



COMMISSION MEETING

June 21, 2023

9:30 to 11:30 a.m.

**The Commission will be meeting in a hybrid
in-person / videoconference meeting which
will be live-streamed from:**

Wheaton Headquarters

Auditorium

2425 Reddie Drive

Wheaton, Maryland 20902

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, June 21, 2023
9:30 am to 11:30 am**

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (9:30 a.m.)	(*)	Page 1
2.	Approval of Commission Minutes (9:35 a.m.) a) Open Session – May 17, 2023	(*)	Page 3
3.	General Announcements (9:35 a.m.) a) National Caribbean American Heritage Month b) Lesbian, Gay, Bisexual, Transgender and Queer + (LGBTQ+) Pride Month		
4.	Committee Minutes/Board Reports (For Information Only) (9:35 a.m.) a) Employees Retirement Association Board of Trustees Regular Meeting – May 2, 2023		Page 7
5.	Action and Presentation Items (9:40 a.m.) a) Resolution #23-13, Adoption of the FY24 Commission Operating and Capital Budgets (Kroll)(*) b) Resolution #22-44 Approval of FY24 Employer Contribution for Retiree Group Health Insurance (115 Trust) (Cohen) c) Amendments to Practice 2-26/Procedures 96-01 (Controlled Substances and Alcohol-Free Workplace Policy) (Harvin/Beckham) d) Update on COVID-19 Mandate Rollback Plan (Chiang-Smith) e) Pride Month: LGBTQ+ Heritage Initiative (Stern/Ballo) f) Georgia Avenue Walking Tour – Pedestrian Safety (Stern)	(*)	Page 15 Page 41 Page 47 Page 57 (D) Page 61
6.	Officers’ Reports (11:15 a.m.) <u>Executive Director’s Report</u> a) Late Evaluation Report, May 2023 (For Information Only) b) 3 rd Quarter MFD Report <u>Secretary Treasurer</u> No report scheduled <u>General Counsel</u> c) Litigation Report (For Information Only)		Page 65 Page 67 Page 81

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

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
May 17, 2023

The Maryland-National Capital Park and Planning Commission met in hybrid, in-person/videoconference, with the Chair initiating the meeting at the Prince George’s County Parks and Recreation Administration Auditorium in Riverdale, Maryland. The meeting was broadcast by the Department of Parks and Recreation, Prince George’s County.

PRESENT

Prince George’s County Commissioners

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

Montgomery County Commissioners

Jeffrey Zyontz, Vice Chair
Shawn Bartley
James Hedrick (arrived 10:16a)
Mitra Pedoeem

NOT PRESENT

Roberto Piñero

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

ITEM 1 APPROVAL OF COMMISSION AGENDA

Chair Shapiro moved discussion item 6i from open session to closed session
ACTION: See item 2

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – April 17, 2023
Motion by Commissioner Geraldo to pass the 5.17.23 Agenda (as amended)
and 4.19.23 Open Session Minutes
Seconded by Commissioner Doerner
8 approved the 5.17.23 agenda (as amended)
8 approved the 4.19.23 minutes
Hedrick and Piñero absent for vote.

ITEM 3 GENERAL ANNOUNCEMENTS

- a) National Prevention Week (Mental and/or Substance Use Disorders) May 8-14
- b) National Fitness Month/Fitness Days
- c) Asian Pacific American Heritage Month
- d) Jewish-American Heritage Month
- e) Military Appreciation Month

ITEM 4 CLOSED SESSION

Pursuant to the 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 to obtain legal

advice concerning the M-NCPPC's open COVID-19 related EEOC cases and the potential impact of the May 11, 2023, end date of the Federal COVID-19 Public Health Emergency on those cases; and consider matters relating to collective bargaining negotiations in order to protect and promote the public interest by preserving privileged and confidential deliberations required to manage ongoing collective bargaining negotiations with the Municipal and County Government Employees' Organization.

Chair Shapiro requested a motion to move the meeting to Executive Session.

ACTION: Motion by Commissioner Geraldo to enter closed session
Seconded by Commissioner Bailey
8 approved
Hedrick and Piñero absent for vote.

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

Also present:

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

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

Open session adjourned and re-convened in closed session at 10:13 a.m.
Open session resumed at 11:12 a.m.

ITEM 5 ACTION/PRESENTATION ITEMS (taken out of order)

- i) Based on discussion in closed session, Commissioner Washington moved to remove the M-NCPPC's COVID-19 vaccination mandate effective July 1. Commissioner Bailey seconded. Commissioner Hedrick asked to include a COVID shot/booster in our flu clinics and to track the effect of removing the mandate.

ACTION
Motion of Commissioner Washington to remove the mandate, effective July 1
Seconded by Commissioner Bailey
8 voted in favor
1 against (Hedrick)

1 absent (Piñero)

- a) Resolution 23-07 Wage Adjustments for Employees Represented by the Municipal County Government Employees Association (MCGEO)
See Item 5c.
- b) Resolution 23-08 FY24 Wage Adjustments for non-represented Merit and Term Contract Employees
See Item 5c.
- c) Resolution 23-09 FY24 Wage Adjustments for Seasonal and Intermittent Employees

ACTION:

Motion by Commissioner Geraldo to approve Resolutions 23-07, 23-08, and 23-09 (items a, b and c).

Seconded by Commissioner Hedrick

9 voted in favor

- d) Resolution 23-10 Recommendation for Approval of the FY2024 Operating Budget for the Employees' Retirement System

Vice Chair Zyontz asked for explanation for the increase in contractual services for the budget. Administrator Rose replied, at the request of the board, the ERS is contracting a comprehensive organizational study to examine the staffing requirements compared to peers, develop a performance evaluation policy and key performance indicators for staff and the administrator's position. Vice Chair Zyontz approved.

Vice Chair Zyontz acknowledged in the interest of conflict disclosure, that he is a member of the Employees' Retirement System and a recipient of retirement payments.

See item 5f.

- e) Recommendation for the Prince George's County Public Member and the Montgomery County Public Member of the Employees' Retirement System (Rose)
See item 5f.
- f) Recommendation to Acknowledge the Bi-County Open Trustee for the Employees' Retirement System (Rose)

ACTION:

Motion by Commissioner Geraldo to approve Resolution 23-10, approve the public member recommendations and acknowledge the Bi-County trustee member recommendation (items d, e and f).

Seconded by Commissioner Bailey

9 voted in favor

- g) Resolution 23-11 Disposition of 7800-7810 Wisconsin Avenue, Bethesda, MD (Sandberg)
Vice Chair Zyontz said this was approved before the former Montgomery County Planning Board, which recommended in a 3-2 vote to support. He added the votes against were only a matter of wanting more time to review. He said the disposition is sound and he does not have any issues. Commissioner Bartley clarified that public comment is just and needed and normally he would want a longer comment period, but conceded the urgency that was

communicated has persuaded him to vote in support.

ACTION:

Motion by Vice Chair Zyontz to approve Resolution 23-11.

Seconded by Commissioner Geraldo

9 voted in favor

- h) Resolution 23-12 Disposition of Oak Crest Community Center (Capitol Hts) to the DPWT&T (Sun)

No discussion.

ACTION:

Motion by Commissioner Geraldo to approve Resolution 23-12.

Seconded by Commissioner Bailey

9 voted in favor

ITEM 5 OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report (April 2022) (For information only)

Secretary-Treasurer's Report

- b) Quarterly Investment Report

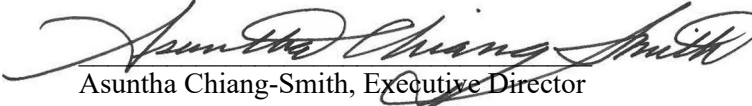
General Counsel's Report

- c) Litigation Report (For information only)

Chair Shapiro said it has been a pleasure to work with Vice-Chair Zyontz, who is attending his last Commission meeting today. Other Commissioners added their fond farewells. Vice-Chair Zyontz thanked his colleagues, adding this is an amazing way to step into retirement.

With no other business to discuss, Chair Shapiro adjourned the meeting at 11:31 p.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

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

Date: 5/17/2023

Time: 10:13 am

Location: Prince George's County Parks and Recreation Administration Building Auditorium in Riverdale, Maryland & Via Videoconference

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

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

Opposed: N/A Abstaining: N/A Absent: Hedrick, Piñero

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

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

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

Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(7) & (9), a closed session is proposed to consult with counsel to obtain legal advice concerning the M-NCPPC's open COVID-19 related EEOC cases and the potential impact of the May 11, 2023, end date of the Federal COVID-19 Public Health Emergency on those cases; and consider matters relating to collective bargaining negotiations in order to protect and promote the public interest by preserving privileged and confidential deliberations required to manage ongoing collective bargaining negotiations with the Municipal and County Government Employees' Organization.

Topics to be discussed:

Collective Bargaining Update with the Municipal and County Government Employees' Organization
COVID-19 Vaccine Mandate Expiration

This statement is made by:

Peter Shapiro, Chair, Presiding Officer.

PRINT NAME



June 8, 2023

SIGNATURE & DATE



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

BOARD OF TRUSTEES MEETING MINUTES

Tuesday, May 2, 2023; 10:00 a.m.

Kenilworth Office Building, Riverdale, MD

(Virtual Meeting via Microsoft Teams)

The Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually through Microsoft Teams with CHAIR SHAPIRO leading the call on Tuesday, May 2, 2023. The meeting was called to order at 10:00 a.m. by CHAIR SHAPIRO.

Board Members Present

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

Gavin Cohen, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

Pamela F. Gogol, Montgomery County Public Member

Caroline McCarthy, Montgomery County Open Trustee

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

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

Elaine A. Stookey, Bi-County Open Trustee

Howard Brown, F.O.P Represented Trustee

Lisa Blackwell-Brown, MCGEO Represented Trustee

Arrived at 10:04 a.m.

Board Members Absent

Vacant, Montgomery County Commissioner

Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio

ERS Staff Present

Andrea L. Rose, Executive Director

Jaclyn F. Harris, Deputy Executive Director

Sheila Joynes, Accounting Manager

Alicia C. Stanford, Administrative Specialist

ITEM 1. APPROVAL OF THE MAY 2, 2023, CONSENT AGENDA

ACTION: MS. GOGOL made a motion, seconded by MR. RUSSELL to approve the Consent Agenda of May 2, 2023. The motion PASSED (8-0) (Motion # 23-12).

ITEM 2. CHAIR’S ITEMS – No discussion or questions from the Trustees.

ITEM 3. MISCELLANEOUS - No items to report.

Lisa Blackwell-Brown arrived at 10:04 a.m.

ITEM 4. COMMITTEE REPORTS/RECOMMENDATIONS

ITEM 4.A. Investment Monitoring Group

Ms. Morgan-Johnson provided an overview of the Investment Monitoring Group (“IMG”) meeting held on March 21, 2023. During the meeting, Wilshire Advisors presented an Opportunistic Fixed Income portfolio review which included the history of the ERS portfolio, analysis of the investment strategy, current market environment, and pacing analysis to identify the commitment level to allocate to private investments in this segment of the portfolio. Since inception, the Opportunistic Fixed Income segment of the portfolio has experienced strong investment returns with a 13.9% IRR and 1.3x multiple (TVPI). The most recent commitments have focused on direct corporate lending and the private credit market with a focus on senior or unitranche loans (White Oak / Golub) and junior, second lien loans (HarbourVest). Wilshire’s pacing model suggests annual commitments of approximately \$25 - \$35 million to provide adequate exposure to maintain the 10.0% strategic target allocation to the Opportunistic Fixed Income portfolio. Wilshire Advisors discussed trends in the private loan market, which has experienced double-digit growth over the past five (5) years. Wilshire recommended to the IMG an allocation to the senior lending and junior lending strategies with a focus on the lower to upper middle market. Wilshire Advisors will provide a short list of middle market Private Credit fund managers that span the upper and lower market segments across size, industry, and focus on senior and junior debt to present to the IMG.

Next, Ms. Morgan-Johnson provided an overview of the IMG meeting held on April 18, 2023. The IMG met for a performance review of the Principal U.S. Property Account and Neuberger Berman High Yield Income Fund LLC delivered by representatives from both fund managers. Principal presented a firm update and discussed performance and underlying portfolio holdings for the Principal U.S. Property Account. The IMG noted that the Principal U.S. Property Account not only lagged the benchmark indices for calendar year 2022 with a net return of 4.1% compared to NCREIF ODCE(EW) and NCREIF NPI at 8.4% and 5.5%, respectively; but also performed in the bottom 50% percentile compared to peer performance. Furthermore, Principal has underperformed in 2020, 2022, and is currently underperforming in 2023. Principal informed the IMG that it wrote its office portfolio down by 23% due to market pressures and disruptions from the prevailing work from home trend. Principal explained that recent underperformance is due to this write down in valuations occurring sooner and at a higher percentage rate than other funds.

The IMG asked for an update on the \$25 million withdrawal request submitted in November 2022, which is in a withdrawal queue that has yet to be satisfied. Principal explained that withdrawal requests were placed in a queue to maintain the stability of the portfolio and to provide the Investment Team with more flexibility and time to manage the sale of assets and payment of the withdrawal requests. Principal further explained that they do not provide guidance to clients regarding when redemptions will be available or the timing for when the withdrawal queue will be lifted.

Neuberger Berman also presented a portfolio overview for the High Yield Income Fund LLC to the IMG at the April 18, 2023 committee meeting. The IMG expressed concern that Neuberger Berman’s performance track record did not demonstrate consistency in achieving outperformance by 50 basis points per their expected return vs. the benchmark. Neuberger Berman acknowledged that they missed the opportunity to adjust their underwriting and leverage to achieve better performance over the past five years. The Board placed Neuberger Berman on the Watch List at the end of last year.

Wilshire will continue to monitor both Principal and Neuberger Berman. The IMG agreed to a follow up discussion on both Principal and Neuberger Berman at another meeting.

ITEM 4.B. Administration & Personnel Oversight Committee

Mr. Cohen provided an overview of the Administration & Personnel Oversight Committee (“Personnel Committee”) meeting of March 21, 2023. The Personnel Committee held its second working session to review, discuss, and incorporate revisions to the Ethics Policy in the Governance Manual. Key revisions to the Ethics Policy included using terms consistent with the Governance Manual; adopting the Chartered Financial Analyst Institute’s Pension Trustee Conduct Code; disclosing conflicts of interest and certain activities in writing to the Chair or Vice Chair with disclosure to the Board at the next official meeting; and reporting violations of the Ethics Policy to the Chair within 48 hours of discovery. The Personnel Committee recommended approval of the Governance Manual dated April 2023 with the inclusion of the revised Ethics Policy. Ms. Rose noted Ms. Morgan-Johnson had some non-material edits to be incorporated.

ACTION: MS. GOGOL made a motion, seconded by MR. RUSSELL to approve revisions to the Governance Manual dated April 2023 with a revised Ethics Policy. The motion PASSED (9-0) (Motion # 23-13).

Ms. Rose provided an overview of the proposed FY2024 Operating Budget for the ERS totaling \$3,247,000. The proposed budget represents an increase of 16.9% from FY2023. Personnel Services is projected to increase by 23.7% for funding a total of 12 employees; includes adjustments in compensation, benefit elections, performance, and retention bonuses, pension, and OPEB costs; and accounts for the full year of costs associated with two new hires. Actuarial Services are expected to increase by 7.2% for required services; Legal Services are expected to increase by 10% due to a pending legal matter; Insurance is expected to increase by 18.1% which reflects market increases for coverage of fiduciary and cyber insurance; and Rent will increase by 12.3% due to the inclusion of an additional 277 square foot of space to accommodate the addition of 2 new employees. The Personnel Committee recommended the approval of the FY2024 Operating Budget for the ERS.

ACTION: MR. COHEN made a motion, seconded by MS. GOGOL to approve the FY2024 Operating Budget for the ERS. The motion PASSED (9-0) (Motion # 23-14).

Ms. Rose informed the Board that *Notice of Vacancies* on the Board of Trustees for the Prince George’s County and Montgomery County Public Member seats were publicized on the ERS and Maryland Reporter websites to solicit candidate applications. Applications were received from incumbents, Sheila Morgan-Johnson and Pamela Gogol. No other applications were received by the deadline. The Personnel Committee recommended the Board’s approval with a recommendation to the Commission for the reappointment of Sheila Morgan-Johnson as the Prince George’s County Public Member and Pamela Gogol as the Montgomery County Public Member for the term July 1, 2023 – June 30, 2026.

ACTION: MR. COHEN made a motion, seconded by MS. MCCARTHY to recommend to the Commission the reappointment of Sheila Morgan-Johnson as the Prince George’s County Public Member and Pamela F. Gogol as the Montgomery County Public Member for the term July 1, 2023 – June 30, 2026. The motion PASSED (7-0-2) (Motion # 23-15). Ms. Morgan-Johnson and Ms. Gogol abstained from the vote.

Ms. Rose summarized key aspects of the Memorandum of Understanding (MOU) between the Commission’s Office of General Counsel and the ERS for legal services support. The Office of General Counsel has been assisting the ERS on legal matters for years and this MOU will formalize existing practice. The Personnel Committee recommended the Board approve a MOU between the M-NCPPC Office of General Counsel and the ERS to provide legal services.

ACTION: MR. COHEN made a motion, seconded by MS. MCCARTHY to approve a Memorandum of Understanding (MOU) with the Maryland-National Capital Park and Planning Commission to provide Legal Services Support to the ERS. The motion PASSED (9-0) (Motion # 23-16).

ITEM 5. EXECUTIVE DIRECTOR'S REPORT

Ms. Rose presented the Executive Director's Report dated April 24, 2023. Ms. Rose reminded the Board that the next Board meeting on June 6, 2023 will include an Annual Economic Review by Cheiron and Wilshire Advisors and a quarterly performance review. Ms. Rose informed the Board that ERS staff completed their annual Ethics Training conducted by the Commission's Office of General Counsel. Ms. Rose also informed the Board that additional PensionGold and MemberDirect software changes have been made, including sick leave conversion, bank file transfer server, online server updates, and 3rd party online security features.

Based on the recent organizational change to add a Deputy Executive Director to the ERS and President Biden's termination of the national emergency over the COVID-19 pandemic in early April 2023, Ms. Rose presented a recommendation to approve a resolution to authorize the Deputy Executive Director to instruct the investment consultant, custodian bank and the investment managers and exercise signature authority on matters or transactions requiring immediate attention and/or action if the Executive Director is not immediately available. Also, in the event of an extended and/or unexpected absence of the Executive Director, or in the event of an interference with the normal activities of the ERS. This resolution will revoke all prior resolutions authorizing such authority regarding the extended absence of the Executive Director and emergency situations when the Executive Director is unavailable.

ACTION: MR. RUSSELL made a motion, seconded by MS. GOGOL to approve a Resolution to authorize the Deputy Executive Director to act in the extended and/or unexpected absence of the Executive Director and in situations that require immediate action when the Executive Director is unavailable and to revoke all prior resolutions authorizing such authority. The motion PASSED (9-0) (Motion # 23-17).

Next, Ms. Rose informed the Trustees that *A Call for Nominations* for the Bi-County Open Trustee seat for the term July 1, 2023 – June 30, 2026 on the Board of Trustees was posted on the Intranet site and the April Edition of Commission's monthly newsletter *The Update*. Incumbent, Elaine A. Stookey, was the only candidate to submit a letter of interest and resume. Therefore, Ms. Stookey is determined to have won by acclamation.

ACTION: MS. GOGOL made a motion, seconded by MS. MORGAN-JOHNSON to acknowledge the Bi-County Open Trustee for the Term July 1, 2023 – June 30, 2026. The motion PASSED (8-0-1) (Motion # 23-18). Ms. Stookey abstained from the vote.

ITEM 6. CLOSED SESSION

ACTION: At 10:35 a.m., MS. GOGOL made a motion, seconded by MS. STOOKEY 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 on matters related to a member's appeal of pension benefits in order to protect applicable privileges. The motion PASSED (9-0). (Motion #23-19).

During Closed Session, no action was taken by the Board of Trustees.

Board of Trustees in Closed Session: Chair Shapiro, Gavin Cohen, Lisa Blackwell-Brown, Sheila Morgan-Johnson, Theodore Russell III, Elaine Stookey, Caroline McCarthy, Howard Brown, and Pamela Gogol.

The Board meeting of May 2, 2023, adjourned at 10:54 a.m.

Respectfully,

Alicia C. Stanford
Alicia C. Stanford
Administrative Specialist

Andrea L. Rose
Andrea L. Rose
Executive Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

June 21, 2023

To: The Maryland-National Capital Park and Planning Commission

Via: Asuntha Chiang-Smith, Executive Director

From: John Kroll, Corporate Budget Director *JKK*

Subject: Resolution 23-13 - Adoption of the Commission's FY 2024 Operating and Capital Budgets

Recommendation:

Approve Resolution No. 23-13 "Adoption of the FY 2024 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. On May 11, 2023, in accordance with the Land Use Article, each County Council approved the portion of the Commission budget allocated to its county. On May 25, 2023, Montgomery County Council adopted resolutions 20-178 and 20-187. On May 25, 2023, the Prince George's County Council approved bill CB-062-2023.

Commission Resolution No. 23-13, "Adoption of the FY 2024 Commission Operating and FY 2024 Capital Budget" adopts the budget for FY24 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 \$805.2 million excluding reserves, ALARF, and Internal Service Funds. Compared to the FY23 Adopted Budget, the FY24 Budget is about \$108.6 million lower.

In Prince George's County, the budget is decreasing by 17.4 percent for FY24. This primarily reflects both a decrease in the capital program and the elimination of last year's one-time transfers to the Largo HQ Building Fund. Property tax rates remain the same as those set in FY16.

In Montgomery County, the budget is increasing by 2.8 percent for FY24. This net increase is due to an increase in the tax-supported funds and a decrease in the capital program. As part of the final balancing, the County decreased both the Administration Fund's and the Park Fund's proposed property tax rates and 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 FY24 Adopted Budget for each county.

Summary of FY24 Adopted Budget Expenditures
(net reserves, ALARF, and Internal Service Funds)

	FY23 Adopted	FY24 Adopted	\$ Change	% Change
Prince George's Funds				
Administration (1)	\$ 64,913,753	67,381,803	\$ 2,468,050	3.8%
Park (2)	246,062,288	194,652,804	(51,409,484)	-20.9%
Recreation (3)	167,018,943	116,205,573	(50,813,370)	-30.4%
ALA Debt	-	-	-	-
Subtotal Tax Supported	477,994,984	378,240,180	(99,754,804)	-20.9%
Park Debt Service	14,438,603	14,668,753	230,150	1.6%
Capital Projects (4)	153,610,000	135,894,000	(17,716,000)	-11.5%
Enterprise	13,524,910	15,067,047	1,542,137	11.4%
Special Revenue	6,769,838	6,832,133	62,295	0.9%
Total Prince George's	\$ 666,338,335	550,702,113	\$ (115,636,222)	-17.4%
Montgomery Funds				
Administration (5)	\$ 37,497,696	40,673,436	\$ 3,175,740	8.5%
Park (6)	124,446,478	131,381,368	6,934,890	5.6%
ALA Debt	2,197,763	2,233,122	35,359	1.6%
Subtotal Tax Supported	164,141,937	174,287,926	10,145,989	6.2%
Park Debt Service	6,862,019	7,455,062	593,043	8.6%
Capital Projects (4)	56,820,000	52,225,000	(4,595,000)	-8.1%
Enterprise	10,613,078	10,833,205	220,127	2.1%
Property Management	1,737,800	1,757,600	19,800	1.1%
Special Revenue	7,330,040	7,940,988	610,948	8.3%
Total Montgomery	\$ 247,504,874	254,499,781	\$ 6,994,907	2.8%
Combined Total	\$ 913,843,209	805,201,894	\$ (108,641,315)	-11.9%

(1) Includes transfer to Capital Projects Fund

(2) Includes transfer to Debt Service, Capital Projects Fund and Largo HQ Bldg Fund (FY23)

(3) Includes transfer to Enterprise Fund, Capital Projects Fund and Largo HQ Bldg Fund (FY23)

(4) Includes transfer to Park Fund

(5) Includes transfer to Special Revenue Fund

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

Summary of Adjustments in the FY24 Adopted Budget

The FY24 budgets, as approved by the respective County Councils, included the following adjustments from the Proposed Budget.

Montgomery County Adjustments from Proposed

Administration Fund

- ✓ In the Commissioners' Office,
 - Elimination of the requested Public Affairs position (\$134,267), and a summer intern (\$7,000);
 - Reduction of supplies and materials (\$1,343), and funding for staff training and conferences (\$11,525).
- ✓ Within the Planning Department,
 - Increase in salary lapse in multiple divisions of \$207,313.
 - Elimination of requested Visual Media & Imaging position in the Communications Division (\$51,064).
 - Elimination of funding for Burial Sites Context survey, Curbside Management Project, Regional Travel Demand Model, and Redlining/Segregation Mapping Project in the Countywide Planning & Policy Division (\$340,000).
 - Elimination of requested Adequate Public Facilities position and Transportation Data Management position in the Countywide Planning & Policy Division (\$238,457).
 - Elimination of requested Planner position in the Downcounty Planning Division (\$116,974).
 - Elimination of funding for the Great Seneca Plan – Urban Design Guidelines project (\$25,000) and reduction of funding for the Randolph Road Corridor Study (\$20,000) in the Midcounty Planning Division and \$5,000 in Support Services.
 - Reduction of funding for the Germantown Employment Corridor Check-in project (\$5,000) in the Upcounty Planning Division and \$5,000 in Support Services.
 - Elimination of requested Forest Conservation Planner position (\$116,974) in the Intake & Regulatory Coordination Division.
 - Elimination of funding for the Thrive Montgomery 2050 Implementation Metrics project (\$100,000) in the Research and Strategic Projects Division.
 - Elimination of the CPI increase for contracts and supplies in the Support Services Division (\$47,500).
 - Moved positions and other funding between multiple divisions, with no net budget effect.
- ✓ In the Department of Human Resources and Management,
 - A hiring lapse of three months (\$38,511) was included for the new Prince George's and Park Police Recruiter positions and the Supplier Diversity/Performance Metrics position.
 - A hiring lapse of four months (\$34,232) was included for the new Labor Relations Specialist position and the Supplier Diversity Specialist position.

- A hiring lapse of eleven months (\$47,069) was included for the new Montgomery Recruiter position.
- Elimination of funding (\$32,193) for support of the Class and Compensation Study.
- Reduction of funding for professional services (\$41,033), temporary services (\$24,400), and Park Police testing (\$15,023).
- ✓ In the Finance Department,
 - A hiring lapse of two months was included (\$15,844) for the new Deputy CFO position.
 - A hiring lapse of 11 months was included (\$111,265) for the two new ERP positions.
- ✓ In the Legal Department, a hiring lapse of seven months was included (\$44,125) for the new Compliance Counsel position.
- ✓ In Corporate IT,
 - A hiring lapse of 2 months was included (\$13,161) for the new Cyber Security position.
 - A hiring lapse of eleven months was included (\$72,381) for the new Web Specialist position.
 - Reduction of \$33,155 in professional services.
 - Elimination of Meeting Streaming services (\$15,298) and Microsoft Premier support (\$16,391).
- ✓ In CAS Support Services, phone system maintenance (\$18,553) was moved to the Executive Office Building Fund.
- ✓ Property tax revenues have been adjusted to reflect the March 2023 assessable base estimates issued by Montgomery OMB; and the tax rate contemplated in the Proposed Budget (2.19 cents) was reduced to 2.06 cents.
- ✓ To balance the Administration Fund, use of fund balance was increased by \$24,365.

Park Fund

- Increase in salary lapse in multiple divisions of \$821,704.
- Hiring lapse for new positions in three divisions (\$80,665).
- Reduction of funding for inflationary increases (\$327,674).
- Reduction of funding for Construction Inspector position in the Park Development Division (\$20,790).
- Reduction of funding for internships in Support Services (\$22,696).
- Reduction of Parks Connect funding reflecting reduced funding from the County's Cable Fund (\$50,000), in the Information Technology & Innovation Division.
- Elimination of requested PICS Assistant Manager position in the Public Affairs and Community Partnerships Division (\$97,745).

- Elimination of requested Natural Resources Care/Mgmt position in the Park Planning & Stewardship Division (\$94,039).
- Elimination of requested Parks Activation position and Park Activation Performers and Events in the Horticulture, Forestry & Environmental Education Division (\$195,843).
- Elimination of requested Urban Parks Maintenance Team in Facilities Mgmt, Southern Parks and Support Services divisions (\$372,290).
- ✓ Transferred funding for nutrient management between Northern and Southern Parks Divisions.
- ✓ Reduction of \$414,283 for debt service for capital equipment.
- ✓ Reduction of \$387,727 in the reclassification marker.
- ✓ Property tax revenues have been adjusted to reflect the March 2023 assessable base estimates issued by Montgomery OMB; and the tax rate contemplated in the Proposed Budget (6.63 cents) was reduced to 6.50 cents.
- ✓ To balance the Park Fund, use of fund balance was decreased by \$1,683,225.

Advance Land Acquisition Debt Service Fund

- ✓ Property tax revenues have been adjusted to reflect the March 2023 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 increased by \$13,648,000, reflecting an increase of \$3,553,000 in acquisition and an increase of \$10,095,000 in park development. This corresponds with similar increases in federal funding, state POS funds, other state funding, and contributions.

Capital Equipment Fund

- ✓ Internal debt service transfer from the Park Fund was reduced by \$414,283.

Prince George's County Adjustments from Proposed

Administration Fund

- ✓ In the Planning Department,
 - \$144,000 was reduced for the Redevelopment Authority project charge.
- ✓ In the Department of Human Resources and Management,

- A hiring lapse of three months (\$51,210) was included for the new Prince George's and Park Police Recruiter positions and the Supplier Diversity/Performance Metrics position.
- A hiring lapse of four months (\$45,520) was included for the new Labor Relations Specialist position and the Supplier Diversity Specialist position.
- A hiring lapse of eleven months (\$62,590) was included for the new Montgomery Recruiter position.
- Elimination of funding (\$42,807) for support of the Class and Compensation Study.
- Reduction of funding for professional services (\$66,451), temporary services (\$31,700), and Park Police testing (\$19,977).
- ✓ In the Finance Department,
 - A hiring lapse of two months was included (\$19,682) for the new Deputy CFO position.
 - A hiring lapse of 11 months was included (\$138,215) for the two new ERP positions.
- ✓ In the Legal Department, a hiring lapse of seven months was included (\$44,835) for the new Compliance Counsel position.
- ✓ In Corporate IT,
 - A hiring lapse of 2 months was included (\$10,927) for the new Cyber Security position.
 - A hiring lapse of eleven months was included (\$60,103) for the new Web Specialist position.
 - Reduction of \$35,029 in professional services.
 - Elimination of Meeting Streaming services (\$12,702) and Microsoft Premier support (\$13,609).
- ✓ In CAS Support Services, phone system maintenance (\$23,447) was moved to the Executive Office Building Fund.
- ✓ Property assessment valuations have been adjusted to reflect the March 2023 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates were higher, resulting in an additional \$434,600 in estimated revenues.

Park Fund

- ✓ Project charges were increased by \$150,000. \$200,000 of project charges were designated as one-time only.
- ✓ CIP Pay-go transfer to the Capital Projects Fund was increased by \$10,750,000.
- ✓ A seasonal minimum wage marker was funded in the amount of \$529,256.
- ✓ Property assessment valuations have been adjusted to reflect the March 2023 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates were higher, resulting in an increase to estimated revenues of \$1,185,000.

Recreation Fund

- ✓ Project charges were increased by \$5,203,000, of which \$4,185,000 was designated as one-time only.
- ✓ Added \$1,500,000 of funding for continuation of the Saturday Enrichment Academy program.
- ✓ A seasonal minimum wage marker was funded in the amount of \$493,037.
- ✓ The subsidy to the Enterprise Fund was increased by \$1,615,415 (see detail under Enterprise Fund below).
- ✓ Property assessment valuations have been adjusted to reflect the March 2023 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates were higher, resulting in an increase to estimated revenues of \$619,000.

Enterprise Fund

- ✓ \$1,300,000 was added to fund the dredging of the Bladensburg Marina.
- ✓ A seasonal minimum wage marker was funded in the amount of \$315,415.

Special Revenue Funds

- ✓ A seasonal minimum wage marker was funded in the amount of \$62,295.

Capital Projects Fund

- ✓ Capital project expenditures were increased by \$22,178,000, funded by \$5,304,000 of additional state POS funds, \$4,100,000, \$10,750,000 of additional Pay-Go from the Park Fund, and \$2,024,000 of additional GO Bonds.

Attachments
M-NCPPC Resolution 23-13
Exhibits A, B, and C

cc: Gavin Cohen, Secretary-Treasurer
Debra Borden, General Counsel
Department Directors



M-NCPPC
RESOLUTION NO. 23-13
June 21, 2023

**ADOPTION OF THE FY 2024 COMMISSION OPERATING BUDGET
AND FY 2024 CAPITAL BUDGET**

WHEREAS, the Maryland-National Capital Park and Planning Commission (the “Commission”) has prepared and submitted its proposed FY 2024 operating budget (“the Proposed Operating Budget”) and its proposed FY 2024 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 20-187, and Prince George’s County Bill CB-062-2023; and

WHEREAS, the Montgomery County Council made certain revisions to the Proposed Capital Budget, which action is set forth in Montgomery County Resolution 20-178; and

WHEREAS, the Prince George’s County Council made certain revisions to the Proposed Capital Budget, which action is set forth in the Prince George’s County Bill CB-062-2023; and

WHEREAS, the County Councils on May 11, 2023 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 2024 operating budget (“the Operating Budget”) and FY 2024 Capital Budget certain expenditures, including those funded by grants, together totaling in the aggregate \$279,138,965 allocable to the various sources derived in Montgomery County as set forth in Exhibit A hereto and \$580,849,093 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 2024 Operating Budget and the FY 2024 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 \$100,000 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.



This is to certify that the foregoing is a true and correct copy of Resolution No. 23-13 adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Chair Shapiro, Vice Harris, Commissioners _____, _____, _____, _____, _____, _____ and _____ voting in favor of the motion, with Commissioner _____ being absent for the vote, at its regular meeting held on Wednesday, June 21, 2023 via video-conference and in-person at Wheaton Headquarters, 2425 Reddie Drive, Wheaton MD, Montgomery County.

Asuntha Chiang-Smith
Executive Director

REVIEWED AND APPROVED FOR LEGAL SUFFICIENCY:

M-NCPPC Legal Department Date

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY24 Proposed Budget	Council Adjustments	FY24 Adopted Budget	Positions	Workyears
ADMINISTRATION FUND					
REVENUES					
Tax Revenue (Tax rates: Real = 2.06 Cents, Personal = 5.15 Cents) Assessable Base in Billions (Real/Personal): 185.230 / 3.567	41,850,300	(2,089,616)	39,760,684		
Taxes - Interest and Penalties	50,000	-	50,000		
Intergovernmental	599,505	-	599,505		
Charges for Service	212,200	-	212,200		
Interest Income	10,000	-	10,000		
Current Revenue	42,722,005	(2,089,616)	40,632,389		
Use of Fund Balance	1,221,882	24,365	1,246,247		
Total Sources	43,943,887	(2,065,251)	41,878,636		
EXPENDITURES					
Commissioners' Office	1,386,299	(154,135)	1,232,164	9.00	7.00
Planning Department					
Planning Director's Office	1,709,422	(77,836)	1,631,586		
Management Services	1,260,553	(88,724)	1,171,829		
Communications Division	1,879,465	(103,080)	1,776,385		
Countywide Planning & Policy	3,921,013	(374,355)	3,546,658		
Downcounty Planning	1,806,441	(158,443)	1,647,998		
Mid-county Planning	2,384,801	(97,232)	2,287,569		
Upcounty Planning	2,356,690	(59,176)	2,297,514		
Intake & Regulatory Coordination	1,113,768	(161,359)	952,409		
Information Technology and Innovation	4,515,039	(49,660)	4,465,379		
Research and Strategic Projects	1,236,304	(150,917)	1,085,387		
Grants	150,000	-	150,000		
Support Services	2,593,419	42,500	2,635,919		
Planning Total	24,926,915	(1,278,282)	23,648,633	151.00	119.37
Department of Human Resources and Management	3,519,690	(232,461)	3,287,229	21.57	19.50
Department of Finance	2,866,765	(127,109)	2,739,656	20.54	19.69
Legal Department	1,720,898	(44,125)	1,676,773	13.89	13.60
Merit System Board	84,249	-	84,249	2.00	1.00
Office of Inspector General	540,361	-	540,361	2.57	2.77
Corporate IT	1,975,369	(150,386)	1,824,983	10.00	9.46
Support Services	728,999	(18,553)	710,446	0.00	0.00
CAS Total	11,436,331	(572,634)	10,863,697	70.57	66.02
Non-Departmental	4,428,942	-	4,428,942		
Total Expenditures	42,178,487	(2,005,051)	40,173,436	230.57	192.39
Transfer to Special Revenue Fund	500,000	-	500,000		
Transfer to Park Fund	-	-	-		
Contingency Reserve @ 3%	1,265,400	(60,200)	1,205,200		
Total Expenditures and Uses	43,943,887	(2,065,251)	41,878,636		

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET**

MONTGOMERY COUNTY

	FY24 Proposed Budget	Council Adjustments	FY24 Adopted Budget	Positions	Workyears
<u>PARK FUND</u>					
REVENUES					
Tax Revenue (Tax Rate: Real = 6.50 cents, Personal = 16.25 cents) Assessable Base in Billions (Real/Personal): 185.230 / 3.567	126,697,300	(1,238,831)	125,458,469		
Taxes - Interest and Penalties	200,000	-	200,000		
Intergovernmental	4,638,538	(50,000)	4,588,538		
Charges for Service	2,763,451	-	2,763,451		
Rentals/Concessions	785,650	-	785,650		
Interest Income	10,000	-	10,000		
Miscellaneous Revenues	55,500	-	55,500		
Current Revenue	135,150,439	(1,288,831)	133,861,608		
Transfer from Capital Projects Fund	10,000	-	10,000		
Transfer from Capital Equipment Fund	-	-	-		
Transfer from Administration Fund	-	-	-		
Use of Fund Balance	2,905,985	(1,683,225)	1,222,760		
Total Sources	138,066,424	(2,972,056)	135,094,368		
EXPENDITURES					
Operating Divisions					
Director of Parks	1,615,686	(25,000)	1,590,686		
Public Affairs & Community Partnerships	3,501,049	(141,454)	3,359,595		
Management Services	3,412,202	(22,753)	3,389,449		
Information Technology and Innovation	3,868,998	(112,871)	3,756,127		
Park Planning and Stewardship	7,693,485	(182,290)	7,511,195		
Park Development	4,228,143	(184,890)	4,043,253		
Park Police	18,647,767	(158,855)	18,488,912		
Horticulture, Forestry & Environmental Education	13,467,040	(264,745)	13,202,295		
Facilities Management	14,277,755	(239,673)	14,038,082		
Northern Parks	12,241,233	(25,785)	12,215,448		
Southern Parks	17,300,193	(659,734)	16,640,459		
Support Services	13,860,507	(479,679)	13,380,828		
Grants	400,000	-	400,000		
Non-Departmental	12,137,704	(387,727)	11,749,977		
Total Expenditures	126,651,762	(2,885,456)	123,766,306		
Transfer to Debt Service	7,165,062	-	7,165,062		
Transfer to Capital Projects Fund	450,000	-	450,000		
Contingency Reserve @ 3%	3,799,600	(86,600)	3,713,000		
Total Expenditures and Uses	138,066,424	(2,972,056)	135,094,368	820.00	772.30
 <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): 213.770 / 4.341	2,211,100	22,022	2,233,122		
Current Revenue	2,211,100	22,022	2,233,122		
Use of Fund Balance	-	-	-		
Total Sources	2,211,100	22,022	2,233,122		
EXPENDITURES					
Debt Service	123,600	-	123,600		
Total Expenditures	123,600	-	123,600		
Transfer to ALA Revolving Fund	2,087,500	22,022	2,109,522		
Total Expenditures and Uses	2,211,100	22,022	2,233,122		
TOTAL TAX-SUPPORTED FUNDS, LESS RESERVES & ALA	177,068,911	(4,890,507)	172,178,404	1,050.57	964.69

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY24 Proposed Budget	Council Adjustments	FY24 Adopted Budget	Positions	Workyears
<u>ADVANCE LAND ACQUISITION REVOLVING FUND</u>					
REVENUES					
Interest Income	1,000	-	1,000		
Current Revenue	1,000	-	1,000		
Transfer from ALA Debt Service Fund	2,087,500	22,022	2,109,522		
Use of Fund Balance	3,729,882	-	3,729,882		
Total Sources	5,818,382	22,022	5,840,404		
EXPENDITURES					
Land	5,818,382	22,022	5,840,404		
Total Expenditures	5,818,382	22,022	5,840,404		
<u>PARK DEBT SERVICE FUND</u>					
REVENUES					
Intergovernment	200,000	-	200,000		
Premiums on Bonds Issued	90,000	-	90,000		
Transfer from Park Fund	7,165,062	-	7,165,062		
Total Sources	7,455,062	-	7,455,062		
EXPENDITURES					
Debt Service	7,455,062	-	7,455,062		
Total Expenditures	7,455,062	-	7,455,062		
<u>CAPITAL PROJECTS FUND</u>					
REVENUES					
Intergovernmental	28,617,000	13,548,000	42,165,000		
Interest	10,000	-	10,000		
Bond Proceeds	8,000,000	-	8,000,000		
Contributions	1,500,000	100,000	1,600,000		
Miscellaneous	-	-	-		
Current Revenue	38,127,000	13,648,000	51,775,000		
Transfer from Park Fund	450,000	-	450,000		
Transfer from Enterprise Fund	-	-	-		
Total Sources	38,577,000	13,648,000	52,225,000		
EXPENDITURES					
Park Acquisition & Development	38,567,000	13,648,000	52,215,000		
Total Expenditures	38,567,000	13,648,000	52,215,000		
Transfer to Park Fund	10,000	-	10,000		
Total Expenditures and Uses	38,577,000	13,648,000	52,225,000		
<u>ENTERPRISE FUND</u>					
REVENUES					
Charges for Service	12,544,152	-	12,544,152		
Interest Income	15,000	-	15,000		
Current Revenue	12,559,152	-	12,559,152		
Use of Fund Balance	(1,725,947)	-	(1,725,947)		
Total Sources	10,833,205	-	10,833,205		
EXPENDITURES					
Operations	10,833,205	-	10,833,205		
Total Expenditures	10,833,205	-	10,833,205		
Transfer to CIP	-	-	-		
Total Expenditures and Uses	10,833,205	-	10,833,205	36.00	121.70
Revenues Over/(Under) Expenditures	-	-	-		

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET**

MONTGOMERY COUNTY

	FY24 Proposed Budget	Council Adjustments	FY24 Adopted Budget	<u>Positions</u>	<u>Workyears</u>
<u>PROPERTY MANAGEMENT FUND</u>					
REVENUES					
Rental Revenue	1,556,600	-	1,556,600		
Interest Income	1,000	-	1,000		
Current Revenue	1,557,600	-	1,557,600		
Use of Fund Balance	200,000	-	200,000		
Total Sources	1,757,600	-	1,757,600		
EXPENDITURES					
Operating Expenditures	1,757,600	-	1,757,600		
Total Expenditures	1,757,600	-	1,757,600	4.00	5.80
<u>SPECIAL REVENUE FUND</u>					
REVENUES					
Intergovernmental	2,390,463	-	2,390,463		
Charges for Service	3,914,800	-	3,914,800		
Interest Income	6,000	-	6,000		
Current Revenue	6,311,263	-	6,311,263		
Transfer from Administration Fund	500,000	-	500,000		
Use of Fund Balance	1,129,725	-	1,129,725		
Total Sources	7,940,988	-	7,940,988		
EXPENDITURES					
Operations - Planning	4,342,398	-	4,342,398	0.00	22.00
Operations - Parks	3,598,590	-	3,598,590	0.00	21.40
Total Expenditures	7,940,988	-	7,940,988		
Revenues Over/(Under) Expenditures	-	-	-		
TOTAL OPERATING BUDGET LESS RESERVES AND ALARF	239,290,368	8,757,493	248,047,861	1,090.57	1,135.59

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY24 Proposed Budget	Council Adjustments	FY24 Adopted Budget	Positions	Workyears
<u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	1,808,663	(414,283)	1,394,380		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
Current Revenue	1,808,663	(414,283)	1,394,380		
Transfer in	-	-	-		
Use of Fund Balance	2,265,422	414,283	2,679,705		
Total Sources	4,074,085	-	4,074,085		
EXPENDITURES					
Operations	2,898,502	-	2,898,502		
Debt Service	1,175,583	-	1,175,583		
Total Expenditures	4,074,085	-	4,074,085		
Transfers Out	-	-	-		
Total Expenditures and Uses	4,074,085	-	4,074,085		
Revenues Over/(Under) Expenditures	-	-	-		
Capital Equipment - Financed for the Parks & Planning Depts	2,832,000	-	2,832,000		
Capital Equipment - Financed for the IT Initiatives	-	-	-		
<u>CIO INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	2,746,207	-	2,746,207		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
Current Revenue	2,746,207	-	2,746,207		
Use of Fund Balance	19,099	-	19,099		
Total Sources	2,765,306	-	2,765,306		
EXPENDITURES					
Operations	2,765,306	-	2,765,306		
Total Expenditures	2,765,306	-	2,765,306	3.50	3.50
Transfers Out	-	-	-		
Total Expenditures and Uses	2,765,306	-	2,765,306		
Revenues Over/(Under) Expenditures	-	-	-		
Capital Equipment - Financed for IT Initiatives	-	-	-		
<u>CWIT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	535,666	-	535,666		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
Current Revenue	535,666	-	535,666		
Use of Fund Balance	-	-	-		
Total Sources	535,666	-	535,666		
EXPENDITURES					
Operations	535,666	-	535,666		
Debt Service	-	-	-		
Total Expenditures	535,666	-	535,666		
Transfers Out	-	-	-		
Total Expenditures and Uses	535,666	-	535,666		
Revenues Over/(Under) Expenditures	-	-	-		
Capital Equipment - Financed for IT Initiatives	-	-	-		

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET**

MONTGOMERY COUNTY

	FY24 Proposed Budget	Council Adjustments	FY24 Adopted Budget	Positions	Workyears
<u>RISK MANAGEMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	2,954,600	-	2,954,600		
Claims Recovery	-	-	-		
Interest Income	8,000	-	8,000		
Current Revenue	2,962,600	-	2,962,600		
Use of Fund Balance	605,820	-	605,820		
Total Sources	3,568,420	-	3,568,420		
EXPENDITURES					
Operations	3,568,420	-	3,568,420	4.00	4.00
Total Expenditures	3,568,420	-	3,568,420		
Revenues Over/(Under) Expenditures	-	-	-		
 <u>WHEATON HEADQUARTERS BUILDING INTERNAL SERVICE FUND</u>					
REVENUES					
Intergovernmental	1,688,833	-	1,688,833		
Claims Recovery	-	-	-		
Charges for Service	1,248,270	-	1,248,270		
Current Revenue	2,937,103	-	2,937,103		
Use of Fund Balance	-	-	-		
Total Sources	2,937,103	-	2,937,103		
EXPENDITURES					
Operations	2,937,103	-	2,937,103		
Total Expenditures	2,937,103	-	2,937,103		
Revenues Over/(Under) Expenditures	-	-	-		
Total Montgomery County (including reserves, transfers)	270,484,228	8,654,737	279,138,965	1,098.07	1,143.09

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY24 Proposed Budget	Council Adjustments	FY24 Adopted Budget	Positions	Workyears
ADMINISTRATION FUND					
REVENUES					
Tax Revenue (Tax rates: Real = 5.660 Cents, Personal = 14.150 Cents)	69,043,100	434,600	69,477,700		
Assessable Base in Billions (Real/Personal): 114.868 / 3.393					
Taxes - Interest and Penalties	150,000	-	150,000		
Intergovernmental	228,266	-	228,266		
Charges for Service	730,000	-	730,000		
Interest Income	100,000	-	100,000		
Miscellaneous Revenue	-	-	-		
Current Revenue	70,251,366	434,600	70,685,966		
Use of Fund Balance	1,361,941	(1,298,504)	63,437		
Total Sources	71,613,307	(863,904)	70,749,403		
EXPENDITURES					
Commissioners' Office	3,740,201	-	3,740,201	16.00	14.00
Planning Department					
Director's Office	2,516,987	-	2,516,987		
Management Services	4,741,680	-	4,741,680		
Development Review	7,416,307	-	7,416,307		
Community Planning	6,034,835	-	6,034,835		
Information Management	8,560,286	-	8,560,286		
Countywide Planning	9,471,442	-	9,471,442		
Support Services	6,890,073	(144,000)	6,746,073		
Grants	-	-	-		
Planning Total	45,631,610	(144,000)	45,487,610	207.00	207.00
Department of Human Resources and Management	4,764,845	(320,255)	4,444,590	31.43	28.85
Department of Finance	3,561,540	(157,897)	3,403,643	27.46	26.42
Legal Department	1,742,069	(44,835)	1,697,234	14.11	13.82
Merit System Board	84,249	-	84,249	2.00	1.00
Office of Inspector General	719,960	-	719,960	4.43	4.73
Corporate IT	1,501,225	(132,370)	1,368,855	10.00	9.46
Support Services	921,272	(23,447)	897,825	0.00	0.00
CAS Total	13,295,160	(678,804)	12,616,356	89.43	84.28
NonDepartmental	5,507,636	-	5,507,636		
Total Expenditures	68,174,607	(822,804)	67,351,803	312.43	305.28
Transfer to Park Fund	-	-	-		
Transfer to Capital Projects Fund	30,000	-	30,000		
Contingency Reserve @ 5%	3,408,700	(41,100)	3,367,600		
Total Expenditures and Uses	71,613,307	(863,904)	70,749,403		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

<u>PARK FUND</u>	<u>FY24 Proposed Budget</u>	<u>Council Adjustments</u>	<u>FY24 Adopted Budget</u>	<u>Positions</u>	<u>Workyears</u>
REVENUES					
Tax Revenue (Tax Rate: Real = 15.940 cents, Personal = 39.850 cents) Assessable Base in Billions (Real/Personal): 111.243 / 3.286	188,306,700	1,185,000	189,491,700		
Taxes - Interest and Penalties	450,000	-	450,000		
Intergovernmental	487,959	-	487,959		
Charges for Service	70,900	-	70,900		
Interest Income	100,000	-	100,000		
Rentals/Concessions	2,006,335	-	2,006,335		
Miscellaneous Revenues	513,500	-	513,500		
Current Revenue	191,935,394	1,185,000	193,120,394		
Transfer from Admin Fund	-	-	-		
Transfer from Capital Projects Fund	100,000	-	100,000		
Use of Fund Balance	(1,151,746)	10,278,256	9,126,510		
Total Sources	190,883,648	11,463,256	202,346,904		
EXPENDITURES					
Operating Divisions					
Office of the Director	28,766,504	-	28,766,504		
Administration and Development	38,044,382	-	38,044,382		
Facility Operations	45,459,933	-	45,459,933		
Area Operations	27,483,149	-	27,483,149		
NonDepartmental	13,448,327	679,256	14,127,583		
Total Expenditures	153,202,295	679,256	153,881,551		
Transfer to Debt Service	14,271,253	-	14,271,253		
Transfer to CIP	15,750,000	10,750,000	26,500,000		
Transfer to Largo HQ Bldg Fund	-	-	-		
Contingency Reserve @ 5%	7,660,100	34,000	7,694,100		
Total Expenditures and Uses	190,883,648	11,463,256	202,346,904	859.00	1,107.73

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY24 Proposed Budget	Council Adjustments	FY24 Adopted Budget	Positions	Workyears
RECREATION FUND					
REVENUES					
Tax Revenue (Tax Rate: Real = 7.800 cents, Personal = 19.500 cents)	98,445,600	619,000	99,064,600		
Assessable Base in Billions (Real/Personal): 118.849 / 3.511					
Taxes - Interest and Penalties	200,000	-	200,000		
Intergovernmental	238,776	-	238,776		
Charges for Service	9,403,440	-	9,403,440		
Rentals/Concessions	1,638,024	-	1,638,024		
Interest Income	100,000	-	100,000		
Miscellaneous Revenues	74,480	-	74,480		
Current Revenue	110,100,320	619,000	110,719,320		
Use of Fund Balance	2,163,501	8,633,052	10,796,553		
Total Sources	112,263,821	9,252,052	121,515,873		
EXPENDITURES					
Operating Divisions					
Administration and Development	12,061,595	-	12,061,595		
Facility Operations	29,493,773	-	29,493,773		
Area Operations	40,537,054	1,500,000	42,037,054		
Non-Departmental	8,489,871	5,696,037	14,185,908		
Total Expenditures	90,582,293	7,196,037	97,778,330		
Transfer to Enterprise Fund	6,811,828	1,615,415	8,427,243		
Transfer to Capital Projects Fund	10,000,000	-	10,000,000		
Transfer to Largo HQ Bldg Fund	-	-	-		
Contingency Reserve @ 5%	4,869,700	440,600	5,310,300		
Total Expenditures and Uses	112,263,821	9,252,052	121,515,873	354.00	1,276.16
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): 118.849 / 3.511					
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	358,822,276	19,417,904	378,240,180	1,525.43	2,689.17

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY24 Proposed Budget	Council Adjustments	FY24 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	302,637	-	302,637		
Total Sources	302,637	-	302,637		
EXPENDITURES					
Land	302,637	-	302,637		
Total Expenditures and Uses	302,637	-	302,637		
<u>PARK DEBT SERVICE FUND</u>					
REVENUES					
Premiums on Bonds Issued	397,500	-	397,500		
Transfer from Park Fund	14,271,253	-	14,271,253		
Total Sources	14,668,753	-	14,668,753		
EXPENDITURES					
Debt Service	14,668,753	-	14,668,753		
Total Expenditures	14,668,753	-	14,668,753		
<u>CAPITAL PROJECTS FUND</u>					
REVENUES					
Intergovernmental	8,000,000	9,404,000	17,404,000		
Interest/Contribution	100,000	-	100,000		
Bond Proceeds	79,836,000	2,024,000	81,860,000		
Miscellaneous	-	-	-		
Current Revenue	87,936,000	11,428,000	99,364,000		
Transfer from Park Fund	15,750,000	10,750,000	26,500,000		
Transfer from Recreation Fund	10,000,000	-	10,000,000		
Transfer from Administration Fund	30,000	-	30,000		
Use of Fund Balance	-	-	-		
Total Sources	113,716,000	22,178,000	135,894,000		
EXPENDITURES					
Park Acquisition & Development	113,616,000	22,178,000	135,794,000		
Total Expenditures	113,616,000	22,178,000	135,794,000		
Transfer to Park Fund	100,000	-	100,000		
Total Expenditures and Uses	113,716,000	22,178,000	135,894,000		
<u>ENTERPRISE FUND</u>					
REVENUES					
Charges for Service	6,279,600	-	6,279,600		
Interest Income	15,000	-	15,000		
Current Revenue	6,294,600	-	6,294,600		
Transfers from Recreation Fund	6,811,828	1,615,415	8,427,243		
Use of Fund Balance	345,204	-	345,204		
Total Sources	13,451,632	1,615,415	15,067,047		
EXPENDITURES					
Operations	13,451,632	1,615,415	15,067,047		
Total Expenditures and Uses	13,451,632	1,615,415	15,067,047	47.00	138.40
Revenues Over/(Under) Expenditures	-	-	-		

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET**

PRINCE GEORGE'S COUNTY

	FY24 Proposed Budget	Council Adjustments	FY24 Adopted Budget	<u>Positions</u>	<u>Workyears</u>
<u>SPECIAL REVENUE FUND</u>					
REVENUES					
Intergovernmental	950,000	-	950,000		
Charges for Service	5,582,887	-	5,582,887		
Interest Income	15,500	-	15,500		
Miscellaneous	156,951	-	156,951		
Current Revenue	6,705,338	-	6,705,338		
Transfer from Administration Fund	-	-	-		
Use of Fund Balance	64,500	62,295	126,795		
Total Sources	6,769,838	62,295	6,832,133		
EXPENDITURES					
Operations - Planning	70,000	-	70,000	0.00	0.00
Operations - Parks & Recreation	6,699,838	62,295	6,762,133	0.00	136.40
Total Expenditures	6,769,838	62,295	6,832,133		
Transfer to CIP	-	-	-		
Total Expenditures and Uses	6,769,838	62,295	6,832,133		
Revenues Over/(Under) Expenditures	-	-	-		
 TOTAL OPERATING BUDGET LESS RESERVES AND ALARF	 507,428,499	 43,273,614	 550,702,113	 1,572.43	 2,963.97

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY24 Proposed Budget	Council Adjustments	FY24 Adopted Budget	Positions	Workyears
<u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	95,000	-	95,000		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
Current Revenue	95,000	-	95,000		
Use of Fund Balance	(79,335)	-	(79,335)		
Total Sources	15,665	-	15,665		
EXPENDITURES					
Operations	15,665	-	15,665		
Debt Service	-	-	-		
Total Expenditures	15,665	-	15,665		
Revenues Over/(Under) Expenditures	-	-	-		
Capital Equipment - Financed for Park & Rec	-	-	-		
Capital Equipment - Financed for IT Initiatives	-	-	-		
<u>CIO INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	3,747,101	-	3,747,101		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
Current Revenue	3,747,101	-	3,747,101		
Use of Fund Balance	24,119	-	24,119		
Total Sources	3,771,220	-	3,771,220		
EXPENDITURES					
Operations	3,771,220	-	3,771,220		
Total Expenditures	3,771,220	-	3,771,220	3.50	3.50
Revenues Over/(Under) Expenditures	-	-	-		
<u>CWIT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	918,138	-	918,138		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
Current Revenue	918,138	-	918,138		
Use of Fund Balance	-	-	-		
Total Sources	918,138	-	918,138		
EXPENDITURES					
Operations	918,138	-	918,138		
Debt Service	-	-	-		
Total Expenditures	918,138	-	918,138		
Revenues Over/(Under) Expenditures	-	-	-		
Capital Equipment - Financed for IT Initiatives	-	-	-		
<u>RISK MANAGEMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	3,327,200	-	3,327,200		
Claims Recovery	-	-	-		
Interest Income	20,000	-	20,000		
Current Revenue	3,347,200	-	3,347,200		
Use of Fund Balance	1,420,120	-	1,420,120		
Total Sources	4,767,320	-	4,767,320		
EXPENDITURES					
Operations	4,767,320	-	4,767,320	4.00	4.00
Total Expenditures	4,767,320	-	4,767,320		
Revenues Over/(Under) Expenditures	-	-	-		

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET**

PRINCE GEORGE'S COUNTY

	FY24 Proposed Budget	Council Adjustments	FY24 Adopted Budget	<u>Positions</u>	<u>Workyears</u>
<u>LARGO HEADQUARTERS BUILDING INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Service	4,000,000	-	4,000,000		
Rental Revenue	-	-	-		
Interest Income	-	-	-		
Current Revenue	4,000,000	-	4,000,000		
Transfer from Park Fund	-	-	-		
Transfer from Recreation Fund	-	-	-		
Use of Fund Balance	-	-	-		
Total Sources	4,000,000	-	4,000,000		
EXPENDITURES					
Operations	4,000,000	-	4,000,000		
Total Expenditures	4,000,000	-	4,000,000		
Revenues Over/(Under) Expenditures	-	-	-		
Total Prince George's County (including reserves, transfers)	537,141,979	43,707,114	580,849,093	1,579.93	2,971.47


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY24 ADOPTED BUDGET

COMMISSION-WIDE FUNDS

	FY24 Proposed Budget	Council Adjustments	FY24 Adopted Budget	Positions	Workyears
<u>EXECUTIVE OFFICE INTERNAL SERVICE FUND</u>					
REVENUES					
Charges For Service	1,520,816	-	1,520,816		
Interest Income	4,000	-	4,000		
Current Revenue	1,524,816	-	1,524,816		
Use of Fund Balance	89,307	-	89,307		
Total Sources	1,614,123	-	1,614,123		
EXPENDITURES					
Operating Expenses	1,614,123	-	1,614,123	2.00	2.00
Revenues Over/(Under) Expenditures	-	-	-		
<u>GROUP HEALTH INSURANCE FUND</u>					
REVENUES					
Intergovernmental	3,000,000	-	3,000,000		
Charges For Service	76,000,000	-	76,000,000		
Interest Income	10,000	-	10,000		
Current Revenue	79,010,000	-	79,010,000		
Use of Fund Balance	16,000	-	16,000		
Total Sources	79,026,000	-	79,026,000		
EXPENDITURES					
Operating Expenditures	79,026,000	-	79,026,000		
Total Expenditure	79,026,000	-	79,026,000	6.00	6.20
Transfers Out	-	-	-		
Total Expenditure and Uses	79,026,000	-	79,026,000		
Revenues Over/(Under) Expenditures	-	-	-		
Total Commission-wide Funds	80,640,123	-	80,640,123	8.00	8.20
Montgomery County Funds	270,484,228	8,654,737	279,138,965	1,098.07	1,143.09
Prince George's County Funds	537,141,979	43,707,114	580,849,093	1,579.93	2,971.47
Commission-wide Funds	80,640,123	-	80,640,123	8.00	8.20
TOTAL ALL FUNDS (includes reserves)	888,266,330	52,361,851	940,628,181	2,686.00	4,122.76

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M E M O R A N D U M



The Maryland-National Capital Park and Planning Commission
 Department of Finance, Office of The Secretary-Treasurer
 6611 Kenilworth Avenue
 Riverdale, Maryland 20737
 (301) 454-1540 - Telephone

TO: Commissioners

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

DATE: June 21, 2023

SUBJECT: **Recommendation to Approve the FY2024 Other Post-Employment Benefits (OPEB) Trust - Employer Contribution for Retiree Group Health Insurance for \$8,556,000**

BACKGROUND:

The Commission currently maintains the Post-Retirement Insurance Benefits Program (Trust) to provide health insurance benefits for qualified Commission retirees. The Commission pre-funds these benefits through an IRS Section 115 Trust which is managed by a separate Board of Trustees consisting of : one Trustee from the Montgomery County Planning Board, one Trustee from the Prince George's County Planning Board, the Executive Director, Human Resources Director, and the Secretary-Treasurer. The Commission's Corporate Treasury and Investment's Manager is appointed as Trust Administrator.

DISCUSSION:

Each Year, the Departments of Finance and Human Resource Management have an independent actuarial valuation performed to determine the funding requirements of the OPEB (115) Trust. The Trust contracted with Bolton Partners, Inc. to provide the actuary services. The actuarial valuation is designed to measure the current and future cost of retiree health benefits. The actuary recommends an Employer Contribution to ensure sufficient assets are available for future benefits.

The primary purpose of the valuation report is to provide a picture of how the Trust is performing and to establish the employer contribution for the upcoming fiscal year. The Trust is pre-funded which means that money is set aside annually as recommended by the actuary to pay for future benefits. The results of the Actuarial Report were presented on December 18, 2022, by Tom Vicente, Kevin Binder and Tim Barry of Bolton Partners, Inc.

Two Key financial indicators reflected in the valuation report were as follows:

1. Funded status on July 1, 2023, is 27% with an upward projected trend.
2. [Employer Contribution for July 1, 2023 is \\$8,556,000](#) (previous fiscal year amount was \$9,409,000 on July 1, 2022).

RECOMMENDATION/ACTION:

At its December 21, 2022, meeting, the M-NCPPC Post Retirement Benefits (115) Trust Board made a motion and approval to recommend the Commission adopt a resolution for the FY24 Other Post-Employment Benefits (OPEB) Trust Employer Contribution of \$8,556,000.

Attachment(s):

M-NCPPC Resolution 22-44 Approval of Fiscal Year 2024 Employer Contribution for Retiree Group Health Insurance



M-NCPPC RESOLUTION NO. 22-44

**APPROVAL OF FISCAL YEAR 2024 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, 2022; and

WHEREAS, after consideration of the Retiree Healthcare Programs Actuarial Valuation as of July 1, 2022, projected a Fiscal Year 2024 Plan Sponsor contribution consisting of \$8,556,000 for prefunding the Section 115 Trust Fund; and

WHEREAS, funding of the current portion will come from the Commission and the Maryland-National Capital Park and Planning Commission Employees’ Retirement System (for its retirees) in the amounts of \$8,526,600 and \$29,400, respectively.

NOW THEREFORE, BE IT RESOLVED, that the Commission as Plan Sponsor approves a \$8,556,000 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 FOR LEGAL SUFFICIENCY:

Ben Rupert

/s/ Benjamin E. Rupert December 7, 2022

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 22-44 adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Chair _____, Vice-Chair _____, and Commissioners _____ voting in favor of the motion, Commissioners _____ being absent for the vote at its regular meeting held on _____.

Asuntha Chiang-Smith, Executive-Director



M-NCPPC RESOLUTION NO. 22-44

**APPROVAL OF FISCAL YEAR 2024 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, 2022; and

WHEREAS, after consideration of the Retiree Healthcare Programs Actuarial Valuation as of July 1, 2022, projected a Fiscal Year 2024 Plan Sponsor contribution consisting of \$8,556,000 for prefunding the Section 115 Trust Fund; and

WHEREAS, funding of the current portion will come from the Commission and the Maryland-National Capital Park and Planning Commission Employees’ Retirement System (for its retirees) in the amounts of \$8,526,600 and \$29,400, respectively.

NOW THEREFORE, BE IT RESOLVED, that the Commission as Plan Sponsor approves a \$8,556,000 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 FOR LEGAL SUFFICIENCY:

Ben Rupert

/s/ Benjamin E. Rupert December 7, 2022

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 22-44 adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Chair _____, Vice-Chair _____, and Commissioners _____ voting in favor of the motion, Commissioners _____ being absent for the vote at its regular meeting held on _____.

Asuntha Chiang-Smith, Executive-Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

June 21, 2023

To: The Commission

Via: Asuntha Chiang-Smith, Executive Director

From: Tracey Harvin, Corporate Policy and Management Operations (CPMO) Director
 Michael Beckham, Corporate Policy and Archives Chief
 Michael Doaks, Senior Policy Analyst, CPMO

Subject: Proposed Amendments to Administrative Practice 2-26 Controlled Substance and Alcohol-Free Workplace Policy and accompanying Administrative Procedures 96-01.

Requested Action

The Commission is asked to review and approve proposed amendments to the agency's Controlled Substance and Alcohol-Free Workplace Practice, 2-26 (Attachments A).

Proposed revisions have been developed in coordination with the Department Heads and have been shared with the Chair and Vice-Chair of the Commission. With the Commission's approval, the proposed changes to the Practice will be finalized and promulgated.

Background

The Controlled Substance and Alcohol-Free Workplace Policy was initially approved by the Commission in 1995 to recognize that controlled substance and alcohol abuse is a serious problem in the workplace that endangers the health and safety of M-NCPPC employees and patrons. Since its initial adoption, minor amendments have been made to the Practice, including: in 2004, to reflect applicable federal/state regulations; in 2013, to incorporate federal testing protocols mandated by the Department of Transportation (DOT) and the Department of Health and Human Services (HHS) for DOT regulated employees; and, in 2016 and 2017, to reflect changes in the agency's Employee Assistance Program (EAP) and medical providers, respectively.

Key Revisions to the Controlled Substance and Alcohol-Free Workplace Practice

The proposed amendments are intended to clarify the agency's policy on alcohol and controlled substances in the workplace and recognize the use of cannabis. Despite the adult use of recreational cannabis becoming legal in Maryland:

- Employees who hold safety-sensitive positions will continue to be prohibited from testing positive for cannabis during controlled substance testing.
- Employees who *do not* hold safety-sensitive positions and who use *cannabis* when off-duty must ensure that it does not interfere with or diminish the employee’s ability to perform job functions.

In particular, amendments:

- Provide that the use of *cannabis* for a qualifying medical condition, following applicable laws, rules, and regulations, is to be treated as any other form of prescription medication as it relates to the Commission’s controlled substance and alcohol-free workplace policy.
- Provide that such use must be disclosed in advance to the employee’s supervisor, like the use of any controlled substance.
- Clarify employees are prohibited from possessing, consuming, or distributing alcoholic beverages:
 - On Commission property, *except when authorized in advance and in writing* by the respective Department Head or Planning Board Chair for an official Commission function.
 - Outside of Commission property, while on duty, *except when authorized in advance and in writing* by the respective Department Head or Planning Board Chair in connection with official business.
- Provide for the transportation of alcoholic beverages in Commission vehicles *when authorized in writing* by the respective Department Head or Planning Board Chair for an official Commission function.
- Clarify supervisory referral to the Employee Assistance Program (EAP) for a violation of the policy is mandatory.

Benchmarks on Cannabis Policies in Surrounding Jurisdictions

In preparing the policy amendments, the Policy Office conducted research on surrounding jurisdictions in Maryland as well as selected states and cities around the country. The table below is a snapshot of some of the research gathered on the treatment of cannabis in the workplace.

BENCHMARKS ON CANNABIS POLICIES IN SURROUNDING JURISDICTIONS

PROVISION	M-NCPPC PROPOSED	MARYLAND	MONTGOMERY CO.	PRINCE GEORGE'S CO.	WASHINGTON, DC
Standard of Conduct	<p>Employees:</p> <ul style="list-style-type: none"> • Must report to work fit for duty and remain free of impairment from controlled substances and alcohol. • May not manufacture, distribute, sell, or use controlled substances and alcohol in the workplace, M-NCPPC vehicles, and property except as noted in the Practice. 	<p>Employees:</p> <ul style="list-style-type: none"> • Working under the influence of alcohol are in violation and subject to disciplinary action. • Working under the influence of a controlled dangerous substances, or under the inappropriate influence of prescription drugs or over-the-counter drugs, is a violation subject to disciplinary action. 	<p>Employees must not:</p> <ul style="list-style-type: none"> • Take or have an illegal drug in their body while at work, on County property, or in a County vehicle. • Perform job duties after using prescription drugs or other substance that impairs their ability to perform their job duties safely. 	<p>Employees are prohibited from consuming, being under the influence of, or impaired by, alcohol, marijuana, or any illegal drug during all work time (including meals & breaks), on County property, or while performing service on behalf of the County.</p>	<p>Employees may not engage in the unlawful manufacturing, distribution, dispensing, possession, or use of a controlled substance or alcohol while on duty.</p>
Cannabis Use, Specifically	<ul style="list-style-type: none"> • The use of cannabis for a qualifying medical condition, in accordance with applicable laws and rules, is to be treated as any other form of prescription medication as it relates to the M-NCPPC's policy on a controlled-substance and alcohol-free workplace. • Employees who hold non-safety-sensitive positions who use cannabis while off-duty must ensure its use does not interfere with or diminish one's ability to perform job duties. 	No provision.	No provision.	<ul style="list-style-type: none"> • The use of cannabis for a qualifying medical condition is treated as any other form of prescription medication provided it is used in accordance with applicable laws and rules and does not interfere with or impair the ability to perform job duties. • Employees who hold non-safety-sensitive or public-sensitive positions may engage in off-duty, medicinal use of marijuana products. 	<p>Employees who hold non-safety-sensitive positions may engage in off-duty, lawful use of marijuana products and are not subject to adverse action based upon status as a medical marijuana patient.</p>

PROVISION	M-NCPPC PROPOSED	MARYLAND	MONTGOMERY CO.	PRINCE GEORGE'S CO.	WASHINGTON, DC
<p>Consequences of Positive Test Results for Cannabis</p>	<p>Employees in violation of any part of the policy may be subject to disciplinary action up to, and including, termination.</p> <p>Except as provided below, employees who test positive for controlled substances:</p> <ul style="list-style-type: none"> • Are removed from any safety-sensitive duties. • Must report to the EAP for evaluation/ complete rec'd treatment. • Must undergo Return-to-Duty & Follow-Up testing. • Are subject to disciplinary action, up to and including termination. <p>Disciplinary action <u>will not</u> be taken for employees who hold non-safety-sensitive positions solely because of a positive test.</p>	<p>Employees in violation of the policy shall be subject to appropriate progressive disciplinary actions up to, and including, termination.</p> <p>Employees who test positive for a controlled dangerous substance:</p> <ul style="list-style-type: none"> • Are suspended for 15 days (for employees who hold safety-sensitive positions). • Must report to the EAP for evaluation/complete rec'd treatment. • Are subject to disciplinary action, up to and including termination. 	<p>Employees in violation of the policy may be subject to adverse action in accordance with county personnel regulations.</p> <p>Employees who test positive for controlled substances:</p> <ul style="list-style-type: none"> • Are removed from any safety-sensitive duties for employees who hold safety-sensitive positions. • Must report to the EAP for evaluation/ complete rec'd treatment. • Must undergo Return-to-Duty & Follow-Up testing. • Are subject to disciplinary action, up to and including termination. 	<p>Employees that receive one (1) verified positive drug test result:</p> <ul style="list-style-type: none"> • Will be subject to disciplinary action, up to and including dismissal from County employment initiated by the supervisor, Appointing Authority, or their designee. • Must successfully complete the follow-up process outlined by the EAP. 	<p>Employees:</p> <ul style="list-style-type: none"> • In safety-sensitive positions are subject to discipline up to and including termination and subject to review by DCHR's Compliance Team. • In non-safety-sensitive positions, who are a medical marijuana patient shall not have their failure to pass a work-related drug test for marijuana as a basis for discipline. • In non-safety-sensitive positions, may provide <u>clear and convincing evidence</u> that they were not impaired by marijuana at the time of the test.

**DRAFT AMENDMENTS TO ADMINISTRATIVE PRACTICE 2-26,
CONTROLLED SUBSTANCE AND ALCOHOL-FREE WORKPLACE**

Key to revisions

Grey Shading: Recommended revisions to the Policy.

Strikeout: Recommended deletions to the Policy.

Bold Italics: Comments regarding proposed amendments.

AUTHORITY This Practice was initially approved by the Commission effective September 25, 1995. Amendments were last approved by the Commission on [TBA].

APPLICATION This policy applies to all Commissioners and employees, including Merit System and Contract employees, volunteers, and appointed positions on duty. Employees who hold a Commercial Driver's License (CDL) must comply with all additional federal and state drug and alcohol mandates including CDL drug/alcohol requirements as issued by the U.S. Department of Transportation (DOT) and the Federal Highway Administration. Employees should refer to their respective bargaining agreements for specific requirements.

**PURPOSE/
BACKGROUND** Controlled substance and alcohol abuse by employees is a serious problem that which endangers the health and safety of users, their co-workers, and M-NCPPC patrons, and other members of the public. It can adversely affect an employee's overall job performance by impairing decisions and actions, lowering efficiency, and eroding attention to safety and quality. The Practice, as initially issued, has been amended as follows:

- July 15, 2004: Policy was reviewed, and references updated to reflect applicable policies and federal/state regulations pertaining to drug/alcohol use.
- June 6, 2013: Minor edits were made to reflect updated references, and amendments were made to the accompanying Administrative Procedures to incorporate Federal testing protocols mandated by the Department of Transportation (DOT) and the Department of Health and Human Services (HHS) for DOT regulated employees; clarify existing provisions and amend provisions for improved program effectiveness.
- February 17, 2016: Amendments were made to the accompanying Administrative Procedures to reflect changes in the agency's Employee Assistance Program (EAP) Provider.
- February 1, 2017: Minor amendments were made to the accompanying Administrative Procedures to update definitions and reflect a change in the agency's medical provider.

- [TBA]: Amended to clarify the agency’s policy regarding cannabis pursuant to its legalization in the State of Maryland; and, recognize that alcohol is permitted on Commission property at official functions and outside Commission property when on official business when approved by the Department Head or Planning Board Chair.

REFERENCES

- Merit System Rules and Regulations including, but not limited to, Workplace Conduct and Discipline
- M-NCPPC Notice 16-02, Getting Assistance for Drug and Alcohol Concerns
- Commission Administrative Procedure 04-04, Risk Management and Safety Manual
- Federal Drug Free Workplace Act, as amended in 1996, 41 U.S.C. 81
- The Federal Omnibus Transportation Employee Testing Act of 1991
- Procedures for Transportation Workplace Drug and Alcohol Testing Programs, Code of Federal Regulations Title 49, Part 40
- Controlled Substances and Alcohol Use and Testing, Code of Federal Regulations Title 49, Part 382
- Americans with Disabilities Act, 1990 (amended in 2009)
- Federal Department of Transportation Federal Motor Carrier Safety Administration, Rules and Regulations, Drug and Alcohol Program
- The Maryland Cannabis Reform Act of 2023; 2023 Md. Laws. Ch. 254
- Job-Related Alcohol and Controlled Dangerous Substances Testing, §17-214, Health-General Article, Annotated Code of Maryland
- Maryland Executive Order 01.01.1989.18, Drug and Alcohol-Free Workplace (Non-State Entities)

DEFINITIONS

“Controlled substances” mean drugs or chemicals that have the potential to be addictive or habit-forming. The United States Drug Enforcement Agency (DEA) categorizes controlled substances into groups ranging from Schedule I through Schedule V, based on the substances’ potential for abuse and addictiveness, and medical usefulness. Information on controlled substance Scheduling can be found on the DEA’s website.

“Impairment” An inability to practice with reasonable safety and skill as a result of alcohol or drug use, abuse, dependency, or addiction, or any neuropsychological or physical disorder or disability.

“Medical cannabis”

(A) Means all parts of any plant of the genus Cannabis, whether or not the plant is growing, including

- The seeds of the plant;
- The resin extracted from the plant; and

- Any compound, manufactured product, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction.

(B) Does not include:

- The mature stalks of the plant or fiber produced from mature stalks;
- Oil or cake made from the seeds of the plant;
- Any other compound, manufactured product, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;
- The sterilized seed of the plant that is incapable of germination; or
- Hemp as defined in § 14-101 of the Agriculture Article of the Code of Maryland.

POLICY

Commission employees are required to report to work fit for duty and shall remain fit for duty throughout their working hours. Employees shall remain free of being under the influence of, or impaired by, controlled substances or alcohol during any period in which they are on duty. Commission employees are entitled to a workplace that is safe and drug-free. Furthermore, the Commission has a legitimate interest in assuring the public that none of the agency's employees are under the influence of controlled substances or alcohol while on duty and that they are fully capable of performing their job duties. ~~Reporting to work while under the influence of controlled substances or alcohol is prohibited.~~ The Commission reserves the right to enforce this policy through controlled substance and alcohol testing.

The M-NCPPC prohibits the manufacture, distribution, sale, presence, or use of controlled substances and alcohol in the workplace, M-NCPPC vehicles, and other agency property, except as provided below:

- The consumption of alcohol is only permitted:
 - On Commission property, when authorized in advance in writing by the respective Department Head or Planning Board Chair for an official Commission function.
 - Outside of Commission property while on duty, when authorized in advance in writing by the respective Department Head or Planning Board Chair in connection with official business. In no event shall an employee exceed the permissible blood alcohol threshold described in Appendix A of Procedures 96-01, Controlled Substance and Alcohol-Free Workplace Program.

- The transportation of alcoholic beverages in Commission vehicles may be authorized in writing by the respective Department Head or Planning Board Chair for an official Commission function.
- The use of cannabis for a qualifying medical condition, in accordance with applicable laws, rules, and regulations, is to be treated as any other form of prescription medication as it relates to the Commission policy on a controlled-substance and alcohol-free workplace.
- Employees who hold **non-safety-sensitive positions** who use cannabis while off-duty must ensure that its use does not interfere with or diminish the employee’s ability to perform job functions.
- Employees who hold **non-safety-sensitive positions** and test positive for cannabis due to post-accident or reasonable suspicion testing will not be subject to discipline solely because of the positive test result.

In accordance with the Federal Drug-Free Workplace Act and Maryland Drug and Alcohol-Free Workplace mandates, employees must notify the agency of any drug or alcohol-related criminal conviction for violations that occur in the workplace. Employees must provide notification of their conviction no later than five (5) days after the date of the occurrence.

VIOLATIONS

Employees in violation of any part of this policy may be subject to disciplinary action up to, and including, termination of employment. At a minimum, employees shall receive a formal supervisory mandatory referral to the agency’s Employee Assistance Program. Employees will also be required to enroll in and successfully complete any necessary treatment through a certified rehabilitation program.

All disciplinary actions shall be administered in accordance with Merit System Rules and Regulations and any other applicable laws and regulations. Violations of any part of this policy may also result in legal consequences up to and including criminal prosecution.

Commissioners are subject to discipline by their appointing authority (i.e., County Executive/County Council, as appropriate.)

PROCEDURES

The Executive Director shall take necessary action for the implementation of this policy through the issuance of Administrative Procedures 96-01, “Controlled Substance and Alcohol-Free Workplace Program.” These procedures shall inform employees and supervisors about the provisions of the policy and include directions for the prevention, reporting, and handling of controlled substances and alcohol in the workplace.

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MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

WHAT YOU NEED TO KNOW ABOUT THE COMMISSION'S COVID-19 VACCINE MANDATE ROLLBACK

On May 11, 2023, the U.S. federal government ended the COVID-19 National Public Health Emergency following the World Health Organization's announcement that COVID-19 is no longer a global health emergency. In light of these events, the COVID-19 policies implemented by the Maryland-National Capital Park and Planning Commission ("Commission") during the pandemic have been re-examined. As a result, on July 1, 2023, the M-NCPPC will rescind its COVID-19 vaccine mandate for all employees, new hires, and volunteers.

The Commission's Office of Corporate Policy has assembled a list of questions and answers to assist employees in understanding the rescission of the vaccine mandate.

QUESTIONS AND ANSWERS

Question 1:

Does this include employees and volunteers in Commission childcare facilities, summer camps, senior centers, and other programs?

Answer:

Yes. It applies to all staff including volunteers.

Question 2:

Will the Commission continue to offer incentives for obtaining additional COVID-19 vaccination doses (i.e., boosters)?

Answer:

Yes. The Commission will continue to offer the following to represented and non-represented Merit System employees, and Term Contract employees:

- A. Up to two (2) hours of administrative leave to receive additional vaccine doses. See, Notice 21-09, *Administrative Leave for the COVID-19 Booster Shot*.
- B. Up to one (1) workday of administrative leave to recover from adverse effects caused by the receipt of an additional vaccine dose. See, Notice 21-08-A2, *Administrative Leave to Recover from Adverse Side-Effects Caused by Receipt of the COVID-19 Booster*.
- C. Up to five (5) days of administrative leave is available (through December 31, 2023) for those employees who received an additional vaccine dose by January 31, 2023, if the employee:
 - Has submitted documentation of receipt;
 - Is unable to work on-site or telework due to a positive test or exposure; and
 - Is directed to quarantine.

See, Notice 22-08-A5, *Administrative Leave for Boosted Employees Who Are Directed to Quarantine*.

Question 3:

What should I do if I have been exposed to, or test positive for, COVID-19?

Answer:

- Contact your medical provider and follow the direction they provide you.
- Notify your supervisor if you are sick. Note: If you choose to disclose your positive COVID-19 test result or exposure, the supervisor will no longer contact the Risk and Safety Office for guidance.
- Follow your supervisor’s guidance regarding your work status and schedule.

Question 4:

Will employees be required to notify Risk Management if they have been exposed to, or tested positive for, COVID-19?

Answer:

No. However, employees who exhibit symptoms consistent with any infectious disease should contact their medical provider and follow the guidance they provide.

Question 5:

Will I incur any out-of-pocket costs for COVID-19 testing?

Answer:

Tests performed at a physician/medical provider’s office or lab, or ordered by a physician/medical provider, are covered under the Commission’s medical plans; however, the cost for over-the-counter tests are not. Employees may be eligible to use FSA benefits.

Question 6:

Will the Commission continue to track the occurrence of COVID-19 cases in the workplace?

Answer:

No. However, the Risk and Safety Office will continue to monitor local, regional, and state trends, and any updated guidance from state and local public health officials.

Question 7:

What will happen to the information employees submitted in response to the mandate issued by the Commission?

Answer:

The information will be kept securely consistent with the agency’s Records Retention Schedule, for 30 years, then destroyed—in keeping with the process for all employee medical records.

Question 8:
How should employees protect themselves from COVID-19?

Answer:

The Commission encourages those who are at heightened risk for COVID-19 infection, or wish to practice protective measures against the virus, obtain advice from the healthcare provider regarding the suitability of COVID-19 vaccines, including the receipt of additional vaccine doses, and any other protective measures.

Question 9:
Are employees and volunteers required to wear masks?

Answer:

No. Employees and volunteers may choose to mask at any time. The CDC and local health departments recommend individuals get tested and wear a properly fitted mask for ten (10) days around others if they have been exposed to an individual who has tested positive. It is also recommended that those who have tested positive wear a properly fitted mask for ten (10) days after the positive test.

Question 10:
Will the extensive cleaning and disinfecting protocols implemented during the pandemic continue?

Answer:

No. However, staff are strongly encouraged to continue to use frequent and proper hygienic handwashing techniques. Additional information is available from the CDC [here](#).

Question 11:
Will the Commission maintain social distancing requirements?

Answer:

No.

Question 12:
Will additional telework be available due to the removal of the vaccine mandate?

Answer:

No. Changes to telework or hybrid work schedules are not expected as a result of the removal of the mandate. In accordance with Administrative Procedures 03-01, the suitability and approval of telework will continue to be based upon “a review of agency needs, the departmental work program, the suitability of position duties, and performance level.” Administrative Procedures 03-01 may be accessed [here](#).

Question 13:

May I increase the number of days I telework if I do not want to work next to unvaccinated employees?

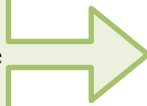


Answer:

No. Additional telework will not be provided solely to avoid working in proximity to unvaccinated employees. Requests for telework should be submitted to your Department Head. Requests for reasonable accommodations may be filed directly with the Department Head or Human Resources Director (Department of Human Resources and Management) by calling [301-454-1700](tel:301-454-1700).

Question 14:

Who may I contact if I have other questions?



Answer:

Questions may be directed to the Risk and Safety Office t on the 24-hour hotline: 301-454-1781.



Latest updates on Montgomery Planning

June 21, 2023

Planning Director's Report

Item 5f

M-NCPPC Full Commission

MD Gov. Moore visits Wheaton



MD Gov. Moore visits Wheaton

Wheaton Crash Map

Serious Injury and Fatal Crashes
2015-2022

In the area shown on the map:

- 5 pedestrian fatalities
- 51 serious injuries
 - 28 pedestrians



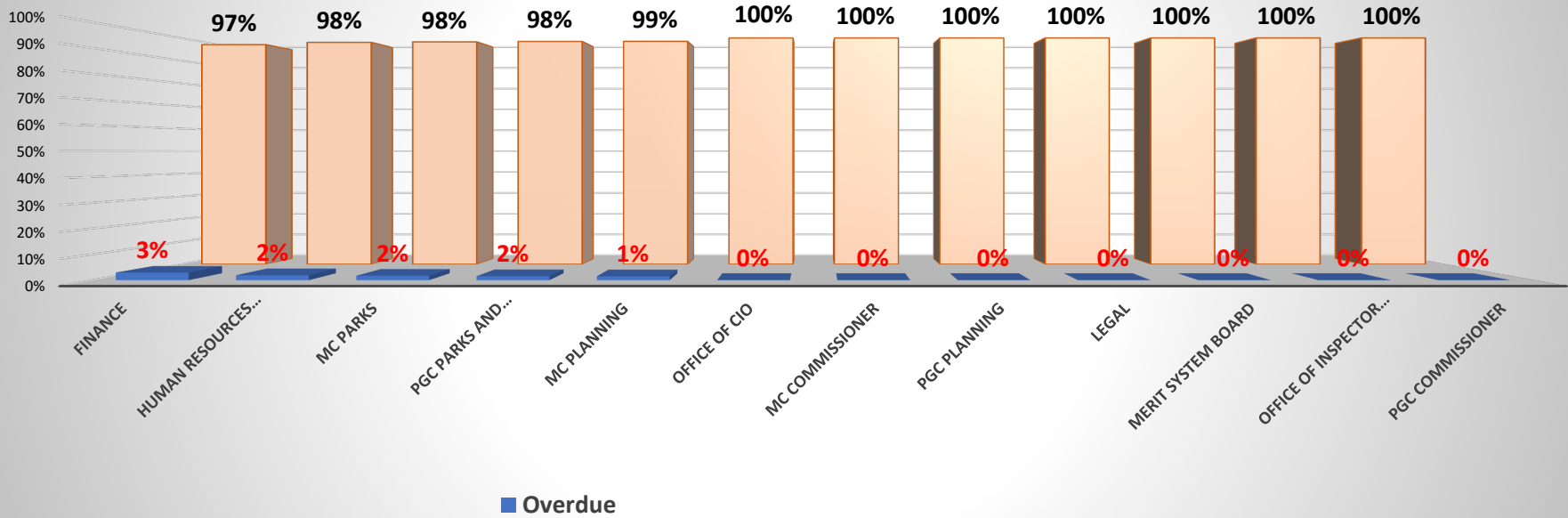
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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF MAY 2023**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	<u>Apr-23</u>	<u>May-23</u>	<u>Apr-23</u>	<u>May-23</u>	<u>Apr-23</u>	<u>May-23</u>	<u>Apr-23</u>	<u>May-23</u>
CHAIRMAN, MONTGOMERY COUNTY	1	0	0	0	0	0	1	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	2	0	0	0	0	0	0
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	1	0	0	0	0	0	1
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	0	1	0	0	0	0	0	1
PRINCE GEORGE'S PLANNING	1	0	0	0	0	0	1	0
PRINCE GEORGE'S PARKS & RECREATION	9	12	0	3	0	0	9	15
MONTGOMERY COUNTY PARKS	14	12	1	0	1	0	16	12
MONTGOMERY COUNTY PLANNING	2	3	0	0	0	0	2	2
DEPARTMENT TOTAL BY DAYS LATE	27	31	1	3	1	0		
COMMISSION-WIDE TOTAL							29	31

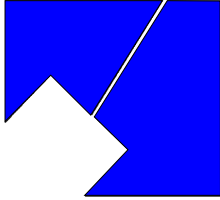
**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.

**Late Annual Performance Evaluation Report
Career Employees**



*Data as of May 31, 2023

Employee Count Department	Evaluation Status		Total Employees
	Compliant	Overdue	
Finance	36	1	37
Human Resources and Mgt	52	1	53
Legal	22		22
MC Commissioner	2		2
MC Parks	693	12	705
MC Planning	134	2	136
Merit System Board	1		1
Office of CIO	19		19
Office of Inspector General	4		4
PGC Commissioner	7		7
PGC Parks and Recreation	970	15	985
PGC Planning	163		163
Total Employees	2,103	31	2,134



Maryland-National Capital Park & Planning Commission
Corporate Policy & Management Operations Division
Supplier Diversity Program

6611 Kenilworth Avenue • Riverdale, Maryland 20737 • Phone: 301-454-1740

June 12, 2023

TO: Commissioners

VIA: Asuntha Chiang-Smith, Executive Director

FROM: Tracey A. Harvin, Corporate Policy & Management Operations Director

SUBJECT: MFD Purchasing Statistics — Third Quarter FY23

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 an MFD subcontracting component based on the Commission procurement practices and the available MFD vendors in the marketplace.

With the launch of its forthcoming Local/Small Business Enterprise Program, the Commission will specifically target small businesses located in Montgomery County and Prince George's County for increased procurement opportunities. The Commission anticipates similar efforts at increasing the participation of Minority Business Enterprises in FY25.

Some of the observations of MFD participation during the Third Quarter of FY23 include:

- Attachment A indicates that through the Third Quarter of FY23, the Commission procured \$90,559,844 in goods, professional services, construction, and miscellaneous services and \$17,034,450 or 18.8% was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the Third Quarter of FY23, 18.3% was spent with minority, female and disabled (MFD) owned firms.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the Third Quarter of FY23 was 24.3%. Attachment C also indicates that the largest consumers of goods and services in the Commission are Prince George's County Department of Parks and Recreation and Montgomery Parks. These programs significantly impact the Commission's

utilization of MFD firms. The MFD cumulative utilization numbers for these Departments through the Third Quarter of FY23 are 15.4% and 49.5% respectively.

- Attachment D presents the FY23 activity for the Purchase Card program totaling \$9,029,004 of which 1.9% was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents 10% of the Commission's total procurement dollars.
- Attachment E portrays the historic MFD participation rates, and the total procurement from FY91 to Third Quarter FY23.
- 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 analysis, MFD vendors do appear to be participating, at an overall rate of 13.4% in informal (under \$30,000) and 21.2% in the formal (over \$30,000) procurements. For transactions under \$10k, MFD participation is 9.3%. For transactions over \$10k but under \$30k, MFD participation is 21.6%. MFD vendors are participating at an overall rate of 18% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$90,559,844 in total procurement, \$59,487,510 was procured from Maryland vendors. Of the \$59,487,510 in procurement from Maryland vendors, \$13,910,947 was procured from MFD vendors located in Maryland with 70.6% or \$12,035,925 procured from MFD vendors located in Montgomery and Prince George's Counties.
- 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 June 25, 2018.
- Attachments J and K show the number and dollar amount of waivers of the procurement policy by department and by reason for waiver.

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 2023

FOR NINE MONTHS ENDED MARCH 31, 2023

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	\$ 26,348	\$	-	-	\$ 97	0.4%
Planning Department	1,811,672		28,213	1	574,586	31.7%
Parks and Recreation Department	56,008,652		1,222,306	12	8,277,868	14.8%
Total	<u>57,846,672</u>		<u>1,250,519</u>	<u>13</u>	<u>8,852,551</u>	<u>15.3%</u>
<u>Montgomery County</u>						
Commissioners' Office	38,342		-	-	-	0.0%
Planning Department	1,904,161		197,297	4	497,898	26.1%
Parks Department	27,825,845		496,995	14	7,025,058	25.2%
Total	<u>29,768,348</u>		<u>694,292</u>	<u>18</u>	<u>7,522,956</u>	<u>25.3%</u>
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	534,473		175,034	7	69,031	12.9%
Finance Department	189,408		64,160	2	2,971	1.6%
Legal Department	160,323		249,000	5	7,582	4.7%
Merit Board	-		-	-	-	0.0%
Office of Chief Information Officer	2,059,435		164,532	2	578,174	28.1%
Office of Inspector General	1,185		-	-	1,185	100.0%
Total	<u>2,944,824</u>		<u>652,726</u>	<u>16</u>	<u>658,943</u>	<u>22.4%</u>
Grand Total	<u>\$ 90,559,844</u>	<u>\$</u>	<u>2,597,537</u>	<u>47</u>	<u>\$ 17,034,450</u>	<u>18.8%</u>

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

Prepared by the Corporate Policy & Management Operations Division
June 1, 2023

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2023

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	1.1%	0.6%	0.4%	
Planning Department	41.5%	27.3%	31.7%	
Parks and Recreation Department	17.1%	16.6%	14.8%	
Total	<u>17.7%</u>	<u>16.9%</u>	<u>15.3%</u>	
<u>Montgomery County</u>				
Commissioners' Office	0.0%	0.0%	0.0%	
Planning Department	23.8%	23.2%	26.1%	
Parks Department	22.7%	22.4%	25.2%	
Total	<u>22.7%</u>	<u>22.5%</u>	<u>25.3%</u>	
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	15.5%	9.9%	12.9%	
Finance Department	0.0%	1.9%	1.6%	
Legal Department	2.4%	5.2%	4.7%	
Merit Board	0.0%	0.0%	0.0%	
Office of Chief Information Officer	0.5%	28.0%	28.1%	
Office of Inspector General	0.0%	0.0%	100.0%	
Total	<u>3.4%</u>	<u>22.1%</u>	<u>22.4%</u>	
Grand Total	<u><u>19.0%</u></u>	<u><u>19.1%</u></u>	<u><u>18.8%</u></u>	

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	1.1%	0.0%	0.0%		0.4%
Planning Department	41.5%	12.3%	37.4%		31.7%
Parks and Recreation Department	17.1%	16.0%	12.3%		14.8%
Total	<u>17.7%</u>	<u>15.9%</u>	<u>13.1%</u>		<u>15.3%</u>
<u>Montgomery County</u>					
Commissioners' Office	0.0%	0.0%	0.0%		0.0%
Planning Department	23.8%	22.7%	31.3%		26.1%
Parks Department	22.7%	22.2%	30.3%		25.2%
Total	<u>22.7%</u>	<u>22.2%</u>	<u>30.3%</u>		<u>25.3%</u>
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	15.5%	6.8%	24.5%		12.9%
Finance Department	0.0%	2.8%	0.0%		1.6%
Legal Department	2.4%	26.4%	0.8%		4.7%
Merit Board	0.0%	0.0%	0.0%		0.0%
Office of Chief Information Officer	0.5%	39.4%	28.4%		28.1%
Office of Inspector General	0.0%	0.0%	100.0%		100.0%
Total	<u>3.4%</u>	<u>31.6%</u>	<u>24.2%</u>		<u>22.4%</u>
Grand Total	<u><u>19.0%</u></u>	<u><u>19.2%</u></u>	<u><u>18.3%</u></u>		<u><u>18.8%</u></u>

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS
 BY MAJOR PROCUREMENT CATEGORY
 FY 2023
 FOR NINE MONTHS ENDED MARCH 31, 2023

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 \$	\$ 26,730,776	\$ 305,696	\$ 10,676,569	14,544,680	\$ 614,400	\$ 95,472	\$ 41,376	23,020	\$ 429,563
MFD \$	\$ <u>2,605,023</u>	\$ <u>92,681</u>	\$ <u>490,149</u>	<u>1,312,833</u>	\$ <u>409,105</u>	\$ <u>3,575</u>	\$ <u>0</u>	<u>4,456</u>	\$ <u>292,224</u>
Percentage	9.7%	30.3%	4.6%	9.0%	66.6%	3.7%	0.0%	19.4%	68.0%
Miscellaneous Services:									
Total \$	\$ 12,819,894	\$ 1,399,918	\$ 3,929,282	5,514,556	\$ 851,711	\$ 226,433	\$ 74,489	29,098	\$ 794,407
MFD \$	\$ <u>2,612,428</u>	\$ <u>405,217</u>	\$ <u>546,907</u>	<u>1,346,844</u>	\$ <u>87,663</u>	\$ <u>6,876</u>	\$ <u>2,971</u>	<u>0</u>	\$ <u>215,950</u>
Percentage	20.4%	28.9%	13.9%	24.4%	10.3%	3.0%	4.0%	0.0%	27.2%
Professional Services:									
Total \$	\$ 8,162,550	\$ 174,921	\$ 2,161,674	4,373,291	\$ 345,561	\$ 103,280	\$ 63,143	105,215	\$ 835,465
MFD \$	\$ <u>1,418,841</u>	\$ <u>0</u>	\$ <u>512,560</u>	<u>740,807</u>	\$ <u>77,818</u>	\$ <u>17,520</u>	\$ <u>0</u>	<u>136</u>	\$ <u>70,000</u>
Percentage	17.4%	0.0%	23.7%	16.9%	22.5%	17.0%	0.0%	0.0%	2.0%
Construction:									
Total \$	\$ 42,780,749	\$ 23,626	\$ 11,058,320	31,576,125	\$ 0	\$ 109,288	\$ 10,400	2,990	\$ 0
MFD \$	\$ <u>10,396,876</u>	\$ <u>0</u>	\$ <u>5,475,442</u>	<u>4,877,384</u>	\$ <u>0</u>	\$ <u>41,060</u>	\$ <u>0</u>	<u>2,990</u>	\$ <u>0</u>
Percentage	24.3%	0.0%	49.5%	15.4%	0.0%	37.6%	0.0%	100.0%	0.0%
SUBTOTAL									
Total \$	\$ 90,493,969	\$ 1,904,161	\$ 27,825,845	56,008,652	\$ 1,811,672	\$ 534,473	\$ 189,408	160,323	\$ 2,059,435
MFD \$	\$ <u>17,033,168</u>	\$ <u>497,898</u>	\$ <u>7,025,058</u>	<u>8,277,868</u>	\$ <u>574,586</u>	\$ <u>69,031</u>	\$ <u>2,971</u>	<u>7,582</u>	\$ <u>578,174</u>
Percentage	18.8%	<u>26.1%</u>	<u>25.2%</u>	<u>14.8%</u>	<u>31.7%</u>	<u>12.9%</u>	<u>1.6%</u>	<u>4.7%</u>	<u>28.1%</u>
Pr. Geo. Commissioners' Office									
Total \$	\$ 26,348								
MFD \$	\$ <u>97</u>								
Percentage	0.4%								
Mont. Commissioners' Office									
Total \$	\$ 38,342								
MFD \$	\$ <u>0</u>								
Percentage	0.0%								
Merit Board									
Total \$	\$ 0								
MFD \$	\$ <u>0</u>								
Percentage	0.0%								
Office of Inspector General									
Total \$	\$ 1,185								
MFD \$	\$ <u>1,185</u>								
Percentage	100.0%								
GRAND TOTAL \$									
	\$ 90,559,844								
MFD\$	\$ <u>17,034,450</u>								
Percentage	<u>18.8%</u>								

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2023
FOR NINE MONTHS ENDED MARCH 31, 2023

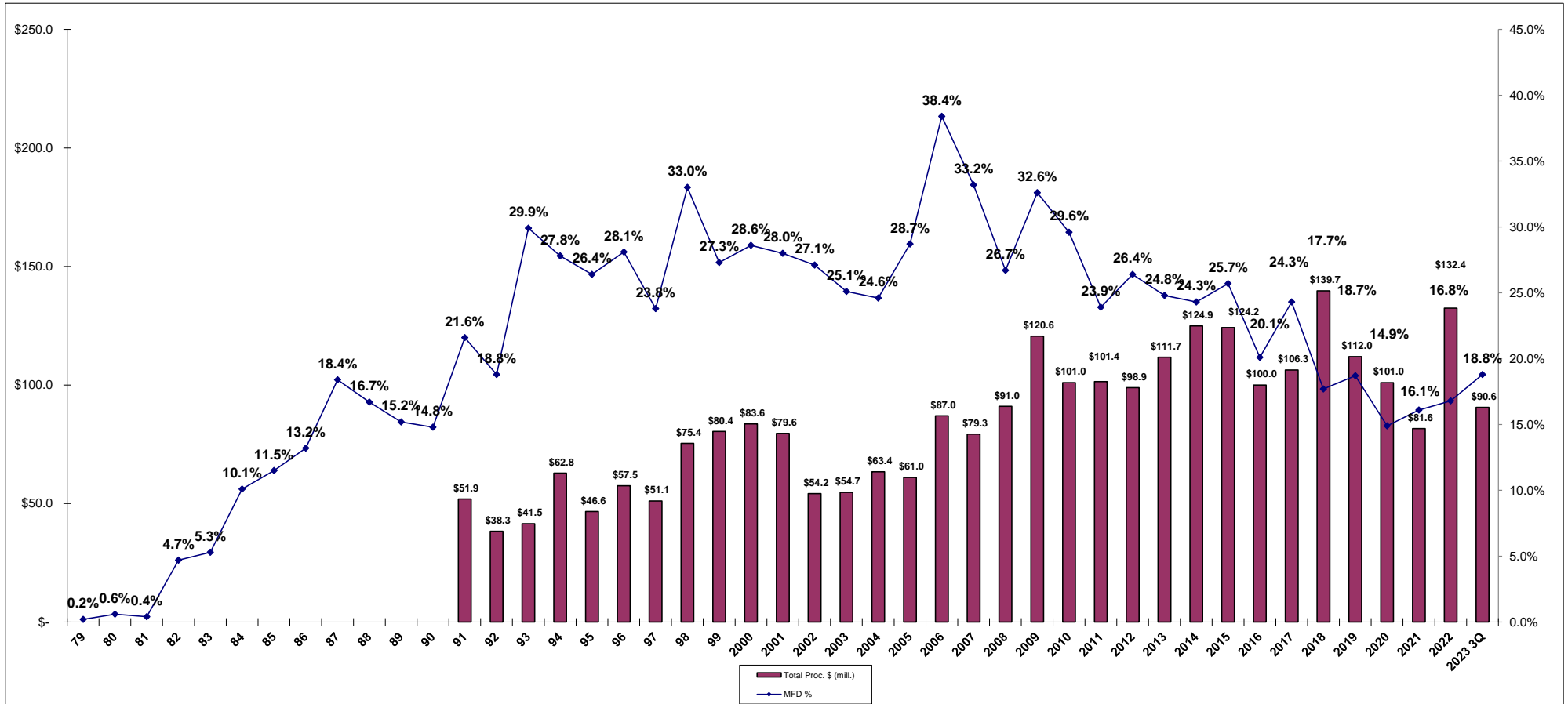
Attachment D

	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 26,348	0.4%	\$ 20,122	0.5%
Planning Department	1,811,672	31.7%	119,241	0.0%
Parks and Recreation Department	56,008,652	14.8%	4,563,444	1.2%
Total	57,846,672	15.3%	4,702,807	1.2%
<u>Montgomery County</u>				
Commissioners' Office	38,342	0.0%	11,392	0.0%
Planning Department	1,904,161	26.1%	155,589	8.1%
Parks Department	27,825,845	25.2%	4,023,078	2.6%
Total	29,768,348	25.3%	4,190,059	2.8%
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	534,473	12.9%	62,161	0.0%
Finance Department	189,408	1.6%	26,532	0.0%
Legal Department	160,323	4.7%	25,259	0.0%
Merit Board	-	0.0%	-	0.0%
Office of Chief Information Officer	2,059,435	28.1%	22,186	0.0%
Office of Inspector General	1,185	100.0%	-	0.0%
Total	2,944,824	22.4%	136,138	0.0%
Grand Total	\$ 90,559,844	18.8%	\$ 9,029,004	1.9%

Percentage of Purchase Card Procurement to Total Procurement 10.0%

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

Attachment E

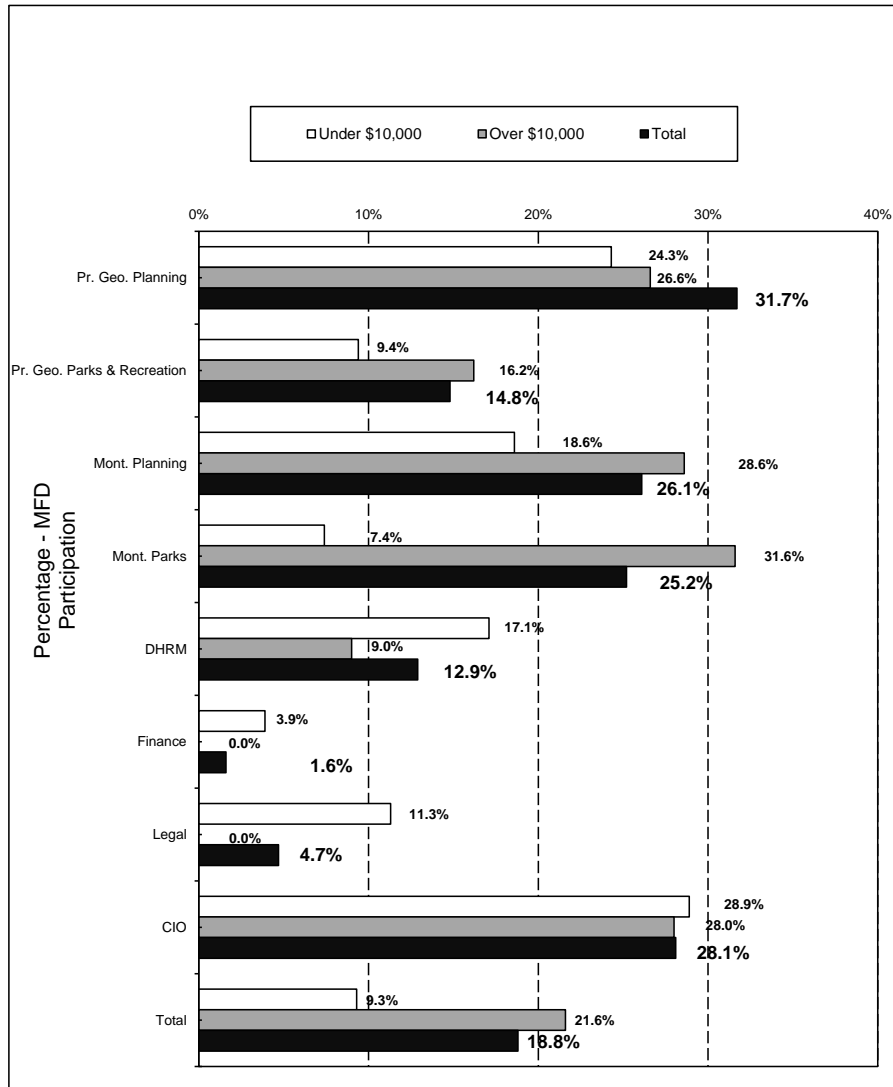


	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
TOTAL PROCUREMENT \$ (MIL.)	\$124.9	\$124.2	\$100.0	\$106.3	\$139.7	\$112.0	\$101.0	\$81.6	\$132.4	\$90.6
MFD %	24.3%	25.7%	20.1%	24.3%	17.7%	18.7%	14.9%	16.1%	16.8%	18.8%

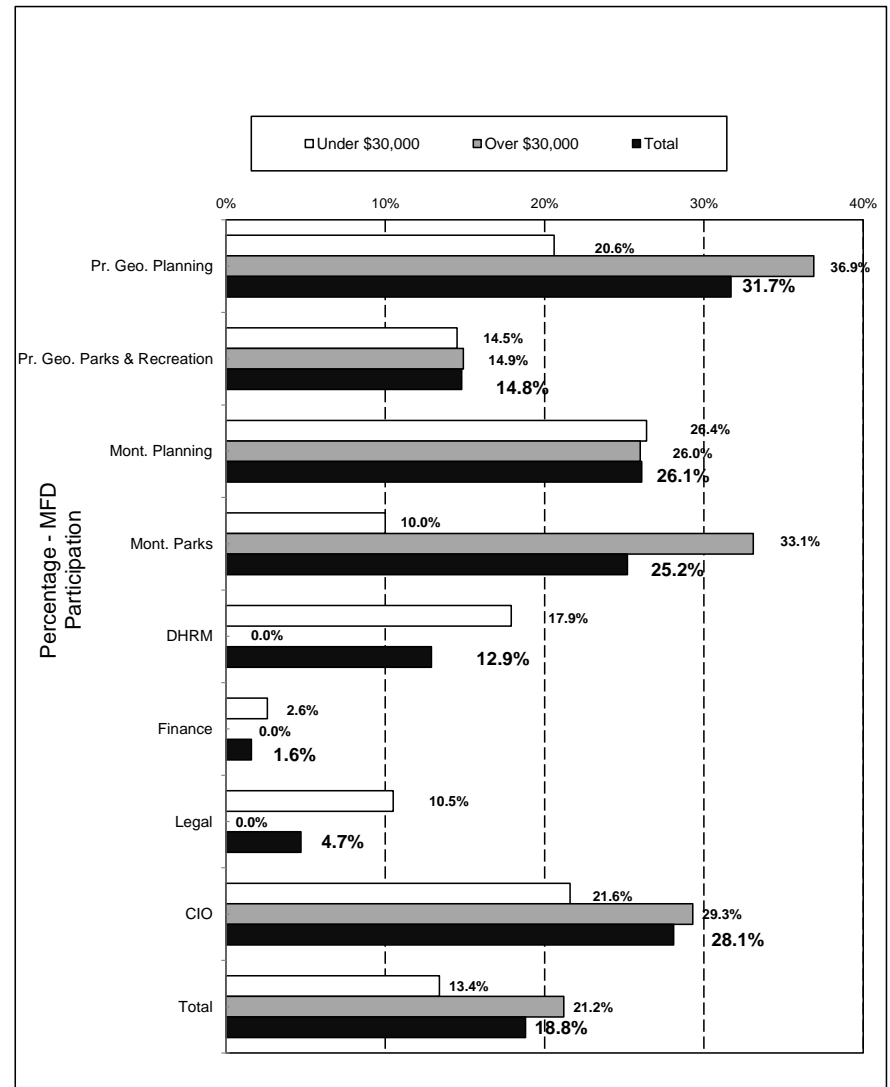
Prepared by the Corporate Policy & Management Operations Division June 1, 2023

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %
 FY 2023 3Q

Under/Over \$10,000

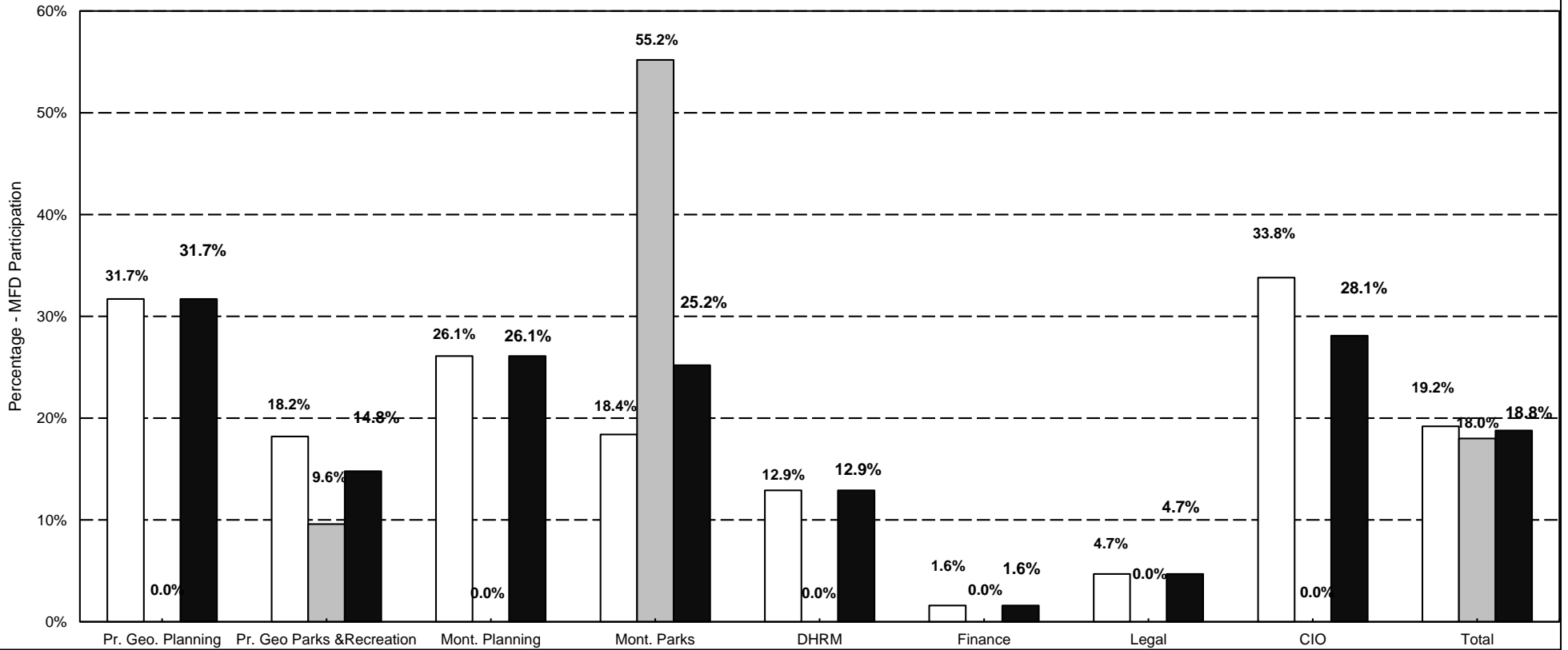


Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2023 3Q

□ Under \$250K □ Over \$250K ■ Total



Prepared by the Corporate Policy & Management Operations Division June 1, 2023

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Amount of Procurement and Number of Vendors by Location

FY 2023

FOR NINE MONTHS ENDED MARCH 31, 2023

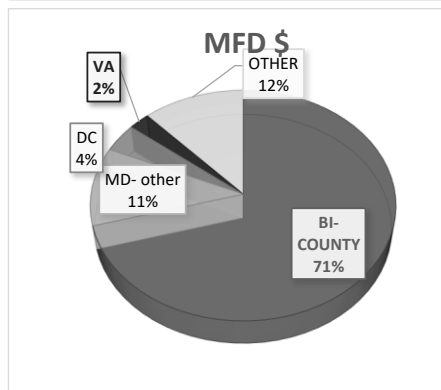
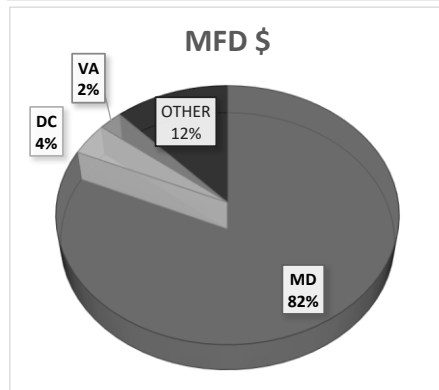
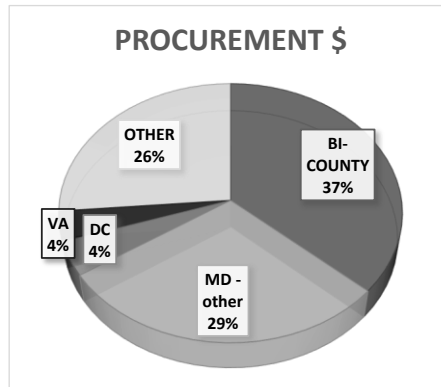
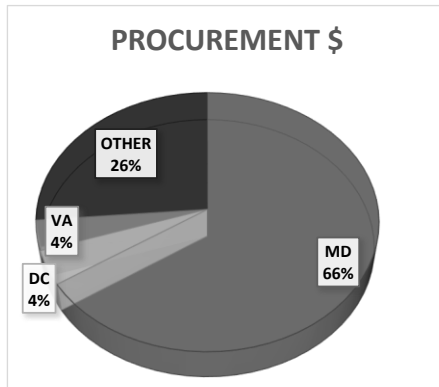
Attachment H

ALL VENDORS

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 10,546,798	11.6%	205	15.1%
Prince George's County	22,500,393	24.8%	332	24.5%
Subtotal	33,047,191	36.4%	537	39.6%
Maryland - other locations	26,440,319	29.3%	271	20.0%
Total Maryland	59,487,510	65.7%	808	59.6%
District of Columbia	3,851,342	4.3%	65	4.8%
Virginia	3,386,155	3.7%	115	8.5%
Other Locations	23,834,837	26.3%	367	27.1%
Total	\$ 90,559,844	100.0%	1,355	100.0%

MFD Vendors

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 3,281,354	19.3%	46	22.1%
Prince George's County	8,754,571	51.3%	71	34.0%
Subtotal	12,035,925	70.6%	117	56.1%
Maryland - other locations	1,875,022	11.0%	39	18.8%
Total Maryland	13,910,947	81.6%	156	74.9%
District of Columbia	690,560	4.1%	12	5.8%
Virginia	417,587	2.5%	18	8.7%
Other Locations	2,015,356	11.8%	22	10.6%
Total	\$ 17,034,450	100.0%	208	100.0%



Prepared by the Corporate Policy & Management Operations Division June 1, 2023

Note: The number of vendors excludes purchase card vendors.

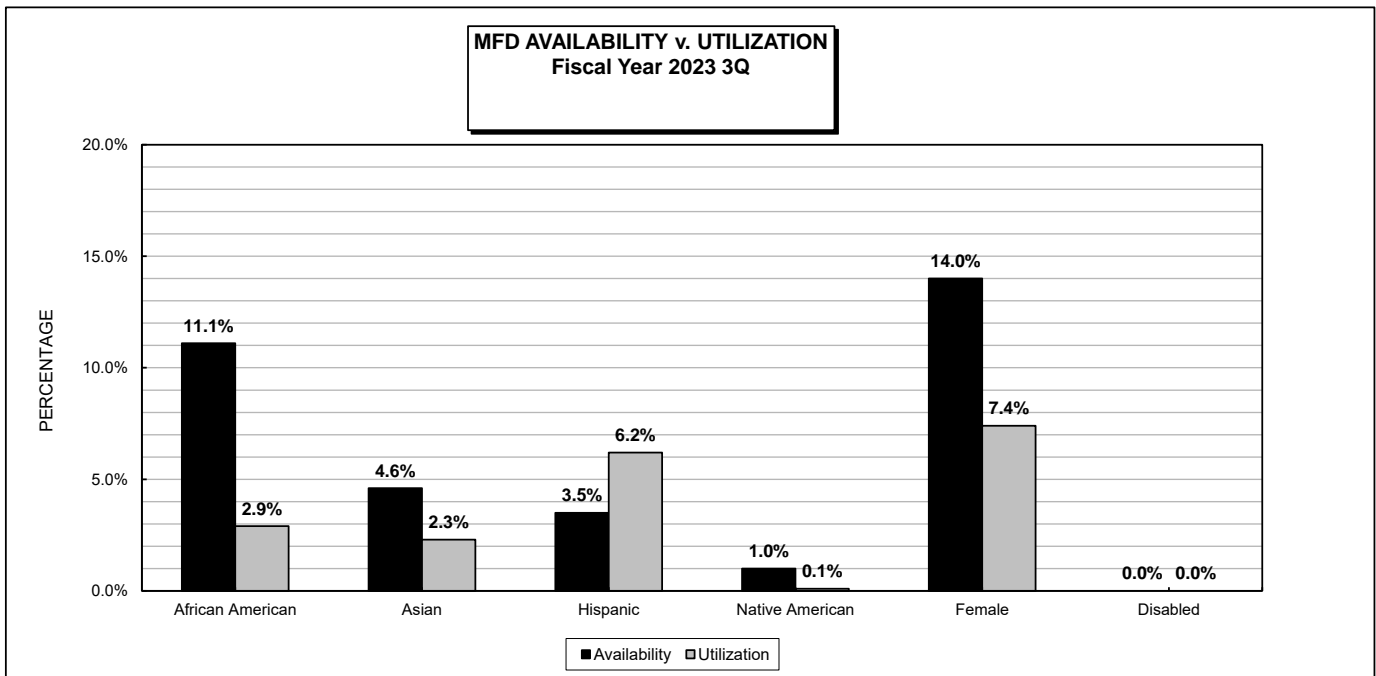
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS
FY 2023
FOR NINE MONTHS ENDED MARCH 31, 2023

Attachment I

Total Amount of Procurement **\$ 90,559,844**

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

	Procurement		Availability
	Amount	%	%
Minority Owned Firms			
African American	\$ 2,619,072	2.9%	11.1%
Asian	2,066,295	2.3%	4.6%
Hispanic	5,555,799	6.2%	3.5%
Native American	66,224	0.0%	1.0%
Total Minority Owned Firms	10,307,390	11.4%	20.2%
Female Owned Firms	6,726,528	7.4%	14.0%
Disabled Owned Firms	532	0.0%	n/a
Total Minority, Female, and Disabled Owned Firms	\$ 17,034,450	18.8%	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 the Corporate Policy & Management Operations Division June 1, 2023

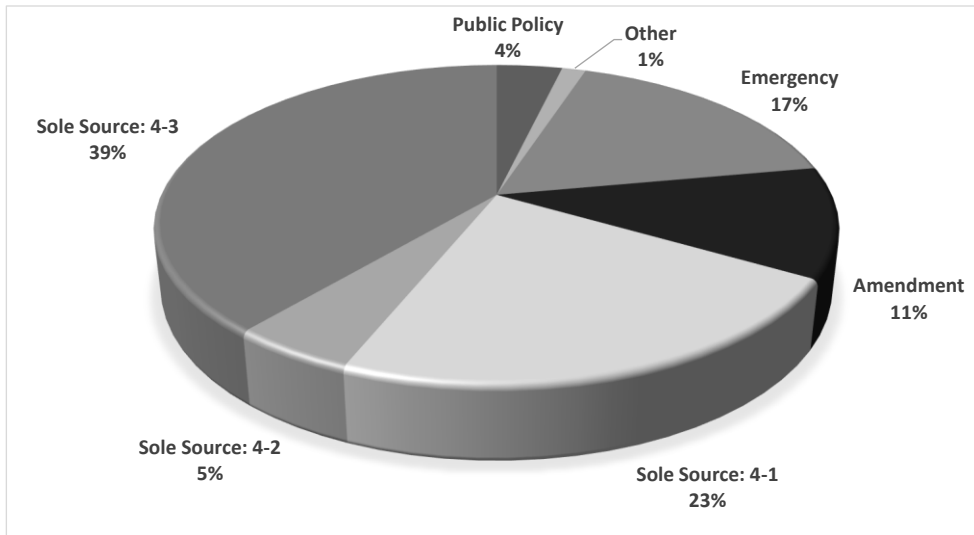
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS**

**CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2023**

FOR NINE MONTHS ENDED MARCH 31, 2023

Attachment J

REASON	NUMBER	AMOUNT	%
Emergency	4	\$ 443,038	17.1%
Other	1	\$ 35,000	1.3%
Public Policy	2	\$ 96,588	3.7%
Amendment	7	\$ 290,935	11.2%
Sole Source: 4-1	18	\$ 593,679	22.9%
Sole Source: 4-2	3	\$ 130,517	5.0%
Sole Source: 4-3	12	\$ 1,007,780	38.8%
Total	47	\$ 2,597,537	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 2023
FOR THE NINE MONTHS ENDED MARCH 31, 2023**

Attachment K

	Total Waivers		MFD/Waivers		% of MFD	Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		%Sole Source
	\$	Number	\$	Number	%	\$	Number	\$	Number	\$	Number	%
Prince George's County												
Commissioners' Office	\$ -	0	\$ -	0	0.0%	\$ -	0	\$ -	0	\$ -	0	0.0%
Planning Department	28,213	1	-	0	0.0%	28,213	1	-	0	-	0	0.0%
Parks and Recreation Department	1,222,306	12	-	0	0.0%	101,548	4	-	0	629,612	4	59.8%
Total	1,250,519	13	-	0	0.0%	129,761	5	-	0	629,612	4	60.7%
Montgomery County												
Commissioners' Office	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Planning Department	197,297	4	-	0	0.0%	115,632	2	-	0	-	0	58.6%
Parks Department	496,995	14	-	0	0.0%	137,249	6	-	0	352,168	7	98.5%
Total	694,292	18	-	0	0.0%	252,881	8	-	0	352,168	7	87.1%
Central Administrative Services												
Dept. of Human Resources and Mgt.	175,034	7	-	0	0.0%	47,037	2	80,517	2	-	0	72.9%
Finance Department	64,160	2	-	0	0.0%	-	0	-	0	26,000	1	40.5%
Legal Department	249,000	5	-	0	0.0%	164,000	3	50,000	1	-	0	85.9%
OCIO	164,532	2	-	0	0.0%	-	0	-	0	-	0	0.0%
Merit Board	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Total	652,726	16	-	0	0.0%	211,037	5	130,517	3	26,000	1	56.3%
Grand Total	\$ 2,597,537	47	\$ -	0	0.0%	\$ 593,679	18	\$ 130,517	3	\$ 1,007,780	12	66.7%

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

May 31, 2023

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

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission
FROM: Debra S. Borden
General Counsel
RE: Litigation Report for May 2023 – FY 2023

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, June 21, 2023. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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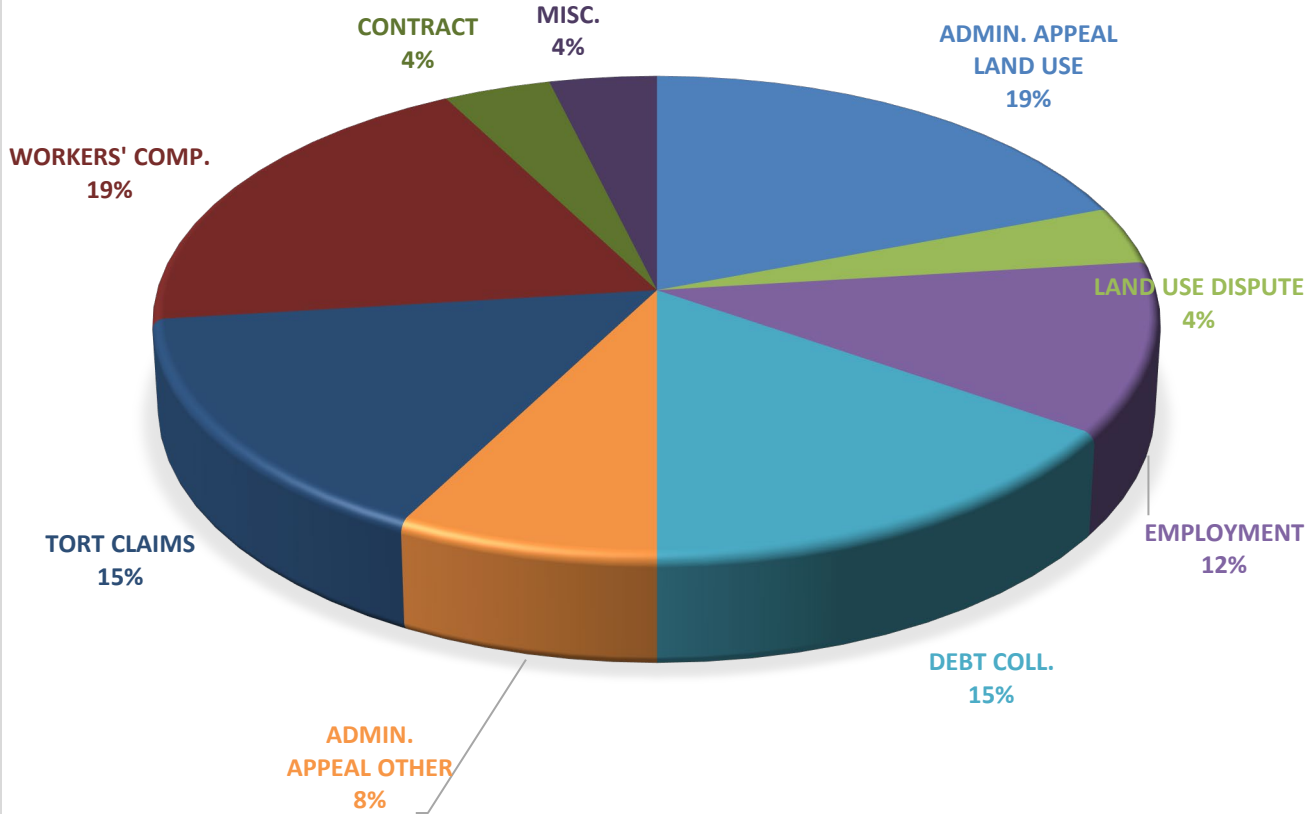
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May 2023
Composition of Pending Litigation

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	APPELLATE COURT OF MARYLAND	SUPREME COURT OF MARYLAND	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	3	2					5
ADMIN APPEAL: OTHER	2						2
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	1						1
DEBT COLLECTION	4						4
EMPLOYMENT DISPUTE				2	1		3
LAND USE DISPUTE	1						1
MISCELLANEOUS	1						1
PROPERTY DISPUTE							
TORT CLAIM	4						4
WORKERS' COMPENSATION	5						5
PER FORUM TOTALS	21	2		2	1		26

OVERVIEW OF PENDING LITIGATION



May 2023 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2023			
	Pending April 2023	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	6		1	7	6	8	5
Admin Appeal: Other (AAO)	2				1		2
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	1			7			1
Debt Collection (D)	4				1	1	4
Employment Disputes (ED)	4		1	5	4	5	3
Land Use Disputes (LD)	1				1		1
Miscellaneous (M)	1					1	1
Property Disputes (PD)							
Tort Claims (T)	4				1	2	4
Workers' Compensation (WC)	4	1		2	5	5	5
TOTALS	27	1	2	21	19	22	26

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

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

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

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

Disposition of FY23 Closed Cases Sorted by Department		
CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Parks		
Snyder v. State of Maryland, et al.	Tort suit for injuries allegedly sustained when tennis player allegedly tripped in hole of divider net and broke clavicle.	08/15/2022 – Stipulation of Dismissal filed. 9/12/2022 Case dismissed. Parties reached a settlement.
Stewart v. Dorsey, et al.	Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.	10/16/2022 – Case settled. 12/09/2022 – Order of Court granting stipulation of dismissal.
Izadjoo v. Commission	In Appellate Court of Maryland, appeal from decision of the Circuit Court affirming the decision of the Merit System Board denying appeal of request for reclassification.	1/20/2023 - Judgment of Circuit Court for Montgomery County Affirmed
Montgomery County Park Police		
Commission v. Joseph Cleveland-Cooper	Forfeiture for cash of \$3,043.00	9/29/2022 – Court ordered monies forfeited.
Evans v. Commission, et al.	Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.	03/31/2023 - Court granted summary judgment for all Defendants.
Montgomery County Planning Board		
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	08/02/2022 - Planning Board's Approval of Site Plan Affirmed. Petition for Judicial Review Denied.

Village of Friendship Heights v. Montgomery County Planning Board	Judicial Review of the Montgomery County Planning Board's approval of Sketch Plan 320220010-5500 Wisconsin Avenue.	08/24/2022 - Order of Court. Affirmed ruling of Planning Board.
Miles v. Commission	Plaintiff, police officer, filed a complaint against the Commission and individual defendant, alleging hostile work environment, discrimination, retaliation, and violations of 42 USC §1981, 42 USC §1983, Maryland Statutory violations, and County Code violations.	12/01/2022 – Marginal Order approving Stipulation of Dismissal, pursuant to global settlement.
Prince George's County Department of Parks and Recreation		
Melito v. Commission	Plaintiff seeks to secure administrative meeting or hearing on termination, former employee claims were denied.	09/15/2022 - Case dismissed pending implementation of contingencies allowing for appeal to Merit Board.
McGill v. Commission	Judicial review of Workers' Compensation Commission decision dated July 19, 2021, which determined claimant had not sustained an increase in permanent partial disability and denied further treatment.	10/26/2022 – Case settled and remanded to WCC for approval of settlement.
Getnet v. Commission	Tort suit for injuries allegedly sustained when visitor fell through decking at a historic property not owned by the Commission	01/09/2023 – Case settled.

Jackson v. Prince George's County Sports & Learning Complex	Injury to minor allegedly related to use of equipment at the Sports & Learning Complex.	08/16/2022 - Case settled. Line dismissing not filed until 01/20/2023. Case dismissed 02/10/2023.
Brown v. City of Bowie, et al.	Plaintiff alleges injuries resulted from an event at Prince George's Trap and Skeet Center. Defendants included the individual who discharged a weapon, a Commission volunteer assigned to the group that day, and the Commission.	03/02/2023 – Joint stipulation of Dismissal.
King v. Commission	Claimant seeks judicial review of an order from the Workers' Compensation Commission denying authorization for neck surgery.	03/02/2023 - Order Dismissing Claims and remanding to Workers' Compensation Commission
Commission v. Conwell	Subrogation action to recover losses for damage(s) to Commission property.	03/02/2023 - Judgment entered in favor of the Commission.
Prince George's County Planning Board		
Heard v. Commission	Appeal of decision affirming Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.	08/05/2022 – Judgment of the Circuit Court for Prince George's County affirmed.
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contended that Defendants misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff sought to enjoin the Planning Board from approving a Detailed Site Plan.	10/25/2022 – Order of Appellate Court of Maryland affirming decision of Circuit Court that upheld Planning Board.
Heard v. Commission	Petition for Writ of Certiorari of the Court of Special Appeals decision affirming the Circuit Court's ruling that affirmed the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.	11/22/2022 Petition for Writ denied.

Wolf v. Prince George's County Planning Board	Judicial Review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).	01/03/2023 - Order Affirming the Decision of the Planning Board.
Fricklas v. The Planning Board of Prince George's County	Challenge to the Planning Board's approval of Preliminary Plan of Subdivision 4-21052 (Suffrage Point).	03/07/2023 – Motion to Dismiss Granted.
Williams, et al. v. Prince George's County Planning Board	Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-21056.	04/17/2023 – Voluntary dismissal with prejudice.
Prince George's Park Police		
Tolson v. Commission	Show Cause Action under the LEOBR regarding mandatory COVID vaccination requirements for police officers.	08/08/2022 Show Cause Hearing held. Application for Show Cause Order denied.
Alexander v. Proctor	Officer Proctor deployed his Commission issued pepper spray when an unknown individual was observed wearing police-type gear and approaching our police substation. The individual failed/refused to stop, leading to the Officer deploying his pepper spray to stop and subsequently arrest the individual. Mr. Alexander (the individual) asserted that the stop was without Reasonable Articulate Suspicion/Probable Cause and therefore was unlawful and the amount of force used was excessive.	9/29/2022 – Joint Stipulation of Dismissal filed. Parties settled matter at mediation.
Office of Internal Audit		

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Matters.

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Chambers v. Commission

Case No. 050200212652020 (Tort)

Lead Counsel: Rupert
Other Counsel:

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

Status: Motion's denied in part and approved in part. No monetary award to Plaintiff.

Docket:

09/08/2020	Complaint filed
06/06/2022	Commission served
06/27/2022	Notice of Intent to Defend filed
07/19/2022	Motion to continue granted.
01/19/2023	Trial
02/04/2023	Judgment in favor of Commission
02/14/2023	Line Requesting Statement of Judgment
02/14/2023	Motion to Alter and Amend Judgment
02/17/2023	Commission's Opposition to Motion to Amend Judgment
02/27/2023	Plaintiff's Reply to Defendant's Opposition to Alter and Amend the Judgment
03/21/2023	Order of the Court – schedule Motions hearing
05/09/2023	Hearing held. Motion Approved in part and denied in part. No monetary award to the Defendant.

Commission v. Cruz

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

Lead Counsel: Johnson
Other Counsel:

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

Status: Judgment awarded.

Docket:

01/31/2023	Complaint filed
3/15/2023	Affidavit of service.
05/12/2023	Trial held. Judgment in favor of the Commission for \$2,967.96.

Commission v. Faulk

Case No. 050200086392022 (D)

Lead Counsel: Johnson
Other Counsel:

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

Status: Request for summons renewal filed.

Docket:

04/25/2022	Complaint filed
10/18/2022	Request for summons renewal filed.
01/23/2023	Affidavit of Non-service filed.
01/23/2023	Post Office request mailed
02/14/2023	Motion for Alternative Service
02/22/2023	Order – Motion for Alternative Service denied
03/29/2023	Second Motion for Alternative Service
04/12/2023	Order – Motion/Request Granted.
04/21/2023	Service upon Maryland MVA pursuant to Court Order
05/03/2023	Request for summons renewal filed.

Commission v. Lindsey

Case No. 050200183742022 (D)

Lead Counsel: Johnson
Other Counsel:

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

Status: Request for summons renewal filed.

Docket:

09/12/2022	Complaint filed
12/05/2022	Request for summons renewal filed.
05/02/2023	Request for summons renewal filed.

Commission v. Watts

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

Lead Counsel: Johnson
Other Counsel:

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

Status: Judgment awarded.

Docket:

01/17/2023	Complaint filed
03/04/2023	Non-est service
04/12/2023	Defendant served
05/16/2023	Trial held. Judgment for Commission \$15,375.00.

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

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

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

Lead Counsel: Rupert
Other Counsel: Mills, Foster

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

Status: Motions' hearing scheduled for August 22, 2023.

Docket:

02/06/2023	Complaint filed
02/22/2023	Commission served
03/24/2023	Commission's Motion to Dismiss and Supporting Memorandum
04/10/2023	Opposition to Motion to Dismiss and Request for Hearing
04/24/2023	Commission's Reply to Opposition to Motion to Dismiss
04/27/2023	Plaintiff's Motion to Compel Discovery
	Commission's Motion for Protective Order
05/15/2023	Commission's Opposition to Motion to Compel
05/26/2023	Opposition to Motion for Protective Order
08/22/2023	Motions' hearing set.

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

Case No. 483255-V (CD)

Lead Counsel: Rupert
Other Counsel: Mills (CCRC)

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

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

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served
11/25/2020	Motion to Dismiss
12/28/2020	Opposition to Motion to Dismiss
03/12/2021	Consent motion to postpone hearing and stay case.
03/15/2021	Order of Court. Matter stayed for 90 days.
10/20/2021	Order of Court. Matter stayed until January 10, 2022.
01/24/2022	Pre-Trial hearing statement filed
02/01/2022	Motion to Continue
02/18/2022	Order of Court. Motion Moot. Case has been placed on the Stay Docket.
08/05/2022	Amend Complaint/Petition for Judicial Review
09/06/2022	Notices of Intention to Participate filed by Commission and the CCRC
10/04/2022	Administrative Record received by Court
11/01/2022	Joint Stipulation for Extension of Time
12/07/2022	Memorandum of HMF Paving Contractors
01/05/2023	Stipulation – Modification of Time for Respondent's Memorandum
01/06/2023	Response to Petitioner's Memorandum of Law
01/13/2023	Commission's Answering Memorandum
04/14/2023	Hearing held. Court took matter under advisement.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

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

Case No. CAL 22-25639 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

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

Status: Case consolidated with Fairwood Community Association, Inc. v. Prince George's County Planning Board. Hearing set.

Docket:

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

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

Case No. CAL 22-26146 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

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

Status: Hearing set.

Docket:

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

8/17/2023	Hearing scheduled.
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In the Matter of William Dickerson
Case No. C-16-CV-23-001402 (AAO)

Lead Counsel: Gates (Groom Law Group)
Other Counsel:

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

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

Docket:

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

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

Lead Counsel: Crowe
Other Counsel: Foster

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

Status: Hearing set.

Docket:

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

In the Matter of Jeanne Kavinski

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

Lead Counsel: Foster
Other Counsel:

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

Status: Response filed. Discovery Pending in C-16-23-CV-001827.

Docket:

04/18/2023	Petition for Judicial Review filed
05/02/2023	Response to Petition for Judicial Review filed in all three cases.
05/02/2023	Commission's Designation of Experts filed in case number C-16-23-CV-001827

In the Matter of James Montville

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

Lead Counsel: Foster
Other Counsel:

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

Status: Hearing set.

Docket:

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

In the Matter of Kenneth L. Rogers
Case No. C-16-CV-23-001935 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Commission decision dated March 30, 2023, which determined that the Claimant did not suffer from a serious disability.

Status: Response to Petition filed.

Docket:

04/26/2023	Petition filed
05/10/2023	Response to Petition for Judicial Review Filed
05/10/2023	Designation of Expert Witnesses

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

Lead Counsel: Warner
Other Counsel:

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

Status: Case Dismissed.

Docket:

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

03/16/2022	Reply Memorandum filed.
06/30/2022	Motions hearing held and taken under advisement
07/18/2022	Order of Court. Planning Board's Motion to Dismiss denied. Motion to Supplement the Record granted.
12/07/2022	Oral Argument
05/11/2023	Order Dismissing Petition and Affirming the Decision of the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission

Simmons v. Commission, et al.

Case No. C-16-CV-23-000873 (Tort)

Lead Counsel: Rupert
Other Counsel: Crowe

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

Status: In discovery.

Docket:

02/24/2023	Complaint filed
02/28/2023	Commission served
03/28/2023	Motion to Dismiss filed.
03/30/2023	Prince George's County's Motion to Dismiss
04/14/2023	Stipulation of Dismissal as to Defendants Prince George's County and Maryland-National Park and Planning Commission
04/20/2023	Answer of Defendant Chatman
05/09/2023	Scheduling Order issued
05/07/2024	Trial

Troublefield v. Prince George's County, et al.

Case No. CAL 22-12298 (Tort)

Lead Counsel: Rupert
Other Counsel:

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

Status: In discovery.

Docket:

04/11/2022	Complaint filed
04/27/2022	Commission served

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

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

Lead Counsel: Johnson
Other Counsel: Rupert

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

Status: Case settled.

Docket:

01/19/2022	Complaint filed
03/25/2022	Commission served
04/06/2022	Commission's answer filed
10/20/2022	Motion to Dismiss filed
11/03/2022	Opposition to Motion to Dismiss
11/16/2022	Order Denying Motion to Dismiss
11/17/2022	Defendant's Reply to Plaintiff's Opposition to Motion to Dismiss
11/18/2022	Order Motion to Dismiss is hereby Moot
05/04/2023	Case settled
05/24/2023	Stipulation of Dismissal filed

Wilmington Savings Fund Society v. Tomel Burke, Jr., et al.
Case No. CAE20-11813 (Misc.)

Lead Counsel: Rupert
Other Counsel:

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

Status: Commission agreed to consent judgment.

Docket:

04/24/2020	Complaint filed
04/05/2022	Motion for Default as to Commission filed
04/19/2022	Commission's Opposition to Plaintiff's Motion for Default
05/09/2022	Order of Court. Motion for Default as to Commission denied.

11/18/2022	Complaint received
12/07/2022	Amended Motion for Entry of Default
12/30/2022	Commission's Consent to Judgment without Answer
05/23/2023	Ex Parte Hearing cancelled by court.

APPELLATE COURT OF MARYLAND

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

Case No. CSA-REG-1094-2022 (AALU)

(Originally filed under 487649-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

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

Status: Appeal filed.

Docket:

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

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

Lead Counsel: Warner
Other Counsel:

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

Status: Appealed

Docket:

02/02/2023	Notice of Appeal
02/23/2023	Show Cause Issued to Appellant. Civil Appeal Information Report due March 10, 2023.
02/28/2023	Motion
03/03/2023	Order
03/08/2023	Motion
03/20/2023	Order to Proceed
05/19/2023	Briefing Notice

SUPREME COURT OF MARYLAND

No Pending Matters

U.S. DISTRICT COURT OF MARYLAND

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

Lead Counsel: Foster
Other Counsel: Rupert

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

Status: Commission served.

Docket:

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

02/27/2023	Answer to Complaint
03/06/2023	Order regarding Motion to Dismiss
03/20/2023	Joint Status Report
03/20/2023	Order approving briefing schedule
04/19/2023	Commission's Partial Motion to Dismiss filed
05/05/2023	Response in Opposition to Motion to Dismiss for Failure to State a Claim filed
5/19/2023	Reply to Response to Motion to Dismiss for Failure to State a Claim filed

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

Lead Counsel: Foster
Other Counsel: Johnson

Abstract: Former Montgomery Parks employee alleging employment discrimination

Status: Complaint filed. Commission served.

Docket:

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

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

Evans v. Commission, et al.
Case No. 23-1475
(Appeal from 8:19-cv-02651) (ED)

Lead Counsel: Foster
Other Counsel: Levan

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

Status: Appeal filed.

Docket:

04/25/2023	Appeal filed
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