which also stipulates that the Commission may not exceed the total approved budget for each of its Funds, except for Enterprise Funds, without the prior approval by either or both County Councils, as applicable; and

BE IT FURTHER RESOLVED that in the event operational necessity requires that a budget amendment be made during the fiscal year, as outlined in § 18-108 of the Land Use Article and Budget Adjustment Practice 3-60, the budget amendment requires approval of the appropriate County Council. An amendment may change the total amount of the appropriation stated in the adopting resolutions of the County Council, or transfer more than 10% of appropriated funds from one appropriation to another. A budget may be amended by resolution by the respective county councils on their initiative or at the request of the Commission after receipt of recommendations from the respective county executives and after public hearing upon reasonable notice to the public. With respect to budget items applicable to both counties, an amendment is not effective unless it has received the concurrence of both county councils; and

BE IT FURTHER RESOLVED that in the event operational necessity requires that budget adjustments be made during the fiscal year, as outlined in Budget Adjustment

Practice 3–60, the officials and managers listed below are authorized to approve adjustments within or between budget appropriations for objects of expenditure or other levels of control within a department, division, office, or program under their direction, as those appropriations are set forth in the Operating Budget adopted by the respective County Councils and pursuant to this Resolution, provided however that any cumulative budget adjustments increasing budget control levels by an amount in excess of \$50,000 shall be reviewed and approved by the Commission and/or the appropriate Planning Board; and provided further that any budget adjustment which involves any change in the work program shall be reviewed and approved by the Commission and/or the affected Planning Board; and provided further that any budget adjustment which would result in the Commission exceeding the total approved budget for any of its Funds, except the Enterprise Funds, must have the prior approval of either or both County Councils, as applicable:

Executive Director
Secretary–Treasurer
General Counsel
Director of Parks – Montgomery County
Director of Planning – Montgomery County
Director of Parks and Recreation – Prince George's County
Director of Planning – Prince George's County
Chair – Prince George’s County Planning Board
Chair – Montgomery County Planning Board; and

BE IT FURTHER RESOLVED that the transfer of funds between departments or administrative units as listed above as adopted shall require the approval of the Commission and/or the appropriate Planning Board; and

BE IT FURTHER RESOLVED that the Office of the Secretary–Treasurer and the Budget Office are authorized to review all budget adjustments and disapprove those budget adjustments for which funds are not available or which do not comply with law or Commission fiscal policies.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY20 ADOPTED BUDGET

MONTGOMERY COUNTY

| | FY20 Proposed Budget | Council Adjustments | FY20 Adopted Budget | Positions | Workyears |
|---|----------------------------|------------------------|---------------------------|-----------|-----------|
| ADMINISTRATION FUND | | | | | |
| REVENUES | | | | | |
| Tax Revenue (Tax rates: Real = 1.70 Cents, Personal = 4.25 Cents) | 31,579,200 | (1,062,891) | 30,516,309 | | |
| Assessable Base in Billions (Real/Personal): 171.429 / 3.652 | | | | | |
| Taxes - Interest and Penalties | 100,000 | - | 100,000 | | |
| Intergovernmental | 553,500 | - | 553,500 | | |
| Charges for Service | 198,400 | - | 198,400 | | |
| Interest Income | 100,000 | - | 100,000 | | |
| Current Revenue | 32,531,100 | (1,062,891) | 31,468,209 | | |
| Use of Fund Balance | 1,881,512 | 244,958 | 2,126,470 | | |
| Total Sources | 34,412,612 | (817,933) | 33,594,679 | | |
| EXPENDITURES | | | | | |
| Commissioners' Office | 1,273,938 | 25,100 | 1,299,038 | 12.00 | 9.50 |
| Planning Department | | | | | |
| Planning Director's Office | 1,642,899 | 34,331 | 1,677,230 | | |
| Management Services | 2,336,285 | 39,334 | 2,375,619 | | |
| Functional Planning & Policy | 2,773,891 | 53,629 | 2,827,520 | | |
| Area 1 | 1,564,061 | 41,019 | 1,605,080 | | |
| Area 2 | 2,009,901 | 44,481 | 2,054,382 | | |
| Area 3 | 1,661,596 | 50,636 | 1,712,232 | | |
| Dev. Applications & Regulatory Coordination | 760,899 | 44,637 | 805,536 | | |
| Information Technology and Innovation | 3,565,029 | 38,122 | 3,603,151 | | |
| Research and Special Projects | 1,175,178 | 19,428 | 1,194,606 | | |
| Grants | 150,000 | - | 150,000 | | |
| Support Services | 2,870,764 | (152,330) | 2,718,434 | | |
| Planning Total | 20,510,503 | 213,287 | 20,723,790 | 151.00 | 116.69 |
| Department of Human Resources and Management | 2,349,179 | 43,998 | 2,393,177 | 18.49 | 16.64 |
| Department of Finance | 2,308,443 | 45,000 | 2,353,443 | 20.47 | 19.58 |
| Legal Department | 1,495,134 | (7,974) | 1,487,160 | 13.00 | 13.00 |
| Merit System Board | 82,065 | 2,215 | 84,280 | 0.50 | 0.25 |
| Office of Inspector General | 280,088 | 5,555 | 285,643 | 2.00 | 2.20 |
| Corporate IT | 1,468,921 | 19,236 | 1,488,157 | 7.90 | 7.90 |
| Support Services | 643,676 | - | 643,676 | 0.00 | 0.00 |
| CAS Total | 8,627,506 | 108,030 | 8,735,536 | 62.36 | 59.57 |
| Non-Departmental | 2,512,965 | (776,450) | 1,736,515 | | |
| Total Expenditures | 32,924,912 | (430,033) | 32,494,879 | 225.36 | 185.76 |
| Transfer to Special Revenue Fund | 500,000 | (500,000) | - | | |
| Transfer to Park Fund | - | 125,000 | 125,000 | | |
| Contingency Reserve @ 3% | 987,700 | (12,900) | 974,800 | | |
| Total Expenditures and Uses | 34,412,612 | (817,933) | 33,594,679 | | |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY20 ADOPTED BUDGET

MONTGOMERY COUNTY

| | FY20 Proposed Budget | Council Adjustments | FY20 Adopted Budget | Positions | Workyears |
|--|----------------------------|------------------------|---------------------------|---------------|---------------|
| <u>PARK FUND</u> | | | | | |
| REVENUES | | | | | |
| Tax Revenue (Tax Rate: Real = 5.60 cents, Personal = 14.00 cents) Assessable Base in Billions (Real/Personal): 171.429/3.652 | 102,527,100 | (2,002,788) | 100,524,312 | | |
| Taxes - Interest and Penalties | 300,000 | - | 300,000 | | |
| Intergovernmental | 3,922,473 | - | 3,922,473 | | |
| Charges for Service | 2,461,237 | - | 2,461,237 | | |
| Rentals/Concessions | 754,977 | - | 754,977 | | |
| Interest Income | 100,000 | - | 100,000 | | |
| Miscellaneous Revenues | 115,800 | - | 115,800 | | |
| Current Revenue | 110,181,587 | (2,002,788) | 108,178,799 | | |
| Transfer from CIP | 25,000 | - | 25,000 | | |
| Transfer from Capital Equipment Fund | - | - | - | | |
| Transfer from Administration Fund | - | 125,000 | 125,000 | | |
| Use of Fund Balance | 2,581,507 | (481,745) | 2,079,762 | | |
| Total Sources | 112,768,094 | (2,359,533) | 110,408,561 | | |
| EXPENDITURES | | | | | |
| Operating Divisions | | | | | |
| Director of Parks | 1,597,437 | 42,866 | 1,640,303 | | |
| Public Affairs & Community Partnerships | 3,387,344 | 60,665 | 3,428,009 | | |
| Management Services | 2,475,909 | (18,578) | 2,457,331 | | |
| Information Technology and Innovation | 2,638,297 | 22,596 | 2,660,893 | | |
| Park Planning and Stewardship | 5,735,937 | 109,680 | 5,845,617 | | |
| Park Development | 3,946,371 | 135,787 | 4,082,158 | | |
| Park Police | 14,225,592 | 265,028 | 14,490,620 | | |
| Horticulture, Forestry & Environmental Education | 10,169,377 | 191,433 | 10,360,810 | | |
| Facilities Management | 12,783,909 | 189,647 | 12,973,556 | | |
| Northern Parks | 10,437,196 | 154,364 | 10,591,560 | | |
| Southern Parks | 14,983,842 | 83,508 | 15,047,350 | | |
| Support Services | 11,699,742 | (790,730) | 10,909,012 | | |
| Grants | 400,000 | - | 400,000 | | |
| Non-Departmental | 7,785,931 | (2,251,599) | 5,534,332 | | |
| Total Expenditures | 102,228,884 | (1,805,333) | 100,421,551 | | |
| Transfer to Debt Service | 7,124,410 | (500,000) | 6,624,410 | | |
| Transfer to CIP | 350,000 | - | 350,000 | | |
| Contingency Reserve @ 3% | 3,066,800 | (54,200) | 3,012,600 | | |
| Total Expenditures and Uses | 112,768,094 | (2,359,533) | 110,408,561 | 769.00 | 754.00 |
| <u>ADVANCE LAND ACQUISITION DEBT SERVICE FUND</u> | | | | | |
| REVENUES | | | | | |
| Tax Revenue (Tax Rate: Real = 0.10 cents, Personal = 0.25 cents) Assessable Base in Billions (Real/Personal): 197.810 / 4.452 | 2,088,800 | (13,536) | 2,075,264 | | |
| Current Revenue | 2,088,800 | (13,536) | 2,075,264 | | |
| Use of Fund Balance | - | - | - | | |
| Total Sources | 2,088,800 | (13,536) | 2,075,264 | | |
| EXPENDITURES | | | | | |
| Debt Service | 145,200 | - | 145,200 | | |
| Total Expenditures | 145,200 | - | 145,200 | | |
| Transfer to ALA Revolving Fund | 1,943,600 | (13,536) | 1,930,064 | | |
| Total Expenditures and Uses | 2,088,800 | (13,536) | 2,075,264 | | |
| TOTAL TAX-SUPPORTED FUNDS, LESS RESERVES & ALA TRANSFER | 143,271,406 | (3,110,366) | 140,161,040 | 994.36 | 939.76 |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY20 ADOPTED BUDGET

MONTGOMERY COUNTY

| | FY20 Proposed Budget | Council Adjustments | FY20 Adopted Budget | Positions | Workyears |
|---|----------------------------|------------------------|---------------------------|-----------|-----------|
| <u>ADVANCE LAND ACQUISITION REVOLVING FUND</u> | | | | | |
| REVENUES | | | | | |
| Interest Income | 75,000 | - | 75,000 | | |
| Current Revenue | 75,000 | - | 75,000 | | |
| Transfer from ALA Debt Service Fund | 1,943,600 | (13,536) | 1,930,064 | | |
| Use of Fund Balance | 6,946,965 | - | 6,946,965 | | |
| Total Sources | 8,965,565 | (13,536) | 8,952,029 | | |
| EXPENDITURES | | | | | |
| Land | 8,965,565 | (13,536) | 8,952,029 | | |
| Total Expenditures | 8,965,565 | (13,536) | 8,952,029 | | |
| <u>PARK DEBT SERVICE FUND</u> | | | | | |
| REVENUES | | | | | |
| Transfer from Park Fund | 7,124,410 | (500,000) | 6,624,410 | | |
| Total Sources | 7,124,410 | (500,000) | 6,624,410 | | |
| EXPENDITURES | | | | | |
| Debt Service | 7,124,410 | (500,000) | 6,624,410 | | |
| Total Expenditures | 7,124,410 | (500,000) | 6,624,410 | | |
| <u>CAPITAL PROJECTS FUND</u> | | | | | |
| REVENUES | | | | | |
| Intergovernmental | 23,148,000 | (2,026,000) | 21,122,000 | | |
| Interest | 25,000 | - | 25,000 | | |
| Bond Proceeds | 16,122,000 | - | 16,122,000 | | |
| Contributions | 11,300,000 | (300,000) | 11,000,000 | | |
| Miscellaneous | - | - | - | | |
| Current Revenue | 50,595,000 | (2,326,000) | 48,269,000 | | |
| Transfer from Park Fund | 350,000 | - | 350,000 | | |
| Transfer from Enterprise Fund | 4,000,000 | - | 4,000,000 | | |
| Total Sources | 54,945,000 | (2,326,000) | 52,619,000 | | |
| EXPENDITURES | | | | | |
| Park Acquisition & Development | 54,920,000 | (2,326,000) | 52,594,000 | | |
| Total Expenditures | 54,920,000 | (2,326,000) | 52,594,000 | | |
| Transfer to Park Fund | 25,000 | - | 25,000 | | |
| Total Expenditures and Uses | 54,945,000 | (2,326,000) | 52,619,000 | | |
| <u>ENTERPRISE FUND</u> | | | | | |
| REVENUES | | | | | |
| Charges for Service | 11,397,042 | - | 11,397,042 | | |
| Interest Income | 200,000 | - | 200,000 | | |
| Current Revenue | 11,597,042 | - | 11,597,042 | | |
| Use of Fund Balance | (1,362,640) | (36,468) | (1,399,108) | | |
| Total Sources | 10,234,402 | (36,468) | 10,197,934 | | |
| EXPENDITURES | | | | | |
| Operations | 9,734,402 | (36,468) | 9,697,934 | | |
| Total Expenditures | 9,734,402 | (36,468) | 9,697,934 | | |
| Transfer to CIP | 500,000 | - | 500,000 | | |
| Total Expenditures and Uses | 10,234,402 | (36,468) | 10,197,934 | 37.00 | 120.70 |
| Revenues Over/(Under) Expenditures | - | - | - | | |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY20 ADOPTED BUDGET

MONTGOMERY COUNTY

| | FY20 Proposed Budget | Council Adjustments | FY20 Adopted Budget | Positions | Workyears |
|---|----------------------------|------------------------|---------------------------|-----------------|-----------------|
| <u>PROPERTY MANAGEMENT FUND</u> | | | | | |
| REVENUES | | | | | |
| Rental Revenue | 1,456,600 | - | 1,456,600 | | |
| Interest Income | 10,000 | - | 10,000 | | |
| Current Revenue | 1,466,600 | - | 1,466,600 | | |
| Use of Fund Balance | 100,000 | (3,280) | 96,720 | | |
| Total Sources | 1,566,600 | (3,280) | 1,563,320 | | |
| EXPENDITURES | | | | | |
| Operating Expenditures | 1,566,600 | (3,280) | 1,563,320 | 4.00 | 5.80 |
| Total Expenditures | 1,566,600 | (3,280) | 1,563,320 | | |
| <u>SPECIAL REVENUE FUND</u> | | | | | |
| REVENUES | | | | | |
| Intergovernmental | 1,688,430 | - | 1,688,430 | | |
| Charges for Service | 3,437,443 | - | 3,437,443 | | |
| Interest Income | 55,000 | - | 55,000 | | |
| Current Revenue | 5,180,873 | - | 5,180,873 | | |
| Transfer from Administration Fund | 500,000 | (500,000) | - | | |
| Use of Fund Balance | 1,403,867 | 500,000 | 1,903,867 | | |
| Total Sources | 7,084,740 | - | 7,084,740 | | |
| EXPENDITURES | | | | | |
| Operations | 7,084,740 | - | 7,084,740 | 0.00 | 34.65 |
| Total Expenditures | 7,084,740 | - | 7,084,740 | | |
| Revenues Over/(Under) Expenditures | - | - | - | | |
| TOTAL OPERATING BUDGET LESS RESERVES AND ALARF | 224,226,558 | (5,976,114) | 218,250,444 | 1,035.36 | 1,100.91 |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY20 ADOPTED BUDGET

MONTGOMERY COUNTY

| | FY20 Proposed Budget | Council Adjustments | FY20 Adopted Budget | Positions | Workyears |
|---|----------------------------|------------------------|---------------------------|-----------------|-----------------|
| <u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u> | | | | | |
| REVENUES | | | | | |
| Charges for Service | 1,849,500 | (729,600) | 1,119,900 | | |
| Debt Proceeds | 3,710,000 | - | 3,710,000 | | |
| Interest Income | 10,000 | - | 10,000 | | |
| Current Revenue | 5,569,500 | (729,600) | 4,839,900 | | |
| Use of Fund Balance | - | - | - | | |
| Total Sources | 5,569,500 | (729,600) | 4,839,900 | | |
| EXPENDITURES | | | | | |
| Operations | 3,761,755 | - | 3,761,755 | | |
| Debt Service | 848,600 | - | 848,600 | | |
| Total Expenditures | 4,610,355 | - | 4,610,355 | | |
| Transfer to Park Fund | - | - | - | | |
| Total Expenditures and Uses | 4,610,355 | - | 4,610,355 | | |
| Revenues Over/(Under) Expenditures | 959,145 | (729,600) | 229,545 | | |
| Capital Equipment - Financed for the Parks & Planning Depts | 3,460,000 | - | 3,460,000 | | |
| Capital Equipment - Financed for the IT Initiatives | 250,000 | - | 250,000 | | |
| <u>CIO/CWIT INTERNAL SERVICE FUND</u> | | | | | |
| REVENUES | | | | | |
| Charges for Service | 1,889,978 | - | 1,889,978 | | |
| Debt Proceeds | - | - | - | | |
| Interest Income | - | - | - | | |
| Current Revenue | 1,889,978 | - | 1,889,978 | | |
| Use of Fund Balance | - | - | - | | |
| Total Sources | 1,889,978 | - | 1,889,978 | | |
| EXPENDITURES | | | | | |
| Operations | 1,816,671 | (2,065) | 1,814,606 | | |
| Debt Service | 19,058 | - | 19,058 | | |
| Total Expenditures | 1,835,729 | (2,065) | 1,833,664 | 3.50 | 3.50 |
| Transfer to Park Fund | - | - | - | | |
| Total Expenditures and Uses | 1,835,729 | (2,065) | 1,833,664 | | |
| Revenues Over/(Under) Expenditures | 54,249 | 2,065 | 56,314 | | |
| <u>RISK MANAGEMENT INTERNAL SERVICE FUND</u> | | | | | |
| REVENUES | | | | | |
| Charges for Service | 2,509,900 | - | 2,509,900 | | |
| Interest Income | 140,000 | - | 140,000 | | |
| Current Revenue | 2,649,900 | - | 2,649,900 | | |
| Use of Fund Balance | 350,435 | (2,633) | 347,802 | | |
| Total Sources | 3,000,335 | (2,633) | 2,997,702 | | |
| EXPENDITURES | | | | | |
| Operations | 3,000,335 | (2,633) | 2,997,702 | 3.00 | 3.40 |
| Total Expenditures | 3,000,335 | (2,633) | 2,997,702 | | |
| Revenues Over/(Under) Expenditures | - | - | - | | |
| <u>WHEATON HEADQUARTERS BUILDING INTERNAL SERVICE FUND</u> | | | | | |
| REVENUES | | | | | |
| Intergovernmental | 528,977 | 20,267 | 549,244 | | |
| Charges for Service | 399,052 | (213,460) | 185,592 | | |
| Current Revenue | 928,029 | (193,193) | 734,836 | | |
| Use of Fund Balance | - | - | - | | |
| Total Sources | 928,029 | (193,193) | 734,836 | | |
| EXPENDITURES | | | | | |
| Operations | 928,029 | (193,193) | 734,836 | | |
| Total Expenditures | 928,029 | (193,193) | 734,836 | | |
| Revenues Over/(Under) Expenditures | - | - | - | | |
| Total Montgomery County (including reserves, transfers) | 249,564,671 | (6,268,177) | 243,296,494 | 1,041.86 | 1,107.81 |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY20 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

| | FY20 Proposed Budget | Council Adjustments | FY20 Adopted Budget | Positions | Workyears |
|--|----------------------------|------------------------|---------------------------|-----------|-----------|
| ADMINISTRATION FUND | | | | | |
| REVENUES | | | | | |
| Tax Revenue (Tax rates: Real = 5.660 Cents, Personal = 14.150 Cents) | 54,108,700 | 2,630,400 | 56,739,100 | | |
| Assessable Base in Billions (Real/Personal): 92.949 / 3.124 | | | | | |
| Taxes - Interest and Penalties | 150,000 | - | 150,000 | | |
| Intergovernmental | 203,500 | - | 203,500 | | |
| Service Charges | 650,000 | - | 650,000 | | |
| Interest Income | 1,000,000 | - | 1,000,000 | | |
| Miscellaneous Revenue | - | - | - | | |
| Current Revenue | 56,112,200 | 2,630,400 | 58,742,600 | | |
| Use of Fund Balance | 1,838,760 | (1,760,421) | 78,339 | | |
| Total Sources | 57,950,960 | 869,979 | 58,820,939 | | |
| EXPENDITURES | | | | | |
| Commissioners' Office | 3,378,179 | 38,969 | 3,417,148 | 16.50 | 14.50 |
| Planning Department | | | | | |
| Director's Office | 4,378,507 | 60,850 | 4,439,357 | | |
| Development Review | 6,498,650 | 109,553 | 6,608,203 | | |
| Community Planning | 4,923,202 | 573,167 | 5,496,369 | | |
| Information Management | 5,947,842 | 136,751 | 6,084,593 | | |
| Countywide Planning | 7,302,536 | 439,331 | 7,741,867 | | |
| Support Services | 7,286,103 | 150,000 | 7,436,103 | | |
| Grants | 147,500 | - | 147,500 | | |
| Planning Total | 36,484,340 | 1,469,652 | 37,953,992 | 182.50 | 182.25 |
| Department of Human Resources and Management | 2,957,561 | 59,902 | 3,017,463 | 24.51 | 23.36 |
| Department of Finance | 2,566,975 | 56,142 | 2,623,117 | 25.53 | 24.42 |
| Legal Department | 1,241,664 | 41,117 | 1,282,781 | 12.00 | 12.00 |
| Merit System Board | 82,065 | 2,215 | 84,280 | 0.50 | 0.25 |
| Office of Inspector General | 388,631 | 10,451 | 399,082 | 3.00 | 3.30 |
| Corporate IT | 1,434,541 | 23,997 | 1,458,538 | 10.10 | 10.10 |
| Support Services | 794,488 | - | 794,488 | 0.00 | 0.00 |
| CAS Total | 9,465,925 | 193,824 | 9,659,749 | 75.64 | 73.43 |
| NonDepartmental | 2,977,216 | (873,866) | 2,103,350 | | |
| Total Expenditures | 52,305,660 | 828,579 | 53,134,239 | 274.64 | 270.18 |
| Transfer to Park Fund | 3,000,000 | | 3,000,000 | | |
| Transfer to Capital Projects Fund | 30,000 | - | 30,000 | | |
| Contingency Reserve @ 5% | 2,615,300 | 41,400 | 2,656,700 | | |
| Total Expenditures and Uses | 57,950,960 | 869,979 | 58,820,939 | | |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY20 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

| | FY20 Proposed Budget | Council Adjustments | FY20 Adopted Budget | Positions | Workyears |
|---|----------------------------|------------------------|---------------------------|-----------|-----------|
| <u>PARK FUND</u> | | | | | |
| REVENUES | | | | | |
| Tax Revenue (Tax Rate: Real = 15.940 cents, Personal = 39.850 cents); | 147,575,000 | 7,173,800 | 154,748,800 | | |
| Assessable Base in Billions (Real/Personal): 90.016 / 3.025 | | | | | |
| Taxes - Interest and Penalties | 450,000 | - | 450,000 | | |
| Service Charges | 232,835 | - | 232,835 | | |
| Interest Income | 1,750,000 | - | 1,750,000 | | |
| Rentals/Concessions | 2,734,765 | - | 2,734,765 | | |
| Miscellaneous Revenues | 623,500 | - | 623,500 | | |
| Current Revenue | 153,366,100 | 7,173,800 | 160,539,900 | | |
| Transfer from Admin Fund | 3,000,000 | | 3,000,000 | | |
| Transfer from CIP | 500,000 | - | 500,000 | | |
| Use of Fund Balance | 24,956,037 | 105,357 | 25,061,394 | | |
| Total Sources | 181,822,137 | 7,279,157 | 189,101,294 | | |
| EXPENDITURES | | | | | |
| Operating Divisions | | | | | |
| Office of the Director | 21,244,318 | 367,967 | 21,612,285 | | |
| Administration and Development | 34,653,978 | 574,172 | 35,228,150 | | |
| Facility Operations | 41,023,974 | 504,707 | 41,528,681 | | |
| Area Operations | 20,527,572 | 342,543 | 20,870,115 | | |
| NonDepartmental | 8,484,326 | (2,223,532) | 6,260,794 | | |
| Total Expenditures | 125,934,168 | (434,143) | 125,500,025 | | |
| Transfer to Debt Service | 15,296,269 | - | 15,296,269 | | |
| Transfer to CIP | 34,295,000 | 7,735,000 | 42,030,000 | | |
| Contingency Reserve @ 5% | 6,296,700 | (21,700) | 6,275,000 | | |
| Total Expenditures and Uses | 181,822,137 | 7,279,157 | 189,101,294 | 807.00 | 984.90 |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY20 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

| | FY20 Proposed Budget | Council Adjustments | FY20 Adopted Budget | Positions | Workyears |
|---|----------------------------|------------------------|---------------------------|-----------------|-----------------|
| RECREATION FUND | | | | | |
| REVENUES | | | | | |
| Tax Revenue (Tax Rate: Real = 7.800 cents, Personal = 19.500 cents) | 77,151,300 | 3,750,600 | 80,901,900 | | |
| Assessable Base in Billions (Real/Personal): 96.171 / 3.232 | | | | | |
| Taxes - Interest and Penalties | 200,000 | - | 200,000 | | |
| Intergovernmental | - | - | - | | |
| Service Charges | 9,106,197 | - | 9,106,197 | | |
| Rentals/Concessions | 1,236,910 | - | 1,236,910 | | |
| Interest Income | 750,000 | - | 750,000 | | |
| Miscellaneous Revenues | 95,800 | - | 95,800 | | |
| Current Revenue | 88,540,207 | 3,750,600 | 92,290,807 | | |
| Use of Fund Balance | 8,033,819 | (2,457,092) | 5,576,727 | | |
| Total Sources | 96,574,026 | 1,293,508 | 97,867,534 | | |
| EXPENDITURES | | | | | |
| Operating Divisions | | | | | |
| Administration and Development | 10,193,327 | 799,535 | 10,992,862 | | |
| Facility Operations | 22,448,277 | 904,241 | 23,352,518 | | |
| Area Operations | 35,941,398 | 406,361 | 36,347,759 | | |
| Non-Departmental | 5,645,045 | (812,442) | 4,832,603 | | |
| Total Expenditures | 74,228,047 | 1,297,695 | 75,525,742 | | |
| Transfer to Enterprise Fund | 8,223,379 | (65,787) | 8,157,592 | | |
| Transfer to Capital Projects Fund | 10,000,000 | - | 10,000,000 | | |
| Contingency Reserve @ 5% | 4,122,600 | 61,600 | 4,184,200 | | |
| Total Expenditures and Uses | 96,574,026 | 1,293,508 | 97,867,534 | 313.00 | 1,005.56 |
| ADVANCE LAND ACQUISITION DEBT SERVICE FUND | | | | | |
| REVENUES | | | | | |
| Tax Revenue (Tax Rate: Real = 0.00 cents, Personal = 0.00 cents) | - | - | - | | |
| Assessable Base in Billions (Real/Personal): 96.171 / 3.232 | | | | | |
| Use of Fund Balance | - | - | - | | |
| Total Sources | - | - | - | | |
| EXPENDITURES | | | | | |
| Debt Service | - | - | - | | |
| Total Expenditures | - | - | - | | |
| Transfer to ALA Revolving Fund | - | - | - | | |
| Total Expenditures and Uses | - | - | - | | |
| TOTAL TAX-SUPPORTED FUNDS, LESS RESERVES & ALA TRANSFER | 323,312,523 | 9,361,344 | 332,673,867 | 1,394.64 | 2,260.64 |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY20 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

| | FY20 Proposed Budget | Council Adjustments | FY20 Adopted Budget | Positions | Workyears |
|---|----------------------------|------------------------|---------------------------|-----------------|-----------------|
| <u>ADVANCE LAND ACQUISITION REVOLVING FUND</u> | | | | | |
| REVENUES | | | | | |
| Interest Income | - | - | - | | |
| Current Revenue | - | - | - | | |
| Transfer from ALA Debt Service Fund | - | - | - | | |
| Use of Fund Balance | 291,835 | - | 291,835 | | |
| Total Sources | 291,835 | - | 291,835 | | |
| EXPENDITURES | | | | | |
| Land | 291,835 | - | 291,835 | | |
| Total Expenditures and Uses | 291,835 | - | 291,835 | | |
| <u>PARK DEBT SERVICE FUND</u> | | | | | |
| REVENUES | | | | | |
| Transfer from Park Fund | 15,296,269 | - | 15,296,269 | | |
| Total Sources | 15,296,269 | - | 15,296,269 | | |
| EXPENDITURES | | | | | |
| Debt Service | 15,296,269 | - | 15,296,269 | | |
| Total Expenditures | 15,296,269 | - | 15,296,269 | | |
| <u>CAPITAL PROJECTS FUND</u> | | | | | |
| REVENUES | | | | | |
| Intergovernmental | 4,000,000 | 3,062,205 | 7,062,205 | | |
| Interest/Contribution | 2,500,000 | 2,000,000 | 4,500,000 | | |
| Bond Proceeds | 8,875,000 | 2,848,000 | 11,723,000 | | |
| Miscellaneous | - | - | - | | |
| Current Revenue | 15,375,000 | 7,910,205 | 23,285,205 | | |
| Transfer from Park Fund | 34,295,000 | 7,735,000 | 42,030,000 | | |
| Transfer from Recreation Fund | 10,000,000 | - | 10,000,000 | | |
| Transfer from Administration Fund | 30,000 | - | 30,000 | | |
| Use of Fund Balance | - | - | - | | |
| Total Sources | 59,700,000 | 15,645,205 | 75,345,205 | | |
| EXPENDITURES | | | | | |
| Park Acquisition & Development | 59,200,000 | 15,645,205 | 74,845,205 | | |
| Total Expenditures | 59,200,000 | 15,645,205 | 74,845,205 | | |
| Transfer to Park Fund | 500,000 | - | 500,000 | | |
| Total Expenditures and Uses | 59,700,000 | 15,645,205 | 75,345,205 | | |
| <u>ENTERPRISE FUND</u> | | | | | |
| REVENUES | | | | | |
| Charges for Service | 10,743,200 | - | 10,743,200 | | |
| Interest Income | 150,000 | - | 150,000 | | |
| Current Revenue | 10,893,200 | - | 10,893,200 | | |
| Transfers from Recreation Fund | 8,223,379 | (65,787) | 8,157,592 | | |
| Total Sources | 19,116,579 | (65,787) | 19,050,792 | | |
| EXPENDITURES | | | | | |
| Operations | 19,116,579 | (65,787) | 19,050,792 | 68.00 | 206.10 |
| Total Expenditures and Uses | 19,116,579 | (65,787) | 19,050,792 | | |
| Revenues Over/(Under) Expenditures | - | - | - | | |
| <u>SPECIAL REVENUE FUND</u> | | | | | |
| REVENUES | | | | | |
| Intergovernmental | 950,000 | - | 950,000 | | |
| Charges for Service | 6,929,641 | - | 6,929,641 | | |
| Interest Income | 25,000 | - | 25,000 | | |
| Miscellaneous | 187,522 | - | 187,522 | | |
| Current Revenue | 8,092,163 | - | 8,092,163 | | |
| Transfer from Administration Fund | - | - | - | | |
| Use of Fund Balance | 53,306 | - | 53,306 | | |
| Total Sources | 8,145,469 | - | 8,145,469 | | |
| EXPENDITURES | | | | | |
| Operations | 8,145,469 | - | 8,145,469 | | |
| Total Expenditures | 8,145,469 | - | 8,145,469 | | |
| Transfer to CIP | - | - | - | | |
| Total Expenditures and Uses | 8,145,469 | - | 8,145,469 | 0.00 | 264.80 |
| Revenues Over/(Under) Expenditures | - | - | - | | |
| TOTAL OPERATING BUDGET LESS RESERVES AND ALARF | 425,570,840 | 24,940,762 | 450,511,602 | 1,462.64 | 2,731.54 |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY20 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

| | FY20 Proposed Budget | Council Adjustments | FY20 Adopted Budget | Positions | Workyears |
|---|----------------------------|------------------------|---------------------------|-----------------|-----------------|
| <u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u> | | | | | |
| REVENUES | | | | | |
| Charges for Service | 2,042,927 | - | 2,042,927 | | |
| Debt Proceeds | 250,000 | - | 250,000 | | |
| Interest Income | 5,000 | - | 5,000 | | |
| Current Revenue | 2,297,927 | - | 2,297,927 | | |
| Use of Fund Balance | - | - | - | | |
| Total Sources | 2,297,927 | - | 2,297,927 | | |
| EXPENDITURES | | | | | |
| Operations | 273,290 | - | 273,290 | | |
| Debt Service | 113,600 | - | 113,600 | | |
| Total Expenditures | 386,890 | - | 386,890 | | |
| Revenues Over/(Under) Expenditures | 1,911,037 | - | 1,911,037 | | |
| Capital Equipment - Financed for Park & Rec | - | - | - | | |
| Capital Equipment - Financed for IT Initiatives | 250,000 | - | 250,000 | | |
| <u>CIO/CWIT INTERNAL SERVICE FUND</u> | | | | | |
| REVENUES | | | | | |
| Charges for Service | 2,417,808 | - | 2,417,808 | | |
| Debt Proceeds | - | - | - | | |
| Interest Income | - | - | - | | |
| Current Revenue | 2,417,808 | - | 2,417,808 | | |
| Use of Fund Balance | - | - | - | | |
| Total Sources | 2,417,808 | - | 2,417,808 | | |
| EXPENDITURES | | | | | |
| Operations | 2,327,718 | (2,855) | 2,324,863 | | |
| Debt Service | 78,674 | - | 78,674 | | |
| Total Expenditures | 2,406,392 | (2,855) | 2,403,537 | 3.50 | 3.50 |
| Revenues Over/(Under) Expenditures | 11,416 | 2,855 | 14,271 | | |
| Capital Equipment - Financed for IT Initiatives | - | - | - | | |
| <u>RISK MANAGEMENT INTERNAL SERVICE FUND</u> | | | | | |
| REVENUES | | | | | |
| Charges for Service | 3,141,800 | - | 3,141,800 | | |
| Claims Recovery | - | - | - | | |
| Interest Income | 250,000 | - | 250,000 | | |
| Current Revenue | 3,391,800 | - | 3,391,800 | | |
| Use of Fund Balance | 925,902 | (2,633) | 923,269 | | |
| Total Sources | 4,317,702 | (2,633) | 4,315,069 | | |
| EXPENDITURES | | | | | |
| Operations | 4,317,702 | (2,633) | 4,315,069 | 3.00 | 3.40 |
| Total Expenditures | 4,317,702 | (2,633) | 4,315,069 | | |
| Revenues Over/(Under) Expenditures | - | - | - | | |
| Total Prince George's County (including reserves, transfers) | 446,008,259 | 25,016,574 | 471,024,833 | 1,469.14 | 2,738.44 |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY20 ADOPTED BUDGET

COMMISSION-WIDE FUNDS

| | <u>FY20 Proposed Budget</u> | <u>Council Adjustments</u> | <u>FY20 Adopted Budget</u> | <u>Positions</u> | <u>Workyears</u> |
|--|-------------------------------------|--------------------------------|------------------------------------|------------------|------------------|
| <u>EXECUTIVE OFFICE INTERNAL SERVICE FUND</u> | | | | | |
| REVENUES | | | | | |
| Charges For Service | 1,352,000 | - | 1,352,000 | | |
| Interest Income | 25,000 | - | 25,000 | | |
| Current Revenue | 1,377,000 | - | 1,377,000 | | |
| Use of Fund Balance | 63,307 | (2,604) | 60,703 | | |
| Total Sources | 1,440,307 | (2,604) | 1,437,703 | | |
| EXPENDITURES | | | | | |
| Operating Expenses | 1,440,307 | (2,604) | 1,437,703 | 2.00 | 2.00 |
| Revenues Over/(Under) Expenditures | - | - | - | | |
| <u>GROUP HEALTH INSURANCE FUND</u> | | | | | |
| REVENUES | | | | | |
| Intergovernmental | 2,000,000 | - | 2,000,000 | | |
| Charges For Service | 60,665,271 | (2,000,000) | 58,665,271 | | |
| Interest Income | 200,000 | - | 200,000 | | |
| Total Sources | 62,865,271 | (2,000,000) | 60,865,271 | | |
| EXPENDITURES | | | | | |
| Operating Expenditures | 64,020,297 | (2,007,952) | 62,012,345 | | |
| Total Expenditure | 64,020,297 | (2,007,952) | 62,012,345 | 6.00 | 6.20 |
| Transfer to OPEB Trust Fund | - | - | - | | |
| Total Expenditure and Uses | 64,020,297 | (2,007,952) | 62,012,345 | | |
| Revenues Over/(Under) Expenditures | (1,155,026) | 7,952 | (1,147,074) | | |
| Total Commission-wide Funds | 65,460,604 | (2,010,556) | 63,450,048 | 8.00 | 8.20 |
| Montgomery County Funds | 249,564,671 | (6,268,177) | 243,296,494 | 1,041.86 | 1,107.81 |
| Prince George's County Funds | 446,008,259 | 25,016,574 | 471,024,833 | 1,469.14 | 2,738.44 |
| Commission-wide Funds | 65,460,604 | (2,010,556) | 63,450,048 | 8.00 | 8.20 |
| TOTAL ALL FUNDS (includes reserves) | 761,033,534 | 16,737,841 | 777,771,375 | 2,519.00 | 3,854.45 |



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

M-NCPPC Resolution No. 19-10

Fiscal Year 2020 Wage Adjustments for Non-Represented Merit System and Term Contract Employees (Merit Increase, Anniversary Pay Increment, Cost of Living Adjustment, and Other Adjustments)

WHEREAS, the Maryland-National Capital Park and Planning Commission (“Commission”) submitted its proposed Fiscal Year 2020 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 9, 2019, the joint County Councils reviewed and approved the Bi-County budget items allocable to both counties and authorized compensation and benefits adjustments within the total dollars proposed by the Commission;

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts a 1.5% Cost of Living Adjustment (“COLA”) for non-represented Merit System employees and Term Contract employees that are assigned to the General Service Pay Scale; and

BE IT FURTHER RESOLVED that effective on the first day of the first full pay period following July 1, 2019, the General Service, Select Career IT Pay Schedules, and Park Police Command Officers Pay Schedules shall be revised to reflect the increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that the Commission hereby adopts a maximum merit increase or anniversary pay increment (for Term Contract employees assigned to the General Service or Seasonal/Intermittent Pay Plan) of 3.5% for Fiscal Year 2020; and

BE IT FURTHER RESOLVED that the Commission hereby adopts a .5% lump sum payment to all non-represented Merit System employees (excluding Park Police Candidates), 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 these pay schedules shall be rescinded; 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 AS TO LEGAL SUFFICIENCY.

A handwritten signature in black ink, appearing to be "M. J. ...", written over a horizontal line.

6/12/19



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution No. 19-06

**Fiscal Year 2020 Wage Reopener Agreement for MCGEO Bargaining Unit Members
(Merit Increase, Cost of Living Adjustment, Longevity Increments, and
Limited Paid Time Off)**

WHEREAS, the Maryland-National Capital Park and Planning Commission (“Commission”) submitted its proposed Fiscal Year 2020 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;

WHEREAS, on May 9, 2019, the joint County Councils reviewed and approved the Bi-County budget items allocable to both counties and authorized compensation and benefits adjustments within the total dollars proposed by the Commission;

WHEREAS, §16-301, et seq., of the Land Use Article of the Annotated Code of Maryland requires the Commission to engage in collective bargaining for certain employees and under specified circumstances;

WHEREAS, eligible Commission employees are organized into the Service/Labor, Trades and Office Bargaining Units and have elected the Municipal and County Government Employees Organization/United Food and Commercial Workers Union, Local 1994 (“MCGEO”) to be their exclusive representative for the purpose of collective bargaining with the Commission;

WHEREAS, MCGEO has a Collective Bargaining Agreement with the Commission, adopted by Resolution 18-08 on April 10, 2018, *Approval of the Collective Bargaining Agreement for Service/Labor, Office and Trade Units*. This Agreement, which is effective July 1, 2018 through June 30, 2021 includes a requirement to participate in a reopener for certain adjustments to Fiscal Year 2020 compensation for its represented employees. and authorizes the Executive Director to take actions to effectuate its decision to approve and ratify the Agreement which includes revising the pay schedule.

WHEREAS, the Commission authorized the Executive Director to lead negotiations and take actions to effectuate its decision to approve and ratify the Agreement.


NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts Fiscal Year 2020 compensation adjustments for MCGEO members as follows:

- 1) Up to a 3.5% anniversary (Merit) pay increment for eligible employees effective the beginning of the pay period in which the assigned anniversary date occurs; and
- 2) 1.5% Cost of Living Adjustment ("COLA") effective the first full pay period after July 1, 2019; and
- 3) Modification of the current Longevity eligibility period from 20 years to 17 years (beginning of year 18) and increase of the Longevity from 3.0% to 3.25%. All other eligibility terms for the longevity remain as set forth in the Collective Bargaining Agreement; and
- 4) 24 hours of Paid Time Off Leave. This leave shall be used consistent with the agency's standard leave approval policies, must be used during the twelve months of Fiscal Year 2020, and cannot be accrued for future years.

BE IT FURTHER RESOLVED that effective on the first day of the first pay period following July 1, 2019, the MCGEO Bargaining Unit Pay Schedules shall be revised to reflect the increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of the pay schedule shall be rescinded; 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 AS TO LEGAL SUFFICIENCY,


M-NCPPC Legal Department
Date 6/12/19



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution No. 19-07

Fiscal Year 2020 Wage Agreement for FOP Bargaining Unit Members

WHEREAS, the Maryland-National Capital Park and Planning Commission (“Commission”) submitted its proposed Fiscal Year 2020 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;

WHEREAS, on May 9, 2019, the joint County Councils reviewed and approved the Bi-County budget items allocable to both counties and authorized compensation and benefits adjustments within the total dollars proposed by the Commission;

WHEREAS, §16-301, et seq., of the Land Use Article of the Annotated Code of Maryland requires the Commission to engage in collective bargaining for certain employees and under specified circumstances;

WHEREAS, eligible Commission employees are organized into the Park Police Bargaining Unit and have elected the Fraternal Order of Police Lodge No. 30 (“FOP”) to be their exclusive representative for the purpose of collective bargaining with the Commission;

WHEREAS, the FOP has a Collective Bargaining Agreement with the Commission, adopted by Resolution 17-14 on April 27, 2017, *Adoption of the Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30*, which is effective February 1, 2017 through January 31, 2020 (“Agreement”) that includes a requirement to participate in a reopener for certain adjustments to Fiscal Year 2020 compensation for its represented Park Police Officers.

WHEREAS, the Commission authorized the Executive Director to lead negotiations and take actions to effectuate its decision to approve and ratify the Agreement;

WHEREAS, the Commission and the FOP have now completed their Fiscal Year 2020 reopener negotiations and reached a Tentative Agreement as to certain compensation provisions.

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts Fiscal Year 2020 compensation adjustments for Park Police Officers serving in the Park Police Bargaining Unit as follows:

- 1) Up to 3.5% Merit (step) pay increment from step B through step O and a 2.5% Merit (step) pay increment for the Step P for PO-5 in the Agreement to be effective the first full pay period after an employee's anniversary date; and
- 2) 1.0% Cost of Living Adjustment ("COLA") in the Agreement to be effective the first full pay period after July 1, 2019; and
- 3) Modify the Additional Service Increments (ASIs) from 3.0% for ASI-1 to 3.5% and from 3.25% for ASI-2 to 3.5% effective the first full pay period after July 1, 2019; and
- 4) New 2.5% step increase; at Step P for PO2, PO3, and PO4 and at Step Q for PO5 effective the first full pay period after January 1, 2020.


BE IT FURTHER RESOLVED that effective on the first day of the first pay period following July 1, 2019, the Park Police Bargaining Unit Pay Schedule shall be revised to reflect the increase in compensation due to the COLA and changes to the ASI; and

BE IT FURTHER RESOLVED that effective on the first day of the first pay period following January 1, 2020, the Park Police Bargaining Unit Pay Schedule shall be revised to reflect the new steps; and

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of the pay schedule shall be rescinded; 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 AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department
Date 6/12/19



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

M-NCPPC Resolution No. 19-08

Fiscal Year 2020 Pay Increment Adjustments for Seasonal/Intermittent Employees

WHEREAS, the Maryland-National Capital Park and Planning Commission (“Commission”) submitted its proposed Fiscal Year 2020 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 9, 2019, the joint County Councils reviewed and approved the Bi-County budget items allocable to both counties and authorized compensation and benefits adjustments within the total dollars proposed by the Commission;

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

WHEREAS, Commission Practice 2-16 provides that Seasonal/Intermittent employees who are assigned to the Seasonal/Intermittent Aquatic Pay Plan or the “Base Rate of the Lowest Wage Adopted by the Commission Plus 50% of Class Revenue Structure” shall not receive anniversary pay increments or promotion pay increments; and

WHEREAS, Commission Administrative Procedures 00-02 sets the anniversary pay increment at 3.5% for Seasonal/Intermittent and Term Contract employees assigned to the General Service, 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 Fiscal Year 2020 for all Seasonal/Intermittent 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 AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 6/12/19

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution No. 19-09

Fiscal Year 2020 Cost of Living Adjustments for Park Police Candidates

WHEREAS, the Maryland-National Capital Park and Planning Commission (“Commission”) submitted its proposed Fiscal Year 2020 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;

WHEREAS, on May 9, 2019, the joint County Councils reviewed and approved the Bi-County budget items allocable to both counties and authorized compensation and benefits adjustments within the total dollars proposed by the Commission;

WHEREAS, §16-301, et seq., of the Land Use Article of the Annotated Code of Maryland requires the Commission to engage in collective bargaining for certain employees and under specified circumstances;

WHEREAS, eligible Commission employees are organized into the Park Police Bargaining Unit and have elected the Fraternal Order of Police Lodge No. 30 (“FOP”) to be their exclusive representative for the purpose of collective bargaining with the Commission;

WHEREAS, the FOP has a Collective Bargaining Agreement with the Commission, adopted by Resolution 17-14 on April 27, 2017, *Adoption of the Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30*, which is effective February 1, 2017 through January 31, 2020 (“Agreement”) that includes certain adjustments to Fiscal Year 2020 compensation for its represented Park Police Officers and the Resolution authorizes the Executive Director to take actions to effectuate its decision to approve and ratify the Agreement which includes revising the pay schedule;

WHEREAS, Park Police Candidates are non-represented Merit System employees, not subject to the Agreement;

WHEREAS, the Commission desires to maintain the percentage wage differential between its Park Police Candidates and Park Police Officers.


NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts a 1.50% Cost of Living Adjustment (“COLA”) to be effective the first full pay period after July 1, 2019 for Park Police Candidates; and

BE IT FURTHER RESOLVED that effective on the first day of the first pay period following July 1, 2019, the Park Police Candidate Pay Schedule shall be revised to reflect the increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that Park Police Candidates are only eligible for an anniversary (merit) pay increment after meeting the requirements for graduation from the academy in accordance with revised section 3.9 of the Agreement; and

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of these pay schedules shall be rescinded; 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 AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department
Date 6/12/19



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 19-04

FISCAL YEAR 2020 M-NCPPC
GROUP INSURANCE PLAN PREMIUM HOLIDAY

WHEREAS, the Maryland-National Capital Park and Planning Commission (the ("Commission")) provides a Group Insurance Plan ("Plan"), to its employees as a benefit of employment;

WHEREAS, the Commission expects to continue the Plan, but it is the Commission's position that there is no implied contract between employees and the Commission to do so, and reserves the right at any time and for any reason to amend or terminate the Plan, subject to the Commission's collective bargaining agreement(s);

WHEREAS, the Commission and each employee who participates in the Plan pay a share of the premiums, which varies by the classification and/or bargaining unit of the employee, for enrollment in the various benefits included in the Health Plan on a bi-weekly pay period basis and such payments are accounted for in the M-NCPPC Group Insurance Fund ("Fund");

WHEREAS, the Commission approved Resolution 18-08, *Adoption Of The Collective Bargaining Agreement For Service/Labor, Office And Trade Units*, which includes a provision that allows the Commission to implement a pay period premium payment holiday ("Holiday") in the event that the Fund's reserve balance exceeds a threshold of ten (10) percent (the "Threshold") and certain other conditions are met;

WHEREAS, the Fund's reserve balance, as determined by the Commission's review of the reserves in June 2018, currently exceeds the Threshold and is expected to exceed the Threshold at the time of the Commission's June 2019 review of the Fund reserves;

WHEREAS, the Commission finds it prudent and appropriate to implement one (1) Holiday in Fiscal Year 2020, during which the premiums for the medical plans and the prescription drug plan will not be deducted from employees' pay checks or require the payment of the employer portion of the premiums to be transferred into the Group Insurance Fund;

WHEREAS, the Secretary-Treasurer has projected that implementation of the one (1) Holiday would result in the use of approximately \$1.3 million of the Fund's excess reserves;

WHEREAS, the Secretary-Treasurer has projected that the Fund's reserve balance after the implementation of the one (1) Holiday will remain above the Threshold;

WHEREAS, the Commission acknowledges that Commission and M-NCPPC Employees' Retirement System ("ERS") employees who participate in the Plan but are not in the Service/Labor, Office and Trade Bargaining Units have also contributed to the excess reserves in the Fund and desires to treat such employees equitably by implementing the one (1) Holiday for all M-NCPPC and ERS employees that are enrolled in the medical and prescription plans and that are employed at the time the Holiday takes effect; and

WHEREAS, the exact date of the Holiday and applicable pay period shall be determined at a later date by the Executive Director and, employees shall be notified of such at least thirty (30) calendar days prior to the pay date of the Holiday.

NOW, THEREFORE BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby approves the implementation of one (1) Group Insurance Plan Premium Holiday for the medical and prescription plans in Fiscal Year 2020 for the employees' identified above; and

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.

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

5/21/19



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

June 19, 2019

To: Commissioners

From: John Kroll, Corporate Budget Director *JKK*

Subject: Budget Transfer for Reclassification Marker

As part of the FY19 budget process, we set aside a limited amount of funds to use, as needed, to cover any budget overages due to the on-going Commission-wide reclassification study. These funds were budgeted in the Non-Departmental section of each of the five main funds.

Use of these budgeted funds was to be requested if lapse savings was not sufficient to cover any increased expense.

Two departments have requested use of these funds: Montgomery Parks and the Office of the Inspector General.

Montgomery Parks, within the Park Development Division, for a total of \$154,390.
Office of Inspector General, for a total of \$20,000.

Please approve a budget transfer from the Non-Departmental section of the two Administration Funds and the MC Park Fund totaling \$174,390.

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

M-NCPPC RESOLUTION NO. 19-11

APPROVAL OF FISCAL YEAR 2020 EMPLOYER CONTRIBUTION
FOR RETIREE GROUP HEALTH INSURANCE

WHEREAS, the Maryland-National Capital Park and Planning Commission (the “Commission”) as “Plan Sponsor” entered into an Amended and Restated Post-Retirement Insurance Benefits Program Trust Agreement as of July 1, 2007 (“the Agreement”); and

WHEREAS, Section 1.1 of the Agreement states that the Plan Sponsor shall contribute such amounts as it deems necessary, in its sole discretion, from time to time, to meet its benefit obligations under the Group Health Insurance Plan (“Plan”). Contributions shall be made to the Trust Fund (“Section 115 Trust Fund”) on a periodic basis or in a lump-sum in the discretion of the Plan Sponsor. The Plan Sponsor shall not be required to make contributions unless (and only to the extent) it has obligated itself to do so by resolution; and

WHEREAS, although the Commission expects to continue the Group Health Insurance Plan (the “Plan”), it is the Commission’s position that there is no implied contract between employees and the Commission to do so and that the creation of a retiree health benefit was not the product of collective bargaining negotiations. Therefore, the Commission reserves the right at any time and for any reason to amend or terminate the Plan, subject to the needs of the Commission and subject to any applicable collective bargaining; and

WHEREAS, the Plan Sponsor engaged Bolton Partners, Inc. (“the Actuary”) to prepare a Retiree Healthcare Programs Actuarial Valuation as of July 1, 2018; and

WHEREAS, the Retiree Healthcare Programs Actuarial Valuation as of July 1, 2018 projected a Fiscal Year 2020 Plan Sponsor contribution consisting of \$7,133,000 for prefunding the Section 115 Trust Fund; and

WHEREAS, funding will come from the Commission and the Maryland-National Capital Park and Planning Commission Employees’ Retirement System (for its retirees) in the amounts of \$7,106,679 and \$26,321, respectively.

NOW THEREFORE, BE IT RESOLVED, that the Commission as Plan Sponsor approves a \$7,106,679 payment to the Section 115 Trust Fund; and

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.

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date

5/21/19



MEMO

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

TO: Maryland-National Capital Park and Planning Commission

FROM: Joseph C. Zimmerman, CPA, Secretary-Treasurer

SUBJECT: Request to spend FY 2019 Personnel Services savings (Updated)

DATE: June 10, 2019

ACTION REQUESTED: Board approval to spend salary lapse

The Department of Finance has revised its projections of lapsed salary to be approximately \$330,000. As previously discussed, I recommend that these funds be focused on critical, Commission Wide, information technology efforts. Most important among them is to adequately fund the replacement of the software supporting the budget development effort.

To that end, I would request your approval of a budget amendment to transfer \$300,000 to the Commission Wide Information Technology fund. Any unused funds can be allocated to other Commission Wide projects once the project is completed.

Funds remaining in the Finance Budget will be used as needed to position the department for fiscal 2020.

Thank you for your consideration.

CC: Mazen Chilet

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MEMORANDUM



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

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<http://ers.mncppc.org>
ERSBoard@mncppc.org

Andrea L. Rose
 Administrator

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
 Vice Chairman Gerald R. Cichy

Anju Bennett
 Melissa Ford
 Amy Millar
 Elaine Stookey

Howard Brown
 Pamela F. Gogol
 Sheila Morgan-Johnson
 Joseph C. Zimmerman, CPA

To: The Commission

Date: June 4, 2019

Via: Elizabeth M. Hewlett
 Chairman, ERS Board of Trustees

From: Andrea L. Rose, Administrator

Subject: Acknowledge Daniel Singh as the Montgomery County Open Trustee to the Board of Trustees for the term ending June 30, 2021

RECOMMENDATION

Acknowledge Daniel Singh as the Montgomery County Open Trustee to the Board of Trustees for the term ending June 30, 2021.

BACKGROUND

Due to the departure of Montgomery County Open Trustee Rick Liu, a Notice to All Montgomery County Commission Employees was placed in the *Update* Newsletter, on the ERS' website, and the Commission's Intranet site in March 2019. Employees interested in the Montgomery County Open Trustee seat on the ERS Board of Trustees for the remainder of the term ending June 30, 2021 were invited to submit an application by Friday, March 22, 2019.

Daniel Singh submitted an application and no other applications were received. Mr. Singh is determined to have won by acclamation. At its' June 4, 2019 meeting, the ERS Board of Trustees acknowledged Daniel Singh as the Montgomery County Open Trustee for the remainder for the term ending June 30, 2021.

As a Parks Activation Manager for Montgomery Parks, Mr. Singh's role is to bridge the priorities ranging from conservation of natural resources, foregrounding health/wellness goals, and fostering social equity issues. Mr. Singh has an MBA from Georgetown University and an MFA from the University of Maryland. He brings years of experience serving on non-profit boards or governing bodies and he is hopeful this experience will be useful as an ERS Trustee.

Thank you for your action.



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Sheila Morgan-Johnson
Joseph C. Zimmerman, CPA

To: The Commission

Date: June 4, 2019

Via: Elizabeth M. Hewlett
Chairman, ERS Board of Trustees

From: Andrea L. Rose, Administrator

Subject: Acknowledge the Re-Appointment of Amy Millar as the Municipal and County Government Employees' Organization Representative to the Board of Trustees for term ending June 30, 2022

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 the re-appointment of Amy Millar as the Municipal & County Government Employees' Organization ("MCGEO") Representative for the three-year term ending June 30, 2022.

BACKGROUND

In accordance with Section 2.1.5(d) of the Plan Document, MCGEO President, Gino Renne re-appointed Amy Millar to represent the union on the Board. At its June 4, 2019 meeting, the Board acknowledged Ms. Millar as the appointed MCGEO Representative for the term ending June 30, 2022.

Thank you for your action.



EMPLOYEES' RETIREMENT SYSTEM

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Andrea L. Rose
Administrator

BOARD OF TRUSTEES

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Sheila Morgan-Johnson
Joseph C. Zimmerman, CPA

To: The Commission

Date: June 4, 2019

Via: Elizabeth M. Hewlett
Chairman, ERS Board of Trustees

From: Andrea L. Rose, Administrator

Subject: **Acknowledge Howard Brown as the Fraternal Order of Police Representative to the ERS Board of Trustees for term ending June 30, 2022**

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 Howard Brown as the Fraternal Order of Police ("FOP") Representative Trustee for the three-year term ending June 30, 2022.

BACKGROUND

In accordance with Section 2.1.5(b) of the Plan Document, Howard Brown was selected to represent the FOP on the ERS Board. At its June 4, 2019 meeting, the Board acknowledged the selection of Mr. Brown as the FOP Representative for the term ending June 30, 2022.

Thank you for your action.



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

Item 5q

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Andrea L. Rose
 Administrator

BOARD OF TRUSTEES

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 Vice Chairman Gerald R. Cichy

Anju Bennett
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 Amy Millar
 Elaine Stookey

Howard Brown
 Pamela F. Gogol
 Sheila Morgan-Johnson
 Joseph C. Zimmerman, CPA

To: The Commission Date: June 4, 2019

Via: Elizabeth M. Hewlett
 Chairman, ERS Board of Trustees

From: Andrea L. Rose, Administrator

Subject: **Approve the Re-Appointment of Elizabeth M. Hewlett as the Prince George's County Commissioner to the Board of Trustees for the term ending June 30, 2022**

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 approve the re-appointment of Elizabeth M. Hewlett as the Prince George's County Commissioner to the Board of Trustees for a three-year term ending June 30, 2022.

BACKGROUND

At its May 23, 2019 meeting, the Prince George's County Planning Board approved the re-appointment of Ms. Hewlett as the Prince George's County Commissioner to the ERS Board of Trustees.

At its June 4, 2019 meeting, the Board acknowledged the re-appointment of Ms. Hewlett as the Prince George's County Commissioner for the term ending June 30, 2022.

Thank you for your action.

MEMORANDUM



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

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 Vice Chairman Gerald R. Cichy

Andrea L. Rose
 Administrator

Anju A. Bennett
 Melissa D. Ford
 Amy Millar
 Elaine Stookcy

Howard Brown
 Pamela F. Gogol
 Sheila Morgan-Johnson
 Joseph C. Zimmerman, CPA

TO: The Commission

Date: June 4, 2019

VIA: Elizabeth M. Hewlett *EMH*
 Chairman, Board of Trustees

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

SUBJECT: Recommendation for Approval of the FY2020 Operating Budget for the Employees' Retirement System

RECOMMENDATION

The Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS") respectfully submits the FY2020 Operating Budget for approval. The budget totals \$2,059,688 which is a 1.0% increase from FY2019.

BACKGROUND

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

In accordance with the Memorandum of Understanding dated February 11, 1982, the Board annually prepares and presents an operating budget setting forth projected expenditures for the operation of the ERS for the Commission's review and approval. The Board also prepares certain projected expenses, including banking, investment consulting and investment manager fees for the Commission's information. The Board monitors closely the fees and expenses from consultants and professional advisors.

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

ANALYSIS

The Board examined each expenditure category and its funding. The FY2020 Operating Budget (Attachment 1) proposes overall spending at \$2,059,688 based on the work program requirements reflected below. The FY2020 Operating Budget is an increase of 1.0% in spending from FY2019.

Personnel Services

The ERS staff consists of eight full-time employees. Due to retirement of one employee with accounting and network technology duties in FY2019, the FY2020 Operating Budget includes the addition of an accounting position to provide checks and balances and succession planning in the accounting area. The FY2020 Operating Budget also includes a placeholder for salary adjustments and potential position reclassifications due to the Commission's Classification and Compensation Study.

The employer pension contribution decreased from 15.22% in FY2019 to 11.28% in FY2020 for the defined benefit plan. OPEB costs are projected to increase by 18.3% from FY2019.

Other Services & Charges

This category nets to an overall increase of 1.8% and includes actuarial, auditing and tax consulting services, legal services, and education and training as detailed below.

Actuarial Services

Actuarial services are estimated at \$72,000 (a decrease of 10.5% from FY2019) and includes funding for the annual actuarial valuation, actuarial deficiency calculations for transfers, training, annual review of the investment and salary assumption, and additional work required for GASB Statement No. 67 and 68. The decrease in fees is primarily due to funding for an actuarial audit in FY2019 which is not required in FY2020.

Auditing & Tax Consulting Services

Auditing & Tax Consulting Services is projected at \$27,832 (an increase of 4.2% from FY2019) and includes funding for the annual audit, tax advice related to the ERS' alternative investments, review of all K-1s, and assistance in navigating the filing and disclosure requirements for the ERS' international investments.

Legal Services

Legal services for outside pension counsel are projected at \$165,000 (an increase of 13.8% from FY2019) and includes issues related to the new alternative investment structures, plan member issues, and maintenance of the ERS' tax qualified status. The robust funding for outside counsel affords the Administrator the flexibility to use outside counsel for specialized or high priority matters and for issues related to the increase in existing alternative investment structure.

Education & Training

Education & Training for the Board and Staff is important to maintain the highest standards of fiduciary responsibility. Training is budgeted at \$28,500 which is a 17.0% decrease from FY2019 due to a reduction in technical training for staff in FY2020.

Rent

The ERS reimburses the Commission for rent with no change from FY2019 to FY2020.

Chargebacks, Capital Outlay & Additional Information

The Commission's General Counsel's office provides legal services to the ERS in the areas of contract review and negotiation, litigation oversight, employee appeals and general plan advice. The ERS reimburses the General Counsel's Office through a chargeback of \$64,200 for these services.

Following the retirement of one ERS employee (who had been on loan to the Commission), the Board renegotiated the Memorandum of Understanding (MOU) with the Commission to provide the full range of technology services to the ERS for a chargeback of \$135,500 in FY2020.

In February 2018, the ERS issued a Pension Administration Software Request for Proposal (RFP) seeking proposals from qualified firms to provide a comprehensive pension administration system, document imaging solution and employee self-service web portal. The Personnel Committee support the addition of one staff person for the pension project and for the succession planning purposes of the Software Manager. Staff anticipate returning with a FY2020 budget amendment in the near term.

FY2020 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 the portfolio.

Attachments

1. FY2020 Operating Budget
2. FY2020 Investment Services

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

FY 2020 Operating Budget

| | FY2017 | FY2018 | FY 2019 | | FY 2020 | Variance | | |
|---|---------------------------|---------------------------|------------------|---------------------------|----------------------------|------------------|-----------------|---------------|
| | Actual as of 30-Jun-17 | Actual as of 30-Jun-18 | Budget | Actual as of 31-Mar-19 | Projected as of 6/30/19 | Proposed | Amount | % |
| PERSONNEL SERVICES: | | | | | | | | |
| SALARIES-FULL TIME | 884,097 | 911,861 | 982,026 | 632,025 | 872,799 | 852,995 | (129,031) | -13.1% |
| SALARIES-PART TIME | 0 | 0 | 0 | 0 | 0 | 70,000 | 70,000 | 0.0% |
| NON CAREER | 493 | 0 | 0 | 0 | 0 | 0 | 0 | 0.0% |
| TOTAL SALARIES | 884,590 | 911,861 | 982,026 | 632,025 | 872,799 | 922,995 | (59,031) | -6.0% |
| EMPLOYEE BENEFITS | 298,726 | 371,221 | 369,916 | 252,053 | 314,185 | 334,577 | (35,339) | -9.6% |
| OPEB BENEFITS | 13,749 | 15,312 | 22,257 | 22,250 | 22,250 | 26,321 | 4,064 | 18.3% |
| RETIREE BENEFITS | 7,653 | 22,605 | 8,043 | 14,494 | 14,494 | 22,393 | 14,350 | 178.4% |
| TOTAL BENEFITS | 320,128 | 409,138 | 400,216 | 288,796 | 350,929 | 383,291 | (16,925) | -4.2% |
| ACCRUED LEAVE | 2,785 | 11,834 | 12,767 | 0 | 12,767 | 12,627 | (140) | -1.1% |
| TOTAL PERSONNEL SERVICES | 1,207,603 | 1,332,633 | 1,395,009 | 920,821 | 1,236,485 | 1,318,913 | (76,096) | -5.5% |
| SUPPLIES & MATERIALS: | | | | | | | | |
| OFFICE SUPPLIES & FURNITURE | 3,880 | 5,961 | 6,500 | 2,227 | 4,000 | 6,500 | 0 | 0.0% |
| COMPUTER SUPPLIES | 3,131 | 7,762 | 11,825 | 0 | 0 | 10,000 | (1,825) | -15.4% |
| TOTAL SUPPLIES & MATERIALS | 7,011 | 13,724 | 18,325 | 2,227 | 4,000 | 16,500 | (1,825) | -10.0% |
| OTHER SERVICES & CHARGES: | | | | | | | | |
| PROFESSIONAL SERVICES: | | | | | | | | |
| Actuarial | 40,750 | 36,240 | 80,450 | 52,665 | 50,000 | 72,000 | (8,450) | -10.5% |
| Auditing & Tax Consulting | 21,295 | 23,346 | 26,700 | 12,541 | 26,700 | 27,832 | 1,132 | 4.2% |
| Legal | 59,050 | 77,945 | 145,000 | 23,181 | 70,000 | 165,000 | 20,000 | 13.8% |
| Computer Consulting | 13,050 | 3,600 | 22,500 | 1,116 | 3,600 | 23,195 | 695 | 3.1% |
| EDUCATION AND TRAINING | 25,139 | 13,859 | 34,350 | 6,714 | 16,000 | 28,500 | (5,850) | -17.0% |
| ADVERTISING | 760 | 974 | 1,000 | 0 | 0 | 1,000 | 0 | 0.0% |
| COMMUNICATIONS | 1,151 | 0 | 1,500 | 0 | 1,500 | 1,500 | 0 | 0.0% |
| POSTAGE | 4,103 | 3,530 | 5,000 | 0 | 5,000 | 5,000 | 0 | 0.0% |
| INSURANCE | 43,945 | 44,815 | 47,070 | 41,987 | 46,024 | 48,345 | 1,275 | 2.7% |
| MEMBERSHIPS AND SUBSCRIPTIONS | 1,965 | 2,275 | 2,485 | 2,050 | 2,485 | 3,000 | 515 | 20.7% |
| MISCELLANEOUS SERVICES: | | | | | | | | |
| Contractual Services | 0 | 0 | 0 | 275 | 275 | 0 | 0 | 0.0% |
| Payroll Services | 3,669 | 3,866 | 4,280 | 3,197 | 4,280 | 4,280 | 0 | 0.0% |
| RENT: | | | | | | | | |
| Office | 98,015 | 108,680 | 108,680 | 81,510 | 108,680 | 108,680 | 0 | 0.0% |
| Copier | 3,588 | 4,471 | 5,000 | 0 | 5,000 | 5,000 | 0 | 0.0% |
| MAINTENANCE/LICENSING | 31,604 | 26,349 | 26,800 | 26,215 | 26,800 | 26,743 | (57) | -0.2% |
| OTHER | 2,655 | 3,071 | 4,310 | 2,822 | 4,310 | 4,500 | 190 | 4.4% |
| TOTAL OTHER SERVICES & CHARGES | 348,739 | 353,021 | 515,125 | 254,271 | 369,654 | 524,575 | 9,450 | 1.8% |
| CHARGEBACKS-M-NCPPC: | | | | | | | | |
| CHARGEBACKS-FINANCE | 47,200 | 47,200 | 47,200 | 67,750 | 67,750 | 135,500 | 88,300 | 167.1% |
| CHARGEBACKS-LEGAL | 64,200 | 64,200 | 64,200 | 64,200 | 64,200 | 64,200 | 0 | 0.0% |
| TOTAL CHARGEBACKS | 111,400 | 111,400 | 111,400 | 131,950 | 131,950 | 199,700 | 88,300 | 79.3% |
| CAPITAL OUTLAY: | | | | | | | | |
| TOTAL CAPITAL OUTLAY | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.0% |
| TOTAL | 1,674,654 | 1,810,777 | 2,039,859 | 1,309,269 | 1,742,099 | 2,059,688 | 19,829 | 1.0% |

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

FY 2020 Investment Services

| | <u>Actual</u> | <u>Actual</u> | <u>Estimated</u> | <u>Estimated</u> | <u>Estimated</u> |
|---------------------------------------|---------------------|---------------------|---------------------|-----------------------------|-------------------|
| | <u>FY 2017</u> | <u>FY 2018</u> | <u>FY 2019</u> | <u>FY 2020</u> | <u>% Increase</u> |
| Bank Custodial Services | \$ 296,599 | \$ 298,739 | \$ 307,701 | \$ 316,932 | 3.00% |
| Investment Consulting Services | \$ 198,900 | \$ 193,000 | \$ 198,540 | \$ 204,496 | 3.00% |
| Investment Management Services | \$ 3,180,042 | \$ 3,004,905 | \$ 3,446,204 | \$ 3,683,992 ⁽¹⁾ | |
| Total | <u>\$ 3,675,541</u> | <u>\$ 3,496,644</u> | <u>\$ 3,952,445</u> | <u>\$ 4,205,420</u> | |

(1) Investment manager fees fluctuate based on the market value of the portfolio.


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AAB19-042

6/11/19

To: The Commission

From: Anju Bennett, Acting Executive Director 

Joseph Zimmerman, Secretary Treasurer

Re: **Adjustment of Stipend for Public Members on the Employees' Retirement System Board of Trustees**

Recommended Action

The Maryland-National Capital Park and Planning Commission's Employees' Retirement System (ERS) is governed by a Board of Trustees which consists of 11 appointed and elected members. Two of these are public members who are appointed by the Commission, based on a review of qualifications and expertise on matters which come before the Board of Trustees.

While Trustees serve without compensation, in 1982, the Commission approved the use of a stipend (or per diem expense allowance) for the two public members. This stipend presently covers public member participation at regular and special Board meetings. This stipend has been adjusted periodically and has been \$125 per meeting since 2014. We are recommending the Commission increase the per diem allowance from \$125 to \$150 per meeting to cover regular, special board meetings, and subcommittee meetings.

The ERS Board of Trustees meets approximately 10 times a year, with approximately 6 subcommittee meetings, bringing the yearly expense stipend to approximately \$2400. The meeting stipend would be paid only for meetings attended. The ERS Administrator met with the Acting Executive Director, Secretary-Treasurer and the Chair of the Board of Trustees, all of whom support this change, as participation of public members is very beneficial to the Board, as is the ability to attract and retain skilled participants on the Board.

With the Commission's support, we will work with the ERS Administrator to implement the change to appropriate ERS Board of Trustees participation documents.

Background

The Board of Trustees serve as fiduciaries for the Employees' Retirement System. There are 11 appointed and elected members on the Board of Trustees. The Board is comprised of Commissioners from both Planning Boards, the Executive Director, the Secretary-Treasurer, one representative from each of the two Unions, and open Trustees representing departmental employees. Open and public members serve three-year terms.

On average, the Board meets 10 times per year. Trustees may also serve on one of three subcommittees which may meet up to six times per year. In accordance with the Trust Agreement between the Board and the Commission, all trustees serve without compensation; though, the reimbursement of expenses is permissible.

The Commissioners, Executive Director, Secretary-Treasurer, Open Trustees from operating departments, and two Union representatives attend ERS meetings during their normal work hours and do not receive an expense reimbursement for meetings. The remaining two Trustees are public member positions (one each from Montgomery and Prince George's counties) which the Commission supported providing a per diem expense allowance. It should be noted the two current Public Members hold other full-time positions from which they must use their own leave to attend ERS meetings.

Prior to 2008, the ERS had a portfolio consisting primarily of equities and fixed income. Following the unprecedented 2008/2009 financial market crisis, the responsibilities of the Board became significantly more complex. The Board is required to make strategic decisions on investments, implement new regulations, and carry out the selection and increased oversight of investment managers. The time commitments have grown, as meetings typically last 3 hours. The nature of the Board's review, particularly with respect to review of investment recommendations, actuarial recommendations, and pension oversight, requires strong investment/market and governance experience. Having the ability to attract, appoint and retain highly skilled public members is invaluable.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF MAY 2019**

| | <u>31 - 60 DAYS</u> | | <u>61 - 90 DAYS</u> | | <u>91 + DAYS</u> | | <u>DEPARTMENT TOTALS</u> | |
|--|-----------------------------|---------------|---------------------|---------------|------------------|---------------|--------------------------|---------------|
| | <u>Apr-19</u> | <u>May-19</u> | <u>Apr-19</u> | <u>May-19</u> | <u>Apr-19</u> | <u>May-19</u> | <u>Apr-19</u> | <u>May-19</u> |
| | CHAIRMAN, MONTGOMERY COUNTY | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CHARIMAN, PRINCE GEORGE'S COUNTY | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OFFICE OF CIO | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| OFFICE OF INSPECTOR GENERAL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| EXECUTIVE COMMITTEE/CHAIRS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DEPT. OF HUMAN RESOURCES & MGT. | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| LEGAL DEPARTMENT | 2 | 1 | 0 | 1 | 1 | 0 | 3 | 2 |
| FINANCE DEPARTMENT | 2 | 2 | 1 | 1 | 0 | 1 | 3 | 4 |
| PRINCE GEORGE'S PLANNING | 4 | 2 | 0 | 1 | 0 | 0 | 4 | 3 |
| PRINCE GEORGE'S PARKS & RECREATION | 18 | 21 | 0 | 0 | 0 | 0 | 18 | 21 |
| MONTGOMERY COUNTY PARKS | 16 | 20 | 2 | 3 | 2 | 1 | 20 | 24 |
| MONTGOMERY COUNTY PLANNING | 5 | 11 | 2 | 2 | 0 | 1 | 7 | 14 |
| **DEPARTMENT TOTAL BY DAYS LATE** | 48 | 58 | 5 | 8 | 3 | 3 | | |
| COMMISSION-WIDE TOTAL | | | | | | | 56 | 69 |

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.

Item 6a.

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

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

June 10, 2019

TO: Commissioners

VIA: Anju A. Bennett, Acting Executive Director 

FROM: Joseph C. Zimmerman, Secretary/Treasurer 

SUBJECT: MFD Purchasing Statistics— Third Quarter FY19

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

Some of the observations of this FY19 report include:

- Attachment A indicates that through the Third Quarter of FY19, the Commission procured approximately \$69.9 million in goods, professional services, construction and miscellaneous services. Approximately 21.0% or \$14.6 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the Third Quarter MFD utilization was 14.6%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the Third Quarter of FY19 was 28.4%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the Third Quarter are 25.6% and 11.0%, respectively.
- Attachment D presents the FY19 activity for the Purchase Card program totaling approximately \$10.5 million of which approximately 1.1% was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 15% of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail

corporations when a quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to Third Quarter FY19.
- Attachments F & G show the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analysis, MFD vendors do appear to be participating, at an overall rate of 12.9% in informal (under \$30,000) and 25.9% in the formal (over \$30,000) procurements. For transactions under \$10k, MFD participation is 10.1%. MFD vendors are participating at an overall rate of 23.4% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$69.8 million in total procurement, \$41.1 million was procured from Maryland vendors. Of the \$14.6 million in procurement from MFD vendors, \$10.5 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Native American and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated February 8, 2017.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 1.4% of total procurement.

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

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2019
FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment A

| | <u>Procurement</u> | | <u>Waivers</u> | | <u>Procurement</u> | |
|---|----------------------|-----------|------------------|----------------|----------------------|--------------|
| | <u>Total \$</u> | | <u>Total \$</u> | <u>Total #</u> | <u>MFD \$</u> | <u>%</u> |
| <u>Prince George's County</u> | | | | | | |
| Commissioners' Office | \$ 63,750 | \$ | - | - | \$ 9,188 | 14.4% |
| Planning Department | 1,085,978 | | - | - | 393,715 | 36.3% |
| Parks and Recreation Department | 34,724,463 | | 368,153 | 4 | 8,883,151 | 25.6% |
| Total | 35,874,191 | | 368,153 | 4 | 9,286,054 | 25.9% |
| <u>Montgomery County</u> | | | | | | |
| Commissioners' Office | 12,466 | | 26,035 | 1 | - | 0.0% |
| Planning Department | 1,172,093 | | - | - | 512,218 | 43.7% |
| Parks Department | 30,156,937 | | 379,655 | 4 | 3,327,636 | 11.0% |
| Total | 31,341,496 | | 405,690 | 5 | 3,839,854 | 12.3% |
| <u>Central Administrative Services</u> | | | | | | |
| Dept. of Human Resources and Mgt. | 562,359 | | - | - | 90,709 | 16.1% |
| Finance Department | 409,389 | | - | 1 | 299,139 | 73.1% |
| Legal Department | 61,722 | | 175,000 | 1 | 2,712 | 4.4% |
| Merit Board | 73 | | - | - | - | 0.0% |
| Office of Chief Information Officer | 1,623,440 | | 87,220 | 1 | 1,128,913 | 69.5% |
| Office of Inspector General | 10,605 | | - | - | - | 0.0% |
| Total | 2,667,588 | | 262,220 | 3 | 1,521,473 | 57.0% |
| Grand Total | \$ 69,883,275 | \$ | 1,036,063 | 12 | \$ 14,647,381 | 21.0% |

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

Prepared by Finance Department
June 7, 2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2019

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

| | SEPTEMBER | DECEMBER | MARCH | JUNE |
|---|--------------|--------------|--------------|------|
| <u>Prince George's County</u> | | | | |
| Commissioners' Office | 3.5% | 5.0% | 14.4% | |
| Planning Department | 40.6% | 29.4% | 36.3% | |
| Parks and Recreation Department | 31.4% | 29.5% | 25.6% | |
| Total | 31.4% | 29.4% | 25.9% | |
| <u>Montgomery County</u> | | | | |
| Commissioners' Office | 0.0% | 0.0% | 0.0% | |
| Planning Department | 32.8% | 49.9% | 43.7% | |
| Parks Department | 9.0% | 11.3% | 11.0% | |
| Total | 9.7% | 12.6% | 12.3% | |
| <u>Central Administrative Services</u> | | | | |
| Dept. of Human Resources and Mgt. | 14.1% | 21.8% | 16.1% | |
| Finance Department | 5.2% | 77.6% | 73.1% | |
| Legal Department | 14.4% | 12.6% | 4.4% | |
| Merit Board | 0.0% | 0.0% | 0.0% | |
| Office of Chief Information Officer | 14.9% | 76.6% | 69.5% | |
| Office of Inspector General | 0.0% | 0.0% | 0.0% | |
| Total | 13.1% | 66.1% | 57.0% | |
| Grand Total | 22.8% | 23.6% | 21.0% | |

ACTIVITY BY QUARTER

| | FIRST QUARTER | SECOND QUARTER | THIRD QUARTER | FOURTH QUARTER | TOTAL |
|---|------------------|-------------------|------------------|-------------------|--------------|
| <u>Prince George's County</u> | | | | | |
| Commissioners' Office | 3.5% | 7.9% | 39.1% | | 14.4% |
| Planning Department | 40.6% | 26.5% | 54.8% | | 36.3% |
| Parks and Recreation Department | 31.4% | 26.6% | 16.5% | | 25.6% |
| Total | 31.4% | 26.5% | 17.6% | | 25.9% |
| <u>Montgomery County</u> | | | | | |
| Commissioners' Office | 0.0% | 0.0% | 0.0% | | 0.0% |
| Planning Department | 32.8% | 59.6% | 31.3% | | 43.7% |
| Parks Department | 9.0% | 12.9% | 10.5% | | 11.0% |
| Total | 9.7% | 14.7% | 11.4% | | 12.3% |
| <u>Central Administrative Services</u> | | | | | |
| Dept. of Human Resources and Mgt. | 14.1% | 25.1% | 2.4% | | 16.1% |
| Finance Department | 5.2% | 95.2% | 20.9% | | 73.1% |
| Legal Department | 14.4% | 9.5% | 0.0% | | 4.4% |
| Merit Board | 0.0% | 0.0% | 0.0% | | 0.0% |
| Office of Chief Information Officer | 14.9% | 93.1% | 14.8% | | 69.5% |
| Office of Inspector General | 0.0% | 0.0% | 0.0% | | 0.0% |
| Total | 13.1% | 81.9% | 9.0% | | 57.0% |
| Grand Total | 22.8% | 24.3% | 14.6% | | 21.0% |

Prepared by Finance Department
June 7, 2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

BY MAJOR PROCUREMENT CATEGORY

FY 2019

FOR NINE MONTHS ENDED MARCH 31, 2019

ATTACHMENT C

| | Grand Total | Montgomery Planning | Montgomery Parks | Pr. Geo. Parks & Recreation | Pr. Geo. Planning | Dept. of Human Resources | Finance Dept. | Legal Dept. | Office of Chief Information |
|---------------------------------------|---------------|---------------------|------------------|-----------------------------|-------------------|--------------------------|---------------|-------------|-----------------------------|
| Goods: | | | | | | | | | |
| Total \$ | \$ 23,346,947 | \$ 222,245 | \$ 9,654,213 | \$ 12,720,188 | \$ 162,923 | \$ 62,968 | \$ 350,620 | \$ 15,281 | \$ 158,509 |
| MFD \$ | \$ 1,837,640 | \$ 50,648 | \$ 213,807 | \$ 1,109,391 | \$ 36,576 | \$ 2,155 | \$ 299,139 | \$ 1,590 | \$ 124,334 |
| Percentage | 7.9% | 22.8% | 2.2% | 8.7% | 22.4% | 3.4% | 85.3% | 10.4% | 78.4% |
| Miscellaneous Services: | | | | | | | | | |
| Total \$ | \$ 11,974,212 | \$ 726,152 | \$ 3,440,592 | \$ 5,641,019 | \$ 609,325 | \$ 244,804 | \$ 58,769 | \$ 26,805 | \$ 1,226,746 |
| MFD \$ | \$ 2,944,343 | \$ 302,817 | \$ 634,275 | \$ 923,573 | \$ 66,879 | \$ 13,305 | \$ 0 | \$ 415 | \$ 1,003,079 |
| Percentage | 24.6% | 41.7% | 18.4% | 16.4% | 11.0% | 5.4% | 0.0% | 1.5% | 81.8% |
| Professional Services: | | | | | | | | | |
| Total \$ | \$ 4,686,215 | \$ 166,932 | \$ 1,313,260 | \$ 2,521,340 | \$ 298,667 | \$ 129,695 | \$ 0 | \$ 19,636 | \$ 236,685 |
| MFD \$ | \$ 1,398,601 | \$ 137,041 | \$ 258,473 | \$ 704,020 | \$ 290,260 | \$ 8,100 | \$ 0 | \$ 707 | \$ 0 |
| Percentage | 29.8% | 82.1% | 19.7% | 27.9% | 97.2% | 6.2% | 0.0% | 3.6% | 0.0% |
| Construction: | | | | | | | | | |
| Total \$ | \$ 29,789,007 | \$ 56,764 | \$ 15,748,872 | \$ 13,841,916 | \$ 15,063 | \$ 124,892 | \$ 0 | \$ 0 | \$ 1,500 |
| MFD \$ | \$ 8,457,609 | \$ 21,712 | \$ 2,221,081 | \$ 6,146,167 | \$ 0 | \$ 67,149 | \$ 0 | \$ 0 | \$ 1,500 |
| Percentage | 28.4% | 38.2% | 14.1% | 44.4% | 0.0% | 53.8% | 0.0% | 0.0% | 100.0% |
| SUBTOTAL | | | | | | | | | |
| Total \$ | \$ 69,796,381 | \$ 1,172,093 | \$ 30,156,937 | \$ 34,724,463 | \$ 1,085,978 | \$ 562,359 | \$ 409,389 | \$ 61,722 | \$ 1,623,440 |
| MFD \$ | \$ 14,638,193 | \$ 512,218 | \$ 3,327,636 | \$ 8,883,151 | \$ 393,715 | \$ 90,709 | \$ 299,139 | \$ 2,712 | \$ 1,128,913 |
| Percentage | 21.0% | 43.7% | 11.0% | 25.6% | 36.3% | 16.1% | 73.1% | 4.4% | 69.5% |
| Pr. Geo. Commissioners' Office | | | | | | | | | |
| Total \$ | \$ 63,750 | | | | | | | | |
| MFD \$ | \$ 9,188 | | | | | | | | |
| Percentage | 14.4% | | | | | | | | |
| Mont. Commissioners' Office | | | | | | | | | |
| Total \$ | \$ 12,466 | | | | | | | | |
| MFD \$ | \$ 0 | | | | | | | | |
| Percentage | 0.0% | | | | | | | | |
| Merit Board | | | | | | | | | |
| Total \$ | \$ 73 | | | | | | | | |
| MFD \$ | \$ 0 | | | | | | | | |
| Percentage | 0.0% | | | | | | | | |
| Office of Inspector General | | | | | | | | | |
| Total \$ | \$ 10,605 | | | | | | | | |
| MFD \$ | \$ 0 | | | | | | | | |
| Percentage | 0.0% | | | | | | | | |
| GRAND TOTAL \$ | \$ 69,883,275 | | | | | | | | |
| MFD \$ | \$ 14,647,381 | | | | | | | | |
| Percentage | 21.0% | | | | | | | | |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2019
FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment D

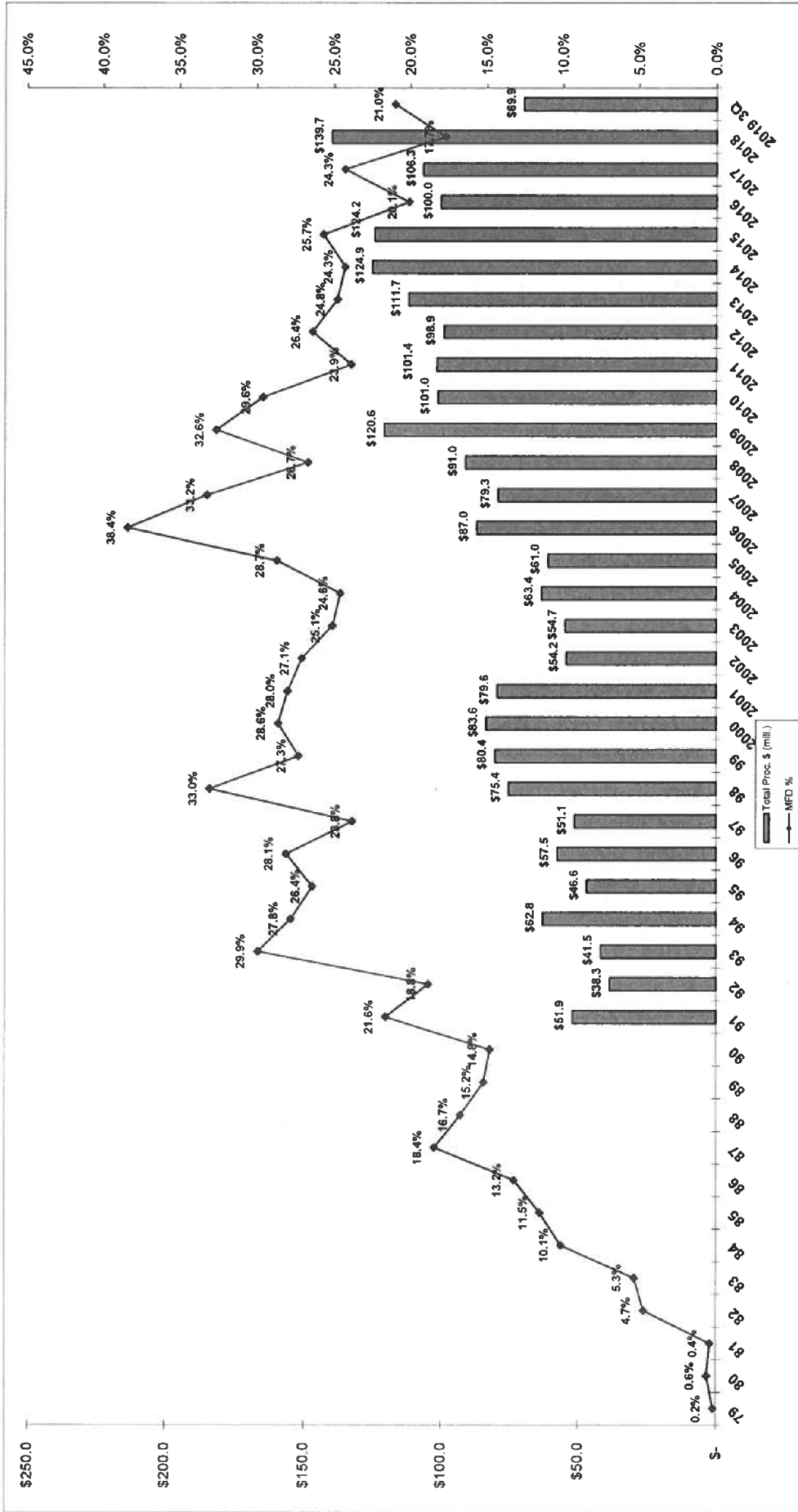
| | Total Procurement | | Purchase Card Procurement | |
|---|--------------------------|--------------|----------------------------------|--------------|
| | Total \$ | MFD % | Total \$ | MFD % |
| <u>Prince George's County</u> | | | | |
| Commissioners' Office | \$ 63,750 | 14.4% | \$ 30,314 | 16.9% |
| Planning Department | 1,085,978 | 36.3% | 103,596 | 0.0% |
| Parks and Recreation Department | 34,724,463 | 25.6% | 5,449,108 | 1.0% |
| Total | 35,874,191 | 25.9% | 5,583,018 | 1.1% |
| <u>Montgomery County</u> | | | | |
| Commissioners' Office | 12,466 | 0.0% | 7,543 | 0.0% |
| Planning Department | 1,172,093 | 43.7% | 178,009 | 0.0% |
| Parks Department | 30,156,937 | 11.0% | 4,570,941 | 1.2% |
| Total | 31,341,496 | 12.3% | 4,756,493 | 1.2% |
| <u>Central Administrative Services</u> | | | | |
| Dept. of Human Resources and Mgt. | 562,359 | 16.1% | 52,292 | 0.0% |
| Finance Department | 409,389 | 73.1% | 45,548 | 0.0% |
| Legal Department | 61,722 | 4.4% | 21,290 | 1.9% |
| Merit Board | 73 | 0.0% | - | 0.0% |
| Office of Chief Information Officer | 1,623,440 | 69.5% | 26,156 | 0.0% |
| Office of Inspector General | 10,605 | 0.0% | 10,451 | 0.0% |
| Total | 2,667,588 | 57.0% | 155,737 | 0.3% |
| Grand Total | \$ 69,883,275 | 21.0% | \$ 10,495,248 | 1.1% |

Percentage of Purchase Card Procurement to Total Procurement **15.0%**

Prepared by Finance Department
June 7, 2019

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

Attachment E



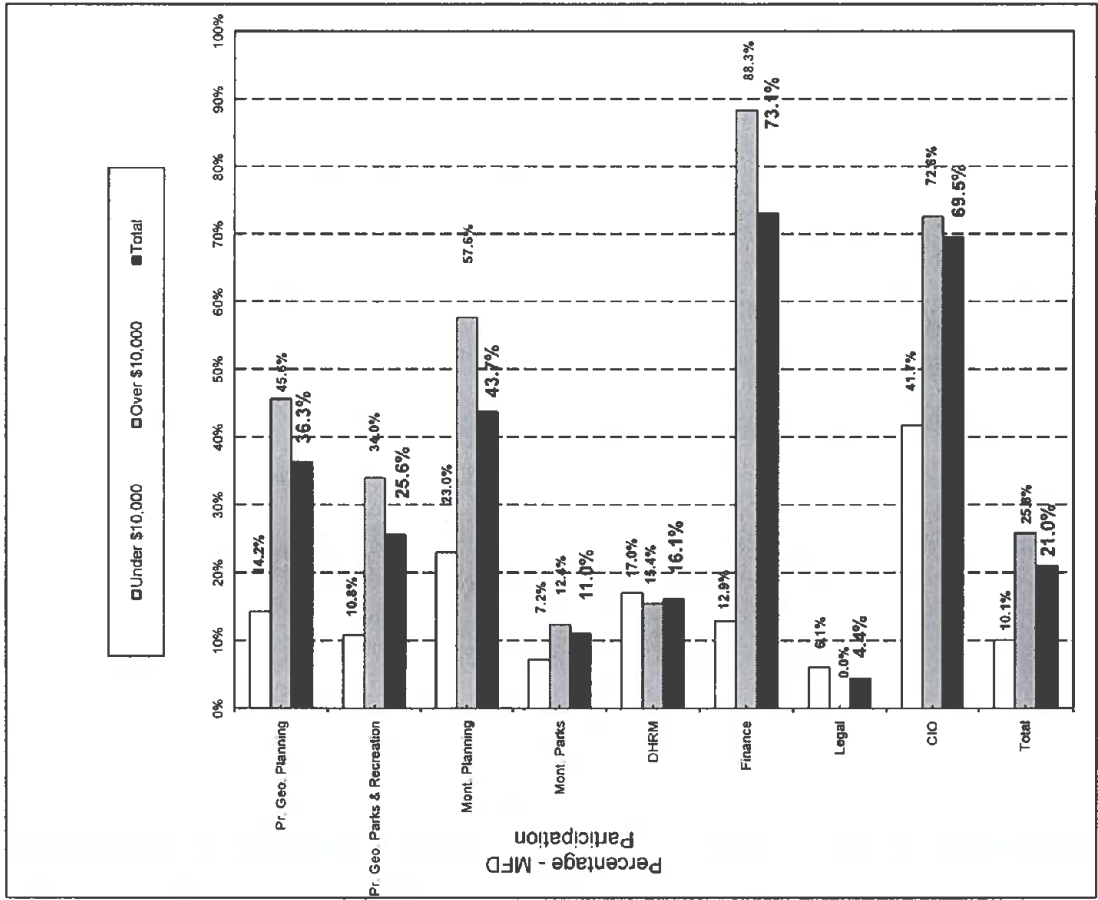
Prepared by Finance Department
 June 7, 2019

The Maryland-National Capital Park and Planning Commission

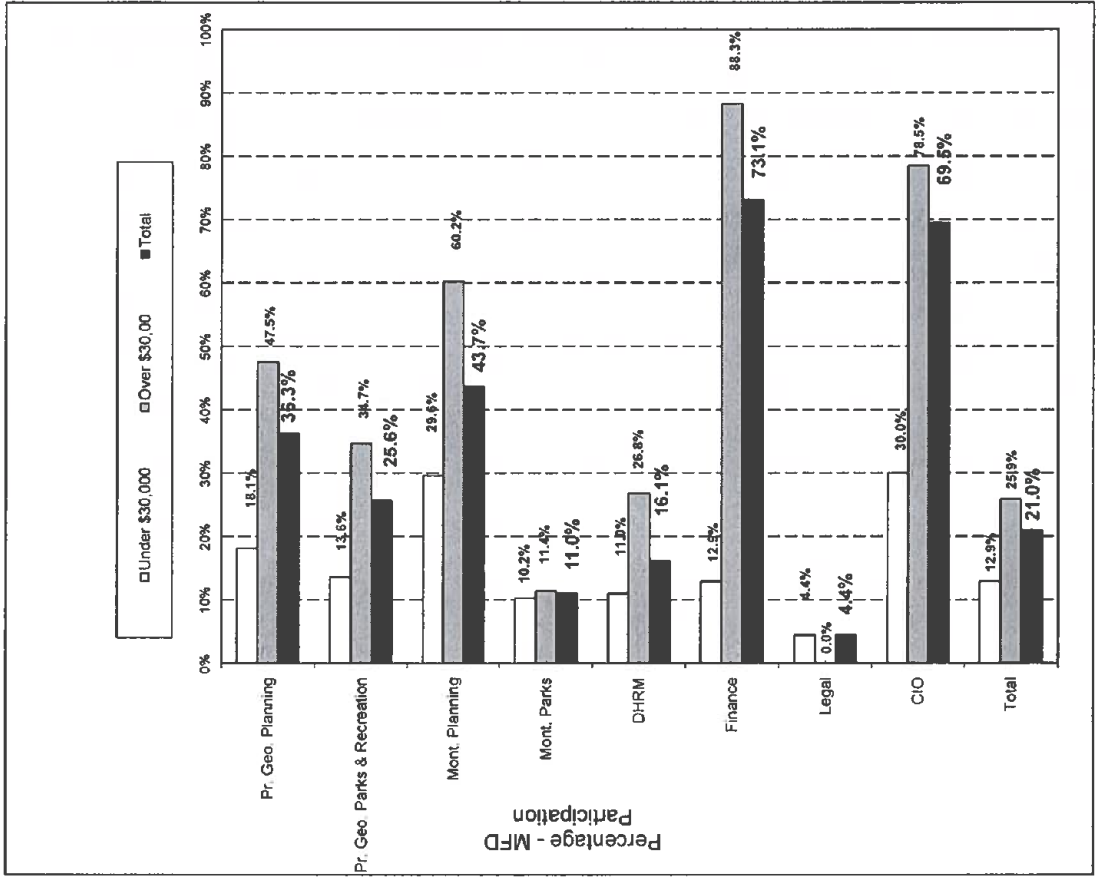
MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %

FY 2019 3Q

Under/Over \$10,000

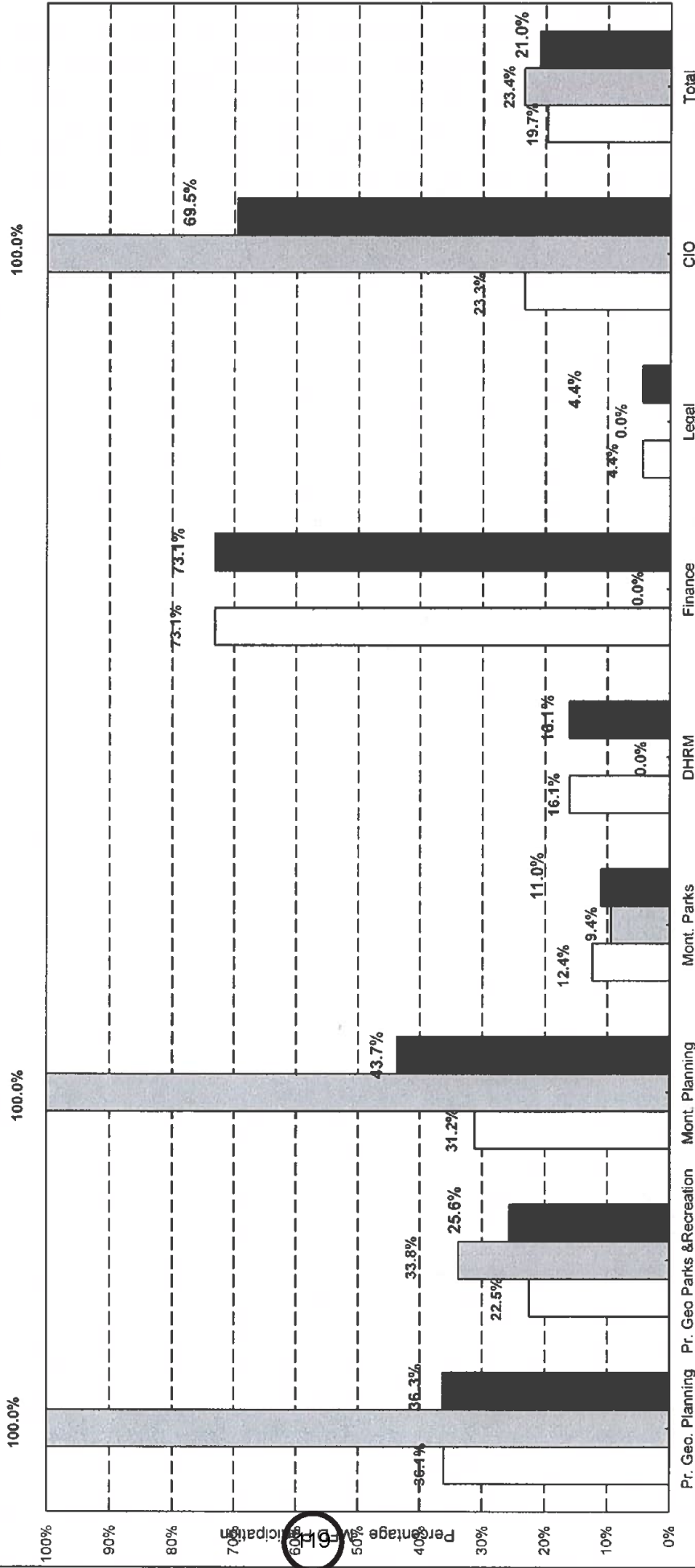


Under/Over \$30,000



Attachment G

The Maryland-National Capital Park and Planning Commission MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total % FY 2019 3Q



Prepared by Finance Department
June 7, 2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Amount of Procurement and Number of Vendors by Location

FY 2019

FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment H

TOTAL of ALL VENDORS

| <u>Location</u> | <u>Procurement</u> | | <u>Number of Vendors</u> | |
|----------------------------|----------------------|-------------------|--------------------------|-------------------|
| | <u>Amount</u> | <u>Percentage</u> | <u>Number</u> | <u>Percentage</u> |
| Montgomery County | \$ 13,918,129 | 19.9% | 270 | 16.1% |
| Prince George's County | 10,849,383 | 15.5% | 481 | 28.8% |
| Subtotal | 24,767,512 | 35.4% | 751 | 44.9% |
| Maryland - other locations | 16,370,212 | 23.4% | 292 | 17.5% |
| Total Maryland | 41,137,724 | 58.8% | 1,043 | 62.4% |
| District of Columbia | 972,784 | 1.4% | 95 | 5.7% |
| Virginia | 2,848,443 | 4.1% | 129 | 7.7% |
| Other Locations | 24,924,324 | 35.7% | 405 | 24.2% |
| Total | <u>\$ 69,883,275</u> | <u>100.0%</u> | <u>1,672</u> | <u>100.0%</u> |

TOTAL of Non-MFD Vendors

| <u>Location</u> | <u>Procurement</u> | | <u>Number of Vendors</u> | |
|----------------------------|----------------------|-------------------|--------------------------|-------------------|
| | <u>Amount</u> | <u>Percentage</u> | <u>Number</u> | <u>Percentage</u> |
| Montgomery County | \$ 11,454,350 | 20.7% | 212 | 15.8% |
| Prince George's County | 6,514,277 | 11.8% | 360 | 26.9% |
| Subtotal | 17,968,627 | 32.5% | 572 | 42.7% |
| Maryland - other locations | 12,705,685 | 23.0% | 236 | 17.6% |
| Total Maryland | 30,674,312 | 55.5% | 808 | 60.3% |
| District of Columbia | 830,169 | 1.5% | 63 | 4.7% |
| Virginia | 2,550,794 | 4.6% | 99 | 7.4% |
| Other Locations | 21,180,619 | 38.4% | 370 | 27.6% |
| Total | <u>\$ 55,235,894</u> | <u>100.0%</u> | <u>1,340</u> | <u>100.0%</u> |

TOTAL of MFD Vendors

| <u>Location</u> | <u>Procurement</u> | | <u>Number of Vendors</u> | |
|----------------------------|----------------------|-------------------|--------------------------|-------------------|
| | <u>Amount</u> | <u>Percentage</u> | <u>Number</u> | <u>Percentage</u> |
| Montgomery County | \$ 2,463,779 | 16.8% | 58 | 17.5% |
| Prince George's County | 4,335,106 | 29.6% | 121 | 36.5% |
| Subtotal | 6,798,885 | 46.4% | 179 | 54.0% |
| Maryland - other locations | 3,664,527 | 25.0% | 56 | 16.9% |
| Total Maryland | 10,463,412 | 71.4% | 235 | 70.9% |
| District of Columbia | 142,615 | 1.0% | 32 | 9.6% |
| Virginia | 297,649 | 2.0% | 30 | 9.0% |
| Other Locations | 3,743,705 | 25.6% | 35 | 10.5% |
| Total | <u>\$ 14,647,381</u> | <u>100.0%</u> | <u>332</u> | <u>100.0%</u> |

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

| | <u>Total Procurement</u> | | <u>MFD Procurement</u> | |
|------------------------|--------------------------|-------------------|------------------------|-------------------|
| | <u>Amount</u> | <u>Percentage</u> | <u>Amount</u> | <u>Percentage</u> |
| Prince George's County | \$ 37,207,985 | 53.2% | \$ 10,046,790 | 68.6% |
| Montgomery County | 32,675,290 | 46.8% | 4,600,591 | 31.4% |
| Total | <u>\$ 69,883,275</u> | <u>100.0%</u> | <u>\$ 14,647,381</u> | <u>100.0%</u> |

Prepared by Finance Department
June 7, 2019

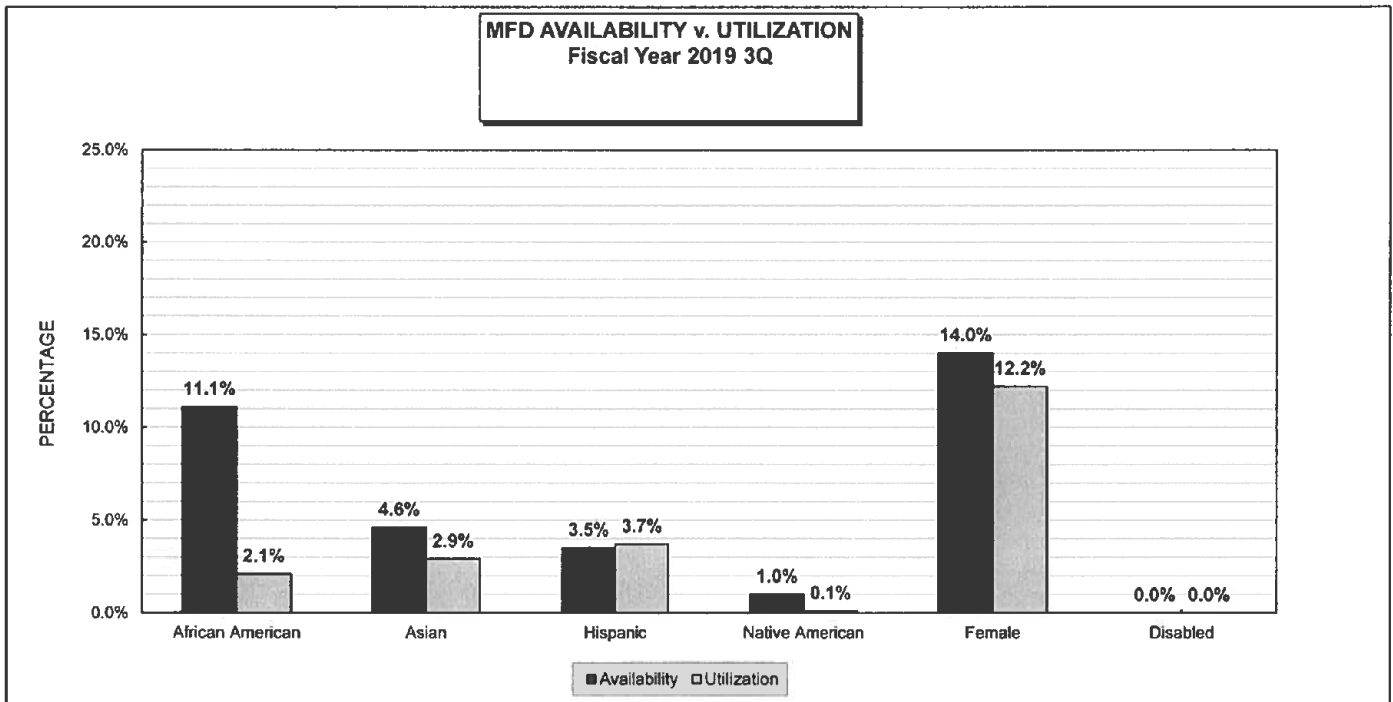
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS
FY 2019
FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment I

Total Amount of Procurement \$ 69,883,275

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

| | Procurement | | Availability |
|---|----------------------|--------------|--------------|
| | Amount | % | % |
| Minority Owned Firms | | | |
| African American | \$ 1,463,315 | 2.1% | 11.1% |
| Asian | 2,061,108 | 2.9% | 4.6% |
| Hispanic | 2,597,985 | 3.7% | 3.5% |
| Native American | 48,441 | 0.1% | 1.0% |
| Total Minority Owned Firms | 6,170,849 | 8.8% | 20.2% |
| Female Owned Firms | 8,442,854 | 12.2% | 14.0% |
| Disabled Owned Firms | 33,678 | 0.0% | n/a |
| Total Minority, Female, and Disabled Owned Firms | \$ 14,647,381 | 21.0% | 34.2% |



Note: (1) Availability percentages are taken from State of Maryland study titled "Disadvantaged Business Enterprise Disparity Study: Vol. 1", dated June 25, 2018, page 13.

(2) n/a = not available

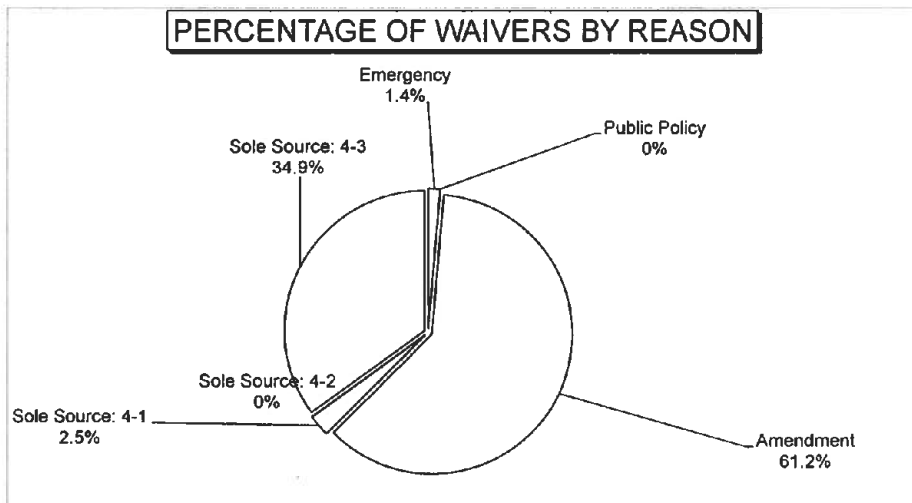
Prepared by Finance Department

June 7, 2019

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2019
FOR NINE MONTHS ENDED MARCH 31, 2019**

Attachment J

| | NUMBER | AMOUNT | PERCENTAGE |
|------------------|-----------|---------------------|---------------|
| Emergency | 1 | \$ 14,000 | 1.4% |
| Public Policy | 0 | - | 0.0% |
| Amendment | 6 | \$ 634,431 | 61.2% |
| Sole Source: 4-1 | 1 | \$ 25,700 | 2.5% |
| Sole Source: 4-2 | 0 | - | 0.0% |
| Sole Source: 4-3 | 3 | \$ 361,932 | 34.9% |
| Total | 11 | \$ 1,036,063 | 100.0% |



Waiver Reason Definitions:

Emergency:

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

Required by Law or Grant:

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

Amendment:

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

Sole Source 4:

It has been determined that:

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

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2019**

FOR THE NINE MONTHS ENDED MARCH 31, 2019

Attachment K

| | Total Waivers | | MFD/Waivers | | % of MFD | | Sole Source 4-1 Waivers | | Sole Source 4-2 Waivers | | Sole Source 4-3 Waivers | | % Sole Source | |
|--|---------------------|-----------|-------------|----------|-------------|----------|-------------------------|----------|-------------------------|----------|-------------------------|----------|---------------|--|
| | \$ | Number | \$ | Number | % | Number | \$ | Number | \$ | Number | \$ | Number | % | |
| Prince George's County | | | | | | | | | | | | | | |
| Commissioners' Office | \$ - | 0 | \$ - | 0 | 0.0% | 0 | \$ - | 0 | \$ - | 0 | \$ - | 0 | 0.0% | |
| Planning Department | - | 0 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% | |
| Parks and Recreation Department | 368,153 | 4 | - | 0 | 0.0% | 0 | 25,700 | 1 | - | 0 | 31,062 | 1 | 15.4% | |
| Total | 368,153 | 4 | - | 0 | 0.0% | 0 | 25,700 | 1 | - | 0 | 31,062 | 1 | 15.4% | |
| Montgomery County | | | | | | | | | | | | | | |
| Commissioners' Office | 26,035 | 1 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% | |
| Planning Department | - | 0 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% | |
| Parks Department | 379,655 | 4 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | 330,870 | 2 | 87.2% | |
| Total | 405,690 | 5 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | 330,870 | 2 | 81.6% | |
| Central Administrative Services | | | | | | | | | | | | | | |
| Dept. of Human Resources and Mgt. | - | 0 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% | |
| Finance Department | - | 1 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% | |
| Legal Department | 175,000 | 1 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% | |
| OCU | 87,220 | 1 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% | |
| Merit Board | - | 0 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% | |
| Total | 262,220 | 3 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% | |
| Grand Total | \$ 1,036,063 | 12 | \$ - | 0 | 0.0% | 0 | \$ 25,700 | 1 | \$ - | 0 | \$ 361,932 | 3 | 37.4% | |

Purpose of Summary of Waiver Report:

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

Sole Source: 4

It has been determined that:

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

Prepared by Department of Human Resources and Management

April 1, 2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
 FY 2019
 FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment A

| | <u>Procurement</u> | | <u>Waivers</u> | | <u>Procurement</u> | |
|---|--------------------|----|-----------------|----------------|--------------------|----------|
| | <u>Total \$</u> | | <u>Total \$</u> | <u>Total #</u> | <u>MFD \$</u> | <u>%</u> |
| <u>Prince George's County</u> | | | | | | |
| Commissioners' Office | \$ 63,750 | \$ | - | - | \$ 9,188 | 14.4% |
| Planning Department | 1,085,978 | | - | - | 393,715 | 36.3% |
| Parks and Recreation Department | 34,724,463 | | 368,153 | 4 | 8,883,151 | 25.6% |
| Total | 35,874,191 | | 368,153 | 4 | 9,286,054 | 25.9% |
| <u>Montgomery County</u> | | | | | | |
| Commissioners' Office | 12,466 | | 26,035 | 1 | - | 0.0% |
| Planning Department | 1,172,093 | | - | - | 512,218 | 43.7% |
| Parks Department | 30,156,937 | | 379,655 | 4 | 3,327,636 | 11.0% |
| Total | 31,341,496 | | 405,690 | 5 | 3,839,854 | 12.3% |
| <u>Central Administrative Services</u> | | | | | | |
| Dept. of Human Resources and Mgt. | 562,359 | | - | - | 90,709 | 16.1% |
| Finance Department | 409,389 | | - | 1 | 299,139 | 73.1% |
| Legal Department | 61,722 | | 175,000 | 1 | 2,712 | 4.4% |
| Merit Board | 73 | | - | - | - | 0.0% |
| Office of Chief Information Officer | 1,623,440 | | 87,220 | 1 | 1,128,913 | 69.5% |
| Office of Inspector General | 10,605 | | - | - | - | 0.0% |
| Total | 2,667,588 | | 262,220 | 3 | 1,521,473 | 57.0% |
| Grand Total | \$ 69,883,275 | \$ | 1,036,063 | 12 | \$ 14,647,381 | 21.0% |

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

Prepared by Finance Department
 June 7, 2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2019

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

| | SEPTEMBER | DECEMBER | MARCH | JUNE |
|---|--------------|--------------|--------------|------|
| <u>Prince George's County</u> | | | | |
| Commissioners' Office | 3.5% | 5.0% | 14.4% | |
| Planning Department | 40.6% | 29.4% | 36.3% | |
| Parks and Recreation Department | 31.4% | 29.5% | 25.6% | |
| Total | 31.4% | 29.4% | 25.9% | |
| <u>Montgomery County</u> | | | | |
| Commissioners' Office | 0.0% | 0.0% | 0.0% | |
| Planning Department | 32.8% | 49.9% | 43.7% | |
| Parks Department | 9.0% | 11.3% | 11.0% | |
| Total | 9.7% | 12.6% | 12.3% | |
| <u>Central Administrative Services</u> | | | | |
| Dept. of Human Resources and Mgt. | 14.1% | 21.8% | 16.1% | |
| Finance Department | 5.2% | 77.6% | 73.1% | |
| Legal Department | 14.4% | 12.6% | 4.4% | |
| Merit Board | 0.0% | 0.0% | 0.0% | |
| Office of Chief Information Officer | 14.9% | 76.6% | 69.5% | |
| Office of Inspector General | 0.0% | 0.0% | 0.0% | |
| Total | 13.1% | 66.1% | 57.0% | |
| Grand Total | 22.8% | 23.6% | 21.0% | |

ACTIVITY BY QUARTER

| | FIRST QUARTER | SECOND QUARTER | THIRD QUARTER | FOURTH QUARTER | TOTAL |
|---|---------------|----------------|---------------|----------------|--------------|
| <u>Prince George's County</u> | | | | | |
| Commissioners' Office | 3.5% | 7.9% | 39.1% | | 14.4% |
| Planning Department | 40.6% | 26.5% | 54.8% | | 36.3% |
| Parks and Recreation Department | 31.4% | 26.6% | 16.5% | | 25.6% |
| Total | 31.4% | 26.5% | 17.6% | | 25.9% |
| <u>Montgomery County</u> | | | | | |
| Commissioners' Office | 0.0% | 0.0% | 0.0% | | 0.0% |
| Planning Department | 32.8% | 59.6% | 31.3% | | 43.7% |
| Parks Department | 9.0% | 12.9% | 10.5% | | 11.0% |
| Total | 9.7% | 14.7% | 11.4% | | 12.3% |
| <u>Central Administrative Services</u> | | | | | |
| Dept. of Human Resources and Mgt. | 14.1% | 25.1% | 2.4% | | 16.1% |
| Finance Department | 5.2% | 95.2% | 20.9% | | 73.1% |
| Legal Department | 14.4% | 9.5% | 0.0% | | 4.4% |
| Merit Board | 0.0% | 0.0% | 0.0% | | 0.0% |
| Office of Chief Information Officer | 14.9% | 93.1% | 14.8% | | 69.5% |
| Office of Inspector General | 0.0% | 0.0% | 0.0% | | 0.0% |
| Total | 13.1% | 81.9% | 9.0% | | 57.0% |
| Grand Total | 22.8% | 24.3% | 14.6% | | 21.0% |

Prepared by Finance Department
June 7, 2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

BY MAJOR PROCUREMENT CATEGORY

FY 2019

FOR NINE MONTHS ENDED MARCH 31, 2019

ATTACHMENT C

| | Grand Total | Montgomery Planning | Montgomery Parks | Pr. Geo. Parks & Recreation | Pr. Geo. Planning | Dept. of Human Resources | Finance Dept. | Legal Dept. | Office of Chief Information |
|---------------------------------------|---------------|---------------------|------------------|-----------------------------|-------------------|--------------------------|---------------|-------------|-----------------------------|
| Goods: | | | | | | | | | |
| Total \$ | \$ 23,346,947 | \$ 222,245 | \$ 9,654,213 | \$ 12,720,188 | \$ 162,923 | \$ 62,968 | \$ 350,620 | \$ 15,281 | \$ 158,509 |
| MFD \$ | \$ 1,837,640 | \$ 50,648 | \$ 213,807 | \$ 1,109,391 | \$ 36,576 | \$ 2,155 | \$ 299,139 | \$ 1,590 | \$ 124,334 |
| Percentage | 7.9% | 22.8% | 2.2% | 8.7% | 22.4% | 3.4% | 85.3% | 10.4% | 78.4% |
| Miscellaneous Services: | | | | | | | | | |
| Total \$ | \$ 11,974,212 | \$ 726,152 | \$ 3,440,592 | \$ 5,641,019 | \$ 609,325 | \$ 244,804 | \$ 58,769 | \$ 26,805 | \$ 1,226,746 |
| MFD \$ | \$ 2,944,343 | \$ 302,817 | \$ 634,275 | \$ 923,573 | \$ 66,879 | \$ 13,305 | \$ 0 | \$ 415 | \$ 1,003,079 |
| Percentage | 24.6% | 41.7% | 18.4% | 16.4% | 11.0% | 5.4% | 0.0% | 1.5% | 81.8% |
| Professional Services: | | | | | | | | | |
| Total \$ | \$ 4,686,215 | \$ 166,932 | \$ 1,313,260 | \$ 2,521,340 | \$ 298,667 | \$ 129,695 | \$ 0 | \$ 19,636 | \$ 236,685 |
| MFD \$ | \$ 1,398,601 | \$ 137,041 | \$ 258,473 | \$ 704,020 | \$ 290,260 | \$ 8,100 | \$ 0 | \$ 707 | \$ 0 |
| Percentage | 29.8% | 82.1% | 19.7% | 27.9% | 97.2% | 6.2% | 0.0% | 3.6% | 0.0% |
| Construction: | | | | | | | | | |
| Total \$ | \$ 29,789,007 | \$ 56,764 | \$ 15,748,872 | \$ 13,841,916 | \$ 15,063 | \$ 124,892 | \$ 0 | \$ 0 | \$ 1,500 |
| MFD \$ | \$ 8,457,609 | \$ 21,712 | \$ 2,221,081 | \$ 6,146,167 | \$ 0 | \$ 67,149 | \$ 0 | \$ 0 | \$ 1,500 |
| Percentage | 28.4% | 38.2% | 14.1% | 44.4% | 0.0% | 53.8% | 0.0% | 0.0% | 100.0% |
| SUBTOTAL | | | | | | | | | |
| Total \$ | \$ 69,796,381 | \$ 1,172,093 | \$ 30,156,937 | \$ 34,724,463 | \$ 1,085,978 | \$ 562,359 | \$ 409,389 | \$ 61,722 | \$ 1,623,440 |
| MFD \$ | \$ 14,638,193 | \$ 512,218 | \$ 3,327,636 | \$ 8,893,151 | \$ 393,715 | \$ 90,709 | \$ 299,139 | \$ 2,712 | \$ 1,128,913 |
| Percentage | 21.0% | 43.7% | 11.0% | 25.6% | 36.3% | 16.1% | 73.1% | 4.4% | 69.5% |
| Pr. Geo. Commissioners' Office | | | | | | | | | |
| Total \$ | \$ 63,750 | | | | | | | | |
| MFD \$ | \$ 9,188 | | | | | | | | |
| Percentage | 14.4% | | | | | | | | |
| Mont. Commissioners' Office | | | | | | | | | |
| Total \$ | \$ 12,466 | | | | | | | | |
| MFD \$ | \$ 0 | | | | | | | | |
| Percentage | 0.0% | | | | | | | | |
| Merit Board | | | | | | | | | |
| Total \$ | \$ 73 | | | | | | | | |
| MFD \$ | \$ 0 | | | | | | | | |
| Percentage | 0.0% | | | | | | | | |
| Office of Inspector General | | | | | | | | | |
| Total \$ | \$ 10,605 | | | | | | | | |
| MFD \$ | \$ 0 | | | | | | | | |
| Percentage | 0.0% | | | | | | | | |
| GRAND TOTAL \$ | \$ 69,883,275 | | | | | | | | |
| MFD \$ | \$ 14,647,381 | | | | | | | | |
| Percentage | 21.0% | | | | | | | | |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2019
FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment D

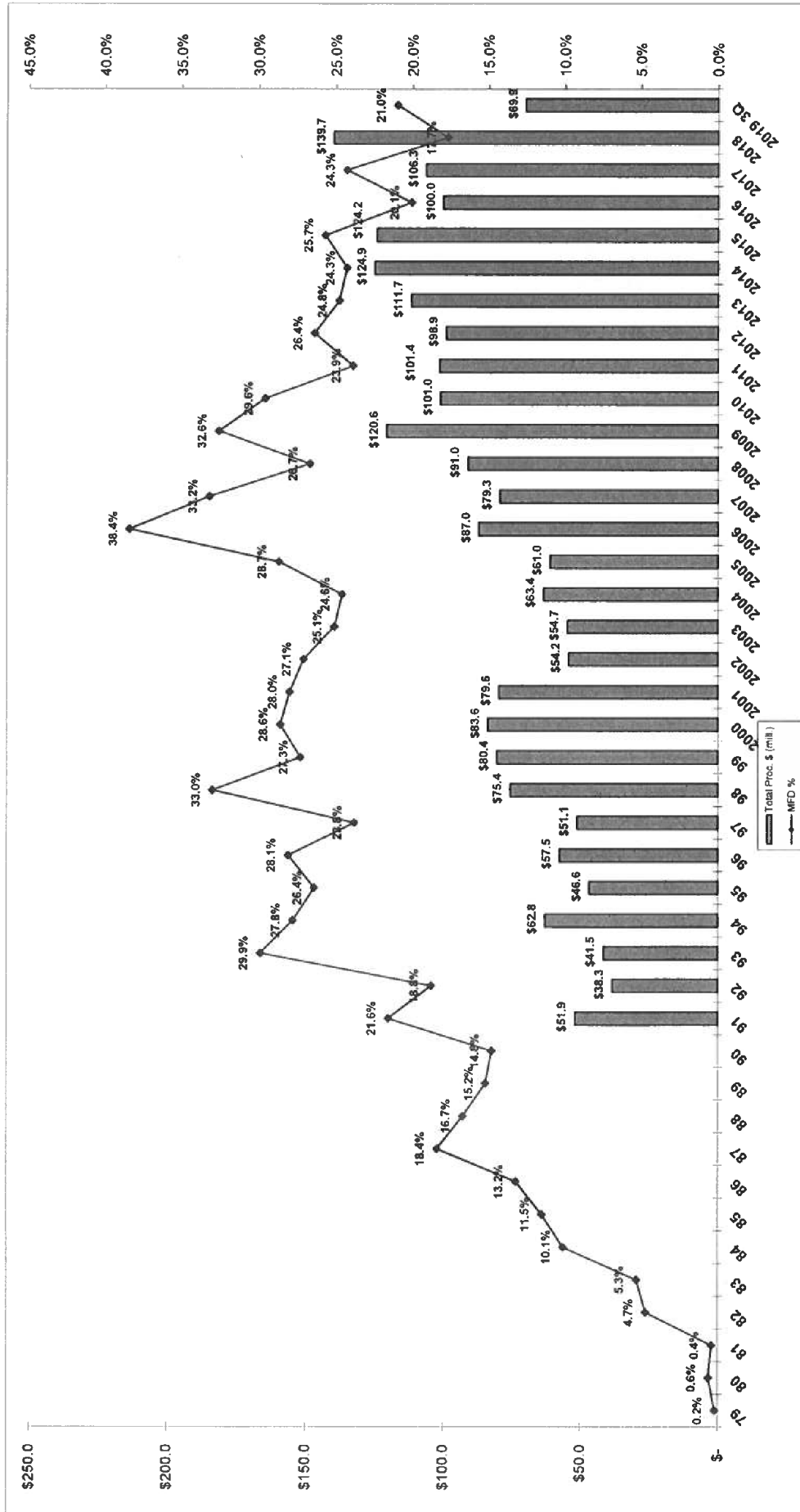
| | Total Procurement | | Purchase Card Procurement | |
|---|--------------------------|--------------|----------------------------------|--------------|
| | Total \$ | MFD % | Total \$ | MFD % |
| <u>Prince George's County</u> | | | | |
| Commissioners' Office | \$ 63,750 | 14.4% | \$ 30,314 | 16.9% |
| Planning Department | 1,085,978 | 36.3% | 103,596 | 0.0% |
| Parks and Recreation Department | 34,724,463 | 25.6% | 5,449,108 | 1.0% |
| Total | 35,874,191 | 25.9% | 5,583,018 | 1.1% |
| <u>Montgomery County</u> | | | | |
| Commissioners' Office | 12,466 | 0.0% | 7,543 | 0.0% |
| Planning Department | 1,172,093 | 43.7% | 178,009 | 0.0% |
| Parks Department | 30,156,937 | 11.0% | 4,570,941 | 1.2% |
| Total | 31,341,496 | 12.3% | 4,756,493 | 1.2% |
| <u>Central Administrative Services</u> | | | | |
| Dept. of Human Resources and Mgt. | 562,359 | 16.1% | 52,292 | 0.0% |
| Finance Department | 409,389 | 73.1% | 45,548 | 0.0% |
| Legal Department | 61,722 | 4.4% | 21,290 | 1.9% |
| Merit Board | 73 | 0.0% | - | 0.0% |
| Office of Chief Information Officer | 1,623,440 | 69.5% | 26,156 | 0.0% |
| Office of Inspector General | 10,605 | 0.0% | 10,451 | 0.0% |
| Total | 2,667,588 | 57.0% | 155,737 | 0.3% |
| Grand Total | \$ 69,883,275 | 21.0% | \$ 10,495,248 | 1.1% |

Percentage of Purchase Card Procurement to Total Procurement **15.0%**

Prepared by Finance Department
June 7, 2019

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

Attachment E

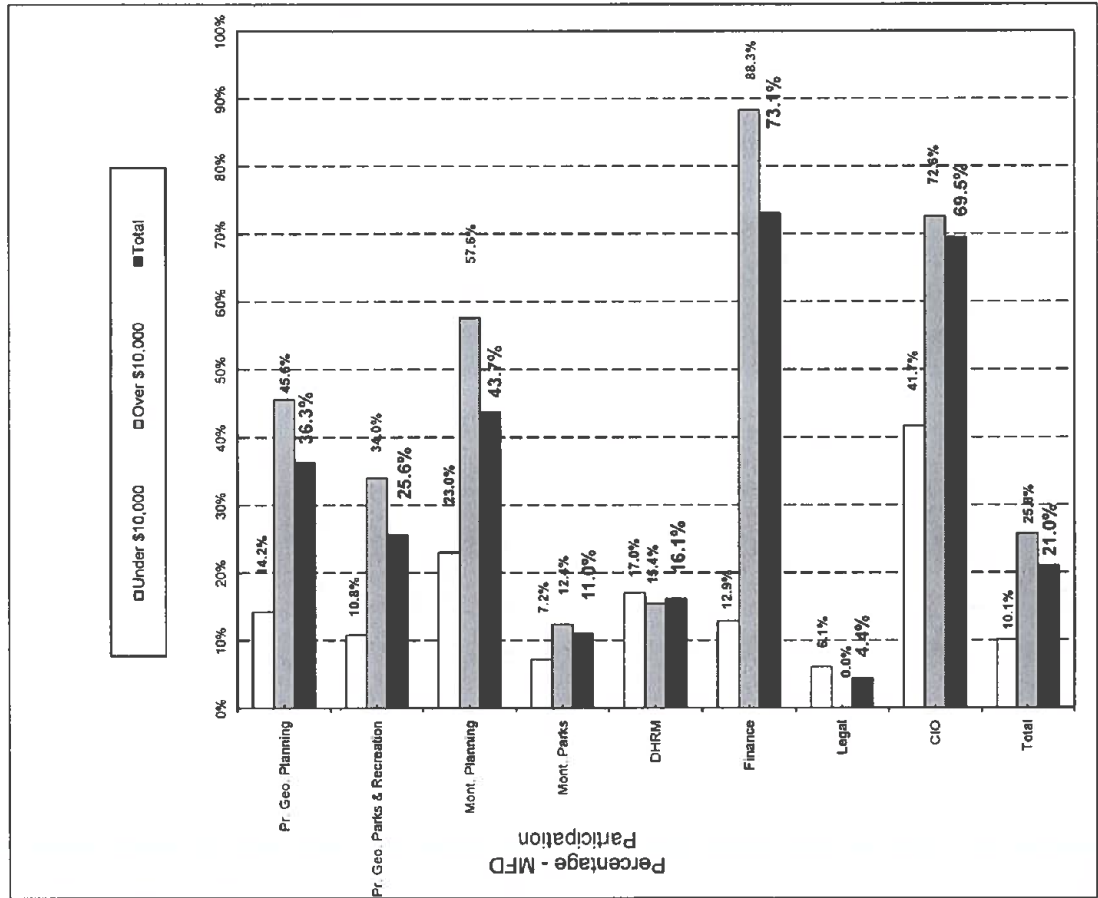


Prepared by Finance Department
 June 7, 2019

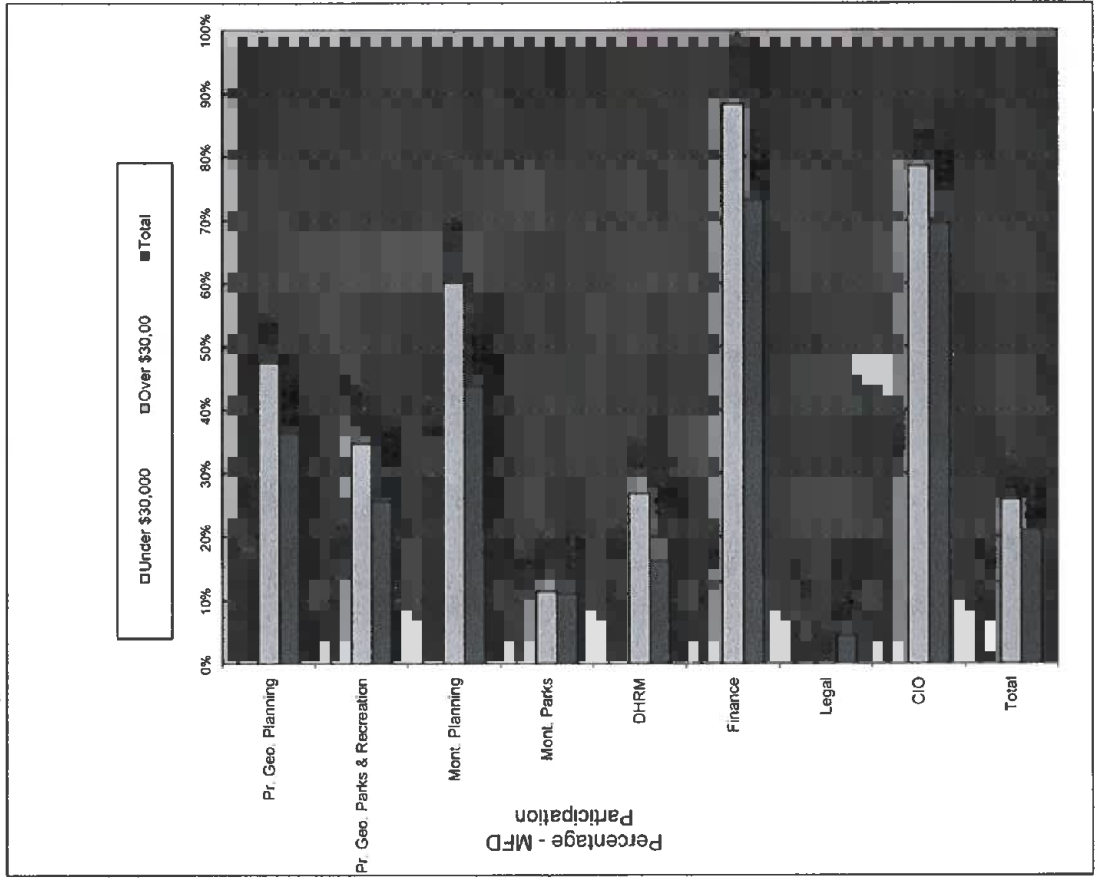
Attachment F

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %
 FY 2019 3Q

Under/Over \$10,000

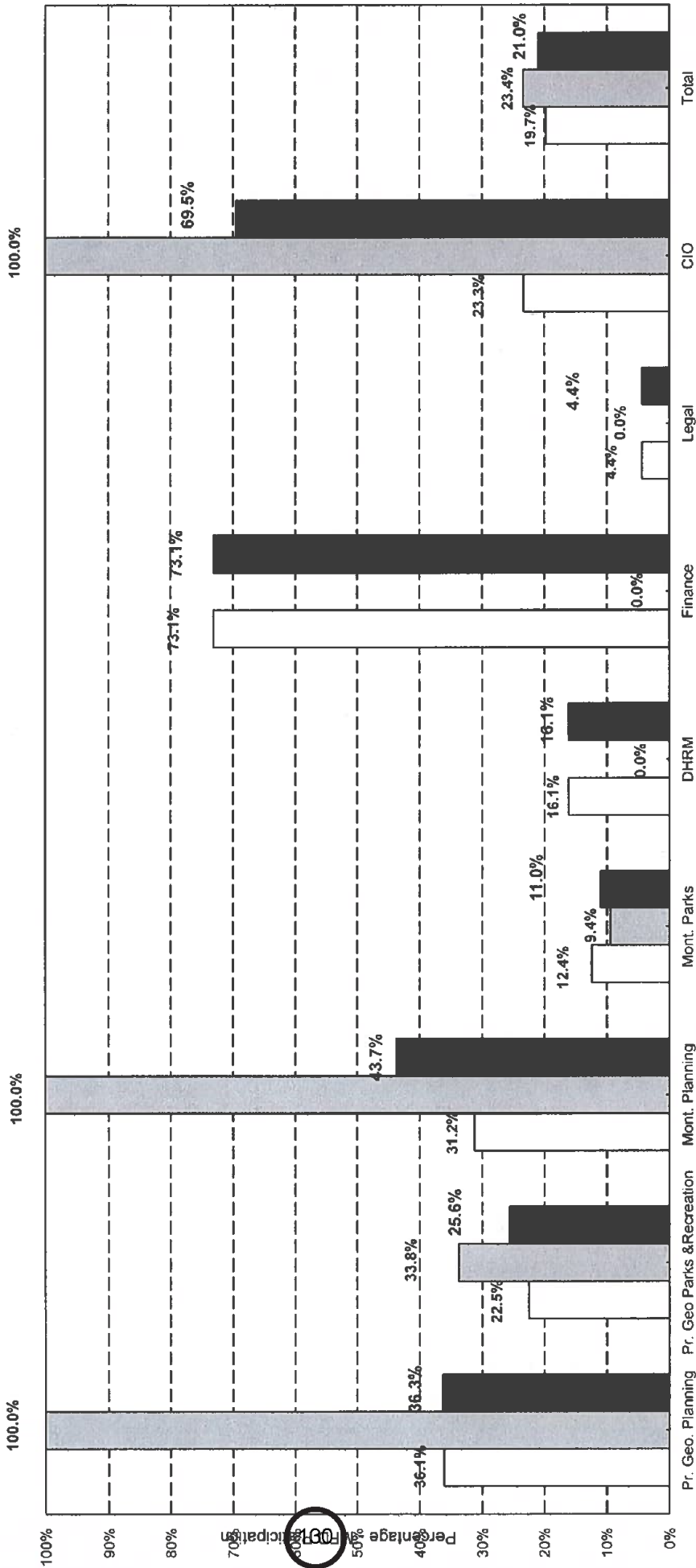


Under/Over \$30,000



Attachment G

The Maryland-National Capital Park and Planning Commission MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total % FY 2019 3Q



Prepared by Finance Department
June 7, 2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Amount of Procurement and Number of Vendors by Location
FY 2019
FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment H

TOTAL of ALL VENDORS

| <u>Location</u> | <u>Procurement</u> | | <u>Number of Vendors</u> | |
|----------------------------|--------------------|-------------------|--------------------------|-------------------|
| | <u>Amount</u> | <u>Percentage</u> | <u>Number</u> | <u>Percentage</u> |
| Montgomery County | \$ 13,918,129 | 19.9% | 270 | 16.1% |
| Prince George's County | 10,849,383 | 15.5% | 481 | 28.8% |
| Subtotal | 24,767,512 | 35.4% | 751 | 44.9% |
| Maryland - other locations | 16,370,212 | 23.4% | 292 | 17.5% |
| Total Maryland | 41,137,724 | 58.8% | 1,043 | 62.4% |
| District of Columbia | 972,784 | 1.4% | 95 | 5.7% |
| Virginia | 2,848,443 | 4.1% | 129 | 7.7% |
| Other Locations | 24,924,324 | 35.7% | 405 | 24.2% |
| Total | \$ 69,883,275 | 100.0% | 1,672 | 100.0% |

TOTAL of Non-MFD Vendors

| <u>Location</u> | <u>Procurement</u> | | <u>Number of Vendors</u> | |
|----------------------------|--------------------|-------------------|--------------------------|-------------------|
| | <u>Amount</u> | <u>Percentage</u> | <u>Number</u> | <u>Percentage</u> |
| Montgomery County | \$ 11,454,350 | 20.7% | 212 | 15.8% |
| Prince George's County | 6,514,277 | 11.8% | 360 | 26.9% |
| Subtotal | 17,968,627 | 32.5% | 572 | 42.7% |
| Maryland - other locations | 12,705,685 | 23.0% | 236 | 17.6% |
| Total Maryland | 30,674,312 | 55.5% | 808 | 60.3% |
| District of Columbia | 830,169 | 1.5% | 63 | 4.7% |
| Virginia | 2,550,794 | 4.6% | 99 | 7.4% |
| Other Locations | 21,180,619 | 38.4% | 370 | 27.6% |
| Total | \$ 55,235,894 | 100.0% | 1,340 | 100.0% |

TOTAL of MFD Vendors

| <u>Location</u> | <u>Procurement</u> | | <u>Number of Vendors</u> | |
|----------------------------|--------------------|-------------------|--------------------------|-------------------|
| | <u>Amount</u> | <u>Percentage</u> | <u>Number</u> | <u>Percentage</u> |
| Montgomery County | \$ 2,463,779 | 16.8% | 58 | 17.5% |
| Prince George's County | 4,335,106 | 29.6% | 121 | 36.5% |
| Subtotal | 6,798,885 | 46.4% | 179 | 54.0% |
| Maryland - other locations | 3,664,527 | 25.0% | 56 | 16.9% |
| Total Maryland | 10,463,412 | 71.4% | 235 | 70.9% |
| District of Columbia | 142,615 | 1.0% | 32 | 9.6% |
| Virginia | 297,649 | 2.0% | 30 | 9.0% |
| Other Locations | 3,743,705 | 25.6% | 35 | 10.5% |
| Total | \$ 14,647,381 | 100.0% | 332 | 100.0% |

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

| | Total Procurement | | MFD Procurement | |
|------------------------|--------------------------|-------------------|------------------------|-------------------|
| | Amount | Percentage | Amount | Percentage |
| Prince George's County | \$ 37,207,985 | 53.2% | \$ 10,046,790 | 68.6% |
| Montgomery County | 32,675,290 | 46.8% | 4,600,591 | 31.4% |
| Total | \$ 69,883,275 | 100.0% | \$ 14,647,381 | 100.0% |

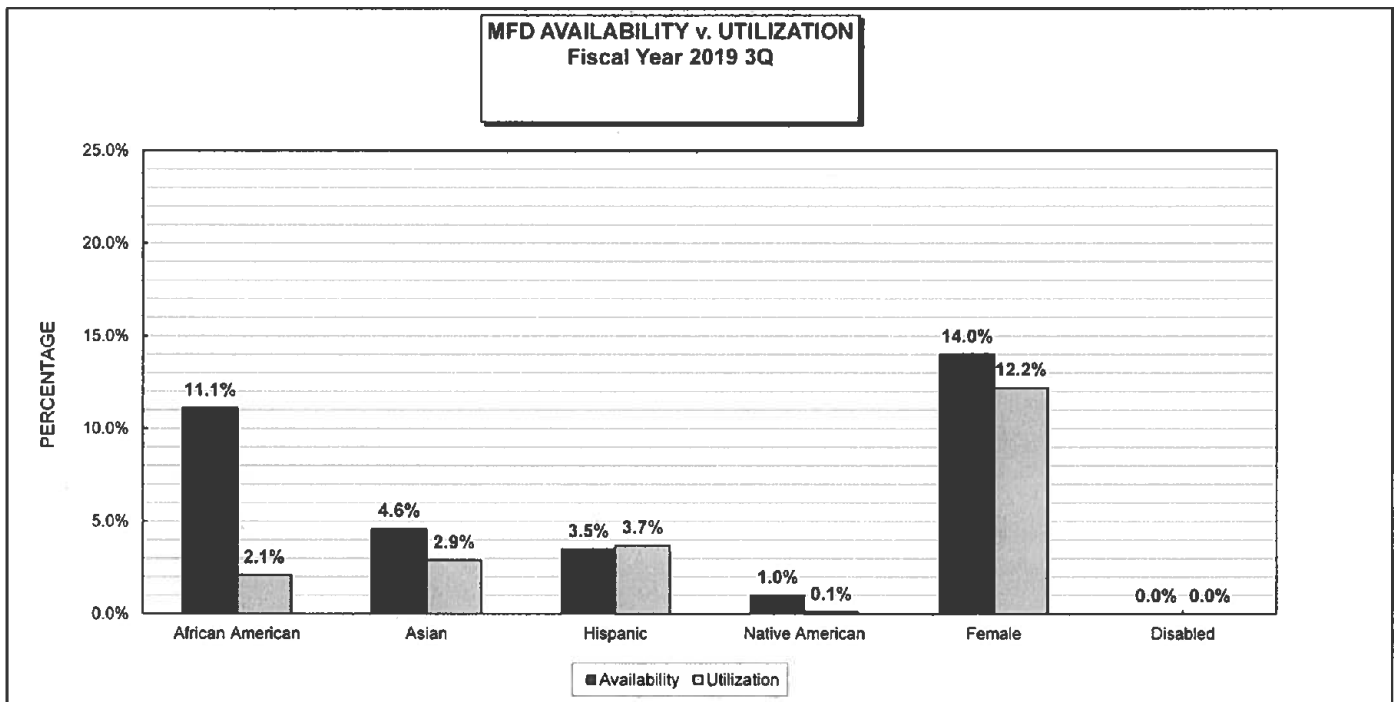
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS
FY 2019
FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment I

Total Amount of Procurement \$ 69,883,275

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

| | Procurement | | Availability |
|---|----------------------|--------------|--------------|
| | Amount | % | % |
| Minority Owned Firms | | | |
| African American | \$ 1,463,315 | 2.1% | 11.1% |
| Asian | 2,061,108 | 2.9% | 4.6% |
| Hispanic | 2,597,985 | 3.7% | 3.5% |
| Native American | 48,441 | 0.1% | 1.0% |
| Total Minority Owned Firms | 6,170,849 | 8.8% | 20.2% |
| Female Owned Firms | 8,442,854 | 12.2% | 14.0% |
| Disabled Owned Firms | 33,678 | 0.0% | n/a |
| Total Minority, Female, and Disabled Owned Firms | \$ 14,647,381 | 21.0% | 34.2% |



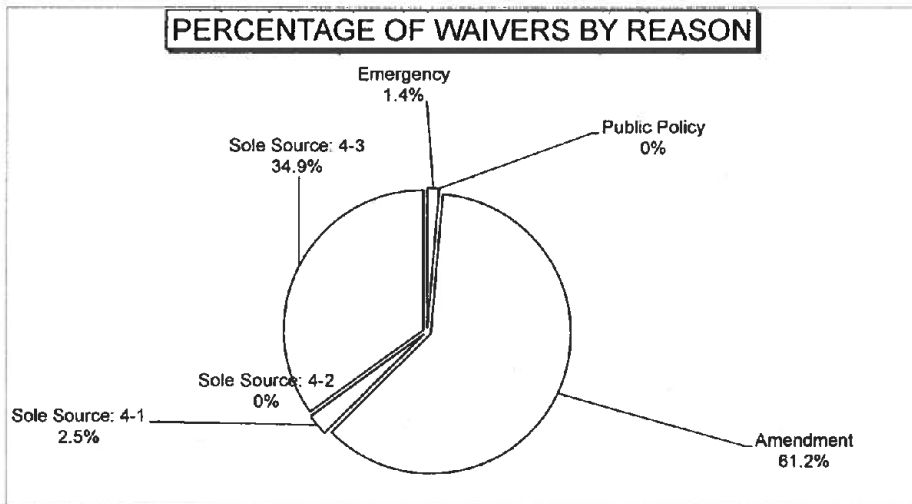
Note: (1) Availability percentages are taken from State of Maryland study titled "Disadvantaged Business Enterprise Disparity Study: Vol. 1", dated June 25, 2018, page 13.
(2) n/a = not available

Prepared by Finance Department
June 7, 2019

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2019
FOR NINE MONTHS ENDED MARCH 31, 2019**

Attachment J

| | NUMBER | AMOUNT | PERCENTAGE |
|-------------------------|--------|--------------|------------|
| Emergency | 1 | \$ 14,000 | 1.4% |
| Public Policy | 0 | - | 0.0% |
| Amendment | 6 | \$ 634,431 | 61.2% |
| Sole Source: 4-1 | 1 | \$ 25,700 | 2.5% |
| Sole Source: 4-2 | 0 | - | 0.0% |
| Sole Source: 4-3 | 3 | \$ 361,932 | 34.9% |
| Total | 11 | \$ 1,036,063 | 100.0% |



Waiver Reason Definitions:

Emergency:

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

Required by Law or Grant:

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

Amendment:

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

Sole Source 4:

It has been determined that:

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

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2019
FOR THE NINE MONTHS ENDED MARCH 31, 2019**

Attachment K

| | Total Waivers | | MFD/Waivers | | % of MFD | | Sole Source 4-1 Waivers | | Sole Source 4-2 Waivers | | Sole Source 4-3 Waivers | | % Sole Source | |
|--|---------------------|-----------|-------------|----------|-------------|------------------|-------------------------|-------------|-------------------------|----------|-------------------------|----------|---------------|--|
| | \$ | Number | \$ | Number | % | Number | \$ | Number | \$ | Number | \$ | Number | % | |
| Prince George's County | | | | | | | | | | | | | | |
| Commissioners' Office | \$ - | 0 | \$ - | 0 | 0.0% | - | \$ - | 0 | \$ - | 0 | \$ - | 0 | 0.0% | |
| Planning Department | - | 0 | - | 0 | 0.0% | - | - | 0 | - | 0 | - | 0 | 0.0% | |
| Parks and Recreation Department | 368,153 | 4 | - | 0 | 0.0% | 25,700 | - | 1 | - | 0 | 31,062 | 1 | 15.4% | |
| Total | 368,153 | 4 | - | 0 | 0.0% | 25,700 | - | 1 | - | 0 | 31,062 | 1 | 15.4% | |
| Montgomery County | | | | | | | | | | | | | | |
| Commissioners' Office | 26,035 | 1 | - | 0 | 0.0% | - | - | 0 | - | 0 | - | 0 | 0.0% | |
| Planning Department | - | 0 | - | 0 | 0.0% | - | - | 0 | - | 0 | - | 0 | 0.0% | |
| Parks Department | 379,655 | 4 | - | 0 | 0.0% | - | - | 0 | - | 0 | 330,870 | 2 | 87.2% | |
| Total | 405,690 | 5 | - | 0 | 0.0% | - | - | 0 | - | 0 | 330,870 | 2 | 81.6% | |
| Central Administrative Services | | | | | | | | | | | | | | |
| Dept. of Human Resources and Mgt. | - | 0 | - | 0 | 0.0% | - | - | 0 | - | 0 | - | 0 | 0.0% | |
| Finance Department | - | 1 | - | 0 | 0.0% | - | - | 0 | - | 0 | - | 0 | 0.0% | |
| Legal Department | 175,000 | 1 | - | 0 | 0.0% | - | - | 0 | - | 0 | - | 0 | 0.0% | |
| Office | 87,220 | 1 | - | 0 | 0.0% | - | - | 0 | - | 0 | - | 0 | 0.0% | |
| Merit Board | - | 0 | - | 0 | 0.0% | - | - | 0 | - | 0 | - | 0 | 0.0% | |
| Total | 262,220 | 3 | - | 0 | 0.0% | - | - | 0 | - | 0 | - | 0 | 0.0% | |
| Grand Total | \$ 1,036,063 | 12 | \$ - | 0 | 0.0% | \$ 25,700 | 1 | \$ - | \$ 361,932 | 3 | \$ 361,932 | 3 | 37.4% | |

Purpose of Summary of Waiver Report:

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

Sole Source: 4

It has been determined that:

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

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2019
FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment A

| | <u>Procurement</u> | | <u>Waivers</u> | | <u>Procurement</u> | |
|---|--------------------|----|-----------------|----------------|--------------------|----------|
| | <u>Total \$</u> | | <u>Total \$</u> | <u>Total #</u> | <u>MFD \$</u> | <u>%</u> |
| <u>Prince George's County</u> | | | | | | |
| Commissioners' Office | \$ 63,750 | \$ | - | - | \$ 9,188 | 14.4% |
| Planning Department | 1,085,978 | | - | - | 393,715 | 36.3% |
| Parks and Recreation Department | 34,724,463 | | 368,153 | 4 | 8,883,151 | 25.6% |
| Total | 35,874,191 | | 368,153 | 4 | 9,286,054 | 25.9% |
| <u>Montgomery County</u> | | | | | | |
| Commissioners' Office | 12,466 | | 26,035 | 1 | - | 0.0% |
| Planning Department | 1,172,093 | | - | - | 512,218 | 43.7% |
| Parks Department | 30,156,937 | | 379,655 | 4 | 3,327,636 | 11.0% |
| Total | 31,341,496 | | 405,690 | 5 | 3,839,854 | 12.3% |
| <u>Central Administrative Services</u> | | | | | | |
| Dept. of Human Resources and Mgt. | 562,359 | | - | - | 90,709 | 16.1% |
| Finance Department | 409,389 | | - | 1 | 299,139 | 73.1% |
| Legal Department | 61,722 | | 175,000 | 1 | 2,712 | 4.4% |
| Merit Board | 73 | | - | - | - | 0.0% |
| Office of Chief Information Officer | 1,623,440 | | 87,220 | 1 | 1,128,913 | 69.5% |
| Office of Inspector General | 10,605 | | - | - | - | 0.0% |
| Total | 2,667,588 | | 262,220 | 3 | 1,521,473 | 57.0% |
| Grand Total | \$ 69,883,275 | \$ | 1,036,063 | 12 | \$ 14,647,381 | 21.0% |

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

Prepared by Finance Department
June 7, 2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2019

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

| | SEPTEMBER | DECEMBER | MARCH | JUNE |
|---|--------------|--------------|--------------|------|
| <u>Prince George's County</u> | | | | |
| Commissioners' Office | 3.5% | 5.0% | 14.4% | |
| Planning Department | 40.6% | 29.4% | 36.3% | |
| Parks and Recreation Department | 31.4% | 29.5% | 25.6% | |
| Total | <u>31.4%</u> | <u>29.4%</u> | <u>25.9%</u> | |
| <u>Montgomery County</u> | | | | |
| Commissioners' Office | 0.0% | 0.0% | 0.0% | |
| Planning Department | 32.8% | 49.9% | 43.7% | |
| Parks Department | 9.0% | 11.3% | 11.0% | |
| Total | <u>9.7%</u> | <u>12.6%</u> | <u>12.3%</u> | |
| <u>Central Administrative Services</u> | | | | |
| Dept. of Human Resources and Mgt. | 14.1% | 21.8% | 16.1% | |
| Finance Department | 5.2% | 77.6% | 73.1% | |
| Legal Department | 14.4% | 12.6% | 4.4% | |
| Merit Board | 0.0% | 0.0% | 0.0% | |
| Office of Chief Information Officer | 14.9% | 76.6% | 69.5% | |
| Office of Inspector General | 0.0% | 0.0% | 0.0% | |
| Total | <u>13.1%</u> | <u>66.1%</u> | <u>57.0%</u> | |
| Grand Total | <u>22.8%</u> | <u>23.6%</u> | <u>21.0%</u> | |

ACTIVITY BY QUARTER

| | FIRST QUARTER | SECOND QUARTER | THIRD QUARTER | FOURTH QUARTER | TOTAL |
|---|---------------|----------------|---------------|----------------|--------------|
| <u>Prince George's County</u> | | | | | |
| Commissioners' Office | 3.5% | 7.9% | 39.1% | | 14.4% |
| Planning Department | 40.6% | 26.5% | 54.8% | | 36.3% |
| Parks and Recreation Department | 31.4% | 26.6% | 16.5% | | 25.6% |
| Total | <u>31.4%</u> | <u>26.5%</u> | <u>17.6%</u> | | <u>25.9%</u> |
| <u>Montgomery County</u> | | | | | |
| Commissioners' Office | 0.0% | 0.0% | 0.0% | | 0.0% |
| Planning Department | 32.8% | 59.6% | 31.3% | | 43.7% |
| Parks Department | 9.0% | 12.9% | 10.5% | | 11.0% |
| Total | <u>9.7%</u> | <u>14.7%</u> | <u>11.4%</u> | | <u>12.3%</u> |
| <u>Central Administrative Services</u> | | | | | |
| Dept. of Human Resources and Mgt. | 14.1% | 25.1% | 2.4% | | 16.1% |
| Finance Department | 5.2% | 95.2% | 20.9% | | 73.1% |
| Legal Department | 14.4% | 9.5% | 0.0% | | 4.4% |
| Merit Board | 0.0% | 0.0% | 0.0% | | 0.0% |
| Office of Chief Information Officer | 14.9% | 93.1% | 14.8% | | 69.5% |
| Office of Inspector General | 0.0% | 0.0% | 0.0% | | 0.0% |
| Total | <u>13.1%</u> | <u>81.9%</u> | <u>9.0%</u> | | <u>57.0%</u> |
| Grand Total | <u>22.8%</u> | <u>24.3%</u> | <u>14.6%</u> | | <u>21.0%</u> |

Prepared by Finance Department
June 7, 2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
BY MAJOR PROCUREMENT CATEGORY
FY 2019
FOR NINE MONTHS ENDED MARCH 31, 2019

ATTACHMENT C

| | Grand Total | Montgomery Planning | Montgomery Parks | Pr. Geo. Parks & Recreation | Pr. Geo. Planning | Dept. of Human Resources | Finance Dept. | Legal Dept. | Office of Chief Information |
|---------------------------------------|---------------|---------------------|------------------|-----------------------------|-------------------|--------------------------|---------------|-------------|-----------------------------|
| Goods: | | | | | | | | | |
| Total \$ | \$ 23,346,947 | \$ 222,245 | \$ 9,654,213 | \$ 12,720,188 | \$ 162,923 | \$ 62,968 | \$ 350,620 | \$ 15,281 | \$ 158,509 |
| MFD \$ | \$ 1,837,640 | \$ 50,648 | \$ 213,807 | \$ 1,109,391 | \$ 36,576 | \$ 2,155 | \$ 299,139 | \$ 1,590 | \$ 124,334 |
| Percentage | 7.9% | 22.8% | 2.2% | 8.7% | 22.4% | 3.4% | 85.3% | 10.4% | 78.4% |
| Miscellaneous Services: | | | | | | | | | |
| Total \$ | \$ 11,974,212 | \$ 726,152 | \$ 3,440,592 | \$ 5,641,019 | \$ 609,325 | \$ 244,804 | \$ 58,769 | \$ 26,805 | \$ 1,226,746 |
| MFD \$ | \$ 2,944,343 | \$ 302,817 | \$ 634,275 | \$ 923,573 | \$ 66,879 | \$ 13,305 | \$ 0 | \$ 415 | \$ 1,003,079 |
| Percentage | 24.6% | 41.7% | 18.4% | 16.4% | 11.0% | 5.4% | 0.0% | 1.5% | 81.8% |
| Professional Services: | | | | | | | | | |
| Total \$ | \$ 4,686,215 | \$ 166,932 | \$ 1,313,260 | \$ 2,521,340 | \$ 298,667 | \$ 129,695 | \$ 0 | \$ 19,636 | \$ 236,685 |
| MFD \$ | \$ 1,398,601 | \$ 137,041 | \$ 258,473 | \$ 704,020 | \$ 290,260 | \$ 8,100 | \$ 0 | \$ 707 | \$ 0 |
| Percentage | 29.8% | 82.1% | 19.7% | 27.9% | 97.2% | 6.2% | 0.0% | 3.6% | 0.0% |
| Construction: | | | | | | | | | |
| Total \$ | \$ 29,789,007 | \$ 56,764 | \$ 15,748,872 | \$ 13,841,916 | \$ 15,063 | \$ 124,892 | \$ 0 | \$ 0 | \$ 1,500 |
| MFD \$ | \$ 8,457,609 | \$ 21,712 | \$ 2,221,081 | \$ 6,146,167 | \$ 0 | \$ 67,149 | \$ 0 | \$ 0 | \$ 1,500 |
| Percentage | 28.4% | 38.2% | 14.1% | 44.4% | 0.0% | 53.8% | 0.0% | 0.0% | 100.0% |
| SUBTOTAL | | | | | | | | | |
| Total \$ | \$ 69,796,381 | \$ 1,172,093 | \$ 30,156,937 | \$ 34,724,463 | \$ 1,085,978 | \$ 562,359 | \$ 409,389 | \$ 61,722 | \$ 1,623,440 |
| MFD \$ | \$ 14,638,193 | \$ 512,218 | \$ 3,327,636 | \$ 8,883,151 | \$ 393,715 | \$ 90,709 | \$ 299,139 | \$ 2,712 | \$ 1,128,913 |
| Percentage | 21.0% | 43.7% | 11.0% | 25.6% | 36.3% | 16.1% | 73.1% | 4.4% | 69.5% |
| Pr. Geo. Commissioners' Office | | | | | | | | | |
| Total \$ | \$ 63,750 | | | | | | | | |
| MFD \$ | \$ 9,188 | | | | | | | | |
| Percentage | 14.4% | | | | | | | | |
| Mont. Commissioners' Office | | | | | | | | | |
| Total \$ | \$ 12,466 | | | | | | | | |
| MFD \$ | \$ 0 | | | | | | | | |
| Percentage | 0.0% | | | | | | | | |
| Merit Board | | | | | | | | | |
| Total \$ | \$ 73 | | | | | | | | |
| MFD \$ | \$ 0 | | | | | | | | |
| Percentage | 0.0% | | | | | | | | |
| Office of Inspector General | | | | | | | | | |
| Total \$ | \$ 10,605 | | | | | | | | |
| MFD \$ | \$ 0 | | | | | | | | |
| Percentage | 0.0% | | | | | | | | |
| GRAND TOTAL \$ | \$ 69,883,275 | | | | | | | | |
| MFD \$ | \$ 14,647,381 | | | | | | | | |
| Percentage | 21.0% | | | | | | | | |

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2019
FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment D

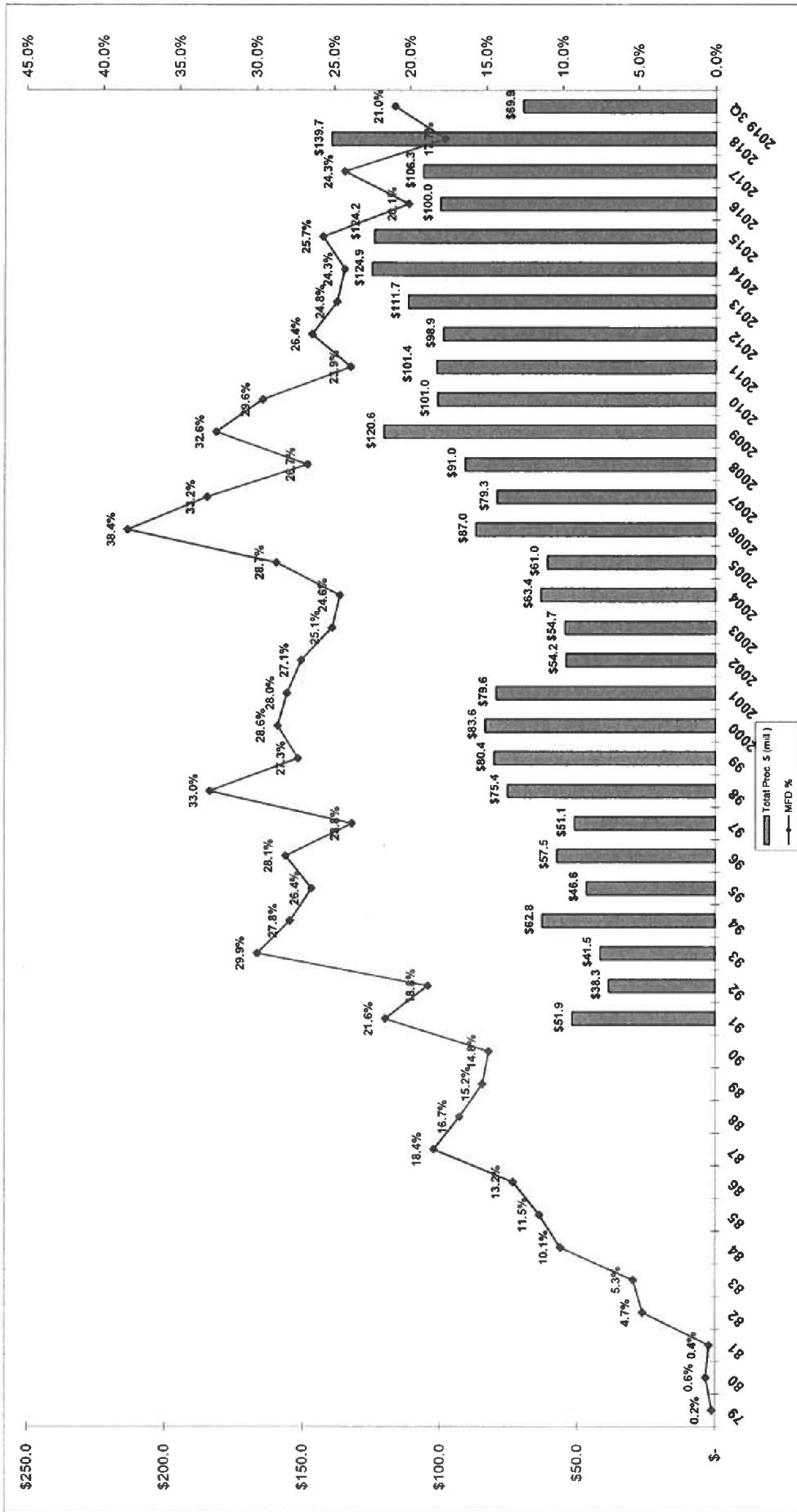
| | Total Procurement | | Purchase Card Procurement | |
|---|--------------------------|--------------|----------------------------------|--------------|
| | Total \$ | MFD % | Total \$ | MFD % |
| <u>Prince George's County</u> | | | | |
| Commissioners' Office | \$ 63,750 | 14.4% | \$ 30,314 | 16.9% |
| Planning Department | 1,085,978 | 36.3% | 103,596 | 0.0% |
| Parks and Recreation Department | 34,724,463 | 25.6% | 5,449,108 | 1.0% |
| Total | 35,874,191 | 25.9% | 5,583,018 | 1.1% |
| <u>Montgomery County</u> | | | | |
| Commissioners' Office | 12,466 | 0.0% | 7,543 | 0.0% |
| Planning Department | 1,172,093 | 43.7% | 178,009 | 0.0% |
| Parks Department | 30,156,937 | 11.0% | 4,570,941 | 1.2% |
| Total | 31,341,496 | 12.3% | 4,756,493 | 1.2% |
| <u>Central Administrative Services</u> | | | | |
| Dept. of Human Resources and Mgt. | 562,359 | 16.1% | 52,292 | 0.0% |
| Finance Department | 409,389 | 73.1% | 45,548 | 0.0% |
| Legal Department | 61,722 | 4.4% | 21,290 | 1.9% |
| Merit Board | 73 | 0.0% | - | 0.0% |
| Office of Chief Information Officer | 1,623,440 | 69.5% | 26,156 | 0.0% |
| Office of Inspector General | 10,605 | 0.0% | 10,451 | 0.0% |
| Total | 2,667,588 | 57.0% | 155,737 | 0.3% |
| Grand Total | \$ 69,883,275 | 21.0% | \$ 10,495,248 | 1.1% |

Percentage of Purchase Card Procurement to Total Procurement **15.0%**

Prepared by Finance Department
June 7, 2019

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

Attachment E

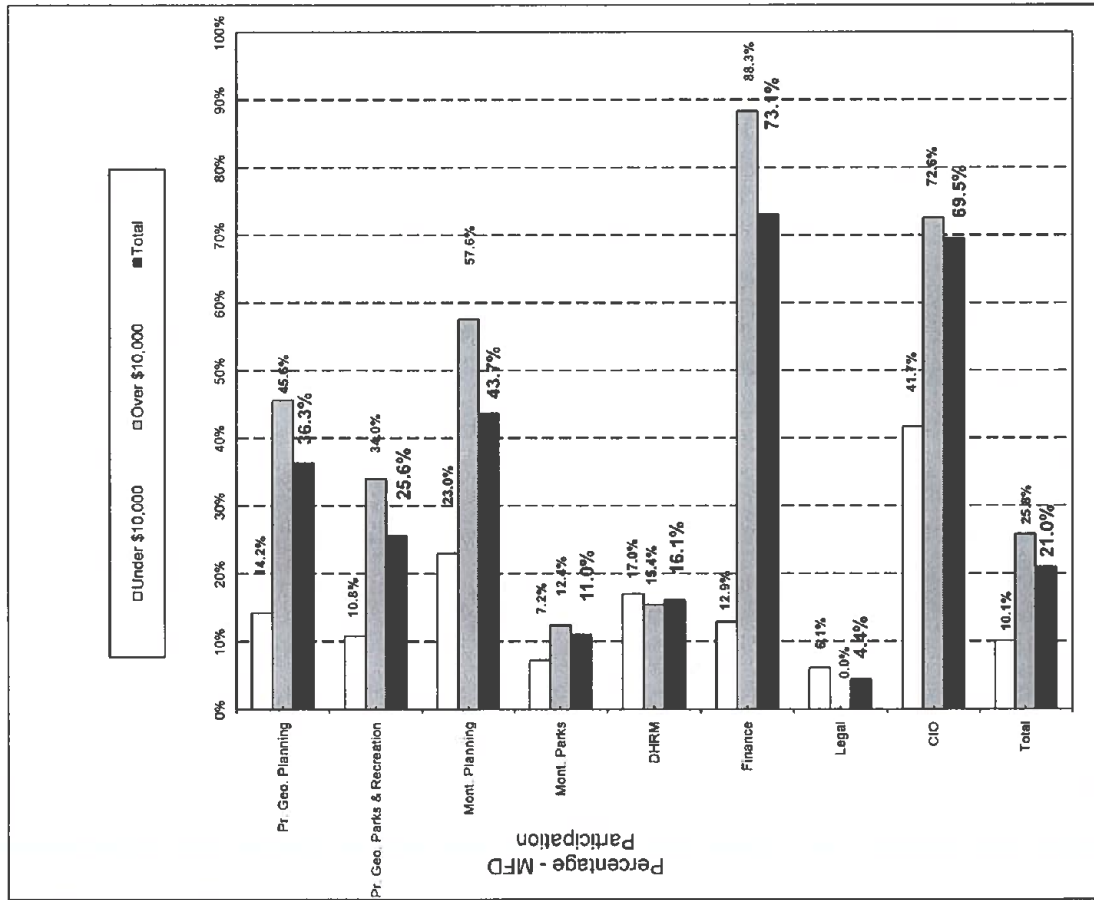


Prepared by Finance Department
 June 7, 2019

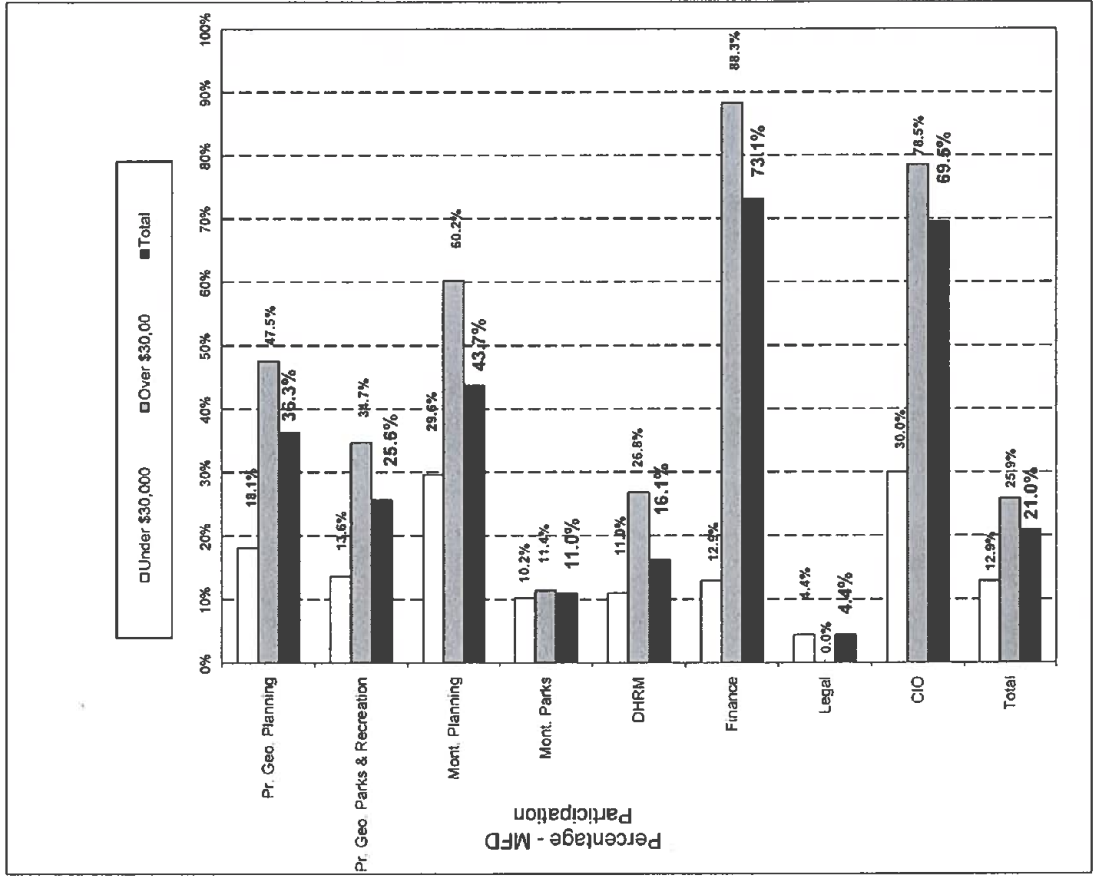
Attachment F

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %
 FY 2019 3Q

Under/Over \$10,000

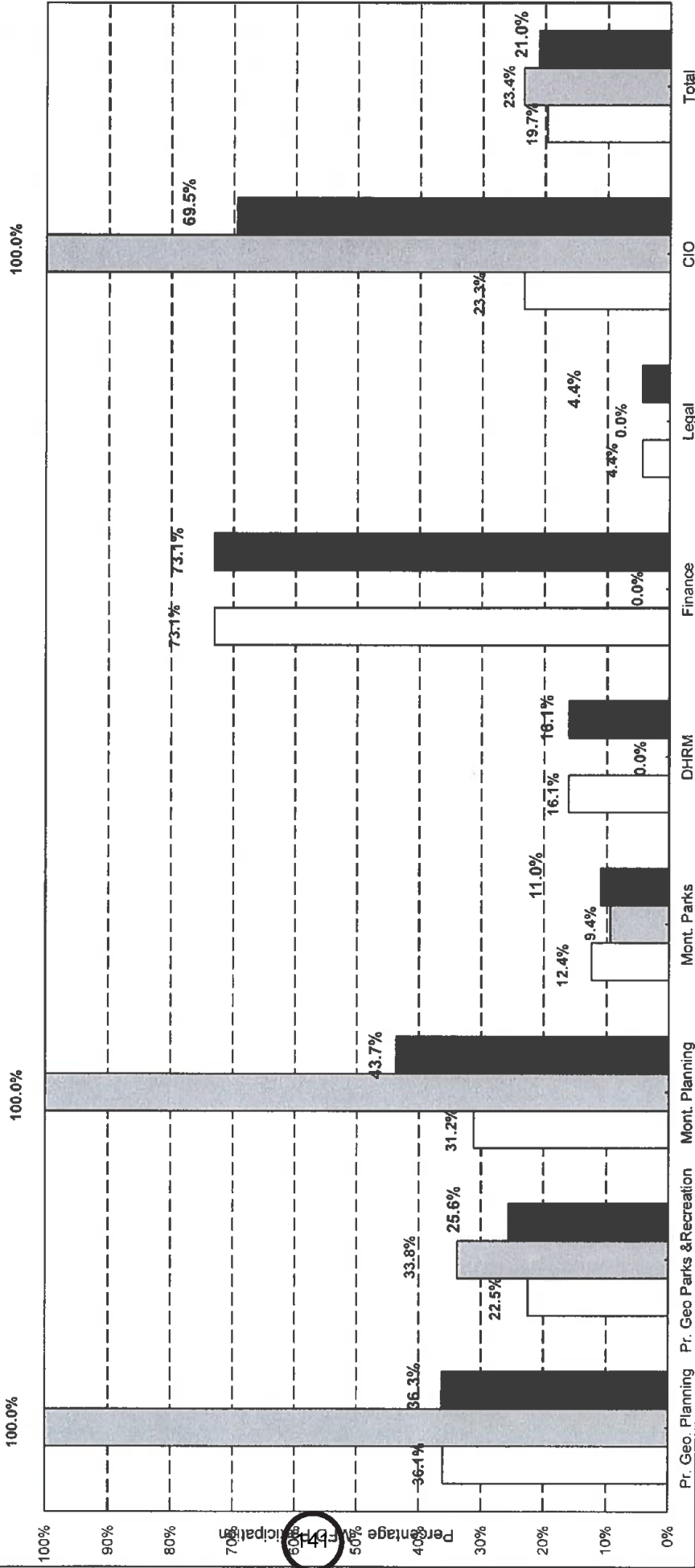


Under/Over \$30,000



Attachment G

The Maryland-National Capital Park and Planning Commission MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total % FY 2019 3Q



Prepared by Finance Department
June 7, 2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Amount of Procurement and Number of Vendors by Location

FY 2019

FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment H

TOTAL of ALL VENDORS

| <u>Location</u> | <u>Procurement</u> | | <u>Number of Vendors</u> | |
|----------------------------|--------------------|-------------------|--------------------------|-------------------|
| | <u>Amount</u> | <u>Percentage</u> | <u>Number</u> | <u>Percentage</u> |
| Montgomery County | \$ 13,918,129 | 19.9% | 270 | 16.1% |
| Prince George's County | 10,849,383 | 15.5% | 481 | 28.8% |
| Subtotal | 24,767,512 | 35.4% | 751 | 44.9% |
| Maryland - other locations | 16,370,212 | 23.4% | 292 | 17.5% |
| Total Maryland | 41,137,724 | 58.8% | 1,043 | 62.4% |
| District of Columbia | 972,784 | 1.4% | 95 | 5.7% |
| Virginia | 2,848,443 | 4.1% | 129 | 7.7% |
| Other Locations | 24,924,324 | 35.7% | 405 | 24.2% |
| Total | \$ 69,883,275 | 100.0% | 1,672 | 100.0% |

TOTAL of Non-MFD Vendors

| <u>Location</u> | <u>Procurement</u> | | <u>Number of Vendors</u> | |
|----------------------------|--------------------|-------------------|--------------------------|-------------------|
| | <u>Amount</u> | <u>Percentage</u> | <u>Number</u> | <u>Percentage</u> |
| Montgomery County | \$ 11,454,350 | 20.7% | 212 | 15.8% |
| Prince George's County | 6,514,277 | 11.8% | 360 | 26.9% |
| Subtotal | 17,968,627 | 32.5% | 572 | 42.7% |
| Maryland - other locations | 12,705,685 | 23.0% | 236 | 17.6% |
| Total Maryland | 30,674,312 | 55.5% | 808 | 60.3% |
| District of Columbia | 830,169 | 1.5% | 63 | 4.7% |
| Virginia | 2,550,794 | 4.6% | 99 | 7.4% |
| Other Locations | 21,180,619 | 38.4% | 370 | 27.6% |
| Total | \$ 55,235,894 | 100.0% | 1,340 | 100.0% |

TOTAL of MFD Vendors

| <u>Location</u> | <u>Procurement</u> | | <u>Number of Vendors</u> | |
|----------------------------|--------------------|-------------------|--------------------------|-------------------|
| | <u>Amount</u> | <u>Percentage</u> | <u>Number</u> | <u>Percentage</u> |
| Montgomery County | \$ 2,463,779 | 16.8% | 58 | 17.5% |
| Prince George's County | 4,335,106 | 29.6% | 121 | 36.5% |
| Subtotal | 6,798,885 | 46.4% | 179 | 54.0% |
| Maryland - other locations | 3,664,527 | 25.0% | 56 | 16.9% |
| Total Maryland | 10,463,412 | 71.4% | 235 | 70.9% |
| District of Columbia | 142,615 | 1.0% | 32 | 9.6% |
| Virginia | 297,649 | 2.0% | 30 | 9.0% |
| Other Locations | 3,743,705 | 25.6% | 35 | 10.5% |
| Total | \$ 14,647,381 | 100.0% | 332 | 100.0% |

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

| | <u>Total Procurement</u> | | <u>MFD Procurement</u> | |
|------------------------|--------------------------|-------------------|------------------------|-------------------|
| | <u>Amount</u> | <u>Percentage</u> | <u>Amount</u> | <u>Percentage</u> |
| Prince George's County | \$ 37,207,985 | 53.2% | \$ 10,046,790 | 68.6% |
| Montgomery County | 32,675,290 | 46.8% | 4,600,591 | 31.4% |
| Total | \$ 69,883,275 | 100.0% | \$ 14,647,381 | 100.0% |

Prepared by Finance Department
June 7, 2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT RESULTS

FY 2019

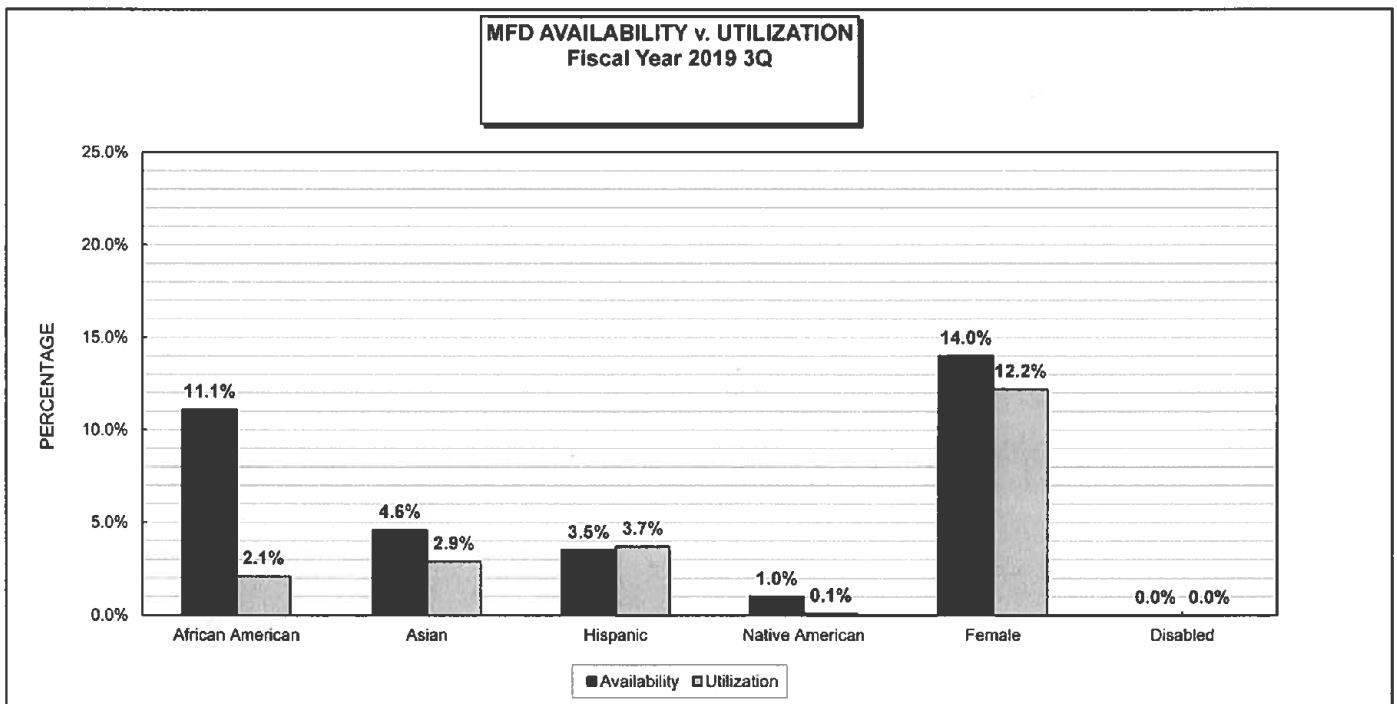
FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment I

Total Amount of Procurement \$ **69,883,275**

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

| | Procurement | | Availability |
|---|----------------------|--------------|--------------|
| | Amount | % | % |
| Minority Owned Firms | | | |
| African American | \$ 1,463,315 | 2.1% | 11.1% |
| Asian | 2,061,108 | 2.9% | 4.6% |
| Hispanic | 2,597,985 | 3.7% | 3.5% |
| Native American | 48,441 | 0.1% | 1.0% |
| Total Minority Owned Firms | 6,170,849 | 8.8% | 20.2% |
| Female Owned Firms | 8,442,854 | 12.2% | 14.0% |
| Disabled Owned Firms | 33,678 | 0.0% | n/a |
| Total Minority, Female, and Disabled Owned Firms | \$ 14,647,381 | 21.0% | 34.2% |



Note: (1) Availability percentages are taken from State of Maryland study titled "Disadvantaged Business Enterprise Disparity Study: Vol. 1", dated June 25, 2018, page 13.

(2) n/a = not available

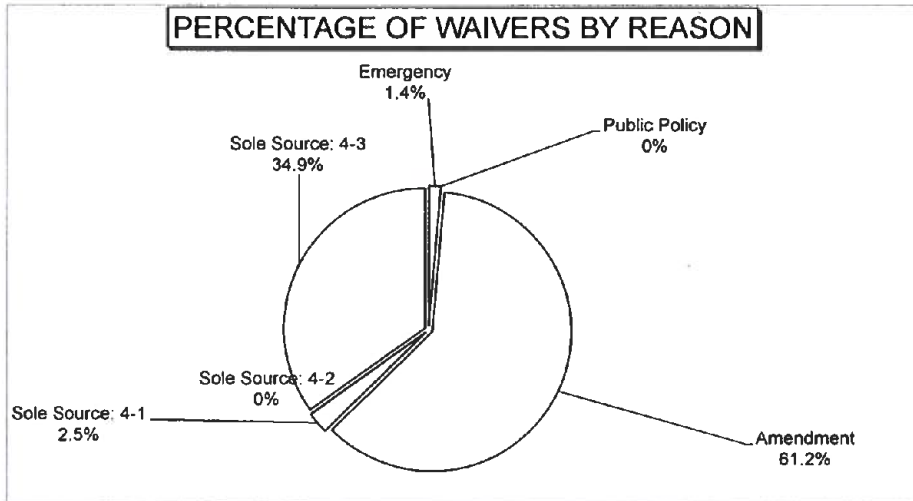
Prepared by Finance Department

June 7, 2019

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2019
FOR NINE MONTHS ENDED MARCH 31, 2019

Attachment J

| | NUMBER | AMOUNT | PERCENTAGE |
|-------------------------|--------|--------------|------------|
| Emergency | 1 | \$ 14,000 | 1.4% |
| Public Policy | 0 | - | 0.0% |
| Amendment | 6 | \$ 634,431 | 61.2% |
| Sole Source: 4-1 | 1 | \$ 25,700 | 2.5% |
| Sole Source: 4-2 | 0 | - | 0.0% |
| Sole Source: 4-3 | 3 | \$ 361,932 | 34.9% |
| Total | 11 | \$ 1,036,063 | 100.0% |



Waiver Reason Definitions:

Emergency:

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

Required by Law or Grant:

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

Amendment:

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

Sole Source 4:

It has been determined that:

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

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2019
FOR THE NINE MONTHS ENDED MARCH 31, 2019**

Attachment K

| | Total Waivers | | MFD Waivers | | % of MFD | | Sole Source 4-1 Waivers | | Sole Source 4-2 Waivers | | Sole Source 4-3 Waivers | | % Sole Source |
|--|---------------------|-----------|-------------|----------|-------------|----------|-------------------------|----------|-------------------------|----------|-------------------------|----------|---------------|
| | \$ | Number | \$ | Number | % | Number | \$ | Number | \$ | Number | \$ | Number | |
| Prince George's County | | | | | | | | | | | | | |
| Commissioners' Office | \$ - | 0 | \$ - | 0 | 0.0% | 0 | \$ - | 0 | \$ - | 0 | \$ - | 0 | 0.0% |
| Planning Department | - | 0 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% |
| Parks and Recreation Department | 368,153 | 4 | - | 0 | 0.0% | 0 | 25,700 | 1 | - | 0 | 31,062 | 1 | 15.4% |
| Total | 368,153 | 4 | - | 0 | 0.0% | 0 | 25,700 | 1 | - | 0 | 31,062 | 1 | 15.4% |
| Montgomery County | | | | | | | | | | | | | |
| Commissioners' Office | 26,035 | 1 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% |
| Planning Department | - | 0 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% |
| Parks Department | 379,655 | 4 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | 330,870 | 2 | 87.2% |
| Total | 405,690 | 5 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | 330,870 | 2 | 81.6% |
| Central Administrative Services | | | | | | | | | | | | | |
| Dept. of Human Resources and Mgt. | - | 0 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% |
| Finance Department | - | 1 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% |
| Legal Department | 175,000 | 1 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% |
| OCU | 87,220 | 1 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% |
| Merit Board | - | 0 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% |
| Total | 262,220 | 3 | - | 0 | 0.0% | 0 | - | 0 | - | 0 | - | 0 | 0.0% |
| Grand Total | \$ 1,036,063 | 12 | \$ - | 0 | 0.0% | 1 | \$ 25,700 | 1 | \$ - | 0 | \$ 361,932 | 3 | 37.4% |

Purpose of Summary of Waiver Report:

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

Sole Source: 4

It has been determined that:

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

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

Reply To

June 7, 2019

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

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
General Counsel

RE: Litigation Report for April & May 2019 – FY 2019

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, June 19, 2019. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

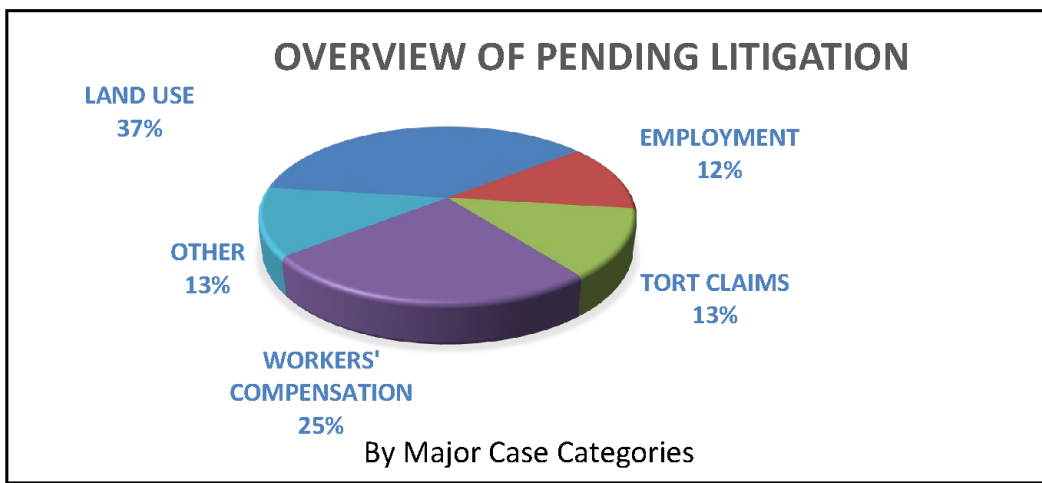
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April & May 2019 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

| | State Trial Court | Maryland COSA | Maryland Court of Appeals | Federal Trial Court | Federal Appeals Court | U.S. Supreme Court | Subject Matter Totals |
|-------------------------|-------------------|---------------|---------------------------|---------------------|-----------------------|--------------------|-----------------------|
| Admin Appeal: Land Use | 4 | 2 | | | | | 6 |
| Admin Appeal: Other | | | | | | | |
| Land Use Dispute | | | | | | | |
| Tort Claim | 2 | | | | | | 2 |
| Employment Dispute | | | | | | | |
| Contract Dispute | | 1 | | | | | 1 |
| Property Dispute | | 1 | | | | | 1 |
| Civil Enforcement | | | | | | | |
| Workers' Compensation | 4 | 1 | | | | | 5 |
| Debt Collection | | | | | | | |
| Bankruptcy | | | | | | | |
| Miscellaneous | | | 1 | | | 1 | 2 |
| Per Forum Totals | 10 | 5 | 1 | | | 1 | 17 |



April & May 2019 Litigation Activity Summary

| | COUNT FOR MONTH | | | COUNT FOR FISCAL YEAR 2019 | | | |
|-------------------------------|----------------------|-----------|----------------|----------------------------|-------------------|------------------------|-----------------------|
| | Pending In Mar. 2019 | 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 | 3 | 7 | 1 | 6 |
| Admin Appeal: Other (AAO) | | | | 0 | | | |
| Land Use Disputes (LD) | | | | 1 | | | |
| Tort Claims (T) | 2 | | | 6 | 3 | 4 | 2 |
| Employment Disputes (ED) | 1 | | 1 | 1 | | | |
| Contract Disputes (CD) | 1 | | | 6 | 1 | 4 | 1 |
| Property Disputes (PD) | 1 | | | 2 | | 2 | 1 |
| Civil Enforcement (CE) | | | | 0 | | | |
| Workers' Compensation (WC) | 4 | 1 | | 2 | 2 | | 5 |
| Debt Collection (D) | | | | 0 | | | |
| Bankruptcy (B) | | | | 0 | | | |
| Miscellaneous (M) | 2 | | | 4 | 1 | 3 | 2 |
| Totals | 18 | 1 | 2 | 25 | 14 | 25 | 17 |

**INDEX OF YTD NEW CASES
(7/1/2018 TO 6/30/19)**

| A. <u>New Trial Court Cases.</u> | <u>Unit</u> | <u>Subject Matter</u> | <u>Month</u> |
|---|--------------------|------------------------------|---------------------|
| Gaspard v. Montgomery County Planning Bd. | MC | AALU | July 18 |
| West Montgomery Citizens Association v. Montgomery County Planning Bd. | MC | AALU | July 18 |
| State Farm v. Barney, et al. | MC | Tort | Aug 18 |
| Commission v. Ferrante | MC | WC | Oct 18 |
| Lovett v. Commission | PG | Tort | Oct 18 |
| Stephanie Green v. Commission | PG | WC | Oct 18 |
| Rose Green v. Commission | PG | Tort | Oct 18 |
| Clark v. Montgomery County Planning Bd. | MC | AALU | Nov 18 |
| Cox v. Commission | MC | WC | Nov 18 |
| Cox v. Commission | MC | WC | Nov 18 |
| Bradley Boulevard Citizens Assn., Inc. v. Montgomery County Planning Bd. | MC | AALU | Feb 19 |
| Critical Areal Commission v. MNCPPC | PG | AALU | Mar 19 |

| B. <u>New Appellate Court Cases.</u> | <u>Unit</u> | <u>Subject Matter</u> | <u>Month</u> |
|---|--------------------|------------------------------|---------------------|
| Bradley Boulevard Citizens Assn., Inc. v. Montgomery County Planning Board | MC | AALU | July 18 |
| Town of Forest Heights v. Commission | PG | Misc. | July 18 |
| Brooks v. Commission | PG | AALU | Aug 18 |
| URS v. Commission | PG | CD | Aug 18 |
| Ross v. Commission | PG | WC | April 19 |

| C. <u>New Supreme Court of the U.S. Cases.</u> | <u>Unit</u> | <u>Subject Matter</u> | <u>Month</u> |
|---|--------------------|------------------------------|---------------------|
|---|--------------------|------------------------------|---------------------|

**INDEX OF YTD RESOLVED CASES
(7/1/2018 TO 6/30/19)**

| <u>A. Trial Court Cases Resolved.</u> | <u>Unit</u> | <u>Subject Matter</u> | <u>Month</u> |
|---|--------------------|------------------------------|---------------------|
| Sauer, Inv. v. Commission | PG | CD | July 18 |
| Commission v. D.L. Boyd | PG | CD | Aug 18 |
| Arnold v. Napier | PG | Tort | Sept 18 |
| Rivers v. Fitts | PG | Tort | Sept 18 |
| State Farm Fire & Casualty v. Barney, et al. | MC | Tort | Oct 18 |
| Rose Green v. Commission | PG | Tort | Nov 18 |
| West Montgomery Citizens Association v. Montgomery County Planning Bd. | MC | AALU | Nov 18 |
| Commission v. McCoy | PG | CD | Dec 18 |
| Lovett v. Commission | PG | Tort | Dec 18 |
| Bundu v. Bowman | PG | Tort | Dec 18 |
| Global Lifesci Development Corporation v. Montgomery County, et al. | MC | Misc. | Jan 19 |
| Commission v. Clean Air Mechanical Inc., et al. | PG | CD | Feb 19 |
| Diggs v. Robinson, et al. | PG | Tort | Feb 19 |
| Cox v. Commission | MC | WC | Feb 19 |
| Cox v. Commission | MC | WC | Feb 19 |

| <u>B. Appellate Court Cases Resolved.</u> | <u>Unit</u> | <u>Subject Matter</u> | <u>Month</u> |
|---|--------------------|------------------------------|---------------------|
| Brooks v. Commission | PG | AALU | July 18 |
| URS Corporation v. Commission | PG | CD | July 18 |
| Rounds v. Montgomery County, MD, et al | MC | PD | Aug 18 |
| Price, et al. v. Prince George's County, et al. | PG | Misc. | Oct 18 |
| Brooks v. Commission | PG | AALU | Oct 18 |
| URS Corporation v. Commission | PG | CD | Oct 18 |
| Pulte., et al. v. Montgomery County, et al. | MC | LD | Nov 18 |
| Burnette v. Commission | PG | ED | Mar 19 |
| Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board | MC | AALU | Mar 19 |

Disposition of FY19 Closed Cases Sorted by Department

| CLIENT | PRINCIPAL CAUSE OF ACTION IN DISPUTE | DISPOSITION |
|--|--|---|
| Employees Retirement System | | |
| Finance Department | | |
| Price, et al. v. Prince George's County, et al. | Appellate matter – Plaintiffs below filed a lawsuit for injunctive relief questioning validity of certain personal tax enactments involving the Commission and Prince George's County. The Commission did not file a brief in this matter. | 10/2/18 – Appeal dismissed for failure to file a properly corrected brief |
| Department of Human Resources & Management | | |
| Montgomery County Department of Planning | | |
| Rounds v. Montgomery County, MD, et al. | Appeal from dismissal of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road Easement | 08/24/18 – Judgment of Circuit Court affirmed |
| Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board | Petitioner appealed Montgomery County Circuit Court January 29, 2018 Order affirming the Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040. | 03/14/19 – Judgment of the Circuit court reversed with instructions to remand to the Planning Board for further proceedings consistent with the COSA opinion. |
| West Montgomery Citizens Association v. Montgomery County Planning Board | Petition for Judicial Review filed appealing the Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833 | 11/02/18 - Case consolidated with Gaspard v. Montgomery County Planning Board |
| Montgomery County Department of Parks | | |
| Cox v. Commission | Claimant appealed decision of the Workers' Compensation Commission finding her to have a 5% permanent partial disability. | 02/06/19 Case remanded to Workers' Compensation Commission for Consideration and Approval of Settlement Agreement. |

| | | |
|--|--|--|
| Cox v. Commission | Claimant appealed decision of the Workers' Compensation Commission which denied her petition to reopen for worsening of condition/increased permanent partial disability. | 02/06/19 Case remanded to Workers' Compensation Commission for Consideration and Approval of Settlement Agreement. |
| State Farm Fire & Casualty Co. A/S/O Yuenyee Lee v. Barney, et al. | Defense of Claim for property damage to home from tree on Commission property. | 10/12/18 – Case settled and dismissed |
| Montgomery County Park Police | | |
| Montgomery County Planning Board | | |
| Pulte Home Corporation, et al v. Montgomery County, et al | Plaintiff filed appeal following dismissal of complaint in U. S. District Court for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland | 11/29/18 - Decision of U.S. District Court affirmed. |
| Prince George's County Department of Parks and Recreation | | |
| Arnold v. Napier | Defense of Claim for personal injury involving vehicle owned by Commission. | 09/10/18 – Case dismissed. |
| Commission v. Clean Air Mechanical Inc. | Commission files complaint for breach of contract, fraud and misrepresentation arising out of purchase order for installation of three DDU units at Cabin John and Wheaton Ice rinks. | 02/15/19 – Judgment granted in favor of M-NCPPC in the amount of \$315,233.14 for compensatory damages and \$3,000,000.00 in punitive damages. |
| Commission v. D.L. Boyd | Commission filed complaint for property damage to Commission property (mansion) | 08/17/18 Case settled and dismissed. |
| Commission v. McCoy | Commission filed complaint for property damage to Commission's golf cart | 12/14/18 Complaint dismissed for lack of prosecution. Final payment made on 1/29/19. |
| Diggs v. Robinson, et al. | Defense of claim for personal injury following an automobile accident involving a Commission vehicle. | 02/21/19 Case settled and dismissed. |
| Lovett v. Commission | Defense of Claim for personal injury sustained while traveling in bus operated by Commission. | 12/06/18 – Case voluntarily dismissed. |
| Rivers v. Fitts | Defense of Claim for personal injury involving vehicle owned by Commission. | 09/26/18 – Judgment for Plaintiff |

| | | |
|---|---|--|
| Rose Green v. Commission | Plaintiff filed a complaint for personal injuries allegedly occurring on Commission property. | 11/09/18 Case dismissed prior to service upon the Commission |
| Sauer, Inc. v. Commission | Plaintiff filed complaint for alleged delays and damages associated with the expansion of the Palmer Park Community Center in Prince George's County. | 07/23/18 – Case settled and dismissed. |
| URS Corporation v. Commission | URS appealed the Circuit Court Decision entering judgment in favor of the Commission as a result of URS breach of duty to defend | 07/06/18 – Judgment of Circuit Court affirmed |
| URS Corporation v. Commission | URS appeals the Circuit Court Decision entering judgment in favor of Commission as a result of URS breach of duty to defend. | 10/26/18 - Petition for Writ of Certiorari denied |
| Prince George's County Planning Department | | |
| Prince George's County Planning Board | | |
| Brooks v. Commission | Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County. | 07/20/18 – Judgment of Circuit Court affirmed. |
| Brooks v. Commission | Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County. | 10/26/18 - Petition for Writ of Certiorari denied. |
| Prince George's Park Police | | |
| Bundu v. Bowman | Defense of Claim for personal injury involving accident in Prince George's County. | 12/03/18 – Case dismissed with prejudice. Case settled. |
| Burnette v. Commission | Former park Police Officer appealed Circuit Court ruling affirming Administrative Hearing Board decision to terminate. | 03/04/19 – Judgment of Circuit Court affirmed. |
| Office of Internal Audit | | |

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

No Pending Cases

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Commission v. Ferrante

Case No. CAL 18-09401 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring MNCPPC to pay indemnity benefits corresponding to medical treatment.

Status: Awaiting Court's decision.

Docket:

| | |
|----------|---|
| 04/17/18 | Petition for Judicial Review filed |
| 05/07/18 | Commission files response to Petition for Judicial Review |
| 06/19/18 | Pretrial date rescheduled by consent |
| 06/26/18 | Order of Court rescheduling Pretrial Conference |
| 07/09/18 | Pretrial Conference cancelled |
| 11/28/18 | Consent Motion to consolidate with CAL18-40683 |
| 12/27/18 | Consent Motion to consolidate with CAL 18-40683 refiled |
| 01/25/19 | Motion to Consolidate granted. Case CAL18-09401 to be the lead case for purposes of filing. |
| 02/20/19 | Trial postponed – inclement weather |
| 03/28/19 | Trial held. Court has taken matter under advisement. |

Commission v. Ferrante

Case No. CAL 18-40683 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring MNCPPC to pay indemnity benefits corresponding to medical treatment.

Status: Awaiting Court's decision.

Docket:

| | |
|----------|--|
| 10/30/18 | Petition for Judicial Review filed |
| 11/28/18 | Consent Motion to Consolidate with CAL18-09401 |
| 12/27/18 | Consent Motion to Consolidate with CAL18-09401 refiled |

| | |
|----------|---|
| 01/25/19 | Motion to Consolidate granted. Case CAL18-09401 to be the lead case for purposes of filing. |
| 02/20/19 | Trial postponed – inclement weather |
| 03/28/19 | Trial held. Court has taken matter under advisement. |

Critical Area Commission v. MNCPPC

Case No. CAL 19-05760 (AALU)

Lead Counsel: Borden
Other Counsel:

Abstract: Petition for Judicial review regarding the Prince George's County Planning Board's approval of the Indian Queen Overlook Conservation Plan CP-16002.

Status: Awaiting oral argument.

Docket:

| | |
|----------|--|
| 02/15/19 | Petition for Judicial Review filed |
| 03/09/19 | Commission served |
| 03/19/19 | Response of MNCPPC filed |
| 04/17/19 | Min's Response to Petition for Judicial Review filed |
| 07/26/19 | Oral argument |

Green v. Commission

Case No. CAL 18-40994 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring claimant/plaintiff to use Corvel's mail-in services for her prescription needs, effective December 1, 2018. The Commission filed a Motion to Dismiss arguing that the Claimant/Plaintiff was not aggrieved by the decision of the WCC because there was no change to her medications, only the delivery apparatus, and thus she had no standing to appeal.

Status: Case dismissed with prejudice.

Docket:

| | |
|----------|---|
| 10/31/18 | Petition for Judicial Review filed |
| 11/28/18 | Response to Petition for Judicial Review |
| 04/11/19 | Pretrial Conference cancelled |
| 04/15/19 | MNCPPC Motion to Dismiss filed |
| 04/15/19 | MNCPPC Motion to Strike Jury Demand filed |
| 05/21/19 | Motion to Strike Jury demand denied as moot |
| 05/21/19 | Motion to Dismiss Granted. Petition for Judicial Review Dismissed with Prejudice. |

Gutierrez v. Commission
Case No. CAL18-15226 (Tort)

Lead Counsel: Harvin
Other Counsel: Adams

Abstract: Defense of claim for personal injury following an automobile accident.

Status: In discovery.

Docket:

| | |
|----------|--------------------------------|
| 05/22/18 | Complaint filed |
| 06/15/18 | Commission served |
| 07/24/18 | Answer filed |
| 11/27/18 | Pretrial Conference held |
| 06/03/19 | Alternative Dispute Resolution |
| 08/26/19 | Trial |

Ross v. Commission
Case No. CAL18-12424 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant filed for judicial review of WCC Order which included a credit for the Commission for temporary total disability benefits paid and denied additional credit for vocational rehabilitation benefits paid.

Status: Trial held/Appeal filed.

Docket:

| | |
|----------|---|
| 04/23/18 | Petition for Judicial Review filed |
| 05/04/18 | Commission responds to Petition for Judicial Review |
| 05/14/18 | Commission's Cross-Petition for Judicial Review |
| 06/01/18 | WCC Notice of Cross Appeal |
| 07/16/18 | Commission's Motion for Partial Summary Judgment filed |
| 07/24/18 | Opposition to Motion for Partial Summary Judgment filed |
| 09/06/18 | Pretrial Conference |
| 09/24/18 | Motion for Partial Summary Judgment granted for additional credit for vocational rehabilitation benefits paid. Trial remains scheduled on issues of whether claimant is permanently totally disabled. |
| 02/13/19 | M-NCPPC's Motion in Limine filed |
| 03/07/19 | Motion in Limine granted. No reference regarding the credit in the Employer's favor allowed at the trial of this matter. |
| 04/01/19 | Trial – Issues involving Subsequent Injury Fund settled prior to court. |
| 04/02/19 | Judgment entered in favor of Ross and against the Commission. Case to be remanded back to the Workers Compensation Commission. |
| 04/05/19 | Case remanded. |

| | |
|----------|--|
| 04/15/19 | Ordered that WCC order dated 4/5/18 is affirmed in part and reversed in part. Further ordered that the case is remanded to the WCC to issue a new order finding that Mr. Ross is not permanently and totally disabled; Mr. Ross has a 90% industrial loss, 68% of which is due to the accidental injury and 22% due to pre-existing conditions. Ordered that the new order reflect that the employer and insurer are granted a credit for overpayment of temporary total disability from June 26, 2013 to March 23, 2016. Further ordered that in all other respects of the original 4/5/18 order is affirmed. |
| 04/17/19 | Notice of Appeal filed by Ross. |

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Bradley Boulevard Citizens Association, Inc. v. Montgomery County Planning Board

Case No. 463263-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Petitioner appealed Montgomery County Planning Board approval of WMAL Site Plan 820170170.

Status: Petition filed.

Docket:

| | |
|----------|---|
| 02/14/19 | Petition for Judicial Review |
| 02/15/19 | Notice of Filing from Court |
| 03/07/19 | MNCPPC's Response to Petition filed |
| 03/20/19 | Toll Bros., Inc.'s Response to Petition filed |

Clark Office Building LLC v. Montgomery County Planning Board

Case No. 458065-V (AALU)

Lead Counsel: Dumais
Other Counsel:

Abstract: Petitioner appealed Montgomery County Planning Board approval of 4 Bethesda Metro Center Sketch Plan 320180110

Status: Awaiting Court's decision.

Docket:

| | |
|----------|---|
| 11/15/18 | Petition for Judicial Review |
| 11/29/18 | Response to Petition for Judicial Review |
| 01/18/19 | Motion to Intervene by BOP Bethesda Metro Center LLC |
| 01/29/19 | Petitioner's Opposition to Motion to Intervene |
| 02/12/19 | Hearing on Motion to Intervene |
| 02/15/19 | Petitioner's Memorandum of Law in Support of Petition for Judicial Review |
| 02/26/19 | Order of Court Granting Motion to Intervene |
| 03/19/19 | MNCPPC's Answering Memorandum filed |
| 03/19/19 | MNCPPC's Motion to Strike Plaintiff's Exhibits filed |
| 03/20/19 | Defendant BOP Bethesda Metro Center LLC's Answering Memorandum filed. |
| 04/08/19 | Plaintiff's Motion for Leave to Supplement Record |
| 04/08/19 | Plaintiff's Opposition to MNCPPC's Motion to Strike |
| 04/09/19 | Plaintiff's Reply Memorandum and attachments |
| 04/10/19 | MNCPPC's Opposition to Motion for Leave to Supplement Record |
| 04/23/19 | Defendant BOP Bethesda Metro Center LLC's Response to Plaintiff's Motion for Leave to Supplement Record |
| 05/06/19 | Oral argument held. Court denies Petitioner's Motion for Leave to Supplement Record. Court takes matter under advisement. |

Gaspard v. Montgomery County Planning Board (see West Montgomery Citizens case below)

Case No. 451996-V (AALU)

Lead Counsel: Dumais
Other Counsel:

Abstract: Petition for Judicial Review filed of Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833

Status: Planning Board Affirmed.

Docket:

| | |
|----------|--|
| 07/31/18 | Petition(s) for Judicial Review filed |
| 08/10/18 | Commission's Response to Petition |
| 08/31/18 | Response of S. Vazer to Petition for Judicial Review |
| 09/04/18 | Motion to Consolidate with Case 452024-V |
| 09/21/18 | West Montgomery Citizens Association's response to Motion to Consolidate |
| 11/02/18 | Order granting consolidation of cases. All future pleadings to be filed in case 451996V. |
| 02/08/19 | Oral argument held. |
| 4/29/19 | Decision of the Planning Board Affirmed. |

Melara, et al. v. Evans

Case No. 439733-V (Tort)

(originally filed in District Court of Montgomery County 0601-0011991-2017)

Lead Counsel: Harvin
Other Counsel: Adams

Abstract: Claim for personal injury following an automobile accident.

Status: Verdict in favor of M-NCPPC, Erie Insurance Exchange, and Brian Melara

Docket:

| | |
|----------|--|
| 11/08/17 | Case transferred from District Court |
| 04/19/18 | Pretrial conference held |
| 05/24/18 | Pre-trial/settlement conference held |
| 05/24/18 | Case Consolidated with Case No. 439733-V |
| 05/25/18 | Order of Consolidation – All future filings to be in this case |
| 06/01/18 | Answer of Erie Insurance and demand for Jury trial |
| 07/02/18 | Commission's Answer to Cross-Complaint |
| 10/22/18 | Erie's Consent Motion to Bifurcate issue of liability from damages |
| 10/26/18 | Stipulation of Partial Dismissal in Case No. 439733V as dismissed with prejudice. All claims asserted in the consolidated matter of Evans v. Melara, Case No. 435456V, remain pending. |
| 11/01/18 | Pre-trial Conference held |

| | |
|-------------|---|
| 11/01/18 | Court denies Erie's Consent Motion to Bifurcate issue of liability from damages |
| 12/26/18 | Commission's Response to Erie's Motion for Summary Judgment |
| 12/26/18 | Motion for Leave to Amend Complaint |
| 01/07/19 | MNCPPC's Opposition to Motion for Leave to File Second Amended Complaint |
| 01/28/19 | MNCPPC's Motion for Summary Judgment |
| 02/06/19 | Order granting leave to amend complaint |
| 02/06/19 | Second Amended Complaint accepted for filing |
| 02/11/19 | Erie's Opposition to M-NCPPC's Motion for Summary Judgment |
| 03/05/19 | Motions Hearing held |
| 03/05/19 | Erie's Motion for Summary Judgment denied |
| 03/05/19 | Motion for Postponement |
| 03/19/19 | Order of Court that Plaintiff's Consent Motion for Continuance denied as moot. Case bifurcated. Trial on liability shall remain on the trial docket for April 1, 2019 and the trial on damages shall be set on the trial docket for May 28, 2019. |
| 03/25/19 | Order of Court denying defendants Brian Melara and M-NCPPC's Motion for Summary Judgment. |
| 03/25/19 | Order of Court denying defendant Erie's Motion to Compel or in the Alternative to Strike Plaintiff's Expert Designation. |
| 04/1 - 3/19 | Trial |
| 04/09/19 | Defense Verdict in favor of Commission, Erie and Melara. |

MARYLAND COURT OF SPECIAL APPEALS

Bradley Boulevard Citizens Assn, Inc. v. Montgomery County Planning Board

September Term 2018, No. 1034 (AALU)
(Originally filed under 436463-V in Montgomery County)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Petitioner appealed Montgomery County Circuit Court June 4, 2018 Order affirming the Planning Board's approval of WMAL Preliminary Plan 120160290.

Status: Appeal filed.

Docket:

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|----------|--|
| 07/03/18 | Civil Information Report filed |
| 10/26/18 | Order Appeal to proceed without a prehearing conference or ADR |
| 09/03/19 | Oral Argument |

Fort Myer Construction Corporation v. Commission

September Term 2017, No. 1684 (CD)
(Originally filed under 399804-V in Montgomery County)

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

Abstract: Plaintiff appealed Circuit Court ruling granting dismissal of complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Status: Circuit Court Affirmed.

Docket:

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| 10/26/17 | Notice of Appeal |
| 12/03/18 | Oral Argument held |
| 4/29/19 | Judgment of the Circuit Court for Montgomery County Affirmed. |

Pletsch, et al v. Commission

September Term 2017, No. 2518 (AALU)
(Originally filed under CAL17-12150 in Prince George's County)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Two separate appeals filed. The Citizens filed an appeal of order affirming the underlying decision and resolution. The developer filed an appeal of the denial of the motion to dismiss for lack of standing. The Commission did not join in the appeal of the denial of the motion to dismiss.

Status: Awaiting Court's decision.

Docket:

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| 02/16/18 | Notice of Appeal filed by Pletsch, et al. |
| 02/23/18 | Notice of Appeal filed by St. John Properties, Inc. |
| 01/23/19 | Petitioner's Brief filed |
| 01/23/19 | Joint Record Extract filed |
| 04/01/19 | Commission's Brief filed. |
| 05/13/19 | Oral Argument held. |

Ross v. Commission

Term 2019, No. 280 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Defense of appeal from order granting a credit for overpayment of temporary total disability from June 26, 2013 to March 23, 2016

Status: Appeal filed.

Docket:

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| 04/17/19 | Petition for Judicial Review filed |
|----------|------------------------------------|

Rounds v. Montgomery County, MD, et al

September Term, 2017, No.1561 (PD)
(Originally filed under #430530-V in Montgomery County)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin
Adams

Abstract: Appeal from dismissal of claim barred by res judicata concerning alleged Farm Road easement.

Status: Case Dismissed.

Docket:

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|----------|--|
| 09/25/17 | Notice of Appeal filed |
| 10/19/17 | Court issued show cause for inquiry as to why Plaintiffs'/Appellants' Pre-hearing Information Report not filed |
| 11/15/17 | Court accepts Pre-hearing Information Report for filing |
| 12/12/18 | Oral Argument held |
| 12/17/18 | Court of Special Appeals dismisses appeal and issues Mandate. |

MARYLAND COURT OF APPEALS

The Town of Forest Heights v. Commission

September Term 2018, Petition No. 105 (Misc.)

Lead Counsel: Borden
Other Counsel:

Abstract: Commission below filed a declaratory judgment against the Town of Forest Heights. The Town appealed.

Status: Court of Special Appeals Reversed.

Docket:

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| 05/10/18 | Petition for Cert filed by the Town of Forest Heights |
| 05/15/18 | Commission Answer to Petition for Writ of Cert |
| 06/01/18 | Petition for Writ of Certiorari granted |
| 07/24/18 | Town of Forest Heights Brief filed |
| 08/31/18 | Commission Brief filed |
| 08/31/18 | Amicus Curiae in Support of Appellant filed by The Maryland Municipal League, Inc. |
| 09/20/18 | Town of Forest Heights Reply Brief filed |
| 10/04/18 | Oral Argument held. |
| 04/05/19 | Judgment of the Court of Special Appeals reversed, and case remanded. |

U.S. DISTRICT COURT OF MARYLAND

No Pending Cases

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

No Pending Cases

SUPREME COURT OF THE UNITED STATES

Commission v. American Humanist Association, et al

Case No. 17A1175 (Misc.)
17-1717 (American Legion)
18-18 (M-NCPPC)
(Appeal from Case No. 15-2597)

Lead Counsel: Hogan Lovells (Neal Kumar Katyal & Mitchell P. Reich)
Other Counsel: Gardner
Dickerson
Harvin

Abstract: The Commission intends to seek review by the Supreme Court of the decision of the Court of Appeals for the Fourth Circuit finding violation of establishment clause of Constitution.

Status: Awaiting decision.

Docket:

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| 04/24/18 | Commission's Application to extend the time to file a Petition for Writ of Certiorari |
| 04/30/18 | American Legion's Application to extend time to file a Petition for Writ of Certiorari |
| 05/03/18 | American Legion's Application to extend time granted |
| 05/09/18 | Commission's Application to extend time granted |
| 06/25/18 | American Legion's Petition for Writ of Cert. filed |
| 06/29/18 | Commission's Petition for Writ of Cert. filed |
| 07/12/18 | Blanket Consent filed by Respondents, The American Legion, the American Legion Department of Maryland, and The American Legion Colmar Manor Post 131 |
| 07/13/18 | Blanket Consent filed by Petitioner, M-NCPPC |
| 07/25/18 | Amicus Brief American Center for Law and Justice |
| 07/26/18 | Amicus Brief Military Order of the Purple Heart |
| 07/27/18 | Amicus Brief 109 United States Senators and Members of the United States House of Representatives |

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| 07/27/18 | Amicus Brief Major General Patrick Brady and Veterans Groups Erecting and Maintaining War Memorials |
| 07/27/18 | Amicus Brief The Town of Taos, New Mexico |
| 07/27/18 | Amicus Brief The Islam and Religious Freedom Action Team of the Religious Freedom Institute |
| 07/27/18 | Amicus Brief International Municipal Lawyers Association |
| 07/27/18 | Amicus Brief Veterans of Foreign Wars of the United States |
| 07/27/18 | Amicus Brief Medal of Honor Recipients |
| 07/27/18 | Amicus Brief Maryland Elected Officials |
| 07/27/18 | Amicus Brief State of West Virginia, 27 Other States & the Governor of Kentucky |
| 07/27/18 | Amicus Brief Retired Generals and Flag Officers |
| 07/27/18 | Amicus Brief Jewish Coalition for Religious Liberty |
| 07/27/18 | Amicus Brief The Becket Fund for Religious Liberty |
| 08/01/18 | Amicus Brief Foundation for Moral Law |
| 08/02/18 | Amicus Brief State of Maryland |
| 08/02/18 | Amicus Brief Veterans in Defense of Liberty |
| 08/02/18 | Amicus Brief Prince George's County, Maryland |
| 08/02/18 | Amicus Brief The Rutherford Institute |
| 08/21/18 | Reply of Commission |
| 08/22/18 | Distributed for Conference of 9/24/18 |
| 10/01/18 | Distributed for Conference of 10/05/18 |
| 10/09/18 | Distributed for Conference of 10/12/18 |
| 10/22/18 | Distributed for Conference of 10/26/18 |
| 10/29/18 | Distributed for Conference of 11/02/18 |
| 11/02/18 | Certiorari granted. |
| 12/17/18 | Brief of petitioners The American Legion, et al. |
| 12/17/18 | Brief of petitioner M-NCPPC |
| 12/17/18 | Joint Appendix filed |
| 12/18/18 | Brief amici curiae of American Association of Christian Schools, et al. |
| 12/19/18 | Brief amicus curiae of Justice and Freedom Fund |
| 12/19/18 | Brief amicus curiae of Thomas More Law Center |
| 12/19/18 | Brief amicus curiae of Town of Taos, New Mexico |
| 12/20/18 | Brief amicus curiae of Wisconsin Institute for Law & Liberty |
| 12/20/18 | Brief amicus curiae of Foundation for Moral Law |
| 12/20/18 | Brief amicus curiae of State of Maryland |
| 12/21/18 | Set for Oral Argument on 2/27/19 |
| 12/21/18 | Brief amici curia of The National Jewish Commission on Law and Public Affairs |
| 12/21/18 | Brief amicus curiae of Family Research Council |
| 12/21/18 | Brief amici curiae of Medal of Honor Recipients |
| 12/21/18 | Brief amici curiae of American Center for Law & Justice, et al. |
| 12/21/18 | Brief amici curiae of Retired Generals and Flag Officers |
| 12/21/18 | Brief amici curiae of Veterans of Foreign Wars of the United States, et al. |
| 12/21/18 | Brief amicus curiae of The Utah Highway Patrol Association |
| 12/21/18 | Brief amici curiae of Citizens United and Citizens United Foundation |
| 12/21/18 | Brief amici curiae of Family Members of Soldiers Named on the Peace Cross |

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|----------|--|
| 12/21/18 | Brief amicus curiae of Center for Constitutional Jurisprudence |
| 12/21/18 | Brief amici curiae of Public Advocate of the United States, et al. |
| 12/21/18 | Brief amicus curiae of Judicial Watch, Inc. |
| 12/21/18 | Brief amicus curiae of Liberty Counsel |
| 12/21/18 | Brief amici curiae of National Association of Counties, et al. |
| 12/21/18 | Brief amici curiae of Major General Patrick Brady and Veterans Groups Erecting and Maintaining War Memorials |
| 12/21/18 | Amicus brief of The Rutherford Institute |
| 12/24/18 | Brief amici curiae of State of West Virginia and 29 Other States |
| 12/24/18 | Brief amicus curiae of Cato Institute |
| 12/24/18 | Brief amicus curiae of The Becket Fund for Religious Liberty |
| 12/26/18 | Brief amicus curiae of Jewish Coalition for Religious Liberty |
| 12/26/18 | Brief amici curiae of 84 United States Senators and Members of the United States House of Representatives |
| 12/26/18 | Brief amicus curiae of The American Civil Rights Union |
| 12/26/18 | Brief amicus curiae of CatholicVote.org Education Fund |
| 12/26/18 | Brief amicus curiae of Kamal S. Kalsi |
| 12/26/18 | Brief amicus curiae of The Islam and Religious Freedom Action Team of the Religious Freedom Institute |
| 12/26/18 | Brief amici curiae of Various Professors |
| 12/26/18 | Brief amicus curiae of Military Order of the Purple Heart |
| 12/26/18 | Brief amici curiae of Maryland Elected Officials and Prince George's County |
| 12/26/18 | Brief amici curiae of Professors Walter Dellinger and Martin S. Lederman in support of neither party |
| 12/26/18 | Brief amici curiae of Veterans in Defense of Liberty, et al. |
| 12/26/18 | Brief amicus curiae of United States |
| 12/26/18 | Amicus brief of Religious Denominations and Other Religious Institutions |
| 01/09/19 | Joint Motion of Petitioners for Enlargement of time for oral argument and for divided argument |
| 01/09/19 | Motion of the Acting Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument |
| 01/22/19 | Motion of the Acting Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument granted |
| 01/22/19 | Joint Motion of Petitioners for enlargement of time for oral argument and for divided argument granted |
| 01/23/19 | Brief of Respondent American Humanist Association et al. filed |
| 01/30/19 | Brief amici curiae of Religious and Civil-Rights Organizations filed |
| 01/30/19 | Brief amici curiae of Military Religious Freedom Foundation et al. filed |
| 01/30/19 | Brief amici curiae of Jewish War Veterans of the United States of America, Inc. filed |
| 01/30/19 | Brief amici curiae of Muslim Advocates filed |
| 01/30/19 | Brief amici curiae of Historians and Legal Scholars filed |
| 01/30/19 | Amicus brief of Law Professors filed |

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| 01/30/19 | Amicus brief of Baptist Joint Committee for Religious Liberty et al. filed |
| 01/30/19 | Amicus brief of Freedom from Religion Foundation, Center for Inquiry, American Atheists, Inc., Military Association of Atheists and Freethinkers, Secular Coalition of America filed |
| 02/13/19 | Reply of Petitioners, The American Legion, et al. |
| 02/21/19 | Letter from State of Rhode Island regarding Amici Brief of State of West Virginia |
| 02/27/19 | Oral Argument held |

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 **THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission**

**OFFICE OF THE GENERAL COUNSEL
ANNUAL REPORT**



2019 SESSION OF THE MARYLAND GENERAL ASSEMBLY

April 24, 2019

ADRIAN R. GARDNER
General Counsel

ELIZABETH L. ADAMS
Senior Counsel

SHERONDA M. ROSE
Legislative/ Legal Assistant

INTRODUCTION

Each session, the General Assembly considers numerous bills that affect the Maryland-National Capital Park and Planning Commission and the Washington Suburban Sanitary Commission, bi-county entities that operate under State law in Montgomery and Prince George's counties. During the 2019 Legislative Session, the House of Delegates took up 1,430 bills and the Senate took up another 1,050, with a certain margin of overlap because some bills are duplicated by "cross-filing" in both chambers.

Legislation pertaining to a single political subdivision or a bi-county agency is usually afforded "local courtesy." Local courtesy provides that if a majority of the members of the Senate or the House of Delegates representing a particular political subdivision support or oppose local legislation, the rest of the senators or delegates generally will accept that decision.

Procedures for consideration of local legislation vary among the local delegations. The Montgomery County and Prince George's County delegations are among the few that have adopted the most complex procedures for considering local legislation. Each county has established published deadlines for its members to submit proposed local legislation for consideration several months before each legislative session of the General Assembly. County administration proposals, as well as bi-county agency proposals, are generally submitted by the delegation chair on behalf of the local entity. Copies of the draft bills (which have not been actually introduced in the General Assembly at this stage) are distributed at public hearings conducted in the respective counties weeks before the start of the legislative session.

Following local public hearings or early in the legislative session, a delegation or a committee of the delegation will consider each appropriate local bill and may extensively amend a bill before it is formally introduced in the General Assembly. If the bill receives the approval of the full delegation, it will be introduced under the sponsorship of the delegation. A standing committee will delay formal action on a bill until it receives written notice of the appropriate delegations' approval of the bill. The local process for these bills is further complicated for bi-county agencies such as the Maryland-National Capital Park and Planning Commission and the Washington Suburban Sanitary Commission.

Bills affecting these agencies must be considered and approved by both county delegations before a standing committee of the House of Delegates will take action.

Once a local bill has passed out of the House of Delegates, the same local delegation process takes place in the Senate of Maryland before a standing committee will take action on the legislation.

The bills listed below are the bi-county proposals that the Montgomery County and Prince George's County delegations and the General Assembly considered during the 2019 Legislative Session.

(Adapted from the Maryland Local Government Volume of the Maryland General Assembly Legislative Handbook Series, Volume VI, 2006.)

Section 1: Bi-County and Other Local Legislation

| Bill No. | Bill Title | M-NCPPC Position | Result | Page |
|--------------------------------|--|--------------------------------|------------------|-------------|
| MC/PG 101-19 HB 674 | Washington Suburban Sanitary Commission – Moratorium and Study on Advanced Metering Infrastructure | No Position | Withdrawn | 1 |
| MC/PG 103-19 | Montgomery County – Planning and Zoning Authority – Municipal Corporations | Oppose | Withdrawn | 1 |
| MC/PG 104-19 HB 326 | Washington Suburban Sanitary Commission – Office of the Inspector General – Technical Changes | No Position | Passed | 2 |
| MC/PG 105-19 HB 325 | Washington Suburban Sanitary Commission – Indirect Customer Assistance Program | No Position | Passed | 2 |
| MC/PG 106-19 HB 621 | Montgomery County – Land Use Documents – Certification | Support with Amendments | Withdrawn | 3 |
| MC/PG 107-19 HB 324 | Washington Suburban Sanitary Commission – Discrimination – Prohibited in Contracts | No Position | Passed | 4 |
| MC/PG 108-19 HB 352 | Property Tax Credits – Maryland–National Capital Park and Planning Commission Park Police Officers and Washington Suburban Sanitary Commission Police Officers | Support | Passed | 4 |

Section 1: Bi-County and Other Local Legislation (Cont.)

| Bill No. | Bill Title | M-NCPPC Position | Result | Page |
|---------------------------------------|---|--------------------------------|------------------|-------------|
| MC/PG 109-19 HB 362 | Maryland–National Capital Park and Planning Commission – Collective Bargaining – Exclusive Representative Duty of Fair Representation | Support | Passed | 4 |
| MC/PG 110-19 HB 662 | Glen Dale Hospital Adaptive Reuse | Support with Amendments | Passed | 5 |
| MC/PG 112-19 HB 1279 | Maryland–National Capital Park and Planning Commission – Procurement – Source Selection | Support with Amendments | Passed | 5 |
| MC/PG 113-19 HB 647/SB 202 | Washington Suburban Sanitary Commission – Water Leakage – Billing | No Position | Failed | 5 |
| MC/PG 114-19 HB 1280 | Washington Suburban Sanitary Commission – Collective Bargaining – Technical Unit | No Position | Passed | 6 |
| MC/PG 115-19 HB 678 | Maryland–National Capital Park and Planning Commission – Prince George’s County Recreation Program – Youth Sports Division | Support | Passed | 6 |
| MC/PG 116-19 HB 859 | Maryland–National Capital Park and Planning Commission – Mandatory Referral Review | Support | Withdrawn | 6 |
| MC 8-19 | Montgomery County – State Highways – Toll Facilities | No Position | Withdrawn | 7 |

Section 1: Bi-County and Other Local Legislation (Cont.)

| Bill No. | Bill Title | M-NCPPC Position | Result | Page |
|------------------------------|--|-------------------------|------------------|-------------|
| MC 10-19 HB 614 | Montgomery County - Vehicle Laws - Prohibited Acts at Intersections | No Position | Failed | 7 |
| MC 11-19 HB 642 | Montgomery County - Uniformity of Property Tax Assessments - Use of Pesticides by Country Clubs and Golf Courses | No Position | Withdrawn | 7 |
| MC 15-19 | Montgomery County – Highway Construction | No Position | Withdrawn | 8 |
| MC 24-19 HB 203 | Montgomery County - Maximum Speed Limits Outside Urban Districts | No Position | Failed | 8 |
| MC 27-19 HB 651 | Montgomery County - Country Clubs and Golf Courses - Rate of Assessment and Term of Agreements | No Position | Withdrawn | 8 |
| PG 303-19 HB 1157 | Prince George's County - Workgroup on Alcohol Outlet Density Zones | No Position | Passed | 9 |
| PG 404-19 HB 227 | Prince George’s County – Ethics – Limitations on Applicant Campaign Contributions | No Position | Failed | 9 |
| PG 420-19 HB 456 | Prince George’s County – State Highways – Toll Facilities | No Position | Failed | 9 |

Section 1: Bi-County and Local Bills

| Title | Bill Number | Status |
|---|--------------------------------|---|
| Washington Suburban Sanitary Commission – Moratorium and Study on Advanced Metering Infrastructure | MC/PG 101-19 HB 674 |  |

This bill would have prohibited the Washington Suburban Sanitary Commission from implementing advanced metering infrastructure, e.g., “smart meters” and required the Department of Legislative Services to conduct a study comparing the costs and benefits of implementing advanced metering infrastructure or automatic meter reading by public water utilities. DLS would have been required to report its findings to the General Assembly on or before September 30, 2019.

Withdrawn.

| Title | Bill Number | Status |
|---|---------------------|---|
| Montgomery County – Planning and Zoning Authority – Municipal Corporations | MC/PG 103-19 |  |

This bill would have 1) effectively enabled concurrent zoning enforcement jurisdiction for every municipality in Montgomery County and, as a separate matter, 2) required a super-majority vote by Montgomery County’s Planning Board and District Council for various planning and zoning actions if the subject municipality’s mayor and council disagreed.

We opposed the bill Planning Board super-majority requirements for several reasons. 1) The Planning Board consists of only five members, and simple unanticipated vacancies or absences on the Board can make it almost impossible to achieve a super-majority. For example, if just one member is absent, the bill would require unanimity; that is, giving one member what amounts to a veto power. Or, if two members are absent for a meeting or a portion of a meeting, the Planning Board could not act. This is particularly troubling because the subdivision regulations impose specific deadlines for Planning Board action in certain cases, and deferring a case requires the developer’s consent. 2) The Planning Board already solicits and weighs the interests of municipal jurisdictions very carefully; so additional procedural hurdles are unnecessary and ill advised. 3) As a general matter of public policy, this bill invited a piecemeal, more balkanized approach to various planning and zoning decisions in Montgomery County which created the potential to confound important county-wide goals – for example, the County’s all-hands effort to increase the availability of affordable housing.

Withdrawn.

| Title | Bill Number | Status |
|--|--------------------------------|---|
| Washington Suburban Sanitary Commission – Office of the Inspector General – Technical Changes | MC/PG 104-19 HB 326 |  |

This bill corrects certain references to the Office of the Inspector General in statutes of the Washington Suburban Sanitary Commission, as well as erroneous references to the executive director of the Commission in certain provisions of law regarding certain action related to the failure of employees and officials to provide information to the Inspector General. The bill also provides that the Office of the Inspector General for the agency is required to review and approve costs for facilities designed and constructed by developers.

Passed.

| Title | Bill Number | Status |
|---|--------------------------------|---|
| Washington Suburban Sanitary Commission – Indirect Customer Assistance Program | MC/PG 105-19 HB 325 |  |

This bill authorizes the Washington Suburban Sanitary Commission to establish an Indirect Customer Assistance Program to provide financial assistance to eligible indirect customers for water and sewer service. An indirect customer is a person that receives services, but does not have a direct contractual relationship with WSSC, such as a tenant in a condominium or sub-lessee. The bill also requires the Commission to establish certain eligibility standards and processes for receiving certain assistance if the program is established and that the program to be funded from Commission revenues. It also requires that income eligibility standards for the program be uniformly applied throughout the sanitary district.

Passed.

| Title | Bill Number | Status |
|---|--------------------------------|---|
| Montgomery County – Land Use Documents – Certification | MC/PG 106-19 HB 621 |  |

This bill would have required certain land use regulations in Montgomery County to require signing of a certification under penalty of perjury for certain documents submitted to the planning boards. The County Executive supported the bill, but proposed changes that would have incorporated recorded easements and public rights of way for a property proposed for a subdivision. They also proposed the affirmation section to state as follows: “I (WE) CERTIFY, UNDER THE PENALTY OF PERJURY, THAT THIS DOCUMENT, INCLUDING ANY ACCOMPANYING FORMS, STATEMENTS, MAPS, OR DRAWINGS, HAS BEEN EXAMINED BY ME (US) AND THE INFORMATION CONTAINED HEREIN, TO THE BEST OF MY (OUR) KNOWLEDGE, INFORMATION, AND BELIEF, IS TRUE, CORRECT, AND COMPLETE.”

Ultimately, however, the Land Use & Transportation Sub-Committee believed that existing law already provided a criminal penalty. Specifically, 1) Md. Code, Criminal Law §9-101; and 2) Md. Code, Criminal Law §8-606.

1) Md. Code, Criminal Law §9-101(a)(2), (b). This provision provides the penalty for perjury. We believe a violation of MC/PG106-19, would engage the provision speaking to “an affidavit required by any state, federal, or local law.” Md. Code, Criminal Law §9-101(a)(2). To that end, 9-101(b) applies; making any such statement a misdemeanor under Maryland law, and subject to a criminal penalty not to exceed ten years imprisonment. The statute does not provide an alternate or additional penalty of a monetary fine. As such, any sentence for perjury would include an assessment of jail time (whether or not such sentence was suspended in whole or in part).

2) Md. Code, Criminal Law §8-606(b)(1) provides a potential alternative or companion charge. We believe the language of 106-19 would apply equally to the definition of Public Record under §8-606(a)(3). Public record is defined as “an official book, paper, or record, kept on a manual or automated basis, that is created, received, or used by a unit of ... (ii) a political subdivision of the State; or (iii) a multicounty agency.” By statute, the Commission is a bi-county agency of the State of Maryland, and is defined in statute as “a body politic and corporate and is an agency of the State.” Md. Code, Land Use §15-101. Criminal Law §8-606(b)(1) provides that “A person may not or may not attempt to (1) willfully make a false entry in a public record.” The penalty for which is a misdemeanor, subject to a term of imprisonment not exceeding three year, and/or a fine not to exceed \$1,000.00. Md. Code, Criminal Law §8-606(c).

Additionally, in the event that staff finds an error by a professional (engineer, etc.) and it is not a mistake or oversight, but is deliberate, then on those occasions, our staff reports the issue to the respective licensing board for the professional. Staff is accustomed to individuals (e.g., non-professionals) making mistakes and handles them as such. Likewise for professionals that simply make a mistake, that is not reported to their licensing board. For these reasons, the bill was deemed to be unnecessary and duplicative of existing provisions.

Withdrawn.

| Title | Bill Number | Status |
|--|--------------------------------|---|
| Washington Suburban Sanitary Commission – Prohibited in Contracts | MC/PG 107-19 HB 324 |  |

This bill prohibits the Washington Suburban Sanitary Commission from entering into a contract unless the contract contains a nondiscrimination provision and requires the Commission to provide a contractor a reasonable opportunity to cure a defect in a contract or subcontract. It also authorizes the Commission to void a contract if a contractor fails to cure a defect and establishes that a contractor is entitled to the reasonable value of certain work and materials under certain circumstances.

Passed.

| Title | Bill Number | Status |
|---|--------------------------------|---|
| Property Tax Credits – Maryland–National Capital Park and Planning Commission Park Police Officers and Washington Suburban Sanitary Commission Police Officers | MC/PG 108-19 HB 352 |  |

This bill alters the definition of "public safety officer" to include police officers employed full time by the Maryland-National Capital Park and Planning Commission Park Police or the Washington Suburban Sanitary Commission Police Force, making the officers eligible for a property tax credit. The change only applies to county or municipal real property taxes in particular jurisdictions that enact legislation to offer the credit, and will apply to taxable years beginning after June 30, 2019.

Passed.

| Title | Bill Number | Status |
|--|--------------------------------|---|
| Maryland–National Capital Park and Planning Commission – Collective Bargaining – Exclusive Representative Duty of Fair Representation | MC/PG 109-19 HB 362 |  |

This legislation was prompted by a recent SCOTUS decision that prohibited collecting mandatory fees from employees who are included in a bargaining unit but opt out of union membership. It will authorize the exclusive bargaining representative to require a non-union employee to pay fees for representation by the union in a grievance or arbitration case, and it eliminates the union’s obligation to represent every employee in the bargaining units, including law enforcement personnel, unless they agree to pay those fees.

Passed.

| Title | Bill Number | Status |
|---|--------------------------------|---|
| Maryland–National Capital Park and Planning Commission – Glen Dale Hospital Adaptive Reuse | MC/PG 110-19 HB 662 |  |

This bill eliminates a use restriction established in State law that effectively has made the Commission’s Glenn Dale Hospital property unmarketable. The Commission declared the Glenn Dale property as surplus more than 15 years ago, and has attempted several times to sell the 60-acre portion that includes ruins of the developed hospital campus. This bill repeals the restriction and enables the agency to sell, lease, or otherwise transfer it to a person who will adaptively reuse, at a minimum, the main hospital campus buildings on the property.

Passed.

| Title | Bill Number | Status |
|--|---------------------------------|---|
| Maryland–National Capital Park and Planning Commission – Procurement – Source Selection | MC/PG 112-19 HB 1279 |  |

This bill provides for Commission procurement regulations that are comparable to the State regulations for source selection. In particular, the bill authorizes the regulations to include preference programs for minority-owned and local-owned small business enterprises if applicable legal standards are met. For minority-owned business regulations, the bill allows the M-NCPPC to rely on the Maryland Department of Transportation and Governor’s Office of Minority Affairs.

Passed.

| Title | Bill Number | Status |
|--|---------------------------------------|---|
| Washington Suburban Sanitary Commission – Water Leakage – Billing | MC/PG 113-19 HB 647/SB 202 |  |


This bill requires the Washington Suburban Sanitary Commission to notify an account holder within 7 days after determining a 200% increase in water usage during the immediately preceding billing period and requires that the notification required under the Act contain certain information, including information regarding a free inspection under certain circumstances. It also requires an account holder to repair a water leak outside or inside the account holder's home within 30 days.

Failed.

| Title | Bill Number | Status |
|---|---------------------------------|---|
| Washington Suburban Sanitary Commission - Collective Bargaining - Technical Unit | MC/PG 114-19 HB 1280 |  |

This bill establishes a separate technical collective bargaining unit within the WSSC in which employees have a combination of basic scientific or technical knowledge and manual skill that is usually acquired through specialized postsecondary school education or through equivalent on-the-job training. It alters a provision of law that had established a joint office/technical collective bargaining unit to establish a separate office collective bargaining unit.

Passed.

| Title | Bill Number | Status |
|--|--------------------------------|---|
| Maryland-National Capital Park and Planning Commission - Prince George's County Recreation Programs - Youth Sports Program and Division | MC/PG 115-19 HB 678 |  |

This bill requires the Prince George's County Planning Board to offer a comprehensive youth sports program and to create a youth sports division as part of the county recreation programs. It also requires the youth sports division to coordinate youth sports programming, leagues, and teams and to incorporate youth sports activities into the county recreation programs.

Passed.

| Title | Bill Number | Status |
|---|--------------------------------|---|
| Maryland–National Capital Park and Planning Commission – Mandatory Referral Review | MC/PG 116-19 HB 859 |  |

This bill would have clarified that a public works project with multiple steps may also require multiple steps in the public disclosure process known as “mandatory referral” by the Maryland-National Capital Park and Planning Commission. The bill would also have clarified that a referral to the Commission is only deemed approved after there is a complete submission that can be adequately reviewed by the Commission.

Withdrawn.

| Title | Bill Number | Status |
|---|----------------|---|
| Montgomery County – State Highways – Toll Facilities | MC 8-19 |  |


The bill prohibited a State agency, including the Maryland Transportation Authority, from acquiring or constructing any toll road, toll highway, or toll bridge in Montgomery County unless authorized by Montgomery County by local law. The bill generally related to the acquisition and construction of toll facilities in Montgomery County and would cover the current plan to add toll lanes for the Capital Beltway and I-270.

Withdrawn.

| Title | Bill Number | Status |
|--|----------------------------|---|
| Montgomery County - Vehicle Laws - Prohibited Acts at Intersections | MC 10-19 HB 614 |  |

This bill prohibited vehicle traffic in Montgomery County from entering intersections against traffic signals if the vehicle is unable to safely and completely proceed through the intersection. The bill included exceptions and prohibited a police officer from issuing a citation for a violation of the Act unless certain conditions were met.

Failed.

| Title | Bill Number | Status |
|---|----------------------------|---|
| Montgomery County - Uniformity of Property Tax Assessments - Use of Pesticides by Country Clubs and Golf Courses | MC 11-19 HB 642 |  |

This bill proposed an amendment to the Maryland Constitution to provide that a certain provision of the Constitution requiring uniformity of assessments of property for property tax purposes does not apply to country clubs or golf courses in Montgomery County in certain situations. It also required a country club or golf course in Montgomery County to comply with county pesticide laws to be eligible for a special use assessment for property tax purposes.

Withdrawn.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Montgomery County – Highway Construction

MC 15-19



This bill prohibited the Department of Transportation from spending any funds for the construction of Maryland Route 410 through the City of Takoma Park in Montgomery County that will involve the addition of a new through lane for motor vehicles and generally related to construction by the Department of Transportation along Maryland Route 410 in the City of Takoma Park.

Withdrawn.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Montgomery County - Maximum Speed Limits Outside Urban Districts

**MC 24-19
HB 203**



This bill decreased the lowest maximum speed limit that Montgomery County may establish for a highway outside an urban district under certain circumstances from 25 miles an hour to 20 miles an hour.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Montgomery County - Country Clubs and Golf Courses - Rate of Assessment and Term of Agreements

**MC 27-19
HB 651**




This bill proposed an amendment to the Maryland Constitution to provide that a certain provision of the Constitution requiring uniformity of assessments of real property for property tax purposes does not apply to country clubs or golf courses in Montgomery County. The bill would submit the amendment to qualified voters of the State for their adoption or rejection. It also altered the rate at which the land of country clubs or golf courses in Montgomery County is assessed for property tax purposes.

Withdrawn.

| Title | Bill Number | Status |
|---|------------------------------|---|
| Prince George's County - Workgroup on Alcohol Outlet Density Zones PG 303-19 | PG 303-19 HB 1157 |  |

This bill went through several iterations, finally passing as a Workgroup on Alcohol Outlet Density Zones in Prince George's County. Specifically, the workgroup is to study areas of high concentration of off-sale retail licenses as alcohol outlet density zones, and propose as a new alcohol outlet density zone any area that has 1.15 off-sale license holders or more per square mile. In other words, the Workgroup is authorized to examine compact areas with high numbers of liquor stores to evaluate whether these stores should be permitted to move their business and liquor license to other areas of the County that are not as over-served. The Workgroup shall report its recommendations to the Prince George's County House and Senate delegations and to the Board of License Commissioners for Prince George's County. Under the bill the Maryland-National Capital Park and Planning Commission is required to provide staff to serve as workgroup members.

Passed.

| Title | Bill Number | Status |
|--|-----------------------------|--|
| Prince George's County – Ethics – Limitations on Applicant Campaign Contributions | PG 404-19 HB 227 |  |

This bill would repeal a prohibition on an applicant or applicant's agent making a payment to the County Executive of Prince George's County or a slate that includes the County Executive during the pendency of certain applications.

Failed.

| Title | Bill Number | Status |
|--|-----------------------------|---|
| Prince George's County - State Highways - Toll Facilities | PG 420-19 HB 456 |  |

This bill prohibits a State agency, including the Maryland Transportation Authority, from acquiring or constructing any toll road, toll highway, or toll bridge in Prince George's County unless authorized by Prince George's County by local law.

Failed.

***Summaries of passed legislation adapted from the 90 Day Report-A Review of the 2019 Legislative Session published by the Department of Legislative Services*

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Section 2: Legislation of Interest

| Title | Bill Number | Status |
|--|--------------|---|
| State Highway Administration – Sidewalks Within Priority Funding Areas – Repair and Maintenance | HB 10 |  |


Requiring the State Highway Administration to repair and maintain certain sidewalks that are located within an area designated as a priority funding area.

Withdrawn.

| Title | Bill Number | Status |
|--|---------------------|---|
| State Agricultural Land Transfer Tax – Alteration of Nonagricultural Use Reduction and Exemptions | HB 20/SB 344 |  |


Altering the method of calculating a certain reduction in the State agricultural land transfer tax for an instrument of writing that transfers title to agricultural land on which property tax was paid on the basis of an assessment other than farm or agricultural use in certain years before the transfer; exempting an instrument of writing from the agricultural land transfer tax if the instrument of writing transfers title to agricultural land that was previously transferred by a certain instrument of writing; etc.

Passed.

| Title | Bill Number | Status |
|---|---------------------|---|
| Labor and Employment - Noncompete and Conflict of Interest Clauses | HB 38/SB 328 |  |


Providing that certain noncompete and conflict of interest provisions that restrict the ability of an employee to enter into employment with a new employer or to become self-employed in the same or similar business or trade are null and void as being against the public policy of the State; providing the Act does not apply to an employment contract or a similar document or agreement with respect to the taking or use of a client list or other proprietary client-related information; etc.

Passed (SB 328).

| Title | Bill Number | Status |
|---|--------------------|---|
| State Government - Consumer Price Index - Revised Statutory References | HB 42/SB 94 |  |


Altering a certain Consumer Price Index used for calculating the target per pupil foundation amount and the student transportation amount for education; and altering certain references to the Consumer Price Index for the Washington-Baltimore Metropolitan Area in the Annotated Code to refer to the Consumer Price Index for the Washington Metropolitan Area.

Passed (SB 94).

| Title | Bill Number | Status |
|---|----------------------|---|
| Transportation – Complete Streets – Access to Healthy Food and Necessities | HB 82/ SB 116 |  |

Expanding the definition of "complete streets design features" under the Complete Streets Program by adding access to retail stores that provide health food and other necessities, especially in food deserts, as a design feature of the complete streets policy and as a goal of the Program; and providing the Act may not be construed to require the Maryland Department of Transportation to provide staff or operating expenses for the administration of the Complete Streets Program until money is appropriated in the State budget for the Program.

Passed.

| Title | Bill Number | Status |
|---|--------------|---|
| Public-Private Partnerships - Presolicitation Reports - Environmental Impact Statement Requirement | HB 91 |  |

Prohibiting a reporting agency for certain proposed public-private partnerships from submitting a certain presolicitation report before a draft environmental impact statement that complies with the National Environmental Policy Act is available; requiring the Department of Transportation and the Maryland Transportation Authority to withdraw a certain presolicitation report; prohibiting the resubmission of the report until a certain draft environmental impact statement is adopted and a certain alternative is selected; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Budget Bill (Fiscal Year 2020)

HB 100/ SB 125



Making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2020, in accordance with Article III, Section 52 of the Maryland Constitution; etc.

Passed (HB 100).

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2019, and the Maryland Consolidated Capital Bond Loans of 2009, 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 2018

HB 101/ SB 126



Authorizing the creation of a State Debt in the amount of One Billion, Eighty-Nine Million, One Hundred Ninety-Four Thousand Dollars (\$1,089,194,000), the proceeds to be used for certain necessary building, construction, demolition, planning, renovation, conversion, replacement, and capital equipment purchases of the State, for acquiring certain real estate in connection therewith, and for grants to certain subdivisions and other organizations for certain development and improvement purposes; etc.

Passed (HB 101).

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Toll Roads, Highways, and Bridges - County Government Consent Requirement - Expansion

HB 102/SB 442



Expanding to all counties in the State a prohibition on State agencies constructing within the nine Eastern Shore counties a toll road, toll highway, or toll bridge without the consent of a majority of the affected counties; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Maryland Smart Growth Investment Fund

HB 117/SB003



Authorizing the Department of Commerce to create, own, control, or be a member of a corporation, a limited liability company, a partnership, or any other entity, whether operated for profit or not for profit, for certain purposes; requiring the Department to issue a request for proposals to select a management entity to establish the Maryland Smart Growth Investment Fund; requiring the Governor to include in the annual budget bill for fiscal year 2021 an appropriation of \$7,000,000 for the Fund; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Natural Resources - No Net Loss of Forest - Definition

HB 120/SB 203



HB 120: Altering the standard for achieving a no net loss of forest policy by altering the definition of "no net loss of forest" to mean that 40% of all land in Maryland is covered by forest land.

SB 203: Altering the standard for achieving a no net loss of forest policy by altering the definition of "no net loss of forest" to mean that 40% of all land in Maryland is covered by forest as determined by data used in the most current Chesapeake Bay Watershed Model; and providing that the Act may not be interpreted to expand, limit, or otherwise disrupt any program conducted in accordance with the Chesapeake Bay Total Maximum Daily Load, a municipal separate storm sewer system permit, urban tree canopy goals, or any other local program.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Labor and Employment - Labor Organizations - Right to Work

HB 126



Prohibiting an employer from requiring, as a condition of employment or continued employment, an employee or a prospective employee, under certain circumstances, to join or remain a member of a labor organization, pay charges to a labor organization, or pay a certain amount to a third party; prohibiting an employer from threatening an employee or a prospective employee with certain action; providing certain penalties for violation of the Act; applying the Act prospectively; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Labor and Employment – Payment of Wages – Minimum Wage (Fight for Fifteen)

HB 166/SB 280



Specifying the State minimum wage rate that is in effect for certain time periods and for certain employers except under certain circumstances; authorizing the Board of Public Works to temporarily suspend an increase to the minimum wage rate if the seasonally adjusted total employment is negative, subject to certain limitations; requiring the Governor's proposed budget for certain fiscal years to include certain rate increases for certain community service providers over the funding provided in certain legislative appropriations; etc.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|


Privately Owned Transportation Projects - Construction and Authorization to Use State-Owned Rights-of-Way and Property - Requirements

HB 209




Providing that a project involving the construction of one or more tunnels to be used by a common carrier may not be constructed and the State may not authorize the use of or access to a State-owned right-of-way or State property unless certain environmental studies are made; etc.

Failed.

| Title | Bill Number | Status |
|--|---------------|---|
| General Assembly - Fiscal Notes - Environmental Impact Statements | HB 246 |  |

Requiring a fiscal note for a bill to include an environmental impact statement indicating whether the bill may or will have an environmental impact and, if so, to specify the type and category of environmental impact, including any impact on the environment from climate change; requiring the Department of Legislative Services, in consultation with the Department of the Environment or another relevant agency, to determine the type and category of environmental impact by completing a certain environmental assessment form; etc.

Failed.

| Title | Bill Number | Status |
|--|----------------------|---|
| Natural Resources - State and Local Forest Conservation Funds | HB 272/SB 234 |  |

Requiring a person that is subject to the Forest Conservation Act to demonstrate that appropriate credits generated by a forest mitigation bank in the same county or watershed are not available before the person may pay money to a State or local forest conservation fund to meet certain requirements; prohibiting a local authority from collecting money for deposit into its forest conservation fund unless it has submitted to the Department the mitigation plan and accounting procedures; applying the Act prospectively; etc.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Regional Initiative to Limit or Reduce Greenhouse Gas Emissions in Transportation Sector - Authorization (Regional Transportation and Climate Protection Act of 2019)

HB 277/SB 249



Authorizing the Governor to include the State as a full participant in a regional governmental initiative, agreement, or compact that limits or reduces greenhouse gas emissions from the transportation sector; requiring the Department of the Environment and the Department of Transportation to submit a report on the status of any regional initiative, agreement or compact that limits or reduces greenhouse gas emissions from the transportation sector to certain committees of the General Assembly on or before November 1, 2019; etc.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Natural Resources - Park Services Associates - Parking Citations

HB 393



Authorizing a park services associate who is not commissioned as a law enforcement officer to issue a citation for a parking violation on certain property in the State

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Task Force on Prohibiting Debris From Entering Storm Drains or Stormwater Inlets

**HB 410/
SB 267**



Establishing the Task Force on Prohibiting Debris From Entering Storm Drains or Stormwater Inlets; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; requiring the Task Force, by November 1, 2019, to report its findings and to make recommendations to the General Assembly regarding the preventing plastic bottles and other debris from entering storm drains and stormwater inlets; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Public Information Act - Personnel and Investigatory Records - Formal Complaints Against Public Employees

**HB 413/
SB 979**



Establishing that records related to a formal complaint of job-related misconduct made against a public employee do not constitute personnel records under the Public Information Act; and authorizing a custodian to deny inspection of records of an investigation, a hearing, or a decision by a governmental unit connected with a complaint of job-related misconduct made against a public employee.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

State Department of Assessments and Taxation - Distribution of Recordation and Transfer Tax Revenues

HB 465



Altering the distribution of revenue from certain recordation taxes and local transfer taxes collected by the State Department of Assessments and Taxation so the recordation tax collected, after deducting certain revenues, is to be distributed to the county in which the property is located.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|


Constitutional Amendment - Environmental Rights

HB 472



Proposing an amendment to the Maryland Constitution to establish that every person has the right to a certain clean and healthy environment; authorizing the State, a political subdivision, and any person to enforce certain rights; establishing that every person has the right to intervene in an action brought by the State or a political subdivision of the State to protect certain rights; submitting the amendment to the qualified voters of the State for their adoption or rejection, etc.

Failed.

| Title | Bill Number | Status |
|--|---------------------------|---|
| Crosswalks – Violation of Pedestrian Right-of-Way – Penalty | HB 517/ SB 460 |  |

Increasing the maximum fine from \$500 to \$1,000 that may be imposed for a violation of provisions of the Maryland Vehicle Law regarding crosswalks; establishing the Pedestrian Safety Fund for the purpose of enhancing the safety and quality of pedestrian and bicycle transportation, including through certain educational programming for bicyclists, motorists, and pedestrians, certain physical design changes, and certain increased enforcement of existing rules of the road; etc.

Passed (SB 460).

| Title | Bill Number | Status |
|---|---------------------------|---|
| Prevailing Wage Rates - Public Work Contracts - Suits by Employees | HB 524/ SB 300 |  |

Authorizing certain employees to sue to recover the difference between certain prevailing wage rates and certain amounts under certain circumstances; providing that a certain determination by the Commissioner of Labor and Industry does not preclude certain employees from filing a certain action; and providing for the liability of certain contractors and subcontractors under certain circumstances.

Passed.

| Title | Bill Number | Status |
|---|---------------------------|---|
| Protecting Natural Resources and Preserving Productive Farms – Commission on the Development of a Blueprint for Solar Energy in Maryland | HB 532/ SB 744 |  |

Establishing the Commission on the Development of a Blueprint for Solar Energy in Maryland; providing for the composition, chair, and staffing of the Commission; requiring the Commission to develop a certain blueprint to guide units of State and local government in evaluating proposed solar energy projects; requiring the Commission submit a certain report and blueprint to Governor and the General Assembly on or before January 1, 2020; etc.

Failed.

| Title | Bill Number | Status |
|---|---------------------------|---|
| Political Subdivisions - Legal Notice Requirements - Posting on Websites | HB 553/ SB 324 |  |


Authorizing a county or municipality to satisfy a requirement to publish legal notices in a newspaper of general circulation by posting the notices on the county's or municipality's website; requiring notices posted on a county or municipality website to be conspicuously displayed and to be easily accessible; requiring a county or municipality that chooses to post notices on the Internet to publish certain advance notice in a newspaper of general circulation in the county or municipality and to offer a certain mail service; etc.

Failed.

| Title | Bill Number | Status |
|--|---------------|---|
| Railroad Companies - Condemnation Authority - Application | HB 559 |  |

Establishing that certain authority of railroad companies to acquire property by condemnation does not apply to an entity that owns or operates a railroad powered by a magnetic levitation propulsion system, or passenger or freight transportation for which pressurized capsules or pods travel at high speed in reduced-pressure tubes.

Failed.

| Title | Bill Number | Status |
|--|---------------|---|
| Transportation - State Highway Administration - Traffic Calming Devices | HB 560 |  |

Requiring the State Highway Administration, in consultation with appropriate county and municipal authorities, to compile certain best practices for siting, constructing, and maintaining traffic calming devices that address engineering and design and the costs and benefits of the devices; requiring the Administration to coordinate and act as a clearinghouse for best practices, to publish and update information about best practices, and to include estimated costs of construction related to traffic calming devices; etc

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Solar Photovoltaic Property - Personal Property Tax Exemption and Local Fee Requirement

**HB 627/
SB 610**



Requiring the governing body of a county to require, by law, owners and operators of certain solar energy property to pay a certain annual fee to the county; requiring counties to distribute a certain amount of a certain fee to a municipality under certain circumstances; providing for the calculation of the fee; exempting from the personal property tax certain solar energy property; applying the property tax exemption to taxable years beginning after June 30, 2019; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Labor and Employment - Wage History and Wage Range

**HB 634/
SB 738**



Requiring an employer, on request, to provide to an applicant for employment the wage range for the position for which the applicant applied; prohibiting an employer from taking certain actions against an applicant for employment under certain circumstances; prohibiting an employer from relying on wage history, except under certain circumstances, for certain purposes, and from seeking the wage history by certain methods and from certain persons; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Local Pension Systems - Special Disability Retirement Allowance

HB 645



Requiring that the appropriate authority of a local pension system offer a special disability retirement allowance to certain members under certain circumstances; providing for the calculation of a special disability retirement allowance; exempting the appropriate authority of a local pension system from the requirements of the Act under certain circumstances; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Wireless Facilities - Installation and Regulation

**HB 654/
SB 937**



Establishing procedures and requirements for the deployment, installation, and regulation of certain wireless telecommunications facilities in the State; prohibiting an authority from entering into an exclusive agreement for the use of certain rights-of-way for certain purposes; authorizing an authority to impose certain rates and fees for use of certain rights-of-way in a certain manner and subject to certain limitations; authorizing a wireless provider to collocate certain facilities and use certain rights-of-way; etc.

Failed (Referred to interim study).

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Public-Private Partnership Projects - Real Property Acquisition - Prohibition

**HB 663/
SB 781**



Prohibiting a State agency or its designee from acquiring residential real property for a public-private partnership project that includes the addition of toll lanes to I-495 or I-270.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

State Procurement – State Funded Construction Projects – Payment of Employee Health Care Expenses

**HB 680/
SB 433**



Requiring the Board of Public Works to adopt regulations to require certain bidders, contractors, and subcontractors to pay certain employee health care expenses; requiring the Department of General Services and the Department of Transportation, by regulation, to establish certain procedures to certify that a bidder, contractor, or subcontractor pays certain employee health care expenses; authorizing a procurement officer to void a contract if a certain bidder fails to submit certain records within a reasonable period of time; etc.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Maryland Healthy Working Families Act - Adverse Actions - Absence Control Policy

**HB 686/
SB 912**



Prohibiting a certain provision of the Maryland Healthy Working Families Act from being construed to prohibit an employer from applying a certain absence control policy if the employer provides at least 40 hours of paid leave a year, excluding earned sick and safe leave; and providing the absence control policy is uniformly applied, is provided to all employees uniformly, has a progressive accountability structure and provides for a warning before any possible action is taken against an employee

Failed (HB 686 Referred to interim study).

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Transportation Climate Accountability Act of 2019

**HB 695/
SB 788**



Requiring the Department of the Environment, in conjunction with a reporting agency, to conduct a comprehensive study regarding the environmental impact of certain public-private partnership projects under certain circumstances; prohibiting a reporting agency for certain proposed public-private partnerships from submitting a certain presolicitation report before the submission of the comprehensive study; requiring the study to inventory and estimate certain environmental impacts at certain intervals; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Technical Study on Changes in Forest Cover and Tree Canopy in Maryland

**HB 735/
SB 729**



Requiring the Harry R. Hughes Center for Agro-Ecology, in consultation with the Departments of Natural Resources, Environment, Planning, and Agriculture and the Chesapeake Bay Program to conduct a technical study to review changes in forest cover and tree canopy in the State; providing for the scope of the study; and requiring the Harry R. Hughes Center for Agro-Ecology to submit a report of the findings of the technical study to the Governor and the General Assembly by December 1, 2019.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Vehicle Laws - Electric Low Speed Scooters

**HB 748/
SB 770**



Establishing that an electric low speed scooter is considered to be a bicycle for the purposes of the Maryland Vehicle Law; providing that an electric low speed scooter is not a motorized minibike, motor scooter, or motor vehicle for the purposes of the Maryland Vehicle Law; establishing that the operator of an electric low speed scooter may ride by standing on a certain platform; providing that provisions of the Maryland Vehicle Law do not prevent a local authority from regulating, in its jurisdiction, the operation of bicycles; etc.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Transportation - Magnetic Levitation Projects - Requirements

**HB 765/
SB 914**



Prohibiting the construction of a certain transportation project involving a magnetic levitation propulsion system without a certain informed consent of a majority of the governing bodies of the affected counties; requiring a project owner to provide to each governing body of an affected county a bond that is payable to the affected county, issued by an approved surety, in a form and amount determined by the affected county, and conditioned on the project owner covering certain liability for certain damages; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Transportation - Regional Transportation Authority Study

**HB 771/
SB 630**



Authorizing the General Assembly to contract with a qualified transportation entity to conduct a study on regional transportation authorities; providing for the scope of the study; requiring the entity conducting the study to report its findings and recommendations to the Governor and General Assembly on or before October 31, 2019; etc

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

**Equal Pay for Equal Work - Enforcement - Civil Penalties
(Equal Pay Remedies and Enforcement Act)**

HB 790



Authorizing the Commissioner of Labor and Industry or a court to require a certain employer to pay a civil penalty equal to 10% of the amount of damages owed by the employer for violating the Equal Pay for Equal Work Law two or more times within a 3-year period; and requiring that a civil penalty be paid to the General Fund of the State to offset the cost of enforcing the Act.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Labor and Employment - Discrimination Against Medical Cannabis Patients and Caregivers - Prohibition (Medical Cannabis Patient and Caregiver Antidiscrimination Act)

HB 794



Prohibiting, except under certain circumstances, a certain employer from taking certain discriminatory actions against or otherwise penalizing a qualifying patient or caregiver based on the individual's status as a qualifying patient or caregiver or, with respect to a certain qualifying patient, a certain drug test result; authorizing certain individuals to file a complaint with the Commissioner of Labor and Industry; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Transportation - Vision Zero - Establishment

HB 885



Establishing Vision Zero; providing the purpose of the program is for planning and developing a State highway system that has zero vehicle-related deaths or serious injuries; requiring the Department of Transportation to designate a coordinator to oversee the implementation of Vision Zero; requiring the coordinator, in implementing Vision Zero, to collaborate with certain entities and include certain strategies; requiring that the funding for Vision Zero be as provided by the Governor in the State budget; etc.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Task Force to Study Transportation Access

**HB 923/
SB 642**



Establishing the Task Force to Study Transportation Access; providing for the composition, chair, and staffing of the Task Force; requiring the Task Force to study transportation services and policies and make recommendations on optimizing the use and coordination of existing transportation systems and services, and on the need for additional resources, planning, or systems to address current or projected needs; requiring the Task force to make a final report of its findings to the Governor and the General Assembly by December 1, 2021; etc.

Passed (HB 923).

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Vehicle Laws - Electric Bicycles - Equipment and Operation

**HB 939/
SB 935**



Establishing certain classes of electric bicycles; establishing that electric bicycles may be operated in any place where bicycles are allowed to travel, subject to certain restrictions; prohibiting a person under the age of 16 years from operating a Class 3 electric bicycle on a public highway; requiring manufacturers of electric bicycles to apply a certain label in a certain manner to each electric bicycle beginning January 1, 2020; requiring electric bicycles to comply with federal regulations; etc.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Labor and Employment - Criminal Record Screening Practices (Ban the Box)

**HB 994/
SB 839**



HB 994: Prohibiting certain employers from including on paper or electronic application forms a question or other request for information regarding whether the applicant for employment has a criminal record or has had criminal accusations brought against the applicant; requiring the Commissioner of Labor and Industry, if the Commissioner determines that an employer has violated certain provisions, to issue an order compelling compliance and, for subsequent violations, may assess a civil penalty up to \$300; etc.

SB 839: Prohibiting employers who employ 15 or more full-time employees from requiring an applicant for employment, before the first in-person interview, to disclose certain information regarding the criminal record of the applicant except under certain circumstances; authorizing the Commissioner of Labor and Industry to conduct an investigation to determine whether the Act has been violated on receipt of a written complaint of an applicant or employee; authorizing the Commissioner to assess a certain civil penalty; etc.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Wireless Facilities - Permitting and Siting

**HB 1020/
SB 713**



Establishing procedures and requirements for the permitting, installation, and regulation of certain wireless telecommunications facilities in the State; authorizing a wireless provider to install and maintain certain facilities in certain rights-of-way in accordance with certain provisions; prohibiting the use of a public right-of-way from obstructing or hindering certain other uses; prohibiting a certain local law from prohibiting the installation of certain facilities or discriminating among certain providers; etc.

Failed, Referred to interim study.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Land Use - Comprehensive Plans - Housing Element

**HB 1045/
SB 917**



Requiring the planning commissions for certain local jurisdictions to include a housing element in the comprehensive plan for their respective jurisdictions; providing that the contents of the housing element in certain comprehensive plans include goals, objectives, policies, plans, and standards and address the need for affordable housing within a county including workforce housing and low-income housing; and applying the Act prospectively.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Public-Private Partnerships - Reforms

HB 1091



Requiring a certain reporting agency to include in presolicitation reports for certain public-private partnerships presolicitation reports of certain contracts and a certain environmental impact statement under certain circumstances; requiring certain presolicitation reports to be submitted to the Legislative Policy Committee; prohibiting the Board of Public Works from approving a public-private partnership agreement until the Legislative Policy Committee has completed a certain review; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

**Use of Public Funds - Playground and Athletic Field Surfaces
- Authorizations, Preferences, and Prohibitions**

HB 1118



Authorizing certain funds under Program Open Space to be used for the maintenance and upkeep of certain grass athletic fields and drainage systems; authorizing a certain subdivision to request funds for the maintenance and upkeep of certain grass athletic fields and drainage systems as part of a certain annual program; establishing a preference for the use of certain natural surface materials in certain projects to construct playgrounds or athletic fields; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Environment - Hazardous Materials - Disposal of Synthetic Turf and Turf Infill

HB 1142



Requiring a person to dispose of synthetic turf and turf infill only in a certain hazardous waste facility or closed-loop recycling facility; prohibiting a person from incinerating synthetic turf and turf infill; requiring the Department of the Environment to establish a system for tracking the chain of custody of synthetic turf and turf infill; requiring the Department to publish the chain of custody on its website; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Assembly Areas - State-Funded Construction or Renovation - Assisted Listening System Requirement

**HB 1192/
SB 1014**



Requiring certain recipients of State funds to install an assistive listening system in an assembly area during construction or renovation of the assembly area if the assembly area uses or requires the use of a public address system and a state contract has been executed; authorizing certain recipients of State funds to apply for a waiver from the requirement of a certain provision of the Act; requiring that the waiver request include a certain description; establishing the Hearing Accessibility Advisory Board; etc.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Public Buildings – Diaper–Changing Facilities

**HB 1244/
SB 330**



Requiring, except under certain circumstances, that a diaper-changing facility be installed in certain public restrooms in certain public buildings; requiring the Board of Public Works, through the Department of General Services, to adopt certain standards; providing that the Department of General Services, the University System of Maryland, and the Department of Transportation are responsible for the enforcement of certain provisions of the Act; etc.

Passed (SB 330).

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Governmental Units - Designation of Individual in Responsible Charge of Land Surveying and Property Line Surveying Activities

HB 1254



Requiring, on and after January 1, 2024, a certain governmental unit to designate at least one individual licensed by the State Board for Professional Land Surveyors to be in responsible charge of certain land surveying and property line surveying activities practiced by or on behalf of the governmental unit.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Maryland Transportation Public-Private Partnership Oversight Act

**HB 1257/
SB 931**



Establishing the Office of Transportation Oversight as an independent unit in the Executive Branch of State government; applying the motor fuel tax to bunker fuel; requiring the Comptroller and the State Treasurer to establish a certain motor fuel tax rate for diesel fuel and bunker fuel; requiring the Governor to appropriate certain amounts in the annual budget for the operation of the Office and the implementation of the Act; exempting certain actions from certain provisions of the Environmental Standing Act; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Transportation - Bikeways Network Program - Funding

**HB 1281/
SB 787**



Codifying the Bikeways Network Program to provide grant support for bicycle network development activities; requiring the Department of Transportation to establish certain application and eligibility criteria; requiring the Governor to provide an appropriation of \$3,800,000 each year from the Transportation Trust Fund for the Program; requiring that \$100,000 of the appropriation be distributed to the Maryland Association of Counties and the Maryland Municipal League to provide certain technical assistance; etc.

Passed (HB 1281).

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

| | | |
|--|----------------------------|---|
| State Finance and Procurement - Prohibited Appropriations - Magnetic Levitation Transportation System | HB 1296/ SB 200 |  |
|--|----------------------------|---|

Prohibiting the State and certain units and instrumentalities of the State from using any appropriation for a magnetic levitation transportation system in the State; prohibiting a public or private entity that receives money from the State from authorizing a permit or giving any other form of approval for a magnetic levitation transportation system in the State; and prohibiting a proposal for a magnetic levitation transportation system from using certain right-of-way or track owned or operated by certain railroad companies.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

| | | |
|--|----------------------------|---|
| Labor and Employment - Maryland Healthy Working Families Act - Seasonal Temporary Workers | HB 1300/ SB 681 |  |
|--|----------------------------|---|

Increasing, from 106 to 120 days, the period during which an employer is not required to allow an employee to use earned sick and safe leave; altering the circumstances under which an employer is required to reinstate certain unused sick and safe leave; and altering the circumstances under which an employer is authorized to require an employee who uses earned sick and safe leave to provide certain verification.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

| | | |
|---|----------------------------|---|
| Court of Appeals and Court of Special Appeals - Renaming | HB 1329/ SB 595 |  |
|---|----------------------------|---|

Proposing an amendment to the Maryland Constitution to change the name of the Court of Appeals to be the Supreme Court of Maryland, to change the name of the Court of Special Appeals to be the Maryland Appellate Court, to change the name of a Judge of the Court of Appeals to be a Justice of the Supreme Court of Maryland, and to change the name of the Chief Judge of the Court of Appeals to be the Chief Justice of the Supreme Court of Maryland; etc.

Failed.

| Title | Bill Number | Status |
|--|----------------------------|---|
| Secretary of Planning – Adaptive Reuse of Historic Properties – Study | HB 1403/ SB 741 |  |

Requiring the Secretary of Planning to contract with a certain consultant to conduct a certain study on the adaptive reuse of certain historic properties; authorizing the Secretary to use up to \$75,000 to pay for the costs of the study; requiring that the study identify certain factors and obstacles, develop a certain historic resource package, develop certain case studies, and provide certain recommendations; requiring a final report to be submitted by October 31, 2019, to the Secretary; etc.

Passed (SB 741).

| Title | Bill Number | Status |
|--|-----------------------------|---|
| Budget Reconciliation and Financing Act of 2019 | HB 1407/ SB 1040 |  |


Authorizing, altering, or requiring the distribution of certain revenue; specifying that the requirement to waive a certain fee for the filing of certain documents by certain business entities shall begin in fiscal year 2022; altering the cap for fiscal year 2020 from 0.5% to 0.225% on a certain adjustment to a revenue estimate relating to nonwithholding income tax revenues; requiring the budget books to include supporting data and the results of certain calculations used to calculate certain State education aid; etc.

Passed. (HB 1407)

| Title | Bill Number | Status |
|--|----------------|---|
| Transportation – Maryland Metro/Transit Funding Act – Alterations | HB 1412 |  |

Specifying that the Maryland Transit Administration must regularly consult with certain entities regarding the compilation and submission of the Central Maryland Regional Transit Plan; requiring the Maryland Transit Administration to submit a draft Central Maryland Regional Transit Plan to certain entities at least a certain period of time before the finalization of the Plan; altering the contents and elements of the Plan; altering the time frame that the Plan must address; etc.

Failed.

| Title | Bill Number | Status |
|---|----------------------------|---|
| Zoning - Special Exceptions - Construction or Operation of Landfills | HB 1419/ SB 563 |  |

Requiring a local governing body, on application by a property owner for a certain special exception to construct or operate a landfill, to require the preparation of an environmental justice analysis at the expense of the property owner; requiring an environmental justice analysis prepared under the Act to include certain descriptions and assessments; and providing for the application of the Act to charter counties and Baltimore City.

Failed.

| Title | Bill Number | Status |
|---|--------------|---|
| Real Property - Conservation Easements, Covenants, Restrictions, and Conditions - Recording Notice | SB 25 |  |

Authorizing the Maryland Agricultural Land Preservation Foundation, the Maryland Historical Trust, the Maryland Environmental Trust, certain other land trusts, a county, and the Department of Natural Resources to record notice of certain easements, covenants, restrictions, and conditions in the land records of the county in which the property interest is located; specifying the information required to be provided in the notice; requiring that the notice be indexed for recording in a certain manner; etc.

Passed.

| Title | Bill Number | Status |
|--|--------------|---|
| Department of Planning - Central Depository | SB 55 |  |

Repealing a certain provision of law relating to the submission of certain plans to the Department of Planning; clarifying that the Department is the depository for all land use plans, amendments, and revisions adopted by certain entities in the State; requiring a certain unit of government or a certain agency to submit to the Department a current version of all adopted land use plans, amendments, and revisions; and requiring the Department to post on its website a copy of certain land use plans, amendments, and revisions.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

**Public Ethics - Lobbyist Registration and Reporting - SB 79
Mandatory Electronic Filing**



Requiring a regulated lobbyist to file a registration and certain reports electronically with the State Ethics Commission; altering the manner in which a lobbyist is required to file a certain report with the Department of Legislative Services; repealing a requirement that the Department of Legislative Services forward a certain report to the State Ethics Commission; and altering a requirement that the State Ethics Commission develop certain procedures regarding electronic filing of certain reports filed by regulated lobbyists.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

**Workers' Compensation - Discharge of Employee
- Prohibition**

SB 443



Prohibiting an employer from discharging a covered employee from employment if the covered employee's filing a claim for workers' compensation is any part of the basis, rather than the sole basis, for the discharge.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Community Healthy Air Act

SB 542



Establishing the Committee on Air Quality; providing for the composition, chair, and staffing of the Committee; prohibiting a member of the Committee from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Committee to create a certain air quality sampling and monitoring protocol on or before a certain date; requiring the protocol to establish the methodology for the Department of the Environment to use to quantify and assess certain data; terminating the Act; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Annual Curative Bill

SB 579



Generally curing previous Acts of the General Assembly with possible title defects.

Passed .

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Annual Corrective Bill

SB 580



Correcting certain errors or omissions in certain articles of the Annotated Code and in certain uncodified laws; clarifying language; correcting certain obsolete references; reorganizing certain sections of the Annotated Code; ratifying certain corrections made by the publishers of the Annotated Code; providing that the Act is not intended to affect any law other than to correct technical errors; providing for the correction of certain errors and obsolete provisions by the publishers of the Annotated Code; etc.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Maryland Healthy Working Families Act - Applicability

SB 686



Providing that the Maryland Healthy Working Families Act does not apply to employees of a county board of education who are called to work on an as-needed basis, can reject or accept the shift offered by the county board of education, and are not guaranteed to be called on to work by the county board of education.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Counties – Innovative Development Competitions

SB 740



Authorizing a county to enact a local law to provide for a certain innovative development competition for purposes of encouraging development proposals from private entities by granting cash prizes to projects selected by a certain Board to foster certain types of innovation; providing that a prize awarded through an innovative development competition may not exceed \$250,000 and shall be matched by the State Innovative Development Fund, and may only be used to implement a winning project; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Transfer Tax - Transfers by Governmental Entities

SB 780



Clarifying certain provisions of law relating to the application of the transfer tax to certain instruments of writing that transfer property from or to certain governmental entities; etc.

Passed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Maryland Public Information Act - Personnel Records of Law Enforcement Officers - Inspections by Investigative Agencies

SB 838



Requiring a custodian of the personnel record of a law enforcement agency on a law enforcement officer to allow inspection of the record by a representative of an agency with the power and jurisdiction to administratively investigate alleged misconduct of the law enforcement officer who is the subject of the record.

Failed.

| Title | Bill Number | Status |
|---|---------------|---|
| Southern Maryland Rapid Transit Project - Requirements and Funding | SB 845 |  |

Requiring the State Department of Transportation to promptly undertake all steps necessary to complete the design, engineering, and National Environmental Policy Act process and secure a record of decision for the Southern Maryland Rapid Transit Project; requiring the Governor to include in the annual State budget an appropriation of a certain amount from the Transportation Trust Fund in certain fiscal years for certain purposes related to the Project; etc.

Failed.

| Title | Bill Number | Status |
|--|---------------|---|
| Labor and Employment - Screening for Use of Marijuana or Cannabis | SB 863 |  |

Prohibiting certain employers from requiring an applicant for employment or an employee to disclose the applicant's or employee's use of marijuana or cannabis and from taking certain other action; providing that certain provisions of the Act do not prohibit an employer from making a certain inquiry or taking certain other action; authorizing the Commissioner on a certain determination to resolve certain issues informally or by mediation; etc.

Failed.

| Title | Bill Number | Status |
|---|---------------|---|
| Contracts and Employment - Discrimination Against Medical Cannabis Patients and Caregivers - Prohibition | SB 864 |  |

Prohibiting a party to a contract from rescinding a contract between the party and a qualifying patient or caregiver based on the individual's status as a qualifying patient or caregiver; prohibiting an employer from discriminating against a qualifying patient or caregiver in a certain manner based on the individual's status as a qualifying patient or caregiver or, with respect to a qualifying patient, a certain drug test result; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Public Utilities - Solar Photovoltaic Systems

SB 886



Altering the application of a provision requiring the payment of a certain deposit with the Public Service Commission in connection with an application to construct a solar photovoltaic system; requiring the Commission to refund the deposit within 1 year, rather than 18 months, after a person has obtained approval if the person has demonstrated that construction has commenced; altering the period of time from 18 months to 1 year within which a person may request a certain extension for a project that has not commenced construction; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Public Information Act - Workers' Compensation Commission - Denial of Part of a Public Record

SB 963



Requiring a custodian of records to deny inspection of the part of a public record of the Workers' Compensation Commission that contains personal information of an individual other than by an attorney of a party to a workers' compensation claim; requiring a custodian to allow inspection of a certain part of a certain public record by the person in interest or a party to the claim for workers' compensation that the record concerns; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Circuit Court Judges - Selection and Tenure

SB 968



Proposing an amendment to the Maryland Constitution relating to the selection and tenure of circuit court judges; requiring Senate confirmation of individuals appointed by the Governor to the office of a judge of a circuit court; providing for contested elections following an appointment to fill a vacancy in the office of a judge of a circuit court under certain circumstances; providing for the reappointment of certain judges; submitting the amendment to the qualified voters of the State for their adoption or rejection; etc.

Failed.

| Title | Bill Number | Status |
|-------|-------------|--------|
|-------|-------------|--------|

Real Property - Agricultural Land Preservation Easements - Separate Parcels

SB 978



Extending the termination date to June 30, 2021, for certain provisions establishing that, unless a deed expressly provides otherwise, the grant of a certain agricultural land preservation easement governing certain parcels of land does not consolidate the parcels for any other purpose, and that a certain parcel subject to a certain easement may be conveyed separately to a certain child with certain approval of the Maryland Agricultural Land Preservation Foundation, but remains subject to the easement in perpetuity; etc.

Failed.

***Summaries of passed legislation adapted from the 90 Day Report-A Review of the 2018 Legislative Session published by the Department of Legislative Services*

Section 3: Key Bond Bills

During the 2019 legislative session, the Maryland General Assembly evaluated 256 bond bill requests totaling nearly \$67.8 million dollars. The Senate and the House each funded \$7.5 million in legislative projects. However, each bond bill was not acted upon individually. Instead, the General Assembly amended the State Capital Budget Bill (HB 101, “Maryland Consolidated Capital Bond Loan of 2019”) to specifically list the projects selected for funding.

Montgomery County and Prince George’s County received \$4,381,000 and \$4,672,000, respectively, in bond bill funding. A list of all the bond bills submitted by Montgomery County and Prince George’s County is provided below.

| MONTGOMERY COUNTY | | |
|--|-------------------------|----------------------|
| <u>Project Title</u> | <u>Amount Requested</u> | <u>Total Funding</u> |
| A Wider Circle Community Service Center | \$250,000 | \$0 |
| Black Hill SEED Classroom | \$250,000 | \$250,000 |
| BlackRock Center for the Arts | \$150,000 | \$0 |
| Boys and Girls Clubs of Greater Washington | \$82,000 | \$91,000 |
| Brook Grove Retirement Village | \$100,000 | \$100,000 |
| Centerway Local Park | \$250,000 | \$250,000 |
| Columbia Local Park | \$200,000 | \$200,000 |

| MONTGOMERY COUNTY (Cont.) | | |
|------------------------------------|--------------------------------|-----------------------------|
| <u>Project Title</u> | <u>Amount Requested</u> | <u>Total Funding</u> |
| Cornerstone Montgomery | \$200,000 | \$100,000 |
| Dolores R. Miller Park | \$15,000 | \$15,000 |
| EveryMind Headquarters Building | \$75,000 | \$75,000 |
| Friends House Retirement Community | \$100,000 | \$100,000 |
| Guru Nanak Health Clinic | \$150,000 | \$100,000 |
| Isreal Park Shelter | \$200,000 | \$0 |
| Ivymount School | \$125,000 | \$125,000 |
| Jewish Foundation for Group Homes | \$150,000 | \$100,000 |
| Josiah Henson Park | \$250,000 | \$250,000 |
| Manna Food Center | \$150,000 | \$150,000 |
| Montgomery County Humane Society | \$200,000 | \$150,000 |
| Museum of Banking History | \$220,000 | Withdrawn |

| MONTGOMERY COUNTY (Cont.) | | |
|--|--------------------------------|-----------------------------|
| <u>Project Title</u> | <u>Amount Requested</u> | <u>Total Funding</u> |
| Olney Family Neighborhood Park | \$100,000 | \$0 |
| Poolesville Grape Crushing Economic Development Facility | \$1,000,000 | \$1,000,000 |
| Rockville Welcome Center | \$250,000 | \$0 |
| Round House Theatre | \$500,000 | \$500,000 |
| Sandy Spring Museum | \$50,000 | \$50,000 |
| Sunflower Bakery | \$150,000 | \$75,000 |
| Takoma Park Library | \$150,000 | \$150,000 |
| Warrior Canine Connection | \$500,000 | \$0 |
| Woodend Nature Sanctuary Accessible Trail | \$500,000 | \$250,000 |
| YMCA Bethesda-Chevy Chase | \$750,000 | \$300,000 |

| PRINCE GEORGE'S COUNTY | | |
|---|--------------------------------|-----------------------------|
| <u>Project Title</u> | <u>Amount Requested</u> | <u>Total Funding</u> |
| Allentown Splash, Tennis and Fitness Park | \$300,000 | \$150,000 |
| American Legion Southern Maryland District Youth Camp | \$250,000 | \$250,000 |
| Baden Library Relocation Project | \$250,000 | \$250,000 |
| Benjamin Tasker Middle School | \$25,000 | \$25,000 |
| Bishop McNamara High School | \$250,000 | \$250,000 |
| Bus Shelter Public Art Projects | \$240,000 | \$150,000 |
| Camp Springs Elks Lodge No. 2332 | \$25,000 | \$25,000 |
| Champ House | \$50,000 | \$50,000 |
| College Park Woods Community Facility Redevelopment | \$200,000 | \$200,000 |
| Crossland High School Athletic Facility Improvements | \$300,000 | \$0 |
| Forest Heights Safe Route to School Project | \$125,000 | \$125,000 |

| PRINCE GEORGE'S COUNTY (Cont.) | | |
|--|-------------|-----------|
| Fraternal Order of Police Lodge 89 | \$25,000 | \$25,000 |
| Glassmanor Community Center | \$10,000 | Withdrawn |
| Glenarden Senior Center | \$650,000 | Withdrawn |
| Greenbelt Consumer Cooperative | \$350,000 | \$350,000 |
| Hyattsville Police Regional Training Facility | \$330,000 | Withdrawn |
| Lake Arbor Capital Improvements | \$295,000 | \$150,000 |
| Landover Crossing Indoor Sport Facility | \$750,000 | \$600,000 |
| Laurel Advocacy and Referral Services (LARS) Facility Renovation | \$17,000 | \$17,000 |
| Laurel Multi Service Center | \$350,000 | \$325,000 |
| LuVenia House and Reaping the Harvest Organic Farm | \$25,000 | Withdrawn |
| Magruder Park | \$2,000,000 | Withdrawn |
| Morningside Volunteer Fire Department and Job Training Center | \$325,000 | \$325,000 |

| | | |
|---|-----------|-----------|
| PRINCE GEORGE'S COUNTY (Cont.) | | |
| Mount Rainier Library | \$50,000 | \$50,000 |
| Prince George's County Public Schools Electronic Signs | \$105,000 | \$105,000 |
| Savor at 3807 Food Hall | \$350,000 | \$0 |
| Sis's Tavern | \$125,000 | \$125,000 |
| St. Paul Towne Center | \$300,000 | \$0 |
| Temple Hills Swim Club Pool Renovation | \$45,000 | \$0 |
| The Arc of Prince George's County | \$300,000 | \$250,000 |
| University Park Town Hall | \$200,000 | \$200,000 |
| Upper Marlboro Welcome Center | \$350,000 | \$175,000 |
| VFW Free State Post 8950 Aquaculture Training Center | \$605,000 | \$250,000 |
| West Laurel Swim Club | \$75,000 | \$0 |
| White Rose Foundation Service Center | \$250,000 | \$250,000 |



2019 BOND BILL RESTATEMENT

2019 Maryland Laws Chapter 14 (HB 101)

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2019, and the Maryland Consolidated Capital Bond Loans of 2009, 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 2018

Section 1. MARYLAND CONSOLIDATED CAPITAL BOND LOAN OF 2019

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as *the Maryland Consolidated Capital Bond Loan of 2019* in the total principal amount of \$1,092,194,000...

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and ... expended on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

ZA00 - MISCELLANEOUS GRANT PROGRAMS

(CO) Columbia Local Park. Provide a grant to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Columbia Local Park, located in Montgomery County (Montgomery County)200,000

(CV) Prince George's County Public High School Athletic Facilities. Provide a grant to the Prince George's County Office of the County Executive for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of athletic facilities at Prince George's County public high schools, provided that \$100,000 of this authorization shall be used to fund capital improvements to athletic facilities at Surrattsville High School including but not limited to a new gym scoreboard and marquee backboards. Further provided that \$300,000 of these funds may not be expended until Prince George's County Public Schools, Prince George's County Government, and the Maryland–National Capital Park and Planning Commission enter into a memorandum of understanding that sets forth a centralized process and protocol for the allocation, scheduling, and permitting for the public's use of all three entities'

public facilities, including fee schedules, maintenance responsibilities, and other necessary conditions for the use of such public facilities
(Prince George’s County)3,100,000

(DD) Prince George’s County Amphitheatre at Central Park. Provide a grant to the Maryland National Capital Park and Planning Commission for the design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new amphitheatre located at Central Park (Prince George’s County)250,000

(EH) Josiah Henson Park. Provide a grant to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Josiah Henson Park, located in Montgomery County (Montgomery County)250,000

(EO) Ovid Hazen Wells Recreational Park. Provide a grant to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ovid Hazen Wells Recreational Park located in Montgomery County
(Montgomery County)200,000

(FA) Maryland–National Capital Park and Planning Commission Property Acquisition. Provide a grant to the Maryland–National Capital Park and Planning Commission for the acquisition of property owned by the Washington Metropolitan Area Transit Authority located on Baltimore Avenue in the City of College Park
(Prince George’s County)500,000

**ZA02 - LOCAL HOUSE OF DELEGATES INITIATIVES
(Statewide)**

(AQ) Black Hill SEED Classroom. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Black Hill SEED Classroom building, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)250,000

(AX) Allentown Splash, Tennis and Fitness Park. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a concession area and related pool amenities for Allentown Splash, Tennis and Fitness Park, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County) 150,000

**ZA03 - LOCAL SENATE INITIATIVES
(Statewide)**

(AR) Centerway Local Park. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Centerway Local Park, including the installation of playground equipment, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)250,000

SECTION 12. AND BE IT FURTHER ENACTED, THAT:*

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the *Maryland Consolidated Capital Bond Loan Preauthorization Act of 2020*...

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and *** expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects’ and engineers’ fees:

ZA00 - MISCELLANEOUS GRANT PROGRAMS

(J) Prince George’s County Amphitheatre at Central Park. Provide a grant to the Maryland National Capital Park and Planning Commission for the design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new amphitheater located at Central Park (Prince George’s County)14,000,000

(L) Bay Sox Stadium. Provide a grant to the Maryland National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements at the Bay Sox Stadium, also known as Prince George’s Stadium (Prince George’s County)1,000,000

* This capital grant is an example of what’s commonly denominated as a “pre-authorization (item)” because it does not take effect immediately. Rather, in this case, Section 16 of the Budget Act expressly provides: “*[t]hat Section 12 of this Act shall take effect June 1, 2020.*” Under this circumstance, the pre-authorization item will be open for review throughout the next legislative session (January-April 2020), and the risks of its modification or repeal are substantial. Commission budget officials and program managers should be appropriately cautious to avoid incurring unqualified legal obligations that are predicated on any pre-authorized capital items.

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Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Wezik
Typed by: Fran
Stored – 10/31/18
Proofread by _____
Checked by _____

By: **Montgomery County Delegation and Prince George’s County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Planning and Zoning Authority – Municipal Corporations**

3 **MC/PG 103–18**

4 FOR the purpose of authorizing certain municipal corporations in Montgomery County to
5 have concurrent jurisdiction to enforce county zoning laws within the boundaries of
6 the municipal corporation under certain circumstances; requiring a certain vote of
7 both the district council of Montgomery County and the Montgomery County
8 Planning Board to take certain action relating to zoning within a municipal
9 corporation under certain circumstances; requiring a certain vote of the Montgomery
10 County Planning Board to take certain action relating to land use planning within a
11 municipal corporation under certain circumstances; providing for the application of
12 this Act; and generally relating to planning and zoning authority in Montgomery
13 County.

14 BY repealing and reenacting, without amendments,
15 Article – General Provisions
16 Section 5–209(a)
17 Annotated Code of Maryland
18 (2014 Volume and 2018 Supplement)

19 BY repealing and reenacting, with amendments,

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets] indicate matter deleted from existing law.



1 Article – Land Use
2 Section 22–119
3 Annotated Code of Maryland
4 (2012 Volume and 2018 Supplement)

5 BY repealing
6 Article – Land Use
7 Section 24–201 and 24–202 and the subtitle “Subtitle 2. Municipal Zoning – Specific
8 Municipalities”
9 Annotated Code of Maryland
10 (2012 Volume and 2018 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – General Provisions**

14 5–209.

15 (a) The Ethics Commission may exempt from this title or modify the
16 requirements of this title for a board, a member of a board, or a municipal corporation if
17 the Ethics Commission finds that, because of the nature of the board or the size of the
18 municipal corporation, the application of this title to that board, member, or municipal
19 corporation:

20 (1) would be an unreasonable invasion of privacy;

21 (2) would reduce significantly the availability of qualified individuals for
22 public service; and

23 (3) is not necessary to preserve the purposes of this title.

24 **Article – Land Use**

25 22–119.

26 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, within
27 the regional district, the zoning powers vested by Division I of this article in a municipal

1 corporation or the council of a municipal corporation within the regional district shall be
2 construed to be vested exclusively in the appropriate district council.

3 (2) A municipal corporation in Prince George’s County has concurrent
4 jurisdiction with Prince George’s County to enforce zoning laws in the boundaries of the
5 municipal corporation.

6 [(3) The power to enforce zoning laws for the City of Takoma Park and the
7 Town of Kensington is as provided in §§ 24–201 and 24–202 of this article, respectively.]

8 (3) (I) THIS PARAGRAPH APPLIES ONLY TO A MUNICIPAL
9 CORPORATION IN MONTGOMERY COUNTY THAT HAS NOT BEEN GRANTED AN
10 EXEMPTION UNDER § 5–209 OF THE GENERAL PROVISIONS ARTICLE.

11 (II) A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY
12 HAS CONCURRENT JURISDICTION WITH MONTGOMERY COUNTY TO ENFORCE
13 ZONING LAWS WITHIN THE BOUNDARIES OF THE MUNICIPAL CORPORATION.

14 (III) A TWO–THIRDS MAJORITY VOTE OF BOTH THE DISTRICT
15 COUNCIL OF MONTGOMERY COUNTY AND THE MONTGOMERY COUNTY PLANNING
16 BOARD IS REQUIRED TO TAKE ANY ACTION RELATING TO ZONING WITHIN A
17 MUNICIPAL CORPORATION THAT IS CONTRARY TO A RESOLUTION OF THE MAYOR
18 AND COUNCIL OF THAT MUNICIPAL CORPORATION.

19 (IV) A TWO–THIRDS MAJORITY VOTE OF THE MONTGOMERY
20 COUNTY PLANNING BOARD IS REQUIRED TO TAKE ANY ACTION RELATING TO LAND
21 USE PLANNING WITHIN A MUNICIPAL CORPORATION THAT IS CONTRARY TO A
22 RESOLUTION OF THE MAYOR AND COUNCIL OF THAT MUNICIPAL CORPORATION.

23 (b) Before exercising the authority granted by this section, a municipal
24 corporation in Prince George’s County shall enter into a written agreement with the district
25 council concerning:

26 (1) the method by which the county will be advised of citations issued by a
27 municipal inspector;

28 (2) the responsibility of the municipal corporation or the county to
29 prosecute violations cited by the municipal corporation;

1 (3) the disposition of fines imposed for violations cited by the municipal
2 corporation;

3 (4) the resolution of disagreements between the municipal corporation and
4 the county about the interpretation of zoning laws; and

5 (5) any other matter that the district council considers necessary for the
6 proper exercise of the authority granted by this section.

7 [Subtitle 2. Municipal Zoning – Specific Municipalities.]

8 [24–201.

9 (a) The Town of Kensington has concurrent jurisdiction to enforce the county
10 zoning laws within its boundaries.

11 (b) A two-thirds majority vote of both the district council and the county planning
12 board is required to take any action relating to zoning within the Town of Kensington that
13 is contrary to a resolution of the Mayor and Town Council.

14 (c) A two-thirds majority vote of the county planning board is required to take
15 any action relating to land use planning within the Town of Kensington that is contrary to
16 a resolution of the Mayor and Town Council.]

17 [24–202.

18 (a) The City of Takoma Park has concurrent jurisdiction to enforce the county
19 zoning laws within its boundaries.

20 (b) A two-thirds majority vote of both the district council and the county planning
21 board is required to take any action relating to zoning within the City of Takoma Park that
22 is contrary to a resolution of the Mayor and City Council.

23 (c) A two-thirds majority vote of the county planning board is required to take
24 any action relating to land use planning within the City of Takoma Park that is contrary
25 to a resolution of the Mayor and City Council.]

9lr0644

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2019.



POSITION STATEMENT

Bill: MC/PG 103-19 - Montgomery County – Planning and Zoning Authority – Municipal Corporations

Position: Oppose

Date: December 17, 2018

Contact: Adrian R. Gardner, General Counsel
Elizabeth L. Adams, Associate General Counsel

What The Bill Does: This bill would (1) effectively enable concurrent zoning enforcement jurisdiction for every municipality in Montgomery County and, as a separate matter, (2) require a super-majority vote by Montgomery County’s Planning Board and District Council for various planning and zoning actions if the subject municipality’s mayor and council disagree.

Why We Oppose: The Maryland-National Capital Park and Planning Commission flatly opposes the bill’s Planning Board super-majority requirements for several reasons.

- The Planning Board consists of only five members, and simple unanticipated vacancies or absences on the Board can make it almost impossible to achieve a super-majority.
- If just one member is absent, the bill would require unanimity; that is, giving one member what amounts to a veto power.
- If two members are absent for a meeting or a portion of a meeting, the Planning Board could not act. This is particularly troubling because the subdivision regulations impose specific deadlines for Planning Board action in certain cases, and deferring a case requires the developer’s consent.
- The Planning Board already solicits and weighs the interests of municipal jurisdictions very carefully; so additional procedural hurdles are unnecessary and ill advised.

As a general matter of public policy, this bill invites a piecemeal, more balkanized approach to various planning and zoning decisions in Montgomery County which creates a potential to confound important county-wide goals – for example, the County’s all-hands effort to increase the availability of affordable housing.

The Commission respectfully urges an unfavorable report on MC/PG 103-19.

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HOUSE BILL 621

L5, M1

9lr0535

By: **Montgomery County Delegation and Prince George's County Delegation**
Introduced and read first time: February 6, 2019
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Land Use Documents – Certification**

3 **MC/PG 106–19**

4 FOR the purpose of requiring certain land use regulations applicable in Montgomery
5 County to require that certain persons sign a certain certification under penalty of
6 perjury for certain documents submitted to certain planning boards; establishing the
7 content of the certification; and generally relating to the certification under penalty
8 of perjury of certain land use documents in Montgomery County.

9 BY repealing and reenacting, without amendments,
10 Article – Land Use
11 Section 23–102(a) and (c), 23–103(a), and 23–104(a)(1)
12 Annotated Code of Maryland
13 (2012 Volume and 2018 Supplement)

14 BY adding to
15 Article – Land Use
16 Section 23–109
17 Annotated Code of Maryland
18 (2012 Volume and 2018 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Land Use**

22 23–102.

23 (a) (1) Except as provided in subsection (c) of this section, a subdivision plat of
24 land in the regional district may not be admitted to the land records of Montgomery County

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or Prince George's County, or received or recorded by the clerks of the courts of the
2 respective county, unless:

3 (i) the plat has been submitted to and approved by the applicable
4 county planning board; and

5 (ii) the chair of the county planning board and the
6 secretary-treasurer of the Commission endorse an approval in writing on the plat.

7 (2) The recordation of a subdivision plat without the approval of the county
8 planning board is void.

9 (c) A subdivision in a municipal corporation with subdivision authority under
10 Division II of the Local Government Article that is in the regional district may be recorded
11 in the land records of Montgomery County or Prince George's County if:

12 (1) the subdivision plat has been submitted to and approved by the
13 municipal corporation; and

14 (2) the appropriate official of the municipal corporation endorses an
15 approval in writing on the plat.

16 23-103.

17 (a) Except as provided in subsection (b) of this section, in connection with the
18 approval of a subdivision plat, the appropriate county planning board may require a
19 dedication of land for:

20 (1) an interior subdivision road;

21 (2) a road that abuts the subdivision for the purpose of creating a new road
22 as part of the plan of subdivision to provide for traffic access to another subdivision road;
23 and

24 (3) the widening of an existing or public road that abuts the subdivision for
25 the purpose of providing additional right-of-way adequate to serve additional traffic that
26 will be generated by the subdivision.

27 23-104.

28 (a) (1) In exercising the subdivision powers under §§ 23-102 and 23-103 of
29 this subtitle, the Commission or the governing body of Montgomery County or Prince
30 George's County may adopt subdivision regulations and amendments governing a
31 subdivision in:

32 (i) the regional district; or

1 (ii) the respective portion of the regional district in the county.

2 **23-109.**

3 (A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

4 (B) THE SUBDIVISION REGULATIONS SHALL REQUIRE AN APPLICANT TO
5 SIGN A CERTIFICATION UNDER THE PENALTY OF PERJURY FOR:

6 (1) A FOREST CONSERVATION PLAN EXEMPTION APPLICATION;

7 (2) A NATURAL RESOURCES INVENTORY/FOREST STAND
8 DELINEATION, INCLUDING ANY REQUIRED MAPS OR DRAWINGS;

9 (3) A FOREST MITIGATION BANK APPLICATION; AND

10 (4) A CONCEPT PLAN OR ANY OTHER LOCAL DEVELOPMENT PLAN
11 THAT DOES NOT REQUIRE EITHER A NATURAL RESOURCES INVENTORY/FOREST
12 STAND DELINEATION OR A FOREST CONSERVATION PLAN EXEMPTION.

13 (C) A CERTIFICATION REQUIRED UNDER THIS SECTION SHALL BE IN THE
14 FOLLOWING FORM:

15 "I (WE) CERTIFY, UNDER THE PENALTY OF PERJURY, THAT THIS DOCUMENT,
16 INCLUDING ANY ACCOMPANYING FORMS, STATEMENTS, MAPS, OR DRAWINGS, HAS
17 BEEN EXAMINED BY ME (US) AND THE INFORMATION CONTAINED HEREIN, TO THE
18 BEST OF MY (OUR) KNOWLEDGE, INFORMATION, AND BELIEF, IS TRUE, CORRECT,
19 AND COMPLETE."

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2019.

HOUSE BILL 352

Q1

9lr0569

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: January 28, 2019

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2019

CHAPTER _____

1 AN ACT concerning

2 **Property Tax Credits – Maryland–National Capital Park and Planning**
3 **Commission Park Police Officers and Washington Suburban Sanitary**
4 **Commission Police Officers**

5 **MC/PG 108–19**

6 FOR the purpose of altering the definition of “public safety officer” to include certain ~~park~~
7 police officers who are employed by the Maryland–National Capital Park and
8 Planning Commission Park Police or the Washington Suburban Sanitary
9 Commission Police Force for purposes of a certain property tax credit; providing for
10 the application of this Act; and generally relating to property tax credits and ~~park~~
11 police officers of the Maryland–National Capital Park and Planning Commission
12 Park Police and the Washington Suburban Sanitary Commission Police Force.

13 BY repealing and reenacting, with amendments,
14 Article – Tax – Property
15 Section 9–260
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2018 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Tax – Property**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9–260.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Dwelling” has the meaning stated in § 9–105 of this title.

4 (3) “Public safety officer” means:

5 (i) a firefighter, an emergency medical technician, a correctional
6 officer, a police officer, or a deputy sheriff employed full time by a public safety agency in
7 the county or municipal corporation where the individual resides; [or]

8 (ii) a volunteer firefighter for a public safety agency in the county or
9 municipal corporation where the individual resides; ~~OR~~

10 (III) **A PARK POLICE OFFICER EMPLOYED FULL TIME BY THE**
11 **MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION WHO RESIDES**
12 **IN MONTGOMERY COUNTY OR PRINCE GEORGE’S COUNTY; OR**

13 (IV) **A POLICE OFFICER EMPLOYED FULL TIME BY THE**
14 **WASHINGTON SUBURBAN SANITARY COMMISSION WHO RESIDES IN MONTGOMERY**
15 **COUNTY OR PRINCE GEORGE’S COUNTY.**

16 (b) The governing body of a county or municipal corporation may grant, by law, a
17 property tax credit under this section against the county or municipal corporation property
18 tax imposed on a dwelling located in the county or municipal corporation that is owned by
19 a public safety officer if the public safety officer is otherwise eligible for the credit
20 authorized under § 9–105 of this title.

21 (c) In any taxable year, the credit under this section may not exceed the lesser of:

22 (1) \$2,500 per dwelling; or

23 (2) the amount of property tax imposed on the dwelling.

24 (d) The governing body of a county or a municipal corporation may establish, by
25 law:

26 (1) subject to subsection (c) of this section, the amount of the credit under
27 this section;

28 (2) the duration of the credit;

29 (3) additional eligibility requirements for public safety officers to qualify
30 for the credit;

1 (4) procedures for the application and uniform processing of requests for
2 the credit; and

3 (5) any other provisions necessary to carry out this section.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
5 1, 2019, and shall be applicable to all taxable years beginning after June 30, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.



POSITION STATEMENT

Bill: MC/PG 108-19 - Property Tax Credits – Maryland–National Capital Park and Planning Commission Park Police Officers

Position: Support **Date:** December 14, 2018

Contact: Adrian R. Gardner, General Counsel
Elizabeth L. Adams, Associate General Counsel

What The Bill Does: This bill would include a new category for full-time Park Police officers under the existing law that allows counties and municipalities to decide whether to offer a credit against local property taxes for certain, designated public safety employees.

Discussion: This bill would create a new benefit for qualifying Park Police officers if any county or municipal taxing jurisdiction elects to offer the allowable tax credit. That added benefit may enhance the Commission’s ability to recruit Park Police officers who pay property taxes in the affected jurisdictions.

#

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HOUSE BILL 362

L5

9lr0582

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: January 30, 2019

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Collective**
3 **Bargaining – Exclusive Representative Duty of Fair Representation**

4 **MC/PG 109–19**

5 FOR the purpose of altering the duty of an employee organization certified as the exclusive
6 representative of certain employees of the Maryland–National Capital Park and
7 Planning Commission to represent all employees in a certain bargaining unit in a
8 certain manner; authorizing the exclusive representative to require an employee who
9 does not pay certain dues or fees to pay certain costs and fees for filing a certain
10 grievance or arbitrating a certain matter; providing that the failure by the employee
11 to pay certain costs and fees relieves the exclusive representative of certain
12 responsibilities; requiring that a dispute concerning the reasonableness of certain
13 costs and fees be submitted to a certain labor relations administrator in accordance
14 with certain procedures; limiting an exclusive representative's duty of fair
15 representation owed to certain public employees to certain matters; providing for the
16 construction of certain provisions of this Act; and generally relating to collective
17 bargaining for employees of the Maryland–National Capital Park and Planning
18 Commission.

19 BY repealing and reenacting, with amendments,
20 Article – Land Use
21 Section 16–202 and 16–302
22 Annotated Code of Maryland
23 (2012 Volume and 2018 Supplement)

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Land Use**

4 16–202.

5 (a) The Commission shall recognize the right of an employee organization,
6 certified under this subtitle as the exclusive representative of a bargaining unit, to
7 represent the employees in the bargaining unit in collective bargaining and in the
8 settlement of grievances.

9 (b) An employee organization certified as the exclusive representative of a
10 bargaining unit shall:

11 (1) serve as the sole bargaining agent for the unit in collective bargaining;
12 and

13 (2) **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,**
14 represent all employees in the bargaining unit fairly [,] **AND** without discrimination[, and
15 without regard to whether an employee is a member of the employee organization].

16 (c) An employee organization meets the requirements of subsection (b)(2) of this
17 section if the employee organization's actions with respect to employees [who are members
18 of the employee organization and employees who are not members of the employee
19 organization] **IN THE BARGAINING UNIT** are not arbitrary, discriminatory, or in bad faith.

20 **(D) (1) THE EXCLUSIVE REPRESENTATIVE MAY REQUIRE AN EMPLOYEE**
21 **WHO DOES NOT PAY MEMBERSHIP DUES OR EQUIVALENT FEES TO PAY:**

22 **(I) THE REASONABLE COSTS AND FEES, INCLUDING EXPENSES**
23 **FOR STAFF TIME AND MATERIALS, ARBITRATOR FEES, AND RELATED ATTORNEY'S**
24 **FEES, FOR FILING A GRIEVANCE OR ARBITRATING A MATTER THAT ARISES UNDER A**
25 **COLLECTIVE BARGAINING AGREEMENT NEGOTIATED UNDER THIS SUBTITLE**
26 **BROUGHT BY THE EXCLUSIVE REPRESENTATIVE AT THE REQUEST OF THE**
27 **EMPLOYEE; AND**

28 **(II) ANY ANTICIPATED PROPORTIONAL COSTS AND FEES**
29 **BEFORE A GRIEVANCE IS FILED OR ARBITRATION IS PURSUED.**

30 **(2) FAILURE BY THE EMPLOYEE TO PAY THE COSTS AND FEES**
31 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL RELIEVE THE**
32 **EXCLUSIVE REPRESENTATIVE OF ANY FURTHER RESPONSIBILITY TO THE**
33 **EMPLOYEE.**

1 **(3) A DISPUTE CONCERNING THE REASONABLENESS OF THE COSTS**
 2 **AND FEES IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE**
 3 **SUBMITTED TO THE LABOR RELATIONS ADMINISTRATOR IN ACCORDANCE WITH THE**
 4 **PROCEDURES ESTABLISHED UNDER § 16–218 OF THIS SUBTITLE FOR UNFAIR LABOR**
 5 **PRACTICES.**

6 **(E) (1) AN EXCLUSIVE REPRESENTATIVE’S DUTY OF FAIR**
 7 **REPRESENTATION OWED TO A PUBLIC EMPLOYEE WHO IS IN THE BARGAINING UNIT**
 8 **SHALL BE LIMITED TO THE NEGOTIATION AND ENFORCEMENT OF THE TERMS OF**
 9 **THE COLLECTIVE BARGAINING AGREEMENT WITH THE PUBLIC EMPLOYER.**

10 **(2) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT AN**
 11 **EMPLOYEE ORGANIZATION FROM PROVIDING ONLY TO THE ORGANIZATION’S**
 12 **MEMBERS LEGAL, ECONOMIC, OR JOB-RELATED SERVICES OR BENEFITS OUTSIDE**
 13 **THE COLLECTIVE BARGAINING AGREEMENT.**

14 16–302.

15 (a) The Commission shall recognize the right of an employee organization,
 16 certified under this subtitle as the exclusive representative of the bargaining unit, to
 17 represent the employees in the bargaining unit in collective bargaining and in the
 18 settlement of grievances.

19 (b) An employee organization certified as the exclusive representative of a
 20 bargaining unit shall:

21 (1) serve as the sole bargaining agent for the bargaining unit in collective
 22 bargaining; and

23 (2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
 24 represent all employees in the bargaining unit fairly[,] AND without discrimination[, and
 25 without regard to whether an employee is a member of the employee organization].

26 **(C) (1) THE EXCLUSIVE REPRESENTATIVE MAY REQUIRE AN EMPLOYEE**
 27 **WHO DOES NOT PAY MEMBERSHIP DUES OR EQUIVALENT FEES TO PAY:**

28 **(I) THE REASONABLE COSTS AND FEES, INCLUDING EXPENSES**
 29 **FOR STAFF TIME AND MATERIALS, ARBITRATION FEES, AND RELATED ATTORNEY’S**
 30 **FEES, FOR FILING A GRIEVANCE OR ARBITRATING A MATTER THAT ARISES UNDER A**
 31 **COLLECTIVE BARGAINING AGREEMENT NEGOTIATED UNDER THIS SUBTITLE**
 32 **BROUGHT BY THE EXCLUSIVE REPRESENTATIVE AT THE REQUEST OF THE**
 33 **EMPLOYEE; AND**

1 (II) ANY ANTICIPATED PROPORTIONAL COSTS AND FEES
2 BEFORE A GRIEVANCE IS FILED OR ARBITRATION IS PURSUED.

3 (2) FAILURE BY THE EMPLOYEE TO PAY THE COSTS AND FEES
4 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL RELIEVE THE
5 EXCLUSIVE REPRESENTATIVE OF ANY FURTHER RESPONSIBILITY TO THE
6 EMPLOYEE.

7 (3) A DISPUTE CONCERNING THE REASONABLENESS OF THE COSTS
8 AND FEES IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE
9 SUBMITTED TO THE LABOR RELATIONS ADMINISTRATOR IN ACCORDANCE WITH THE
10 PROCEDURES ESTABLISHED UNDER § 16-317 OF THIS SUBTITLE FOR UNFAIR LABOR
11 PRACTICES.

12 (D) (1) AN EXCLUSIVE REPRESENTATIVE’S DUTY OF FAIR
13 REPRESENTATION OWED TO A PUBLIC EMPLOYEE WHO IS IN THE BARGAINING UNIT
14 SHALL BE LIMITED TO THE NEGOTIATION AND ENFORCEMENT OF THE TERMS OF
15 THE COLLECTIVE BARGAINING AGREEMENT WITH THE PUBLIC EMPLOYER.

16 (2) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT AN
17 EMPLOYEE ORGANIZATION FROM PROVIDING ONLY TO THE ORGANIZATION’S
18 MEMBERS LEGAL, ECONOMIC, OR JOB-RELATED SERVICES OR BENEFITS OUTSIDE
19 THE COLLECTIVE BARGAINING AGREEMENT.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.



POSITION STATEMENT

Bill: MC/PG 109-19 – M-NCPPC – Collective Bargaining – Exclusive Representative Duty of Fair Representation

Position: Support With Amendments **Date:** December 14, 2018

Contact: Adrian R. Gardner, General Counsel
Elizabeth L. Adams, Associate General Counsel

What The Bill Does: This bill would enable an exclusive labor representative for certain Commission collective bargaining units to charge non-participating bargaining unit members for certain costs related to grievances and arbitrations, and would relieve the representative from further responsibility to the employee should he or she fail to pay those costs and fees.

Discussion: Our agency’s Human Resources team recognizes the legislation is proposed in response to the Supreme Court’s decision in *Janus v. American Federation of State, Country, and Municipal Employees, Council 31*, and is not opposed to the intent of the bill. The bill requires an amendment, however, to achieve its intended purpose.

Specifically, we understand from the sponsor and labor partners that they want the resulting statute to include the bargaining unit for our park police officers. As written, the bill only covers the Commission’s bargaining units authorized under the Land Use Article, Title 16, Subtitle 2 (covering trades, office/clerical, professional/technical and service/labor employee categories). But the provisions applicable to the bargaining unit authorized for our Park Police are codified under another subtitle; that is, Subtitle 3 – §§ 16-301 *et seq.*

Under these circumstances, Commission staff will continue to work with the sponsors and stakeholders to craft appropriate amendments. The Commissioners have indicated support for the bill as amended accordingly.

#

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HOUSE BILL 662

L5

9lr0594

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 6, 2019

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2019

CHAPTER _____

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Glenn Dale**
3 **Hospital Property**

4 **MC/PG 110–19**

5 FOR the purpose of authorizing the Maryland–National Capital Park and Planning
6 Commission to sell, lease, or otherwise transfer a certain portion of the Glenn Dale
7 Hospital property to a person who will adaptively reuse ~~and redevelop~~ certain
8 hospital campus buildings on the property; and generally relating to the disposition
9 of the Glenn Dale Hospital property by the Maryland–National Capital Park and
10 Planning Commission.

11 BY repealing and reenacting, with amendments,
12 Article – Land Use
13 Section 17–402
14 Annotated Code of Maryland
15 (2012 Volume and 2018 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Land Use**

19 17–402.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) The Commission has acquired title to the entire parcel of property known as
2 Glenn Dale Hospital for use in accordance with this section.

3 (b) (1) The Commission:

4 (i) shall maintain the approximately 150 acres that have not been
5 developed as part of the existing hospital campus in the Commission’s park system; and

6 (ii) may sell, lease, or otherwise transfer the approximately 60 acres
7 that have been developed as a hospital campus to a person who will [use the property as a
8 continuing care retirement community in accordance with Title 10, Subtitle 4 of the Human
9 Services Article] **ADAPTIVELY REUSE ~~AND REDEVELOP~~, AT A MINIMUM, THE MAIN
10 HOSPITAL CAMPUS BUILDINGS ON THE PROPERTY BY RETURNING THE PROPERTY
11 TO A STATE OF UTILITY, THROUGH REPAIR AND ALTERATION, THAT:**

12 **1. GIVES THE PROPERTY AN EFFICIENT AND**
13 **CONTEMPORARY USE; AND**

14 **2. PRESERVES PORTIONS AND FEATURES OF THE**
15 **PROPERTY THAT ARE HISTORICALLY, ARCHITECTURALLY, AND CULTURALLY**
16 **SIGNIFICANT.**

17 (2) If the Commission is unable to find a qualified person to carry out the
18 intent of paragraph (1)(ii) of this subsection, the Commission shall retain possession of the
19 approximately 60 acres until the General Assembly approves an alternate use.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.



POSITION STATEMENT

Bill: MC/PG 110-19 - Maryland–National Capital Park and Planning Commission - Glen Dale Hospital Adaptive Reuse

Position: Support With Amendments **Date:** December 14, 2018

Contact: Adrian R. Gardner, General Counsel
Elizabeth L. Adams, Associate General Counsel

What The Bill Does: This bill would relax an existing statutory restriction on the redevelopment of a long-defunct hospital campus owned by the Maryland-National Capital Park and Planning Commission (“Commission”) in Prince George’s County.

Why We Support: The Commission supports this effort because it will enhance the likelihood of an attractive redevelopment project on the campus portion of the subject property that is not needed for public use.

The Commission purchased the Glenn Dale Hospital property in 1994 after the District of Columbia Government floated a proposal to develop a correctional facility on the mostly undeveloped tract. The property is divided into one 60-acre portion that includes ruins of the developed hospital campus, and another 150-acre portion of exceptional undisturbed passive parkland. The buildings, which are on the National Historic Register and the Prince George’s County Historic Register, were considerably deteriorated when acquired. Since acquiring the property, the agency’s substantial efforts to attract a responsible purchaser to redevelop the hospital campus have been utterly unsuccessful – no doubt, in some great measure because of the existing statutory restriction which limits reuse of the 60-acre site to a State-licensed continuing care retirement community. Meanwhile, the Commission’s Department of Parks and Recreation continues to incur significant costs for required security and maintenance of the property.

Over the past two years, the Commission has partnered with the Prince George’s County Redevelopment Authority and community stakeholders to explore additional redevelopment options for the property. The goal of this legislation is generally consistent with efforts to develop feasible options for developing the property and repurposing the historic buildings.

Commission staff will continue working with the sponsor and stakeholders to propose amendments that add even more flexibility within the broader objective of adaptive reuse.

#

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HOUSE BILL 1279

L5, P2

(9lr0621)

ENROLLED BILL

— *Health and Government Operations/Education, Health, and Environmental Affairs*

Introduced by **Montgomery County Delegation and Prince George’s County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o’clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Procurement –**
3 **Source Selection**

4 **MC/PG 112–19**

5 FOR the purpose of requiring the Maryland–National Capital Park and Planning
6 Commission to adopt certain procurement regulations relating to source selection;
7 authorizing the Commission to adopt certain regulations establishing a minority
8 business enterprise program ~~under certain circumstances~~ if the Commission makes
9 a certain determination; authorizing the Commission to adopt certain regulations
10 establishing a local small business enterprise program; requiring the Commission to
11 report each year to certain persons on the effectiveness of certain programs;
12 repealing certain provisions relating to a minority business enterprise program in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 the Commission on a certain date; ~~requiring the Special Secretary for the Office of~~
 2 ~~Small, Minority, and Women Business Affairs and the Secretary of Transportation~~
 3 ~~to ensure that the Commission is provided with certain technical assistance to~~
 4 ~~implement this Act~~ requiring the Commission, in consultation with a certain
 5 certification agency, to complete a study to evaluate whether there is a compelling
 6 interest to implement certain remedial measures to assist minorities and women in
 7 participating in Commission procurement contracts; requiring a certain certification
 8 agency to consult with the Commission to identify information necessary to make a
 9 certain determination; requiring the Commission to obtain and provide certain
 10 information to the certification agency; requiring the Commission to make certain
 11 evaluations; requiring the Commission to report the findings of a certain study to
 12 certain persons on or before a certain date; authorizing the governing bodies of
 13 Montgomery County and Prince George's County to provide certain funding for the
 14 implementation of this Act in a certain manner; defining certain terms; providing for
 15 a delayed effective date for certain provisions of this Act; and generally relating to
 16 procurement activities of the Maryland–National Capital Park and Planning
 17 Commission.

18 BY adding to

19 Article – Land Use

20 Section 15–201 through 15–205 to be under the new subtitle “Subtitle 2.
 21 Procurement”

22 Annotated Code of Maryland

23 (2012 Volume and 2018 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Land Use

26 Section 15–201 and 15–205

27 Annotated Code of Maryland

28 (2012 Volume and 2018 Supplement)

29 (As enacted by Section 1 of this Act)

30 BY repealing and reenacting, without amendments,

31 Article – Land Use

32 Section 15–202 and 15–204

33 Annotated Code of Maryland

34 (2012 Volume and 2018 Supplement)

35 (As enacted by Section 1 of this Act)

36 BY repealing

37 Article – Land Use

38 Section 15–203

39 Annotated Code of Maryland

40 (2012 Volume and 2018 Supplement)

41 (As enacted by Section 1 of this Act)

42 Preamble

1 WHEREAS, As provided by Chapter 340 of the Acts of the General Assembly of 2017,
2 the General Assembly has received and reviewed the disparity study entitled “Business
3 Disparities in the Maryland Market Area”, published February 8, 2017; and

4 WHEREAS, Based on a review of the disparity study, the General Assembly found
5 that there are substantial adverse disparities that are consistent with discrimination
6 against businesses owned by minorities and women; and

7 WHEREAS, The General Assembly finds that the elimination of discrimination
8 against businesses owned by minorities and women is of paramount importance to the
9 future welfare of the State; and

10 WHEREAS, The State of Maryland wishes to provide all of its citizens with equal
11 access to business formation and growth opportunities; and

12 WHEREAS, The Maryland–National Capital Park and Planning Commission is an
13 independent bicounty agency of the State that procures goods and services within a
14 geographical marketplace of particular interest to the State; and

15 WHEREAS, The Commission has reported that utilization of businesses owned by
16 minorities and women declined after it ceased operating a minority business enterprise
17 program on the abrogation of the authority provided under Chapter 256 of the Acts of the
18 General Assembly of 1995; and

19 ~~WHEREAS, The General Assembly desires for the Commission to assess, based on~~
20 ~~the disparity study and other legally relevant data, whether the Commission has~~
21 ~~underutilized minority business enterprises relative to their availability to perform work~~
22 ~~in the procurement categories in which the State does business; and~~

23 ~~WHEREAS, Subject to the Commission’s determination that such a legally~~
24 ~~significant disparity or underutilization exists, the General Assembly desires to authorize~~

25 WHEREAS, The General Assembly desires for the Commission to assess whether
26 there is a basis for the Commission to implement remedial measures for minority– and
27 women–owned businesses; and

28 WHEREAS, Subject to the Commission’s determination that there is a basis for the
29 Commission to implement remedial measures for minority– and women–owned firms that
30 seek to do business with the Commission, the General Assembly desires to authorize the
31 Commission to adopt and implement a minority business enterprise procurement program
32 to augment the efforts of the State under Chapter 340 of the Acts of the General Assembly
33 of 2017; and

34 WHEREAS, The General Assembly further desires to authorize the Commission to
35 implement a local small business enterprise program as a method of enhancing the

1 participation of employers that are based locally within Montgomery County and Prince
2 George's County; now, therefore,

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
4 That the Laws of Maryland read as follows:

5 **Article – Land Use**

6 **SUBTITLE 2. PROCUREMENT.**

7 **15-201.**

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) "CERTIFICATION" MEANS THE DETERMINATION THAT A LEGAL ENTITY
11 IS A MINORITY BUSINESS ENTERPRISE UNDER TITLE 14, SUBTITLE 3 OF THE STATE
12 FINANCE AND PROCUREMENT ARTICLE.

13 (C) "CERTIFICATION AGENCY" MEANS THE AGENCY DESIGNATED BY THE
14 BOARD OF PUBLIC WORKS UNDER § 14-303(B) OF THE STATE FINANCE AND
15 PROCUREMENT ARTICLE TO CERTIFY AND DECERTIFY MINORITY BUSINESS
16 ENTERPRISES.

17 (D) "CERTIFIED MINORITY BUSINESS ENTERPRISE" MEANS A MINORITY
18 BUSINESS ENTERPRISE THAT HOLDS A VALID CERTIFICATION ISSUED BY THE
19 CERTIFICATION AGENCY.

20 (E) "LOCAL SMALL BUSINESS ENTERPRISE" MEANS A BUSINESS
21 ENTERPRISE THAT:

22 (1) HAS ITS PRINCIPAL PLACE OF OPERATION IN MONTGOMERY
23 COUNTY OR PRINCE GEORGE'S COUNTY; AND

24 (2) HAS BEEN CERTIFIED AS A SMALL BUSINESS ENTERPRISE BY A
25 UNIT OF COUNTY GOVERNMENT THAT HAS JURISDICTION OVER PROCUREMENT IN
26 MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY.

27 (F) "MINORITY BUSINESS ENTERPRISE" HAS THE SAME MEANING AS
28 PROVIDED IN § 14-301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

29 ~~(G) "STUDY" MEANS THE DISPARITY STUDY COMMISSIONED BY THE~~
30 ~~GENERAL ASSEMBLY OF MARYLAND ENTITLED "BUSINESS DISPARITIES IN THE~~
31 ~~MARYLAND MARKET AREA" PUBLISHED ON FEBRUARY 8, 2017.~~

1 15-202.

2 THE COMMISSION SHALL ADOPT PROCUREMENT REGULATIONS CONSISTENT
3 WITH THE STANDARDS AND METHODS FOR SOURCE SELECTION PROVIDED IN TITLE
4 13, SUBTITLE 1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

5 15-203.

6 (A) THE PROCUREMENT REGULATIONS ADOPTED IN ACCORDANCE WITH §
7 15-202 OF THIS SUBTITLE MAY INCLUDE A MINORITY BUSINESS ENTERPRISE
8 ~~PROGRAM IF THE COMMISSION DETERMINES, BASED ON THE STUDY AND OTHER~~
9 ~~LEGALLY RELEVANT DATA, THAT THE COMMISSION HAS UNDERUTILIZED MINORITY~~
10 ~~BUSINESS ENTERPRISES RELATIVE TO THEIR AVAILABILITY TO PERFORM WORK IN~~
11 ~~THE PROCUREMENT CATEGORIES IN WHICH THE STATE DOES BUSINESS, INCLUDING~~
12 ~~GOODS, SERVICES, AND CONSTRUCTION. PROGRAM IF THE COMMISSION~~
13 ~~DETERMINES THAT THERE IS A COMPELLING INTEREST TO IMPLEMENT REMEDIAL~~
14 ~~MEASURES TO ASSIST MINORITY- AND WOMEN-OWNED BUSINESSES WHO WISH TO~~
15 ~~PARTICIPATE IN COMMISSION PROCUREMENT CONTRACTS.~~

16 (B) THE REGULATIONS TO ESTABLISH A MINORITY BUSINESS ENTERPRISE
17 PROGRAM MAY INCLUDE:

18 (1) PROCEDURES TO BE FOLLOWED BY STAFF, PROSPECTIVE
19 CONTRACTORS, AND SUCCESSFUL BIDDERS OR OFFERORS TO MAXIMIZE NOTICE TO,
20 AND THE OPPORTUNITY TO PARTICIPATE IN THE PROCUREMENT PROCESS BY, A
21 BROAD RANGE OF MINORITY BUSINESS ENTERPRISES;

22 ~~(2) PROVISIONS TO EXTEND REASONABLE COMPETITIVE~~
23 ~~PREFERENCES FOR CERTIFIED MINORITY BUSINESS ENTERPRISES OR GOALS FOR~~
24 ~~UTILIZATION OF CERTIFIED MINORITY BUSINESS ENTERPRISES IN PARTICULAR~~
25 ~~PROCUREMENT ACTIVITIES UNDER APPROPRIATE CIRCUMSTANCES; AND~~

26 (2) TO THE EXTENT AUTHORIZED BY STATE AND FEDERAL LAW BASED
27 ON THE FINDINGS OF AN APPROPRIATE STUDY OR ANALYSIS, PROVISIONS TO
28 EXTEND REASONABLE COMPETITIVE PREFERENCES FOR CERTIFIED MINORITY
29 BUSINESS ENTERPRISES OR GOALS FOR UTILIZATION OF CERTIFIED MINORITY
30 BUSINESS ENTERPRISES IN PARTICULAR PROCUREMENT ACTIVITIES UNDER
31 APPROPRIATE CIRCUMSTANCES; AND

32 (3) TO THE EXTENT APPLICABLE TO COMMISSION PROCUREMENT
33 ACTIVITIES, PROVISIONS COMPARABLE IN PURPOSE AND EFFECT TO ANY
34 REGULATIONS ADOPTED BY THE STATE IN ACCORDANCE WITH § 14-303 OF THE
35 STATE FINANCE AND PROCUREMENT ARTICLE.

1 **15-204.**

2 (A) THE COMMISSION'S PROCUREMENT REGULATIONS MAY ESTABLISH A
3 LOCAL SMALL BUSINESS ENTERPRISE PROGRAM TO ENCOURAGE LOCAL SMALL
4 BUSINESS ENTERPRISE PARTICIPATION IN APPROPRIATE PROCUREMENT
5 ACTIVITIES.

6 (B) THE REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SECTION MAY
7 INCLUDE:

8 (1) PROCEDURES FOR RELIABLE DOCUMENTATION OF A BUSINESS
9 ENTITY'S OFFICIAL DESIGNATION BY MONTGOMERY COUNTY OR PRINCE GEORGE'S
10 COUNTY AS A LOCAL SMALL BUSINESS ENTERPRISE;

11 (2) PROCEDURES TO BE FOLLOWED BY STAFF, PROSPECTIVE
12 CONTRACTORS, AND SUCCESSFUL BIDDERS OR OFFERORS TO MAXIMIZE NOTICE TO,
13 AND THE OPPORTUNITY TO PARTICIPATE IN THE PROCUREMENT PROCESS BY, A
14 BROAD RANGE OF LOCAL SMALL BUSINESS ENTERPRISES; AND

15 (3) PROVISIONS TO:

16 (I) EXTEND REASONABLE COMPETITIVE PREFERENCES FOR
17 LOCAL SMALL BUSINESS ENTERPRISES;

18 (II) ESTABLISH PROCUREMENT GOALS OF UTILIZATION OF
19 LOCAL SMALL BUSINESS ENTERPRISES; AND

20 (III) RESERVE PARTICULAR PROCUREMENT ACTIVITIES FOR
21 LOCAL SMALL BUSINESS ENTERPRISES UNDER APPROPRIATE CIRCUMSTANCES.

22 **15-205.**

23 ON OR BEFORE OCTOBER 31 EACH YEAR, THE COMMISSION SHALL REPORT
24 TO THE MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY DELEGATIONS TO
25 THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE
26 GOVERNMENT ARTICLE, ON THE EFFECTIVENESS OF ANY MINORITY BUSINESS
27 ENTERPRISE PROGRAM OR LOCAL SMALL BUSINESS ENTERPRISE PROGRAM
28 ESTABLISHED UNDER THIS SUBTITLE.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
30 as follows:

31 Article – Land Use

1 15-201.

2 [(a)] In this [subtitle the following words have the meanings indicated.

3 (b) "Certification" means the determination that a legal entity is a minority
4 business enterprise under Title 14, Subtitle 3 of the State Finance and Procurement Article.

5 (c) "Certification agency" means the agency designated by the Board of Public
6 Works under § 14-303(b) of the State Finance and Procurement Article to certify and
7 decertify minority business enterprises.

8 (d) "Certified minority business enterprise" means a minority business enterprise
9 that holds a valid certification issued by the certification agency.

10 (e) "Local] **SUBTITLE, "LOCAL** small business enterprise" means a business
11 enterprise that:

12 (1) has its principal place of operation in Montgomery County or Prince
13 George's County; and

14 (2) has been certified as a small business enterprise by a unit of county
15 government that has jurisdiction over procurement in Montgomery County or Prince
16 George's County.

17 ~~[(f) "Minority business enterprise" has the same meaning as provided in § 14-301~~
18 ~~of the State Finance and Procurement Article.~~

19 ~~[(g) "Study" means the disparity study commissioned by the General Assembly of~~
20 ~~Maryland entitled "Business Disparities in the Maryland Market Area" published on~~
21 ~~February 8, 2017.]~~

22 15-202.

23 The Commission shall adopt procurement regulations consistent with the standards
24 and methods for source selection provided in Title 13, Subtitle 1 of the State Finance and
25 Procurement Article.

26 [15-203.

27 (a) The procurement regulations adopted in accordance with § 15-202 of this
28 subtitle may include a minority business enterprise program if the Commission determines,
29 ~~based on the study and other legally relevant data, that the Commission has underutilized~~
30 ~~minority business enterprises relative to their availability to perform work in the~~
31 ~~procurement categories in which the State does business, including goods, services, and~~
32 ~~construction~~ that there is a compelling interest to implement remedial measures to assist

1 minority- and women-owned businesses who wish to participate in Commission
 2 procurement contracts.

3 (b) The regulations to establish a minority business enterprise program may
 4 include:

5 (1) procedures to be followed by staff, prospective contractors, and
 6 successful bidders or offerors to maximize notice to, and the opportunity to participate in
 7 the procurement process by, a broad range of minority business enterprises;

8 ~~(2) provisions to extend reasonable competitive preferences for certified~~
 9 ~~minority business enterprises or goals for utilization of certified minority business~~
 10 ~~enterprises in particular procurement activities under appropriate circumstances; and~~

11 (2) to the extent permitted by State and federal law based on the findings of
 12 an appropriate study or analysis, provisions to extend reasonable competitive preferences for
 13 certified minority business enterprises or goals for utilization of certified minority business
 14 enterprises in particular procurement activities under appropriate circumstances; and

15 (3) to the extent applicable to Commission procurement activities,
 16 provisions comparable in purpose and effect to any regulations adopted by the State in
 17 accordance with § 14-303 of the State Finance and Procurement Article.]

18 15-204.

19 (a) The Commission's procurement regulations may establish a local small
 20 business enterprise program to encourage local small business enterprise participation in
 21 appropriate procurement activities.

22 (b) The regulations adopted in accordance with this section may include:

23 (1) procedures for reliable documentation of a business entity's official
 24 designation by Montgomery County or Prince George's County as a local small business
 25 enterprise;

26 (2) procedures to be followed by staff, prospective contractors, and
 27 successful bidders or offerors to maximize notice to, and the opportunity to participate in
 28 the procurement process by, a broad range of local small business enterprises; and

29 (3) provisions to:

30 (i) extend reasonable competitive preferences for local small
 31 business enterprises;

32 (ii) establish procurement goals of utilization of local small business
 33 enterprises; and

1 (iii) reserve particular procurement activities for local small business
2 enterprises under appropriate circumstances.

3 15–205.

4 On or before October 31 each year, the Commission shall report to the Montgomery
5 County and Prince George’s County Delegations to the General Assembly, in accordance
6 with § 2–1246 of the State Government Article, on the effectiveness of any [minority
7 business enterprise program or] local small business enterprise program established under
8 this subtitle.

9 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Special Secretary for the~~
10 ~~Office of Small, Minority, and Women Business Affairs and the Secretary of Transportation~~
11 ~~shall ensure that the Commission is provided with appropriate technical assistance to~~
12 ~~implement this Act, including providing any information relating to the disparity study~~
13 ~~entitled “Business Disparities in the Maryland Market Area” published on February 8,~~
14 ~~2017, that may be necessary or appropriate for the Commission to evaluate whether or the~~
15 ~~extent to which minority business enterprises may have been underutilized.~~

16 SECTION 3. AND BE IT FURTHER ENACTED, That:

17 (a) The Commission, in consultation with the certification agency designated by
18 the Board of Public Works under § 14–303(b) of the State Finance and Procurement Article
19 and the Office of the Attorney General, shall complete a study, which may include an
20 analysis of the disparity study as set forth in subsection (b) of this section, to evaluate
21 whether there is a compelling interest to implement remedial measures, including a program
22 comparable to the State Minority Business Enterprise Program under Title 14, Subtitle 3 of
23 the State Finance and Procurement Article, to assist minorities and women in participating
24 in Commission procurement contracts.

25 (b) (1) The certification agency shall consult with the Commission to identify
26 the information necessary to determine whether the disparity study entitled “Business
27 Disparities in the Maryland Market Area”, published on February 8, 2017, applies to the
28 types of goods and services procured by the Commission.

29 (2) The Commission shall obtain and provide information to the
30 certification agency that the certification agency requires to make the determination under
31 paragraph (1) of this subsection.

32 (c) In performing the study required under subsection (a) of this section, the
33 Commission shall evaluate race-neutral programs or other methods that may be used to
34 address the needs of minority- and women-owned businesses seeking to participate in
35 Commission procurement contracts.

36 (d) On or before January 1, 2020, the Commission shall report to the Montgomery
37 County and Prince George’s County delegations to the General Assembly and the Legislative

1 Policy Committee, in accordance with § 2-1246 of the State Government Article, on the
2 findings of the study required under subsection (a) of this section.

3 SECTION 4. AND BE IT FURTHER ENACTED, That the governing bodies of
4 Montgomery County and Prince George’s County may provide for the funding necessary to
5 implement this Act, including funding required for the Commission to conduct any study
6 or analysis required to determine whether there is discrimination against minority
7 business enterprises or whether local small business enterprises have been underutilized,
8 through the operating budget of the Commission.

9 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
10 effect October 1, 2022.

11 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section
12 5 of this Act, this Act shall take effect June 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.



POSITION STATEMENT

Bill: HB 1279 - Maryland–National Capital Park and Planning Commission – Procurement – Source Selection

Position: Support **Date:** February 14, 2019

Contact: Adrian R. Gardner, General Counsel
Elizabeth L. Adams, Senior Counsel

What The Bill Does: This bill: (1) authorizes the Maryland-National Capital Park and Planning Commission (Commission) to re-establish a minority business enterprise (MBE) procurement program that is consistent with the State MBE program, (2) authorizes a small-local business enterprise (SLBE) program for vendors headquartered within the bi-county region, and (3) charges appropriate State agencies to provide data and technical support.

Why We Support: The Commission supports this enabling legislation because it offers additional tools that are objectively warranted by recent trends as a mechanism to better attract the MBE vendor community to agency procurement opportunities.

Background

Since the 1970s and continuing today, the Commission has undertaken a variety of procurement initiatives to combat the vestiges of commercial discrimination that is based on race, gender, national origin and other suspect classifications. Collectively, these initiatives are referred to as the agency's procurement "Anti-Discrimination Program."

At various times, the Commission's Anti-Discrimination Program has also incorporated elements that extend competitive preferences for MBEs in agency purchasing decisions. The General Assembly periodically authorized the Commission's MBE preference components through a series of legislative enactments. Chapter 256 of the Acts of 1995; Chapter 487 of the Acts of 1997; Chapter 40 of the Acts of 2001; Chapter 425 of the Acts of 2003; and Chapter 100 of the Acts of 2008. Each of these enabling laws included abrogation provisions, the last of which triggered the sunset for MBE preferences as of September 30, 2013.

As a result of the U.S. Supreme Court decision in *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989), any MBE preference program will comport with the Equal Protection Clause only if an empirical predicate establishes a compelling remedial interest for those preferences and, in addition, the preferences are narrowly tailored to effectuate the remedial purpose. As indicated

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by a recital in the bill, the State’s disparity study (the “Disparity Study”) has established that such an empirical predicate exists:

[T]he General Assembly has received and reviewed the disparity study entitled “Business Disparities in the Maryland Market Area”, published February 8, 2017; and... found that there are substantial adverse disparities that are consistent with discrimination against businesses owned by minorities and women;

Enabling MBE Authority

The bill will restore the Commission’s enabling authority for MBE preferences, provided that an empirical predicate can be established based on the State’s Disparity Study. This approach is entirely appropriate given the Commission’s status as an independent agency of State government, and also carries a significant cost advantage by using State Disparity Study data to avoid reinventing the wheel. For that reason, Section 3 of the bill allows the Commission to “piggy-back” on the information and data produced in connection with the State Disparity Study. This piggy-back methodology was utilized last session with enactment of 2018 HB 2, the Natalie M. LaPrade Medical Cannabis Commission Reform Act.

In the best professional judgment of Commission purchasing officials, preferences must be considered as an appropriate tool for the agency based on a discernable downward trend in MBE procurement experienced since abrogation of the previous MBE preference program. (See attached.)

Local-Small Business Enterprises

A local-small business enterprise program is a race-, gender- and other class-neutral method that often works as an effective companion to MBE preferences. Other Maryland jurisdictions provide procurement preferences for small local firms. The bill would authorize preferences for small-local vendors headquartered within the Commission’s bi-county territory.

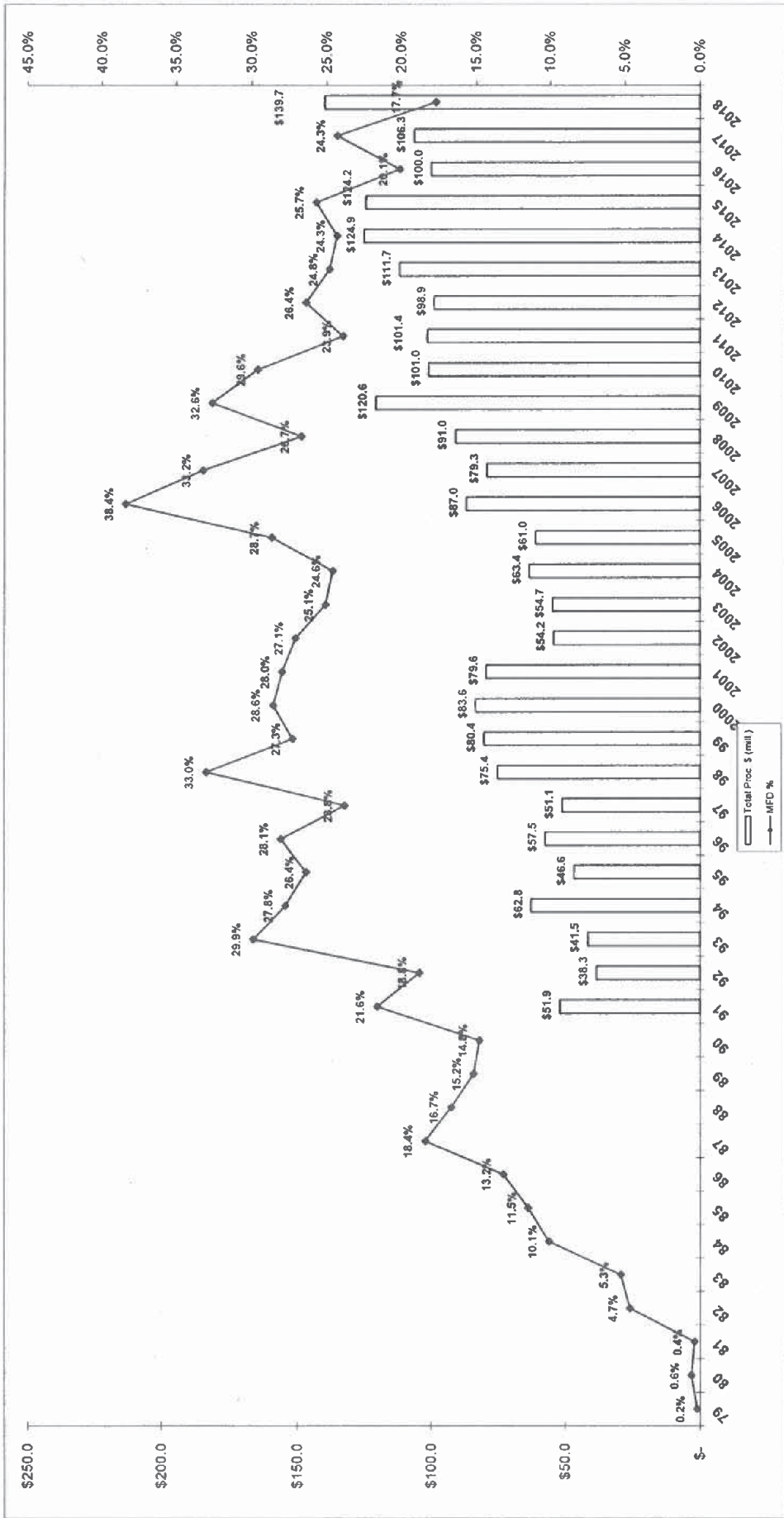
* * *

The Commission accordingly requests your favorable report and enactment of this bill.

#

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

Attachment E



Prepared by Finance Department
August 29, 2018

HOUSE BILL 678

L5

9lr1356

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 7, 2019

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Prince George’s**
3 **County Recreation ~~Program~~ Programs – Youth Sports Program and Division**

4 **MC/PG 115–19**

5 FOR the purpose of requiring the Prince George’s County Planning Board to offer a
6 comprehensive youth sports program and to create a youth sports division as part of
7 the county recreation ~~program~~ programs; requiring the youth sports division to
8 coordinate certain activities and incorporate youth sports activities into the
9 recreation ~~program~~ programs; and generally relating to the recreation ~~program~~
10 programs established by the Prince George’s County Planning Board.

11 BY repealing and reenacting, with amendments,

12 Article – Land Use

13 Section 25–801 and 25–802 to be under the amended subtitle “Subtitle 8. Prince
14 George’s County Recreation Programs”

15 Annotated Code of Maryland

16 (2012 Volume and 2018 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Land Use**

20 **Subtitle 8. Prince George’s County Recreation [Program] PROGRAMS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 25-801.

2 (a) The county planning board shall:

3 (1) provide an adequate and balanced program of recreation to serve the
4 needs and interests of various age groups among the residents of the county; ~~and~~

5 **(2) OFFER A COMPREHENSIVE YOUTH SPORTS PROGRAM THAT**
6 **PROVIDES A VARIETY OF SPORTS PROGRAMMING, LEAGUES, AND TEAMS**
7 **THROUGHOUT THE COUNTY; AND**

8 ~~(2)~~ **(3)** coordinate the ~~program~~ **PROGRAMS** with the Commission's park
9 functions.

10 (b) The county planning board may develop ~~a program~~ **PROGRAMS** of recreation
11 that may include physical, social, mental, and creative opportunities that the county
12 planning board considers appropriate to offer in:

13 (1) major recreation centers, playfields, athletic fields, playgrounds, tennis
14 courts, baseball diamonds, swimming pools, golf courses, community centers, and social
15 centers on publicly or privately owned land or buildings made available for these purposes
16 or over which the county planning board has sole or joint jurisdiction; or

17 (2) land or buildings of a municipal corporation or political subdivision in
18 the county, if the municipal corporation or political subdivision requests the services of the
19 county planning board.

20 (c) **(1)** The county planning board may contract with recreation or sports
21 groups or associations to incorporate the activities of the groups or associations into the
22 ~~program~~ **PROGRAMS** established by the county planning board under this subtitle.

23 **(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AS**
24 **PART OF THE ~~PROGRAM~~ PROGRAMS ESTABLISHED UNDER THIS SUBTITLE THE**
25 **COUNTY PLANNING BOARD SHALL CREATE A YOUTH SPORTS DIVISION TO:**

26 **(I) COORDINATE YOUTH SPORTS PROGRAMMING, LEAGUES,**
27 **AND TEAMS; AND**

28 **(II) INCORPORATE YOUTH SPORTS ACTIVITIES INTO THE**
29 **~~PROGRAM~~ PROGRAMS.**

30 25-802.

31 The county planning board, in the development and conduct of its recreation
32 [program] PROGRAMS and in scheduling the use of publicly owned land or buildings for

1 the conduct of the [program] PROGRAMS, shall cooperate with recognized and generally
2 accepted agencies, groups, and organizations that may request to use the land or buildings.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

HOUSE BILL 859

L5

9lr1836

By: **Delegates Carr, Korman, Shetty, and Solomon**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Mandatory**
3 **Referral Review**

4 FOR the purpose of requiring certain actions to be subject to review by the
5 Maryland–National Capital Park and Planning Commission; clarifying that each
6 action may require separate reviews by the Commission; establishing that a certain
7 referral to the Commission is only deemed approved under certain circumstances if
8 there is a complete submission that can be adequately reviewed by the Commission;
9 and generally relating to the Maryland–National Capital Park and Planning
10 Commission and mandatory referral review.

11 BY repealing and reenacting, with amendments,
12 Article – Land Use
13 Section 20–301 and 20–304
14 Annotated Code of Maryland
15 (2012 Volume and 2018 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Land Use**

19 20–301.

20 **(A)** Subject to §§ 20–303 and 20–304 of this subtitle, a public board, public body,
21 or public official may not conduct any of the following activities in the regional district
22 unless the proposed location, character, grade, and extent of the activity is referred to and
23 approved by the Commission, **WITH EACH ACTION AS LISTED, SUBJECT TO REVIEW:**

24 (1) acquiring or selling land;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (2) locating, constructing, or authorizing:
- 2 (i) a road;
- 3 (ii) a park;
- 4 (iii) any other public way or ground;
- 5 (iv) a public building or structure, including a federal building or
- 6 structure; or
- 7 (v) a publicly owned or privately owned public utility; or
- 8 (3) changing the use of or widening, narrowing, extending, relocating,
- 9 vacating, or abandoning any facility listed in item (2) of this section.

10 **(B) THE ACTIONS SUBJECT TO REVIEW UNDER SUBSECTION (A) OF THIS**
 11 **SECTION MAY REQUIRE SEPARATE REVIEWS BY THE COMMISSION.**

12 20–304.

13 Unless a longer period is granted by the submitting entity, an official referral to the
 14 Commission under this part is deemed approved if the Commission fails to act within 60
 15 days after the date of **A COMPLETE submission ACCEPTED BY THE COMMISSION TO**
 16 **ADEQUATELY REVIEW THE PROPOSED LOCATION, CHARACTER, GRADE, AND EXTENT**
 17 **OF THE ACTIVITY.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 19 October 1, 2019.

Bill: HB 859 - Maryland-National Capital Park and Planning Commission - Mandatory Referral Review

Position: Support With Amendment **Date:** February 14, 2019

Contact: Adrian R. Gardner, General Counsel
Elizabeth L. Adams, Associate General Counsel

What The Bill Does: The bill clarifies that a public works project with multiple steps may also require multiple steps in the public disclosure process known as “mandatory referral.” It also establishes that the time period for completing the mandatory referral review is not triggered until a complete submittal is accepted for review.

Why We Support: The Maryland-National Capital Park and Planning Commission supports this bill because the mandatory referral process ordinarily is the only opportunity for public disclosure, analysis and comment on development projects undertaken by state and local government agencies. Any fair disclosure process requires disclosing information adequate for residents to fully understand the nature of a public project; specifically how the proposed location, character, grade, and extent of activity resulting from the project will affect them and their community. Even though the process results in recommendations that are non-binding, it provides an opportunity for the public to address their concerns in an open public forum.

This bill clarifies that many such public projects are complex with multiple stages in their development and implementation – from change in use of an existing facility or site selection for a new facility, and later to design and construction. Each stage in the life of a project raises different issues for the community at each phase, many of which are unknown at the earlier stages of development.

Additionally, the bill assures that all the necessary information from the public body is included in each submission before the Commission is required to review and present to the public so that the Commission’s comments are thorough, comprehensive, and appropriately address all issues and regulatory requirements prior to implementation of the project.

For this reason, the Commission urges your favorable report of this bill subject to a technical amendment to establish its proper classification as bi-county legislation.

#

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Tracy
Typed by: Lynn
Stored – 10/19/18
Proofread by _____
Checked by _____

By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – State Highways – Toll Facilities**

3 **MC 8-19**

4 FOR the purpose of prohibiting a State agency, including the Maryland Transportation
5 Authority, from acquiring or constructing any toll road, toll highway, or toll bridge
6 in Montgomery County unless authorized by Montgomery County by local law; and
7 generally relating to the acquisition and construction of toll facilities in Montgomery
8 County.

9 BY adding to
10 Article – Transportation
11 Section 4-408
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2018 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Transportation**

17 **4-408.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 A STATE AGENCY, INCLUDING THE MARYLAND TRANSPORTATION
2 AUTHORITY, MAY NOT ACQUIRE OR CONSTRUCT ANY TOLL ROAD, TOLL HIGHWAY,
3 OR TOLL BRIDGE IN MONTGOMERY COUNTY UNLESS AUTHORIZED BY
4 MONTGOMERY COUNTY BY LOCAL LAW.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
6 1, 2019.

DRAFT



POSITION STATEMENT

Bill: MC 8-19 -- Montgomery County – State Highways – Toll Facilities
Position: No Position **Date:** December 14, 2018
Contact: Adrian R. Gardner, General Counsel
Elizabeth L. Adams, Associate General Counsel

What The Bill Does: This bill would prohibit the State from constructing or acquiring a toll roadway facility in Montgomery County unless it is authorized by a local enactment of the Montgomery County Government.

Discussion: The Maryland State Highway Administration (SHA) recently launched an ambitious highway project that seeks to widen the I-95/495 (Capital Beltway) and I-270 (Eisenhower Memorial Highway) interstate highway facilities existing in Montgomery County and Prince George’s County. For information visit <https://495-270-p3.com/program-overview/>. SHA has conceived the project under a public-private partnership (P3) delivery model that likely will require a revenue component – i.e., toll collection – to finance its design, construction, operations and maintenance.

This bill would prohibit SHA from moving forward with the Beltway/Eisenhower project with toll facilities without first obtaining the approval of the Montgomery County Government.

The Federal Highway Administration and SHA have formally designated the Maryland-National Capital Park and Planning Commission as a “cooperating agency” for purposes of the regulations governing the project’s environmental impact study under the National Environmental Policy Act (NEPA). In that capacity, an agency-wide team of planning and park professionals are fully engaged in a process intended to identify critical planning and parkland stewardship issues in each county, and to advocate within the federal approval process for compliance with NEPA.

The Commission has declined to take a substantive position on this bill because it does not directly implicate the agency’s park or planning responsibilities. At the same time, after consulting with the bill sponsor, the Commissioners acknowledge that our legislative partners require information and support needed to evaluate the Beltway/Eisenhower project, as well as a variety of possible changes in law or policy to protect communities in our bi-county region. Indeed, other legislative proposals in connection with the project that may be considered this Session are likely to impact the agency’s park and/or planning initiatives in each county.

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Therefore, the Commission staff is working with the sponsor of this legislation, and likewise will be available to provide any information, technical assistance and policy advice relating to the project impact in either county as may be requested by the Montgomery County and Prince George's County Delegations.

#

HOUSE BILL 1157

A2

(9lr0638)

ENROLLED BILL

— Economic Matters/Education, Health, and Environmental Affairs —

Introduced by **Prince George’s County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o’clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Prince George’s County – ~~Alcoholic Beverages – Transfer of Class A Off-Sale~~**
3 **~~Licenses and Permits~~ Workgroup on Alcohol Outlet Density Zones**

4 PG 303-19

5 FOR the purpose of ~~repealing a limitation on the number of Sunday off-sale permits that~~
6 ~~the Board of License Commissioners for Prince George’s County may issue;~~
7 ~~authorizing the Board of License Commissioners for Prince George’s County to~~
8 ~~approve the transfer of a Class A beer, wine, and liquor license from a certain~~
9 ~~alcoholic beverages district any off-sale retail license from an alcohol outlet density~~
10 ~~zone in the county to another location in the county under certain circumstances;~~
11 establishing a Workgroup on Alcohol Outlet Density Zones in Prince George’s
12 County; providing for the membership, chair, and staffing of the Workgroup;
13 prohibiting a member of the Workgroup from receiving certain compensation, but
14 authorizing the reimbursement of certain expenses; ~~requiring~~ authorizing the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Workgroup to ~~designate~~ identify certain areas as alcohol outlet density zones;
 2 requiring the Workgroup to report its recommendations to the House and Senate
 3 delegations for Prince George's County and the Board of License Commissioners on
 4 or before a certain date; ~~requiring the Board of License Commissioners to adopt rules~~
 5 ~~designating the alcohol outlet density zones on or before a certain date; providing for~~
 6 ~~the effective date of certain provisions of this Act; making certain provisions of this~~
 7 ~~Act subject to a certain contingency; providing for the termination of certain~~
 8 ~~provisions of this Act; and generally relating to alcoholic beverages licenses and~~
 9 ~~permits~~ in Prince George's County.

10 ~~BY repealing and reenacting, without amendments,~~

11 ~~Article — Alcoholic Beverages~~

12 ~~Section 26-102~~

13 ~~Annotated Code of Maryland~~

14 ~~(2016 Volume and 2018 Supplement)~~

15 ~~BY repealing and reenacting, with amendments,~~

16 ~~Article — Alcoholic Beverages~~

17 ~~Section 26-1104 and 26-1603(a)~~

18 ~~Annotated Code of Maryland~~

19 ~~(2016 Volume and 2018 Supplement)~~

20 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~

21 ~~That the Laws of Maryland read as follows:~~

22 ~~**Article — Alcoholic Beverages**~~

23 ~~26-102.~~

24 ~~This title applies only in Prince George's County.~~

25 ~~26-1104.~~

26 ~~(a) There is a Sunday off sale permit.~~

27 ~~(b) (1) (i) Subject to [subsection (f) of this section and] subparagraphs (ii)~~
 28 ~~and (iii) of this paragraph, and except as provided in paragraph (2) of this subsection, the~~
 29 ~~Board may issue the permit to the holder of:~~

30 ~~1. a Class A beer, wine, and liquor license; or~~

31 ~~2. a Class B beer, wine, and liquor license with an off sale~~
 32 ~~privilege.~~

33 ~~(ii) Five Sunday off sale permits may be issued only to holders of a~~
 34 ~~Class B beer, wine, and liquor license with an off sale privilege that acquired the license~~
 35 ~~on or after January 1, 2016.~~

~~(iii) Sunday off sale permits may be issued to holders of a Class A beer, wine, and liquor license that acquired the license on or after January 1, 2016.~~

~~(2) The Board may not issue a Sunday off sale permit to a license holder that the Board finds to have sold liquor on Sunday without a Sunday off sale permit.~~

~~(e) The permit authorizes the holder to sell alcoholic beverages for off premises consumption on Sunday from 8 a.m. to midnight.~~

~~(d) (1) Except as provided in paragraph (2) of this subsection, an applicant for the permit shall commit in the application to reinvesting a minimum of \$50,000 in the business within 1 year after the permit is issued.~~

~~(2) (i) The Board may waive the reinvestment requirement.~~

~~(ii) The Board shall waive the reinvestment requirement for a holder of a Class B beer, wine, and liquor license with an off sale privilege that acquired the license on or after January 1, 2016, if the holder can show that a minimum of \$50,000 was reinvested in the business within the 3 year period immediately preceding the submission of the application.~~

~~(3) The Board shall revoke the permit if:~~

~~(i) the Board did not waive the reinvestment requirement under paragraph (2) of this subsection; and~~

~~(ii) the permit holder fails to make the required reinvestment.~~

~~(e) If the permit is issued to the holder of a Class B beer, wine, and liquor license with an off sale privilege, the holder need not comply with any restaurant or food requirement.~~

~~(f) Not more than 105 Sunday off sale permits may be in effect at any one time.~~

~~(g) (1) The application fee for the permit is \$750.~~

~~(2) The annual fees for the permit are:~~

~~(i) \$2,590 for the holder of a Class A beer, wine, and liquor license; and~~

~~(ii) \$1,080 for the holder of a Class B beer, wine, and liquor license with an off sale privilege.~~

~~(3) The fees listed in paragraphs (1) and (2) of this subsection are in addition to the annual fee for the Class A beer, wine, and liquor license or Class B beer, wine, and liquor license to which it is attached.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~**Article Alcoholic Beverages**~~

~~26-1603.~~

~~(a) (1) Except as provided in paragraphs (2) [and (3)] THROUGH (4) of this subsection, the Board may not issue a new license with an off-sale privilege in, or approve the transfer of a license with an off-sale privilege into, a part of the 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, or 47th alcoholic beverages district in the county.~~

~~(2) The Board may issue a license in or approve the transfer of a license into an area specified in paragraph (1) of this subsection if the off-sale privilege of the license is waived.~~

~~(3) The Board may convert one Class D (on-sale) beer and wine license issued for premises in the 7100 block of Baltimore Avenue in College Park to a Class D (on- and off-sale) beer and wine license for premises in the 7100 to 7200 block of Baltimore Avenue in College Park.~~

~~(4) THE BOARD MAY APPROVE THE TRANSFER OF A CLASS A BEER, WINE, AND LIQUOR ANY RETAIL LICENSE WITH OFF-SALE PRIVILEGES FROM THE 24TH ALCOHOLIC BEVERAGES DISTRICT AN ALCOHOL OUTLET DENSITY ZONE IN THE COUNTY TO ANOTHER LOCATION IN THE COUNTY IF:~~

~~(I) THE APPLICANT HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000 IN INTERIOR IMPROVEMENTS IN THE ESTABLISHMENT AT THE NEW LOCATION; AND~~

~~(II) THE TRANSFER IS APPROVED BY THE COUNTY EXECUTIVE THE LICENSE IS NOT TRANSFERRED INTO ANOTHER ALCOHOL OUTLET DENSITY ZONE.~~

~~SECTION 3. AND BE IT FURTHER ENACTED~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~

~~That:~~

~~(a) There is a Workgroup on Alcohol Outlet Density Zones in Prince George's County.~~

1 **(b)** The Workgroup consists of the following members:

2 **(1)** the County Executive for Prince George's County, or the County
3 Executive's designee;

4 **(2)** the Director of the Prince George's County Department of Health, or
5 the Director's designee;

6 **(3)** the Dean of the University of Maryland School of Public Health, or the
7 Dean's designee;

8 **(4)** the Chair of the Board of License Commissioners, or the Chair's
9 designee;

10 ~~**(4)**~~ **(5)** two community members, one each appointed by the House and Senate
11 delegations for Prince George's County;

12 ~~**(5)**~~ **(6)** one member of the House of Delegates, appointed by the Speaker of the
13 House;

14 ~~**(6)**~~ **(7)** one member of the Senate of Maryland, appointed by the President of
15 the Senate;

16 ~~**(7)**~~ **(8)** the Prince George's County Police Chief, or the Chief's designee; and

17 ~~**(8)**~~ **(9)** the Director of the Department of Permitting, Inspections, and
18 Enforcement, or the Director's designee.

19 **(c)** The Chair of the Prince George's County House Delegation shall designate the
20 chair of the Workgroup.

21 **(d)** The Maryland National Capital Park and Planning Commission shall provide
22 staff for the Workgroup.

23 **(e)** A member of the Workgroup:

24 **(1)** may not receive compensation as a member of the Workgroup; but

25 **(2)** is entitled to reimbursement for expenses under the Standard State
26 Travel Regulations, as provided in the State budget.

27 **(f)** **(1)** In accordance with the Centers for Disease Control and Prevention's
28 Guide for Measuring Alcohol Outlet Density, the Workgroup ~~shall designate~~ may identify
29 potential areas with a high concentration of off-sale retail licenses as alcohol outlet density
30 zones.

1 (2) In making the ~~designation~~ *identification of potential areas* under
 2 paragraph (1) of this subsection, the Workgroup ~~shall~~ *may*:

3 (i) ~~designate~~ *propose* as an alcohol outlet density zone ~~each~~ *any* area
 4 that has 1.15 off-sale retail license holders or more per square mile; and

5 (ii) consider any other relevant factors determined by the
 6 Workgroup.

7 (g) On or before December 1, 2019, the Workgroup shall submit its
 8 recommendations, in accordance with § 2-1246 of the State Government Article, to the
 9 House and Senate delegations for Prince George's County and the Board of License
 10 Commissioners for Prince George's County.

11 ~~(h) On or before June 1, 2020, the Board of License Commissioners shall adopt~~
 12 ~~rules designating the alcohol outlet density zones in accordance with the recommendations~~
 13 ~~of the Workgroup.~~

14 ~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act is~~
 15 ~~contingent on the adoption of rules by the Board of License Commissioners for Prince~~
 16 ~~George's County designating the alcohol outlet density zones. The Board of License~~
 17 ~~Commissioners shall notify the Department of Legislative Services within 5 days after the~~
 18 ~~rules are adopted. If the Department of Legislative Services does not receive notice of the~~
 19 ~~adoption of the rules on or before December 31, 2020, Section 2 of this Act, with no further~~
 20 ~~action required by the General Assembly, shall be null and void.~~

21 ~~SECTION 2. 5. AND BE IT FURTHER ENACTED, That, except as provided in~~
 22 ~~Section 4 of this Act, this Act shall take effect July 1, 2019. Section 3 of this Act shall remain~~
 23 ~~effective for a period of 1 year and 6 months and, at the end of December 31, 2020, Section~~
 24 ~~3 of this Act, with no further action required by the General Assembly, shall be abrogated~~
 25 ~~and of no further force and effect.~~

26 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July~~
 27 ~~1, 2019. It shall remain effective for a period of 1 year and 6 months and, at the end of~~
 28 ~~December 31, 2020, this Act, with no further action required by the General Assembly, shall~~
 29 ~~be abrogated and of no further force and effect.~~

HOUSE BILL 456

R1

9lr1695

By: **Prince George's County Delegation**
Introduced and read first time: January 31, 2019
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – State Highways – Toll Facilities**

3 **PG 420–19**

4 FOR the purpose of prohibiting a State agency, including the Maryland Transportation
5 Authority, from acquiring or constructing any toll road, toll highway, or toll bridge
6 in Prince George's County unless authorized by Prince George's County by local law;
7 and generally relating to the acquisition or construction of toll facilities in Prince
8 George's County.

9 BY adding to
10 Article – Transportation
11 Section 4–408
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2018 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Transportation**

17 **4–408.**

18 **A STATE AGENCY, INCLUDING THE AUTHORITY, MAY NOT ACQUIRE OR**
19 **CONSTRUCT ANY TOLL ROAD, TOLL HIGHWAY, OR TOLL BRIDGE IN PRINCE**
20 **GEORGE'S COUNTY UNLESS AUTHORIZED BY PRINCE GEORGE'S COUNTY BY LOCAL**
21 **LAW.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
23 1, 2019.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





POSITION STATEMENT

Bill: PG 420-19 – Prince George’s County – State Highways – Toll Facilities
Position: No Position **Date:** February 14, 2019
Contact: Adrian R. Gardner, General Counsel
Elizabeth L. Adams, Senior Counsel

What The Bill Does: This bill would prohibit the State from constructing or acquiring a toll roadway facility in Prince George’s County unless it is authorized by a local enactment of the Prince George’s County Government.

Discussion: The Maryland State Highway Administration (SHA) recently launched an ambitious highway project that seeks to widen the I-95/495 (Capital Beltway) and I-270 (Eisenhower Memorial Highway) interstate highway facilities existing in Montgomery County and Prince George’s County. For information visit <https://495-270-p3.com/program-overview/>. SHA has conceived the project under a public-private partnership (P3) delivery model that likely will require a revenue component – i.e., toll collection – to finance its design, construction, operations and maintenance.

This bill would prohibit SHA from moving forward with the Beltway/Eisenhower project with toll facilities without first obtaining the approval of the Prince George’s County Government.

The Federal Highway Administration and SHA have formally designated the Maryland-National Capital Park and Planning Commission as a “cooperating agency” for purposes of the regulations governing the project’s environmental impact study under the National Environmental Policy Act (NEPA). In that capacity, an agency-wide team of planning and park professionals are fully engaged in a process intended to identify critical planning and parkland stewardship issues in each county, and to advocate within the federal approval process for compliance with NEPA.

The Commission has declined to take a substantive position on this bill because it does not directly implicate the agency’s park or planning responsibilities. At the same time, after consulting with the bill sponsor, the Commissioners acknowledge that our legislative partners require information and support needed to evaluate the Beltway/Eisenhower project, as well as a variety of possible changes in law or policy to protect communities in our bi-county region. Indeed, other legislative proposals in connection with the project that may be considered this Session are likely to impact the agency’s park and/or planning initiatives in each county.

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Therefore, the Commission staff is working with the sponsor of this legislation, and likewise will be available to provide any information, technical assistance and policy advice relating to the project impact in either county as may be requested by the Montgomery County and Prince George's County Delegations.

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SENATE BILL 203

M1

9lr1093
CF HB 120

By: **Senators Young, Elfreth, Feldman, Hester, Lee, Pinsky, Rosapepe, Washington, ~~and West~~ West, Benson, Ellis, Guzzone, Kagan, Lam, Nathan-Pulliam, and Patterson**

Introduced and read first time: January 23, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2019

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – No Net Loss of Forest – Definition**

3 FOR the purpose of altering the standard for achieving a no net loss of forest policy to
4 measure for forest land by altering the definition of “no net loss of forest”; providing
5 that this Act may not be interpreted to disrupt certain programs; and generally
6 relating to the State’s no net loss of forest policy.

7 BY repealing and reenacting, without amendments,

8 Article – Natural Resources
9 Section 5–101(a) and 5–102(b)
10 Annotated Code of Maryland
11 (2018 Replacement Volume)

12 BY repealing and reenacting, with amendments,

13 Article – Natural Resources
14 Section 5–101(i)
15 Annotated Code of Maryland
16 (2018 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 5–101.

2 (a) In this title the following words have the meanings indicated.

3 (i) “No net loss of forest” means 40% of all land in Maryland is covered by [tree
4 canopy] **FOREST LAND, AS DETERMINED BY DATA USED IN THE MOST CURRENT**
5 **CHESAPEAKE BAY WATERSHED MODEL DEFINED IN COMAR 26.08.11.03.**

6 5–102.

7 (b) It is the policy of the State to encourage the retention and sustainable
8 management of forest lands by:

9 (1) Achieving no net loss of forest;

10 (2) Affording due consideration to the protection and retention of forests in
11 the State through existing land conservation programs where they have the highest value
12 in terms of promoting the State’s compliance with its clean water goals under the 2014
13 Chesapeake Bay Watershed Agreement and the 2007 Forestry Conservation Initiative;

14 (3) Enhancing the retention of privately owned forest lands through
15 research–based educational outreach efforts to landowners by the State’s forest
16 conservancy district boards;

17 (4) Developing financial incentives to encourage landowners to retain and
18 manage their forests sustainably and in a manner that is consistent with a forest
19 stewardship plan;

20 (5) Promoting renewable energy policies and markets with increased
21 emphasis on the use of in–State produced woody biomass;

22 (6) Ensuring dual certification of the State’s forests by the Forest
23 Stewardship Council and the Sustainable Forestry Initiative;

24 (7) Recognizing the importance of:

25 (i) A viable forest products industry to the economies of rural
26 Maryland;

27 (ii) Continued development of fiber products; and

28 (iii) Maryland’s green infrastructure; and

29 (8) Developing and enhancing programs with a sustainable forestry
30 component, including a forest mitigation banking system, a carbon credit or carbon

1 sequestration program, a clean water credit trading system, an environmental services
2 credit trading program, and a renewable energy credit trading system.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
4 interpreted to expand, limit, or otherwise disrupt any program conducted by a unit of State
5 or local government in accordance with to the Chesapeake Bay Total Maximum Daily Load,
6 a municipal separate storm sewer system permit, urban tree canopy goals, or any other
7 local program.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.



POSITION STATEMENT

Bill: SB203/HB120 Natural Resources – No Net Loss of Forest -- Definition
Position: Oppose **Date:** February 14, 2019
Contact: Adrian R. Gardner, General Counsel
Elizabeth L. Adams, Senior Counsel

What The Bill Does: This bill abandons the standard for “no net loss of forest” by substituting a defined term – “Forest Land” – instead the reference to “Tree Canopy” under existing law. This ostensibly modest change in statutory language threatens to disrupt effective regulatory incentives for developers that plant individual or small groups of trees.

Why We Oppose: The Commission opposes changing the operative term to “Forest Land” because land use regulations in both counties provide appropriate incentives for planting single trees and groups of trees in certain development and redevelopment scenarios. Under current law, those incentivized trees are included (given credit) in calculating each county’s net loss of forest. Eliminating those from this computation will disrupt the current incentives.

The Maryland Department of Natural Resources (DNR) considers the “tree canopy” as “any area covered by trees when viewed from above.” DNR Website. By contrast, “Forest Land” is defined in by Md. Nat. Res. Art. §5-101(e) with a far narrower scope. By jettisoning the benchmark based on tree canopy and substituting a much narrower term of art, the bill would effectuate a dramatic change our county-wide equations.

The phrase “tree canopy” considers individuals trees, including important specimen trees and street trees, that are not part of forest land. It also ignores small collections of trees that may be identified for preservation in the planning and development process. While we share the goals of preserving forest lands, the bill does not take adequate account of the collateral impacts and unintended consequences on other areas worthy of preservation.

In particular, the Commission recognizes that urban tree canopy or urban forests are significant to the green infrastructure programs of urban areas. Removing its inclusion and contribution to the policy would lessen its ecological value and may affect future policy and legislation.

Moreover, the bill runs contrary to the WIP requirements administered by the Environmental Protection Agency. The WIP program takes into consideration each tree planted within the tree canopy; thereby incentivizing the planting of individual and small groups of trees.

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Finally, under the Commission's stewardship exercised during the development approval process, both Montgomery and Prince George's counties already exceed the State's existing forest conservation standards – and would continue to do so even if the bill is passed – there is a high likelihood that some municipalities and urban jurisdictions are not in compliance with current conservation standards.

For these and other reasons, the Commission accordingly urges an unfavorable report.

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