



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

September 18, 2019

10:00 a.m. – 12:00 p.m.

Montgomery Regional Office

Auditorium

8787 Georgia Avenue

Silver Spring, Maryland 20910

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, September 18, 2019
MRO (Auditorium)
10:00 a.m. – 12 noon**

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(+*)	Page 1
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – June 19, 2019 (returned from July meeting due to lack of quorum)	(+*)	Page 3
	b) Open Session – July 17, 2019	(+*)	Page 9
	c) Closed Session – July 17, 2019	(++*)	
3.	General Announcements (10:05 a.m.)		
	Hispanic Heritage Month – September 15 th - October 15 th		
4.	Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)		
	a) Executive Committee Meeting – Open Session – September 4, 2019	(+)	Page 15
	b) Executive Committee Meeting – Closed Session – September 4, 2019	(++)	
	c) Employees Retirement System Board of Trustees Meeting – July 9, 2019	(+)	Page 19
	d) Audit Committee Activity Report	(+)	Page 23
5.	Action and Presentation Items (10:15 a.m.)		
	a) Resolution #19-17 Land Exchange between M-NCPPC and Prince George’s County (Sun/Asan)	(+*)	Page 35
	b) Resolution #19-18 Mutual Aid and Reciprocal Enforcement Agreement between M-NCPPC and Chevy Chase Village (Gardner/Dickerson)	(+*)	Page 39
	c) Cost Allocation of Bi-County Budgets (Kroll)	(+*)	Page 49
	d) Office of the Chief Information Officer’s County Wide Information Technology (CWIT) Initiatives (Chilet)	(H*)	
	e) Agency-wide Sustainability Plan Report (Aparicio/Nolan)	(+)	Page 57
<i>Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (9), a closed session is proposed to consult with counsel for collective bargaining discussions and consider matters that relate to negotiation.</i>			
6.	Closed Session (11:00 a.m.)		
	a) Proposed Health Plan Proposed Rates for Calendar Year 2020 (McDonald)	(++*)	
	b) Cyber-Security Update (returned from July Meeting) (Chilet)	(++)	
	c) Collective Bargaining Update (Bennett) (<i>discussion item only</i>)	(N/A)	
7.	Officers’ Reports (For Information Only)		
	a) Executive Director’s Report Late Evaluation Report, August 2019	(+)	Page 125
	b) Secretary Treasurer 115 Trust Annual Report	(+)	Page 127
	c) General Counsel Litigation Report	(+)	Page 129

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

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Commission Meeting
Open Session Minutes
June 19, 2019

The Maryland-National Capital Park and Planning Commission met at the Montgomery Regional Office Auditorium in Silver Spring, Maryland.

PRESENT

Prince George’s County Commissioners
Elizabeth M. Hewlett, Chair
Dorothy Bailey
William Doerner

Montgomery County Commissioners
Casey Anderson, Vice-Chair
Gerald Cichy
Norman Dreyfuss

NOT PRESENT

Manuel Geraldo
A. Shuanise Washington

Natali Fani-Gonzalez
Tina Patterson

Chair Hewlett convened the meeting at 10:17 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA
ACTION: Motion of Doerner to approve the Commission agenda
 Seconded by Bailey
 6 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES
Open Session – May 1, 2019
ACTION: Motion of Bailey to approve the Commission minutes
 Seconded by Doerner
 6 approved the motion
Closed Session – May 1, 2019 Requires Re-vote with quorum. Commissioner Dreyfuss was absent for the session and could not approve.

ITEM 3 GENERAL ANNOUNCEMENTS
a) June is National Caribbean American Heritage Month
b) June is Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month. Chair Hewlett added the Commission celebrates diversity and noted the M-NCPPC was a leader in the region for same sex partner rights and welcomes everyone into the agency.
c) National Men’s Health Education Month. Chair Hewlett urged men to take care of themselves and encouraged women to nudge the men in their lives to care for their health.
d) June 19 is “Juneteenth” a celebration commemorating arrival of the news of the signing of the Emancipation Proclamation in Texas in June of 1863, more than two years after the proclamation, resulting in a huge celebration June 19, which continues each year. The
e) M-NCPPC had its big celebration at Watkins Park on Saturday June 15. Chair Hewlett said we cannot forget those important moments of our history.
f) Chair Hewlett announced this is the last Full Commission meeting for Commissioner Dreyfuss and commended his service with the Commission for nearly a decade.

Commissioners added their comments and thanks for Commissioner Dreyfuss's service. Commissioner Dreyfuss responded with thanks, saying he respected his colleagues and enjoyed his service here.

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

- a) Executive Committee – Open Session – June 5, 2019
- b) Executive Committee – Closed Session – June 5, 2019
- c) Employees' Retirement System Board of Trustees Meeting – March 5, 2019
- d) Employees' Retirement System Special Board of Trustees Meeting – April 26, 2019

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

- a) Resolution #19-05 Resolution for Adoption of the Approved Veirs Mill Master Plan (McVary)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve Resolution #19-05
Seconded by Doerner
6 approved the motion
- b) Resolution #19-13 Resolution for Adoption MARC Rail Plan (Weaver)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve Resolution #19-13
Seconded by Doerner
6 approved the motion
- c) Resolution #19-14 Approval Land Exchange Between M-NCCPPC and City of Takoma Park (Sandberg)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve Resolution #19-14
Seconded by Doerner
6 approved the motion
- d) Resolution #19-12 Adoption of the Fiscal Year 2020 Commission Operating Budget and Capital Budget (Kroll)
Corporate Budget Director Kroll presented the item for adoption. Chair Hewlett commended Mr. Kroll on his thorough work.
ACTION: Motion of Bailey to approve Resolution #19-12
Seconded by Dreyfuss
6 approved the motion
- e) Resolution #19-10, FY20 Wage Adjustments for Certain Non-Represented Merit System and Term Contract Employees (Bennett)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve Resolution #19-10
Seconded by Doerner
6 approved the motion

- f) Resolution #19-06, FY20 Wage Reopener Agreement for MCGEO Bargaining Unit Members (Bennett)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve Resolution #19-06
Seconded by Doerner
6 approved the motion

- g) Resolution #19-07, FY20 Wage Reopener Agreement for Fraternal Order of Police Bargaining Unit Members (Bennett)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve Resolution #19-07
Seconded by Doerner
6 approved the motion

- h) Resolution #19-08, FY20 Pay Increment Adjustment for Seasonal/intermittent Employees (Bennett)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve Resolution #19-08
Seconded by Doerner
6 approved the motion

- i) Resolution #19-09, FY20 Cost of Living Adjustment for Park Police Candidates (Bennett)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve Resolution #19-09
Seconded by Doerner
6 approved the motion

- j) Resolution #19-04, Health Insurance Premium Holiday for FY20 (Kroll)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve Resolution #19-04
Seconded by Doerner
6 approved the motion

- k) Budget Transfer for reclassification Marker (Kroll)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve the transfer
Seconded by Doerner
6 approved the motion

- l) Resolution #19-11, Approval of Fiscal Year 2020 115 Trust/OPEB – Employer Contribution for Retiree Group Health Insurance (Zimmerman)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve Resolution #19-11
Seconded by Doerner
6 approved the motion

- m) Revised Salary Savings Memo for Finance Department (Zimmerman)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve the request.
Seconded by Doerner
6 approved the motion

- n) Approve Daniel Singh for the Montgomery County Open Trustee to the Board of Trustees for the Term Ending June 30, 2022 (Rose)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve the Appointment
Seconded by Doerner
6 approved the motion

- o) Approve the Reappointment of Amy Millar as the Municipal and County Government Employees' Organization Representative for the Term Ending June 30, 2022 (Rose)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve the Reappointment
Seconded by Doerner
6 approved the motion

- p) Approve the Reappointment of Howard Brown as the Fraternal Order of Police Representative for the Term Ending June 30, 2022 (Rose)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve the Reappointment
Seconded by Doerner
6 approved the motion

- q) Approve the Reappointment of Elizabeth M. Hewlett as the Prince George's County Commissioner to the Board of Trustees for the Term Ending June 30, 2022
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve the Reappointment
Seconded by Doerner
6 approved the motion

- r) Employees' Retirement System FY20 Operating Budget (Rose)
Resolution approved without discussion.
ACTION: Motion of Dreyfuss to approve the Budget
Seconded by Doerner
6 approved the motion

s) Adjustment to ERS-BOT Public Member Stipend (Bennett/Rose)

Acting Executive Director presented to the Commission, a request to adjust the expense stipend for the two public members on the Employees' Retirement System Board of Trustees. The Board of Trustees serve as fiduciaries for the Employees' Retirement System

Employees' Retirement System (ERS) Board of Trustees consists of 11 appointed and elected members. Trustees serve for three-year terms. Trustees also serve on one of three subcommittees which may meet up to six times per year. Trustees serve without compensation although the reimbursement of expenses is permissible. Only the two public members are eligible for an expense stipend due to the enormous time commitment and leave they must generally take from their primary outside responsibilities.

The public members receive a per diem expense allowance for attendance at regular and special Board meetings that has been periodically adjusted by the Commission. The present per diem is \$125 and last adjusted in 2014. Matters before the Trustees have become significantly more complex and Trustees play an important role in the implementation of regulatory mandates and the oversight of investment managers and decisions that come before them. The Board's subcommittee responsibilities also have become time-intensive and often require the same time commitment as regular Board meetings. It is critical the ERS attract and retain highly skilled public members with investment/market and governance experience.

Chair Hewlett echoed that serving on the Board is an extensive commitment -- for the meetings and also in preparation for them. She also noted each Trustee is required to pay for insurance. Commissioners supported an adjustment stating that it was reasonable considering the extensive time commitment and needed expertise. Commissioners approved that the public member per diem stipend be moved to \$150 for regular, special board meetings, and subcommittee meetings.

ACTION: Motion of Dreyfuss to approve the adjustment
Seconded by Doerner
6 Approved the motion

ITEM 7

OFFICERS' REPORTS

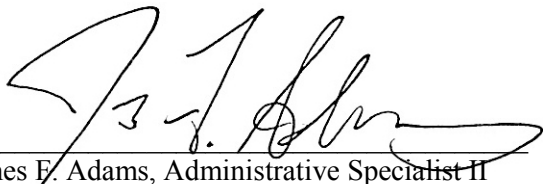
- a) Executive Director's Report (For information only)
Employee Evaluations Not Completed by Due Date (April 2019)
- b) Secretary Treasurer (For information only)
MFD Purchasing Statistics Third Quarter
- c) General Counsel (For information only)
Litigation Report – January 2019 – FY19
Annual Legislative Update.

General Counsel Gardner wished to alert Commissioners that the U.S. Supreme Court is scheduled to issue its final decision on the case with the American Humanist Association regarding the Bladensburg Peace Cross as early as tomorrow or by early next week. The M-NCPPC is looking forward to a favorable result.

General Counsel Gardner also wished to call attention to 3 items in the Legislative Update:

1. Bill labeled MC/PG 103. The Municipal Zoning Bill in Montgomery County did not pass. It would have enabled every municipality in Montgomery County to have additional supermajority requirements for decisions of the Planning Board. He wished to acknowledge the efforts of Vice-Chair Anderson, who made a big difference on prevailing against the bill.
2. HB 1279, M-NCPPC Procurement Source Selection passed. The bill reauthorizes the agency to have a procurement preference program for Minority Businesses consistent with the State. It required the M-NCPPC to implement a process through new regulations. The agency is working to identify a consultant to help with the necessary study.
3. General Counsel Gardner noted a successful year for Program Open Space. The M-NCPPC achieved an additional \$16.1M in additional Program Open Space funding.

There being no further business to discuss, Chair Hewlett called for a motion to conclude the meeting. Commissioner Dreyfuss motioned, Commissioner Bailey seconded, 6 approved. The meeting adjourned at 10:41 a.m.



James F. Adams, Administrative Specialist II



Anju A. Bennett, Acting Executive Director



Commission Meeting
Open Session Minutes
July 17, 2019

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

PRESENT

Prince George’s County Commissioners
Elizabeth M. Hewlett, Chair
Dorothy Bailey
Manuel Geraldo

Montgomery County Commissioners
Casey Anderson, Vice-Chair
Gerald Cichy
Tina Patterson

NOT PRESENT

William Doerner
A. Shuanise Washington

Norman Dreyfuss
Natali Fani-Gonzalez

Chair Hewlett convened the meeting at 10:08 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

Chair Hewlett Added appointments and reappointments to the Merit System Board to Item 5a
ACTION: Motion of Commissioner Patterson to approve the amended Commission agenda
Seconded by Commissioner Geraldo
6 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – June 19, 2019 – no vote – item will need to return (Commissioner Patterson was not present during the June 19 meeting and abstained from the approval vote).

Special Session – June 6, 2019
Closed Session – May 1, 2019

ACTION: Amended motion of Commissioner Geraldo to approve the May 1 and June 6
Commission minutes
Seconded by Commissioner Bailey
6 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

- a) July is Bereaved Parents Month. Chair Hewlett wished to let those employees who have lost children that the Commission holds them in their hearts.
- b) 5th anniversary of the death of Eric Gardner in New York City. Chair Hewlett stressed that everybody should remain vigilant and called for a return to civility.
- c) Upcoming Events:
 - a. Hispanic Heritage Month – September 15 to October 15. The M-NCPPC will be kicking off the month with the annual public festival on September 15 at Lane Manor Park.

- b. Language and Literacy Program Ceremony. Chair Hewlett encouraged all Department Heads, Chiefs and managers to promote the program for any staff who could benefit from it. Correction Note from Technical Writer: The ceremony will be held September 20th.
- d) Chair Hewlett remarked on the upcoming national census, stressing how imperative it is that everyone is counted.
- e) Brookside Gardens celebrated its 50th anniversary on July 13.
- f) Montgomery County Council reappointed Casey Anderson as Planning Board Chair and appointed Partap Verma as Commissioner. Swearing will be held on July 26.
- g) General Counsel Gardner introduced the Legal Department's intern from the Prince George's County Bar Association Law Links Program, Evony Salmeron.
- h) Montgomery Parks Director Mike Riley introduced Miti Figuerero as the Deputy Director.
- i) Chair Hewlett shared a brochure for Prince George's County Department of Parks and Recreation's free Outdoor Summer Concert series.
- j) Chair Hewlett warned of a recent heat advisory and advised that many M-NCPPC facilities are cooling centers for the public.

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

- a) Executive Committee – Open Session July 8, 2019
- b) Executive Committee – Closed Session July 8, 2019
- c) Employees' Retirement System Board of Trustees Meeting – June 8, 2019

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Resolution #19-16 Recognition of Service by Merit System Board Chair Steve Cohen

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

Chair Hewlett added two items to this agenda item. She asked for a motion to have Merit System Board Member Tanya Upthegrove-Coleman serve as Chair of the Merit System Board beginning July 28 through the end of her current term.

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

Chair Hewlett requested a motion to appoint Carolyn F. Scriber to the Merit System Board, beginning July 28. Chair Hewlett described and praised Ms. Scriber's 28-year career in Prince George's County Government.

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

- b) FY2018 Personnel Management Review (PMR)

Acting Executive Director Bennett introduced the 25th edition of the Personnel Management Review (PMR), which presents demographic and statistical data on the career and seasonal workforce for fiscal year 2018. She highlighted the agency's efforts that reflect its dedication to promoting diversity and listed several national, state and local awards the M-NCPPC has earned as a leader in progressive policies and programs. Ms. Bennett spoke of the M-NCPPC's success at building community partnerships to attract a diverse applicant pool and mentioned some of the programs and progressive policies that attracts a wide range of applicants and serves to retain a diverse, well-qualified workforce.

She introduced Human Resources Director William Spencer, Human Resources Manager Boni King and Human Resources Specialist Jillian Chapman. Ms. Chapman presented highlights of the report, providing a picture of the agency's demographic mix overall. She said the agency's turnover rate was 8.4%, which is less than half the average turnover rate for state and local governments nationally. Ms. King presented statistics and trends for the seasonal workforce. She also spoke about retirement eligibility for career staff, noting further demographic shifts will occur as more career employees retire.

Commissioner Cichy asked about statistical changes for protective services. Ms. King explained the Park Police moved from a 20 to a 25-year retirement plan. Acting Executive Director Bennett added that the average length of service appears to be diminishing due to police officers who have become eligible to and elect retirement. She noted that the agency has long-term retention of its officers.

Chair Hewlett thanked the team for the information, complimenting them for the ongoing improvements in format and presentation that makes so much information easier to absorb.

c) Diversity Council Strategic Plan 2019-2021

Acting Executive Bennett introduced the members of the 2019 Diversity Council and asked the Commission to consider the adoption of the 2019-2021 Strategic Plan. She recognized and appreciated the guidance of Commissioner Patterson and said the Diversity Council, which is celebrating its 19th anniversary, was established to help the Commission promote greater awareness, respect, and integration of the diversity of individuals. The team has examined the demographic data in the PMR, looked at the earlier diversity survey results, and responded to recommendations on ensuring there were greater metrics to measure the work the council is doing.

Diversity Council member Marybeth O'Quinn presented the plan to Commissioners, reviewing the Council's mission and structure, as well as outlining future goals initiatives. Diversity Council Co-Vice Chair Jonathan Bush discussed the Diversity Council's goal of message visibility and gave examples of the Council's past and planned events, including panel discussions, annual Women's History Month event, Tri-Annual Diversity event, diversity training, and LGBTQ Poster contest. He said the Council has used feedback collected from surveys to determine the focus of the diversity training program prior to rolling out new initiatives. Future projects include a multi-purpose video, articles in the *Update* Employee Newsletter, standalone print media, webpage updates and ongoing surveys.

Chair Hewlett thanked the members, noting that participation on the Council is over and above what they do in their everyday positions. Commissioner Cichy asked if it was the role of the Diversity Council to allocate funds for services or capital resources. Acting Executive Director Bennett said the key role of the Diversity Council is to develop ideas for outreach and recommend them to the Commission and Department Heads. Ms. O'Quinn added her regular work in Prince George's Planning Department has been informed by her work on the Diversity Council. Commissioner Cichy acknowledged that the Council's perspectives get reflected in their jobs.

Commissioner Patterson praised the Council, adding the presentation was the summit of their labor and discussions. She suggested using the Diversity, Inclusion and Exclusion (DIE) model in materials, as it is relatable across the board. She encouraged Commissioners, Directors, and Chiefs to embrace the plan and its programs.

ACTION: Motion of Chair Hewlett to approve the 2019-2021 Strategic Plan.
Seconded by Geraldo
6 approved the motion

d) Debt Policy Update

Secretary-Treasurer Zimmerman noted that in preparing for the latest bond issues, staff discovered out of date language in the Debt Management Policy. After consulting with the Legal Department, the language was updated and was presented to the Commission for re-adoption.

ACTION: Motion of Geraldo to approve the revised Debt Management Policy.
Seconded by Patterson
6 approved the motion

e) Chief Information Officer Report 4th Quarter

Chief Information Officer (CIO) Mazen Chilet introduced key members of his staff and presented the 4th quarter report. Mr. Chilet also highlighted critical agency priorities and status of projects. Areas discussed in detail include Enterprise Resource Planning (ERP), cybersecurity, KRONOS (the agency's time and attendance management system) service requests, planned IT training for FY20, and information security.

Commissioner Patterson suggested future reports replace "continued" with "continuous" to reflect the ongoing nature of cybersecurity. She asked if he had the resources needed to maintain the security posture of the agency. CIO Chilet replied that the section did, but the process is ongoing. He said that he would identify any needs and share those with Commissioners in the coming months. Commissioner Patterson asked Mr. Chilet to consider State and federal cybersecurity initiatives in relation to agency initiatives and provide updates to Commissioners on needs.

Chair Hewlett asked for a motion to enter closed session at 11:55 p.m. Commissioner Geraldo moved, Commissioner Patterson seconded. 6 approved the motion.

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

Open session resumed at 12:44 p.m.

f) Recommendation for Benefit Changes for Calendar Year 2020

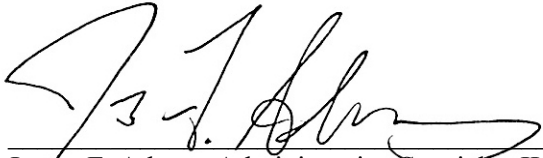
ACTION: Motion of Geraldo to ratify changes
Seconded by Patterson
6 approved the motion

ITEM 6 OFFICERS' REPORTS

- a) Executive Director's Report (For information only)
Employee Evaluations Not Completed by Due Date (June 2019)
- b) Secretary Treasurer (For information only).
Investment Report, May 2019
- c) General Counsel (For information only)
Litigation Report, June 2019

General Counsel Gardner advised Commissioners he provided them with copies of the MDOT-SHA response to the Commission's letter of non-concurrence to the Managed Lanes Alternatives Retained for Detailed Study. He said the agency was preparing a reply to that response.

There being no further business to discuss, the meeting ended at 12:47 p.m.



James F. Adams, Administrative Specialist II



Anju A. Bennett, Acting Executive Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES

July 8, 2019

On July 8, 2019, the Maryland-National Capital Park and Planning Commission’s Executive Committee met in the 4th floor conference room at 6611 Kenilworth Avenue, Riverdale, Maryland and via teleconference. Present were Chair Elizabeth M. Hewlett, Vice Chair Casey Anderson, and Acting Executive Director Anju Bennett. Also present were:

Department Heads

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

Presenters/Staff

- Michael Beckham, Policy Manager, CPMO
- Melinda Duong, Budget Analyst
- Tracey Harvin, Acting Chief, Corporate Policy and Management Operations (CPMO)
- John Kroll, Corporate Budget Director
- Jennifer McDonald, Benefits Manager
- William Spencer, Human Resources Director

Sustainability Presentation Staff

- Amanda Aparicio, Sustainability Coordinator, MCPK
- Christine Fanning, Natural and Historical Resources Division Chief, PGPR
- Anthony Nolan, Special Programs Division Chief, PGPR
- Jim Poore, Facility Maintenance Division Chief, MCPK

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

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	Acting Executive Director Bennett requested to move item 3b (Bi-County Cost allocations) to the front of the presentation items.
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ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for June 19, 2019

Discussion	<p>Items to be modify in the Commission Agenda:</p> <ul style="list-style-type: none"> • Conflict with the Literacy Program Ceremony Date. Will need to move from September 20. Looking at Dates in Oct-Nov. • Commission for Accreditation for Parks and Recreation Agencies (CAPRA) item removed to allow Directors Conforti and Riley to meet with Acting Executive Director Bennett and make presentation to Department Heads prior to presenting to Commission. • Office of the Chief Information Officer’s County Wide Information Technology (CWIT) Initiatives added to September meeting. • Add Collective Bargaining update from the Executive Director to closed session.
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ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS	
Discussion	<p>Items to modify the Rolling Agenda:</p> <ul style="list-style-type: none"> • Add Dec 6 for date of One-Commission event. • Department Directors are asked to consider providing reports or presentations which highlight bi-county partnerships or large initiatives within their departments.

ITEM 2 – FEBRUARY 12, 2019 EXECUTIVE COMMITTEE MEETING MINUTES	
ACTION	<p>July 8, 2019 Open Session. Approved without comment. July 8, 2019 Closed Session. Approved without comment. Chair Hewlett moved approval; Vice Chair Anderson seconded. All three Executive Committee members approved.</p>

ITEM 3 – DISCUSSION/PRESENTATION ITEMS (taken out of order)	
ITEM 3b – Bi-County Operations Cost Allocations (Kroll)	
Discussion	<p>Corporate Budget Manager John Kroll presented the updated analysis of labor bi-county operations budgets between Montgomery and Prince George’s Counties for the FY21 Proposed Budget. Executive Committee supported the report being presented to the Commission.</p>
Follow Up	

ITEM 3a –Agency-Wide Sustainability Plan (Aparicio/Nolan)	
Discussion	<p>Amanda Aparicio, Sustainability Coordinator for Montgomery Parks and Anthony Nolan, Chief of the Special Programs Division of Prince George’s Parks and Recreation briefed the Executive Committee on the bi-annual Sustainability Plans for departments in each county as required by the agency’s Sustainability Policy. The report will be presented to the Commission.</p> <p>The presenters highlighted a number of achievements and plans for continued sustainability initiatives. A discussion took place on agency’s recycling efforts with employees and with the public. Director Conforti shared concerns about social equity issues, especially as plastic is often shipped overseas rather than being processed locally. He suggested considering having the M-NCPPC no longer purchase bottled water, as it is one of the major recycling/waterway pollutants. The Executive Committee and Department Heads agreed that reliance on plastic bottles should be limited. Chair Hewlett suggested departments give out reusable bottles and encourage their use as refillable containers, phasing out reliance on plastic. Director Riley suggested a greater and standardized rollout of cold-water dispensers in agency buildings for both the public and employees.</p> <p>Chair Hewlett agreed the agency is doing better on some elements than it has in the past. She added she wished for more recycling containers in M-NCPPC facilities, noting they are not always available.</p> <p>Acting Executive Director Bennett commented that the agency’s position on environmental stewardship on all facets is important and inquired whether steps were being taken in public facing programs (e.g. centers, snack bars, etc.) to minimize reliance on Styrofoam and plastic containers. Mr. Nolan replied that Prince George’s departments have already implemented a prohibition on the purchase of Styrofoam containers. Acting Executive Director Bennett suggested the Sustainability committee work with the agency’s Procurement Office to ensure positions on restricted materials</p>

and desired sustainable products are evident, and to get the message to purchase card holders not to buy products containing undesired resources.

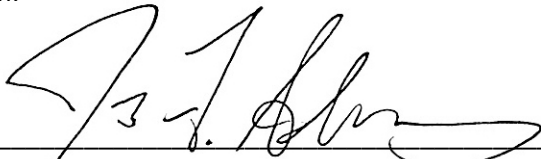
A major initiative in both counties includes upgrades in Fleet management, converting 18% of Prince George’s County fleet vehicles to hybrid and electric. Montgomery County is converting much of its park maintenance machines, using heavy duty, zero emissions propane/electric mowers for maintenance crews.

Mr. Nolan also highlighted that the agency also includes in its existing sustainability policy, an emphasis on employee wellness. He commented that the bi-county office has made a tremendous contribution in this area, and the sustainability committee will be incorporating some of the ideas to incentivize the workforce on recycling.

Acting Executive Director Bennett remarked that next spring, evaluators from the Commission for Accreditation of Parks and Recreation Agencies (CAPRA) will be visiting and interviewing our parks managers. The sustainability committee has done amazing work, and it should ensure a consistent single message is clear to our managers on our sustainability efforts when they communicate with evaluators. Chair Hewlett and Chair Anderson agreed. Chair Hewlett also asked that the committee partner with counties on sustainability efforts, such as the Prince George’s County Executive Alsobrooks’ sustainability initiatives.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), Chair Hewlett moved to go into closed session to consult with counsel for legal advice. The Executive Committee Meeting moved into closed session at 11:15 a.m. to discuss Items 3c and 4a.

Closed session concluded at 11:58 a.m. There being no further business to discuss, the meeting adjourned at 11:58 a.m.



James F. Adams, Administrative Program Specialist II



Anju A. Bennett, Acting Executive Director

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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, July 9, 2019; 10:00 A.M.

ERS/Merit Board Conference Room

The Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees met in the ERS/Merit Board Conference Room at its office in Riverdale, Maryland on Tuesday, July 9, 2019 and was called to order at 10:00 a.m. by VICE CHAIRMAN CICHY.

Board Members Present

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner	In at 10:34 a.m.
Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner	
Anju A. Bennett, M-NCPPC Acting Executive Director, Ex-Officio	In at 11:02 a.m.
Howard Brown, FOP Represented Trustee	
Melissa D. Ford, Prince George's County Open Trustee	In at 10:09 a.m.
Pamela F. Gogol, Montgomery County Public Member	
Amy Millar, MCGEO Represented Trustee	
Sheila Morgan-Johnson, Prince George's County Public Member	
Daniel Singh, Montgomery County Open Trustee Candidate	
Elaine Stookey, Bi-County Open Trustee	
Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio	

ERS Staff Present

Andrea L. Rose, Administrator
Heather D. Van Wagner, Senior Administrative Specialist
Sheila Joynes, ERS Accounting Manager

Presentations

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

Others Present

M-NCPPC Legal Department – William C. Dickerson, Principal Counsel In at 10:11 a.m.

ITEM 1 APPROVAL OF THE JULY 9, 2019 CONSENT AGENDA

- A. Approval of the July 9, 2019 Board of Trustees Meeting Agenda
- B. Minutes of Open Session, June 4, 2019
- C. Minutes of Closed Session, June 4, 2019 (Trustees Only)
- D. Disbursements Granted Report – May 2019

VICE CHAIRMAN CICHY asked for a motion to approve Item 1.A.

ACTION: MS. GOGOL made a motion, seconded by MS. MORGAN-JOHNSON to approve Item 1.A. the July 9, 2019 Board of Trustees Meeting Agenda. The motion PASSED unanimously (8-0). (Motion #19-40)

VICE CHAIRMAN CICHY asked for a motion to approve Item 1.B.

ACTION: MS. MORGAN-JOHNSON made a motion, seconded by MS. GOGOL to approve Item 1.B. Minutes of Open Session, June 4, 2019. The motion PASSED unanimously (8-0). (Motion #19-41)

VICE CHAIRMAN CICHY asked for a motion to approve Item 1.C.

ACTION: MS. STOOKEY made a motion, seconded by MR. ZIMMERMAN to approve Item 1.C. Minutes of Closed Session, June 4, 2019. The motion PASSED unanimously (8-0). (Motion #19-42)

ITEM 2

CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary
- B. Aberdeen Standard Investments' Annual Meeting June 4, 2019 Report by Pamela Gogol **CONFIDENTIAL**
- C. NCPERS 2019 Annual Conference Highlights Report by Andrea Rose
- D. MAPS Annual Conference Report by Gerald Cichy

Andrea Rose attended the NCPERS 2019 Annual Conference and presented a Highlights Report of the conference. VICE CHAIRMAN CICHY reported on the MAPS Annual Conference.

MS. FORD arrived at 10:09 a.m.

ITEM 3

MISCELLANEOUS

No miscellaneous reported.

ITEM 4

REPORT OF THE ADMINISTRATOR

Andrea Rose presented the Administrator's Report dated July 1, 2019

Ms. Rose requested approval of FY2020 anniversary and cost-of-living adjustments for the ERS Staff. The Commission approved similar compensation adjustments for non-represented employees which the ERS generally follows. These adjustments were included in the approved FY2020 Operating Budget.

ACTION: MS. MILLAR made a motion, seconded by MS. FORD to approve the following FY2020 compensation adjustments: a 3.5% anniversary adjustment for eligible employees not at top-of-grade; a 0.5% lump sum payment made on base salary for employees at top-of-grade; and, a cost-of-living adjustment equal to 1.5% of base pay for eligible employees (including the Administrator), effective the first full pay period following July 1, 2019. The motion PASSED unanimously (9-0). (Motion #19-43)

On July 1, 2019, the ERS received an employer contribution in the amount of \$19,244,687. Staff worked with Wilshire's Brad Baker regarding placement of the funds and made allocations to C.S. McKee and Eaton Vance. MS. MORGAN-JOHNSON asked if the managers had been asked to consider fee reductions in light of the additional investments. Ms. Rose indicated that Eaton Vance had been asked to consider a fee reduction and that she would also follow-up with C.S. McKee.

ITEM 5

COMMITTEE REPORTS/RECOMMENDATIONS

Investment Monitoring Group – June 18, 2019 Meeting

At its March 5, 2019 meeting the Board asked the Investment Monitoring Group (IMG) to further analyze the Asset Liability Study (ALS). Wilshire provided the IMG with an update to the ALS which provides a methodology for selecting a policy portfolio. Wilshire recommended adopting the asset allocation identified as Option 1 (Similar Return Policy) which provides better anticipated outcomes in various economic and market scenarios, while keeping a similar return but lower risk profile. This policy provides better downside risk for the funded status on both a market and actuarial value basis and lowers anticipated future contributions under the pessimistic and very

pessimistic scenarios. From an asset class perspective, Mr. Baker recommended carving out a dedicated allocation to emerging market debt.

Committee Chairman MS. MORGAN-JOHNSON said the IMG concurs with Wilshire's recommendation and asked for the Board's approval to adopt the asset allocation identified as Option 1 (Similar Return Policy) which includes target allocations of 47.5% to equity, 35.5% to fixed income (including a 5% allocation to emerging market debt), and 17% to real assets with a 10-year expected return of 7.49% and expected risk of 10.63% and to authorize Wilshire to do an investment manager search to identify a best in class provider of emerging market debt versus utilizing an existing manager.

ACTION: MR. ZIMMERMAN made a motion, seconded by VICE CHAIRMAN CICHY to adopt the asset allocation identified as Option 1 (Similar Return Policy) with target allocations of 47.5% to equity, 35.5% to fixed income (including a 5% allocation to emerging market debt), and 17% to real assets. The motion PASSED unanimously (9-0). (Motion #19-44)

ACTION: MS. GOGOL made a motion, seconded by VICE CHAIRMAN CICHY to authorize Wilshire to complete an emerging market debt investment manager search. The motion PASSED unanimously (9-0). (Motion #19-45)

CHAIRMAN HEWLETT arrived at 10:34 a.m.

MS. MORGAN-JOHNSON asked Wilshire's Brad Baker to explain the investment manager search process for the benefit of the new trustees. Brad Baker said Wilshire has a database of all investment strategies and a dedicated manager research group that evaluates the firms in the database. Firms that rank highly and would be a good fit in the portfolio are narrowed down by looking at fees, track record, and investment structure. The IMG will review the top 10-15 managers which will include at least one MFD (Minority/Female/Disabled American) manager and recommend 2-4 finalists to present to the Board.

MR. SINGH asked if the Board had a policy for hiring MFD firms. Andrea Rose explained the Statement of Investment Policy includes the Board's policy on MFD managers and measures to prevent discrimination in the selection process; however, there is no minimum requirement. The ERS has two minority managers, RhumbLine and Earnest Partners with assets of \$118.3 million and \$85.3 million, respectively. The total portfolio is approximately \$960 million.

ITEM 6 MANAGER REPORTS/PRESENTATIONS

Wilshire Associates

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

Bradley A. Baker and Martell McDuffy presented an education session on Public and Private Fixed Income that included performance drivers, state of the global markets, sector returns, and an overview of the U.S. bond market with a focus on emerging market debt ("EMD").

MS. BENNETT arrived at 11:02 a.m.

EMD is a fixed income sub-asset category that comprises bonds issued by less developed, or "developing", countries. The main rationales for investing in EMD is emerging market economies are generally faster growing than developed, have favorable demographics, and have comparatively lower debt obligations. Investing in EMD started in the 1980's and has continued

to grow with increased liquidity and credit quality. Spreads on investment grade EMD compare favorably to developed market investment grade credit and below investment grade EMD provides an elevated pick up relative to U.S. high yield. In general, EMD comes in Hard Currency (i.e. \$, €, £, ¥), and Local Currency of issuer. Mr. Baker recommends the emerging market allocation include a blend of Hard (80%) and Local (20%) Currency.

The Board of Trustees meeting of July 9, 2019 adjourned at 12:01 p.m.

Respectfully,



Heather D. Van Wagner
Senior Administrative Specialist



Andrea L. Rose
Administrator

AUDIT COMMITTEE ACTIVITY REPORT

FY2019 (July 1, 2018 – June 30, 2019)

Prepared by the Audit Committee for the Executive Committee and Presentation to the Full Commission

Report Date: September 18, 2019

FY19 Audit Committee Members:

- Elizabeth Hewlett (*)
- Norman Dreyfuss
- Dorothy Bailey
- Benjamin Williams
- Lori Depies

**Rotates with the appointment of Commission Chair*

INTRODUCTION

The Audit Committee (AC or Committee) operates independently from the management of the Maryland-National Capital Park and Planning Commission (M-NCPPC or Commission). The AC serves as a forum, in which auditors and other interested parties may identify and discuss concerns related to financial reporting and internal controls.

The Annotated Code of Maryland, Land Use Article, Subtitle 4 Audit Committee, §15-401-§15-405, governs the establishment and function of the Audit Committee (e.g. membership, terms, qualifications, and powers).

The AC consists of four (4) voting members and one (1) nonvoting member. Commissioner Norman Dreyfuss (Montgomery County) served as Audit Committee Chair throughout FY19. Commissioner Dorothy Bailey (Prince George's County) accepted the AC Chair position effective July 1, 2019. Other Committee members include Mr. Benjamin Williams, public member representing Prince George's County, and Ms. Lori Depies¹, public member representing Montgomery County. The Commission Chair², serves as the nonvoting member.

Maryland-National Capital Park and Planning Commission (M-NCPPC) Practice No. 1-31, *Organization and Functions of the Audit Committee*, provides additional guidance on the Committee's requirements. The Practice requires the AC to submit the following annual reports:

- A written report that addresses how the Committee discharged its duties and met its responsibilities.
- A summary of significant audit findings as prepared by the Inspector General.
- Evaluation of the adequacy of internal controls; the agency's adherence to financial regulations/policies; and any other significant concerns/complaints that were filed with or identified by the Audit Committee.

¹ Ms. Depies was appointed on May 30, 2019 as public member of the Commission's Audit Committee for the balance of Ms. Karen Tobat's term ending September 30, 2019.

² Each calendar year, the Commission Chair and Vice Chair positions rotate between the County Planning Board Chairs. For FY19, Chair Casey Anderson served on the AC July 1, 2018 – January 16, 2019 and Chair Elizabeth Hewlett served on the AC January 17, 2019 – June 30, 2019.

DISCHARGE OF DUTIES

Audit Committee Meetings and Communications

The Audit Committee is required to hold at least four meetings during each year to discuss proposed audits and investigations. The AC held four (4) general meetings in FY19:

- September 26, 2018 – Prince George’s County Department of Parks and Recreation Administration Building
- December 19, 2018 - Montgomery County Regional Office Building
- March 12, 2019 – Conference Call
- June 11, 2019 – Conference Call

External Auditors

The Audit Committee is responsible for appointment, compensation, retention, and oversight of the work of any external auditor engaged for the purpose of performing independent audit services, reviews or attest services.

Each fiscal year, the Office of the Secretary-Treasurer submits a Comprehensive Annual Financial Report (CAFR), in accordance with the Land Use Article of the Annotated Code of Maryland. In conjunction with the CAFR, State statute requires an annual audit by independent certified public accountants. The Commission, with agreement from the AC, selected the accounting firm of SB & Company to complete the FY19 external review (year four (4) of a five (5) year contract). The following meetings were held with the external auditors:

- July 18, 2018 – Opening meeting, FY18 Financial Audit
- December 19, 2018 – Closing meeting, FY18 Financial Audit

Inspector General

The Audit Committee must select and appoint the Inspector General. The AC appointed Ms. Renee Kenney, Inspector General on December 20, 2017 for a four (4) year term.

Review and Approval of Internal Audit Plan

On June 12, 2018, the AC formally approved the FY19 Internal Audit Plan submitted by Ms. Kenney. Identification of specific audits included in the plan depend on many factors, including: ranking in annual risk assessment completed by the OIG, OIG resources, previous audits, on-going projects, and professional judgment.

The original FY19 Audit Plan included the following performance audits:

Audits	Status
Treasury Operations, Finance Department	Completed
Group Insurance Fund	In Progress
Capital Improvement Program (CIP) - Change Orders	Postponed ³
Commission Telework Program	Completed
Sole Source Contracts/Competitive Bid Waivers	Completed
Officer Issued Weapons/Inspections and Assignment (Prince George's County Division)	In Progress
Selection and Recruitment (Commission-wide)	In Progress
Park Police Overtime (Montgomery and Prince George's County Divisions)	Completed
Infor V10 Upgrade, Pre-Implementation Audit	Completed
Commission-wide IT Spend	Postponed ⁴
Commission Vulnerability & Patch Management	Substituted Audit ⁵ /Completed
Commission Firewall Security and Administration	Postponed ⁶
Prince George's County Facility Audits	Completed (3) ⁷
Montgomery County Facility Audits	Completed (1) ⁸

In addition to the planned performance audits, the audit plan must also include adequate hours and resources for fraud, waste, and abuse (FWA) investigations, and other non-audit services. The audit plan included 1,930 hours for FWA investigations, and 1,406 hours for management advisory services.

³ The OIG planned on completing a detailed follow-up audit of the CIP Audit completed by the Maryland Office of the Legislative Auditors for Prince George's County Department of Parks and Recreation (DPR). DPR management has asked that the follow-up be completed in the fall, 2019.

⁴ During the audit opening meeting, facilitated by the OIG, it was determined, to ensure relevant, timely information, that the audit period include FY19 actuals, which will not be available until August 2019.

⁵ Montgomery County Data Center, Co-Location was identified as a substitute audit. Original risk area to be covered by independent security assessment (see footnote 6 below).

⁶ Prior to initiating the Firewall Security and Administration Audit, the Office of the Chief Information Officer contracted with an independent third party to complete a Commission-wide security assessment. To prevent duplication of efforts, the OIG agreed to complete a follow-up of the independent assessment. The follow-up audit was postponed to allow for completion of the external assessment.

⁷ Stephen Decatur Community Center, Fort Washington Forrest Community Center, Palmer Park Community Center.

⁸ Cabin John Maintenance Yard.

Internal Audits and Investigations Completed in FY19

The Audit Committee, Executive Committee, and Commission Officers receive copies of all issued audit reports.

Type of Audit	Number Completed in FY19
Performance Audits	11
Fraud, Waste, and Abuse Investigations	13
Referrals to Law Enforcement	3
Follow-Up Reviews	21
Management Advisories and other Non-Audit Services	9
Miscellaneous Reviews	16

Performance Audits - Performance audits provide objective analysis to assist management and those charged with governance and oversight to improve program performance and operations, reduce costs, and facilitate decision making. Performance audits are typically planned for and approved by the Audit Committee. In FY19, 4 Performance audits covered Commission-wide activities, 3 covered Montgomery County facilities or programs, and 4 covered Prince George’s County facilities or programs. There were 40 audit recommendations agreed to by management in total.

The Office of the Inspector General conforms to *Generally Accepted Government Auditing Standards* (GAGAS) or the “Yellow Book” for the completion of all performance audits. These professional standards are issued by the United States Government Accountability Office.

Fraud, Waste, and Abuse Investigations - In cases where fraud, waste, or abuse is suspected, the Office of the Inspector General has responsibility to investigate the matter in accordance with Commission Practice 3-31, *Fraud, Waste, & Abuse*. Eight (8) of the 13 investigations resulted in a conclusion of fraud, waste, or abuse. None of the investigations resulted in material loss to the Commission.

The OIG conforms to *Principles and Standards for Offices of Inspector General* or the “Green Book” for the completion of fraud, waste, and abuse investigations. These professional standards are issued by the Association of Inspectors General.

Referrals to Law Enforcement - The OIG initiated three additional investigations that were referred to law enforcement for investigation when it appeared the actions may warrant criminal charges. Two have been closed and did not result in any charges or loss to the Commission. One investigation is currently on-going.

Follow-Up Reviews – The OIG is responsible for completing follow-up reviews for all high and medium-risk audit recommendations. For FY19, the OIG completed 21 follow-

up reviews, which included 94 audit recommendations. Upon completion of the follow-up testing, the OIG was able to conclude 82 of the audit recommendations reviewed were satisfactorily resolved, 8 were partially resolved as some action was taken, and 4 were unresolved.

Management Advisories - Management advisories are usually the result of a special request from management to review a specific procedure or function. Management advisory reporting is ad-hoc and the reports are designed to meet the needs of management. Management advisories are completed as non-audit services (i.e. not subject to GAGAS standards).

Miscellaneous Reviews - Most miscellaneous reviews were the result of unsubstantiated fraud, waste, and abuse allegations. Miscellaneous reviews are typically less in scope than a full fraud, waste, and abuse investigation and involve employee interviews and review of supporting documentation. Miscellaneous reviews do not require a formal audit report. Unlike the FWA investigations, the miscellaneous reviews are not conducted in accordance with *Principles and Standards for Offices of Inspector General*.

Exhibit A contains a listing of completed performance audits, fraud, waste, and abuse investigations, and management advisories.

SUMMARY OF SIGNIFICANT AUDIT FINDINGS⁹

The OIG communicated 62 audit recommendations in FY19. Thirty-six (36) of the 62, or 58%, were classified as high risk. The OIG relies on the auditor's professional judgment when assigning risk ratings (high, medium, or low) to individual audit findings. A high-risk rating indicates a deficiency in the design or operation of an internal control procedure(s) that could adversely affect an operating unit's ability to safeguard assets, comply with laws and regulations, and ensure transactions are properly executed and recorded on a timely basis.

The high-risk audit findings identified deficiencies in the following areas/programs:

Areas/Programs	Number of Findings
Timekeeping Procedures	17
Managerial Oversight	7
Controlled Assets	4
Update Internal Policies and Procedures	2
Retail Inventory	2
Bank Reconciliations	1
Training of Personnel	1
Rental Contracts	1
Disaster Recovery	1
TOTAL	36

EFFECTIVENESS OF THE INTERNAL CONTROL SYSTEMS AND PROCESSES¹⁰

It is the opinion of the Inspector General that the internal control systems and processes for the Commission's fiscal, operational, and information technology (IT) activities and applications/systems are adequate, but there are areas for improvement in time reporting, controlled assets, and IT security awareness.

- **Time Reporting** – The OIG identified several instances where time cards were not accurately completed, and managerial oversight (e.g. review and approval) was deficient. Deficiencies were pervasive throughout the Commission and involved employees at all levels. Commission management has agreed to OIG's recommendations and is taking steps to remedy. In addition, the OIG has volunteered to complete 22 Commission wide training sessions that cover common fraud, waste, and abuse themes, including time card completion.

⁹ Per the Office of the Inspector General's FY19 Annual Report (July 12, 2019)

¹⁰ Per the Office of the Inspector General's FY19 Annual Report (July 12, 2019)

- **Controlled Assets** – Some facilities are not completing annual inventories of their controlled assets (e.g. assets valued under \$10,000). New controlled assets are not being added to inventory listings and disposals are not adequately reported. Inadequate control over controlled assets appears to be pervasive throughout the Commission. Management is aware of the deficiencies and are taking actions to correct.
- **IT Security Awareness** – The number and complexity of phishing attempts is increasing expeditiously for government entities. A neighboring city was recently subject to a phishing/ransom attack that costs the city \$18.2 million dollars. Although, not at this extreme, the Commission has also fallen prey to several phishing attempts that involved employee direct deposits, vendor ACH payments, and requests for gift cards. Fortunately, due to our control environment (e.g. updated patches) and internal awareness, losses have been very minimal. However, this is an on-going concern, which requires continuous action. To help mitigate these threats, the OIG provided several recommendations to the Office of the Chief Information Officer (OCIO). The OCIO agreed with the recommendations and has effected a plan to implement.

The Audit Committee concurs with the OIG's conclusion on the effectiveness of the internal control system.

OTHER CONCERNS AND COMPLAINTS

As part of our reporting requirements, the AC is required to advise the Commission Chair and Vice-Chair of any Committee concerns arising from any audit/investigation reports. No additional concerns were raised in FY19.

CONCLUSION

The Audit Committee would like to thank the Commission's Chair, Vice-Chair, Commissioners, management, staff, and the Office of the Inspector General for their continued efforts to strengthen public accountability and to improve the effectiveness, productivity, and efficiency of Commission operations.

The Audit Committee would also like to thank Commissioner Norman Dreyfuss for his dedicated service to the Commission, Montgomery County Planning Board, and the Audit Committee. Commissioner Dreyfuss' 9 ½ year tenure on Montgomery County's Planning Board ended in July 2019. Beginning in March 2014, while serving on the Planning Board, Commissioner Dreyfuss volunteered to serve on the Audit Committee, he accepted the responsibilities of Audit Committee Chair in November 2017 and concluded his term on the Audit Committee on June 30, 2019.

**Exhibit A
FY19 Completed Audits, Investigations, and Advisories**

CW – Commission Wide Audits
 MC – Montgomery County Audits
 PGC – Prince George’s County Audits

Performance Audits

Audit Number	Audit Name	Date Final Report Issued	Report Findings (risk level)		
			H	M	L
CW-002-2019	Infor v10 Pre-Implementation Audit*	11/1/2018	0	0	0
CW-003-2019	Competitive Bid Waivers	12/27/2018	0	1	0
CW-005-2019	Telework Program	1/25/2019	2	3	0
CW-010-2019	Treasury Operations	1/25/2019	1	1	0
MC-001-2019	Data Center Co-Location	6/27/2019	1	2	1
MC-002-2019	Cabin John Maintenance Yard	9/20/2018	0	2	2
MC-004-2019	Montgomery County, Park Police Department, Overtime Audit	6/30/2019	6	1	0
PGC-002-2019	Stephen Decatur Community Center	1/9/2019	1	1	0
PGC-006-2019	Fort Washington Forest Community Center	2/8/2019	0	0	0
PGC-013-2019	Palmer Park Community Center	8/26/2019	3	0	1
PGC-015-2019	Prince George’s County, Park Police Department, Overtime Audit	8/26/2019	7	4	0
11 Completed Audits	Total Number of Findings (40)		21	15	4

*Management was unable to provide the requested information necessary to complete audit. As such, the OIG was unable to complete full audit testing. A limited audit report was issued.

**Exhibit A
FY19 Completed Audits, Investigations, and Advisories**

Fraud, Waste, and Abuse Investigations

Audit Number	Audit Name	Report Date	ICR*		
			H	M	L
CW-006-2019	██████████ Timekeeping Procedures	12/3/2018	3	1	0
CW-007-2019	██████████ Timekeeping Procedures	12/3/2018	2	0	0
CW-008-2019	██████ Timekeeping Procedures	12/3/2018	1	0	0
MC-003-2019	██████████ Forgeries	9/5/2018	0	0	0
MC-005-2019	██████████ Purchase Card	4/17/2019	0	0	0
PGC-005-2019	██ Controlled Assets	9/24/2018	2	1	0
PGC-007-2018	██████████ Conflict of Interest	1/7/2019	0	0	0
PGC-008-2019	██ Inventory Controls	3/18/2019	3	1	0
PGC-009-2019	██████████ Petty Cash	2/4/2019	0	1	1
PGC-011-2019	██████████ Timekeeping Procedures	2/15/2019	1	1	0
PGC-012-2019	██ ██████████ Alternation of Invoices	6/13/2019	2	0	0
PGC-014-2019	██████████ Purchase Card	3/27/2019	0	2	0
PGC-017-2019	██████████ Vehicle Disposal	4/8/2019	0	0	0
13 Investigations	Total Number of Recommendations (22)		14	7	1

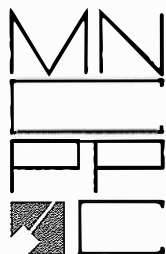
* For most fraud, waste, and abuse investigations, the OIG issues a supplemental internal control report (ICR) which identifies opportunities to strengthen internal controls.

Exhibit A
FY19 Completed Audits, Investigations, and Advisories

Management Advisories

Audit Number	Advisory Name	Advisory Request	Report/Communication Date
CW-001-2019	Infor v10 Deliverables	Ensure functional business needs related to the ERP system upgrade are met.	10/02/2018
CW-011-2019	Procurement Governance	Evaluate the Commission's purchasing governance model to help ensure all competitive purchases comply with Commission policies and procedures, while promoting efficient operations.	Waiting on mgmt. response to OIG recommendation before final promulgation.
CW-012-2019	FY19 Retail Inventory	Witness a sample of inventory counts at the request of the external auditor.	Summary provided to external auditors.
MC-006-2019	██████████ Contractors, Inc.	Review actions leading up to an apparent breach of a Contractors internal network.	06/24/2018
PGC-001-2019	Unauthorized Employment	Review actions supporting the placement of an unauthorized employee.	10/29/2018
PGC-003-2019	International Travel	Review international travel expense reimbursements to assist management in policy development.	09/17/2018
PGC-004-2019	██████████ Program	Review Program administration.	10/23/2018
PGC-010-2019	████████████████████	Assess possible conflict of interest with the vendor and a Commission employee; assess reasonableness of quoted price for services.	01/16/2019
PGC-018-2019	████████████████████ ████████████████████ Petty Cash	Requested by management due to prior fraudulent actions of employee.	05/18/2019
9 Advisories			

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

September 4, 2019

SUBJECT: PGCPB Resolution No. 19-77 (M-NCPPC No. 19-17) for Full Commission

TO: The Maryland-National Capital Park & Planning Commission

FROM: Paul Sun *PSS*
Land Acquisition Specialist
Park Planning & Development Division

Attached, please find the above-referenced Resolution regarding a land exchange between the Commission and Prince George's County. As part of an agreement to facilitate the development of the Liberty Park Sports Complex, both parties have agreed to exchange their respective properties.

The Commission agrees to exchange a portion of Collington Branch Stream Valley Park in Upper Marlboro for property owned by Prince George's County, located on Campus Way in College Park.

We request that the Prince George's County Planning Board Resolution be scheduled for adoption by the Full Commission on September 18, 2019.

Thank you for your attention to this matter.

Attachment

- M-NCPPC Resolution No. 19-17

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PGCPB No. 19-77

MNCPPC No.19-17

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission (“Commission”) is authorized under the Annotated Code of Maryland, Land Use §17-205 (formerly Article 28, Section 5-111 of the Annotated Code of Maryland) to sell, convey, transfer, lease or exchange any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

WHEREAS, the Commission owns certain property, being a portion of Collington Branch Stream Valley Park, located in Upper Marlboro, Maryland, and identified as a Portion of Parcel B, Block E, Tax Map 77, Grid B-1, Election District 07, Tax Account No. 3422599, Liber 16399, folio 00333, and consisting of approximately 164,800 s.f. or 3.7833 ± acres (“Commission Property”); and

WHEREAS, the County owns certain real property in College Park, Prince George’s County, Maryland as more particularly described as Parcel 186, Tax Map 33, Grid E-4, Election District 21, Tax Account No. 2358851, Liber 11077, folio 267, and consisting of approximately 38,564 s.f. or 0.88531 ± acres (“County Property”); and

WHEREAS, on November 30, 2018, the Commission and the County entered into a Land Exchange and Standstill Agreement to exchange their respective properties to facilitate the development of Liberty Park Sports Complex; and

WHEREAS, the Commission wishes to exchange the Commission Property for the County Property and the County wishes to exchange the County Property for the Commission Property, as further set forth in such agreement.

NOW, THEREFORE, BE IT RESOLVED that, subject to the approval of the full Commission, the Commission will transfer the Commission Property to the County in exchange for the County transferring the County Property to the Commission, at no cost to either the Commission or to the County; and

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

* * * * *

PGCPB No. 19-77
MNCPPC No. 19-17
Page 2

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion by Commissioner Geraldo, seconded by Commissioner Doerner, with Commissioners Cicaldo, Doerner, Hewlett and Bailey voting in favor of the motion, with Commissioner Washington absent, during closed session on Thursday, June 20, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's Planning Board this 18th day of July 2019.

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 9/15/19

Elizabeth M. Hewlett
Chairman




By: Jessica Jones
Planning Board Administrator



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

Reply To

William C. Dickerson
Principal Counsel
6611 Kenilworth Avenue, Suite 403
Riverdale, Maryland 20737
(301) 454-1670 • (301) 454-1674 fax

TO: The Commission
FROM:  William C. Dickerson, Principal Counsel
DATE: September 18, 2019
RE: Mutual Aid and Reciprocal Enforcement Agreement

This memorandum is to transmit a Mutual Aid and Reciprocal Enforcement Agreement that has been negotiated with Chevy Chase Village. The Village desired to enter a cooperative agreement to enhance policing in park areas and other Commission property within the jurisdictional boundaries of the municipalities to clarify and enhance coordination and overall policing in those areas. The agreement is being presented for Commission approval because under state law police mutual aid agreements generally must be approved by the governing body of the governmental entity; in this case the Commission.



RESOLUTION

WHEREAS, pursuant to the authority set forth in the Maryland Annotated Code (the “Code”) at Section 17-301 of the Land Use Article, the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) has established the Prince George’s County Division of the Maryland-National Capital Park Police (the “Park Police”), as deemed necessary for the protection of the Commission’s activities and properties, including those situated within and immediately adjacent to the boundaries of Chevy Chase Village, Maryland (the “Town”); and

WHEREAS, pursuant to the authority set forth in the Code, at Section 20-205 of the Land Use Article, the M-NCPPC may delegate to the county planning boards those powers and duties with respect to parks and parklands that the M-NCPPC may determine; and

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

WHEREAS, pursuant to the authority set forth in the Code, at Section 17-101 of the Land Use Article, the Commission owns land which is located within the jurisdictional boundaries of the Town limits; and

WHEREAS, the Town and the Commission desire to enter a cooperative agreement to enhance policing on trails and other Commission property within the jurisdictional boundaries of the two municipalities to clarify and enhance coordination and overall policing in those areas; and

WHEREAS, pursuant to the authority set forth in the Code, at Section 2-105 of the Criminal Procedure Article, the Town and M-NCPPC negotiated and agreed in principle on a Mutual Aid Agreement for the purposes provided therein; and

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

NOW THEREFORE, BE IT RESOLVED, that the Maryland-National Capital Park and Planning Commission approves, and does hereby ratify, the provisions contained in the proposed Mutual Aid Agreement as amended and attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby authorize the Executive Director and other officers to make, enter into, and execute such other agreements, instruments and further assurances as may be necessary to effectuate its decision to approve and ratify the proposed Mutual Aid Agreement attached hereto as Exhibit A.

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date

9/9/19

MUTUAL AID AND RECIPROCAL ENFORCEMENT AGREEMENT

THIS MUTUAL AID AND RECIPROCAL ENFORCEMENT AGREEMENT (the "Reciprocal Agreement" or "Agreement") is made as of this _____ day of _____, 2019, by and between Chevy Chase Village (the "Village"), a public body corporate and politic of the State of Maryland, and the Maryland-National Park and Planning Commission (the "Commission") a public body corporate and agency of the State of Maryland.

Explanatory Statements

A. Pursuant to the authority set forth in 1922 Md. Laws Ch. 259, the Village has established the Chevy Chase Village Police ("Village Police") to protect the health, safety and general welfare of the public within the territorial limits of the Village (the "Village Limits").

B. Pursuant to the authority set forth in the Annotated Code of Maryland (the "Code") at § 5-101 of the Land Use Article, the Commission regularly acquires, develops, owns and/or operates various park facilities and other real properties or interests therein, including such of the Commission properties located from time to time within the Village Limits (the "Park Property").

C. Pursuant to the authority set forth in the Code at § 17-301, *et seq.* of the Land Use Article, the Commission has established the Montgomery County Division of the Maryland-National Capital Park Police (the "Park Police") as deemed thereby to be necessary for the protection of the Commission activities undertaken within the Village Limits and the Park Property.

D. Pursuant to the authority set forth in the Code, at § 17-303 of the Land Use Article and § 2-105 of the Criminal Procedure Article, the Village and Commission (collectively, the "Parties") desire to make and enter into this Reciprocal Agreement for the purposes provided thereunder.

E. The Parties desire to provide for the safe and efficient administration of law enforcement, including the enforcement of the Commission's Park Rules, within the Park Property.

F. This Agreement has been authorized pursuant to _____ of Chevy Chase Village by the action of the governing body of the Chevy Chase Village, Maryland, taken on _____, 2019, a true and correct copy of which is appended hereto at Exhibit A.

G. This Agreement has been authorized by the formal action of the Maryland-National Capital Park and Planning Commission taken on _____, 2019, by Resolution _____, a true and correct copy of which is appended hereto at Exhibit B.

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

1. Authority Reserved. Nothing contained in this Agreement is intended to cede, relinquish or limit the respective legal authority or jurisdiction of either department under

circumstances not addressed herein, and the Village Police and Park Police, respectively, do hereby expressly reserve all such authority and jurisdiction to the fullest extent otherwise provided under the Code, by law of the Village, resolution of the Commission, common law of Maryland or any other applicable law or regulation promulgated pursuant thereto. For example and without limiting the generality of the foregoing, it is understood that nothing provided in this Agreement shall limit or otherwise impair the authority of any officer of the Village Police or Park Police to make an arrest pursuant to the provisions of the Code at §§2-102, 2-202 or 2-203 of the Criminal Procedure Article as amended from time to time. In addition, the failure of either party to comply with the requirements of Sections 2, 3, or 4 of this Agreement may only be enforced by the parties under Section 5 of this Agreement and shall have no effect on the authority of Village Police or the Park Police to exercise the police powers of this State, it being expressly understood that this Agreement shall have no third-party beneficiaries intended or implied.

2. Special Patrol Jurisdiction.

2.1. Jurisdiction Conferred. The Commission and the Village do hereby warrant and muster the aid of each other and, accordingly, confer upon each other any concurrent and general jurisdiction necessary and sufficient under law to exercise police powers, including the issuance of civil citations authorized in the Code at § 17-207 of the Land Use Article, within the specified Park Property geographical area contained within Village Limits and enumerated in the map and *Schedule 2.1* attached to this Agreement ; provided, however, that such authority shall be subject to the following limitations:

2.1.1. *Park Property Patrol.* The Village expressly agrees they will conduct regular patrols within the Park Property sufficient to address the Village's public safety concerns. Activities undertaken by Village Police under the Park Property Jurisdiction shall be confined to the Park Property; provided, however, that this section is not intended to limit the authority of Village Police to engage in fresh pursuit, for actions that occur within the Park Property, as provided in the Code at § 2-301 of the Criminal Procedure Article.

2.1.2. *Park Property Jurisdiction Reserved.* Nothing provided in this Article 2 with respect to the Park Property Jurisdiction shall limit or otherwise impair the exercise by the Park Police of jurisdiction within any Park Property, it being expressly understood that jurisdiction within any Park Property shall be exercised according to the provisions of Article 3 of this Agreement only.

2.2. Certain Practices of Village Police. For the purpose of securing the orderly exercise of Park Property Jurisdiction and conducting the patrols promised by the Village, Village Police agree to observe certain practices and procedures provided as follows:

2.2.1. *Communication Protocol.* Incidents observed by the Village Police and arrests made by Village Police in the exercise of its Park Property Jurisdiction shall be reported promptly to the Park Police by means of radio or telephone transmission.

2.2.2. *Incident Reports.* Village Police shall file with the Park Police a written report for any arrest or other incident reportable according to Park Police regulation or directive, or at the special request made pursuant to Park Police incident command. Written incident reports made by Village Police for this purpose shall be provided according to any form, content, and applicable written directives or procedures which the Village Police may from time to time

reasonably promulgate and require. It is understood that incident reports filed pursuant to this Section 2.2.2 shall be completed as soon as practicable following the close of the reporting officer's tour of duty, but not later than 24 hours thereafter.

2.2.3. *Advance Notice of Certain Operations.* To ensure the safety of both Village Police officers and Park Police officers, Village Police shall provide to the Park Police reasonable prior notice of any narcotics investigation or undercover enforcement activity conducted on Park Property. Such notice shall be furnished four (4) hours in advance of commencement of such activity according to such applicable written directives or procedures as the Park Police may from time to time reasonably promulgate and require, unless due to exigent circumstances such notice is impractical.

3. Concurrent Jurisdiction On Park Property. The Parties hereby acknowledge the concurrent jurisdiction of the Park Police and the Village with respect to Park Property and that portion of all roads and sidewalks immediately adjacent to any Park Property. As a matter of their mutual convenience, and not in limitation, it is understood that such concurrent jurisdiction shall be exercised according to the provisions of this Article 3.

3.1. Command.

3.1.1. On Park Property. Except and unless expressly waived at the sole option of the Park Police with respect to a particular incident, the Park Police shall have full charge and responsibility for on-the-scene command of any Village Police officer who exercises concurrent jurisdiction on Park Property.

3.1.2. Certain Areas Adjacent to Park Property. If any incident begins or is discovered on Park Property and thereafter continues without interruption onto the roads and sidewalks immediately adjacent to Park Property, then, except and unless expressly waived at the sole option of the Park Police with respect to that incident, the Park Police shall have full charge and responsibility for on-the-scene command of any Village Police officer who responds to that incident.

3.2. Park Police. Except as otherwise expressly provided in Section 3.3. of this Agreement, the Park Police shall be the agency of principal responsibility for law enforcement activities undertaken with respect to Park Property, including, but not limited to, the following:

3.2.1. *Investigation.* Conduct of follow up investigative activities relating to a crime, reported crime or possible crime occurring on Park Property are the responsibility of the Park Police, provided, however, that, the Montgomery County Police shall be and remain the agency of principal responsibility for investigative activities relating to any human death occurring or discovered on Park Property. With respect to those events investigated by the Park Police, the Park Police shall be solely responsible for the collection and preservation of evidence/property recovered during the course of their investigations.

3.2.2. *Warrants.* The execution on Park Property of search or arrest warrants relating to any crime, reported crime or possible crime investigated by the Park Police.

3.2.3. *Crowd Control.* The planning and execution of law enforcement measures to control crowds, demonstrations, public displays, and similar scheduled and unscheduled congregations which may occur from time to time on Park Property.

3.2.4. *Drug and Alcohol Crime.* The investigation and enforcement of any violation occurring on Park Property of laws relating to the possession, use and/or distribution of narcotics, and similar controlled dangerous substances or alcoholic beverages.

3.2.5. *Motor Vehicle Laws.* The investigation and enforcement of any violation of the motor vehicle laws of the State of Maryland occurring on Park Property, whether or not the violation is a crime.

3.2.6. *Enforcement of Rules and Regulations.* The investigation and enforcement of the Park Rules and Regulations promulgated from time to time by the Commission in accordance with the Code at Land Use Article § 17-207.

3.3. Certain Practices of Park Police. For the purpose of securing the orderly exercise of Park Property Jurisdiction, the Park Police agree to observe certain practices and procedures provided as follows:

3.3.1. *Communication Protocol.* Incidents observed by the Park Police and arrests made by the Park Police in the exercise of its Park Property Jurisdiction shall be reported promptly to Village Police by means of radio or telephone transmission.

3.3.2. *Incident Reports.* The Park Police shall file with the Village Police a written report for any arrest or other incident reportable according to Park Police regulation or directive, or at the special request made pursuant to Village Police. Written incident reports made by the Park Police for this purpose shall be provided according to any form, content, and applicable written directives or procedures, which the Park Police may from time to time reasonably promulgate and require. It is understood that incident reports filed pursuant to this Section 3.3.2 shall be completed as soon as practicable following the close of the reporting officers tour of duty, but not later than 24 hours thereafter.

3.3.3. Advance Notice of Certain Operations. To ensure the safety of both Village Police officers and Park Police officers, the Park Police shall provide to Village Police reasonable prior notice of any narcotics investigation or undercover enforcement activity conducted on the Park Property. Such notice shall be furnished at least four (4) hours in advance of commencement of such activity according to such applicable written directives or procedures as the Park Police may from time to time reasonably promulgate and require, unless due to exigent circumstances such notice is impractical.

4. Calls for Emergency Assistance. The Parties acknowledge that the proper and timely routing of telephone calls for emergency service between Village Police and Park Police, and the notice thereof from one unto the other, is a serious matter of public service and a possible source of resident confusion or complaints. Accordingly, the Park Police and Village Police will exercise best efforts and due care in the transaction of such calls according to the provisions of this Article 4.

4.1. Referral to Agency Having Principal Responsibility. The Park Police shall promptly refer to Village Police any telephone call or other request for emergency service which relates to any area within Village Limits, whether or not on Park Property. The Village Police shall promptly notify the Park Police of any telephone call or other request for emergency service which relates to Park Property within Village limits. Whenever practical, telephone calls referred by one agency to another shall be transacted using equipment designed to switch the call without interruption to the person initiating the call.

4.2. Records. Each agency shall maintain a record of calls referred to the other pursuant to this Article 4. The records shall record the date, time and duration of the call, street address or other information regarding location of the request, the nature of complaint, complaint number (if any) and identification of personnel assigned to respond (if any) to each call switched as provided herein. Each agency shall furnish to the other a copy of the records maintained upon request.

5. Cooperation; Technical Assistance; Procedures; Complaints.

5.1. Technical Assistance. It is the intent of the Parties that Village Police and Park Police shall share liberally their technical expertise, equipment, and human resources to prevent and reduce crime throughout the area identified herein to deliver efficient, coordinated police services to the residents of Montgomery County, including without limitation any available camera feeds or footage taken within the Park Property.

5.2. Procedures. The agencies signatory hereto covenant that they shall in all events cooperate using best efforts to comply with any reasonable request made by the other. Both agencies shall promulgate reasonable rules, regulations and directives for the purpose of ensuring uniform compliance with the requirements set forth in this Agreement.

5.3. Requests for Video Recordings. The Commission owns and operates video recording devices in the Park Property. The Commission hereby grants the Village Police Department the authority to provide copies of recordings from the aforementioned devices to the State's Attorney's Office for Montgomery County when the recordings involve Village Police Department cases and/or events. The Commission also grants the Village Police Department authority to provide copies of recordings to verified law enforcement agencies when the recordings involve Village Police Department cases and/or events and there is a legitimate government reason for the dissemination. The Village Police Department shall promptly refer all other requests for video recordings to the Commission's Public Information Act Representative, 6611 Kenilworth Avenue, Riverdale, Maryland 20737.

5.4. Complaints. Complaints alleging any incident of non-compliance with this Agreement shall be made in writing addressed to the chief of the agency to which such complaint relates. Upon receipt, the chief shall conduct promptly a reasonable investigation of each complaint and shall in due course report in writing to the complainant whether such complaint is founded or not. On an annual basis beginning with the first anniversary of the effective date of this Agreement, the status of each complaint of non-compliance shall be reported to the Village and Commission, respectively.

6. Statutory Indemnity. The parties do mutually covenant and agree to waive all claims and indemnify the other according to the terms and requirements set forth in the Code at § 2-105(e)(2) of the Criminal Procedure Article, which terms and requirements, as amended from time to time, shall be deemed incorporated herein by reference as if set forth in their entirety.

7. Integration.

7.1. Prior Agreement of the Parties. This Agreement (including the Exhibits and Schedules hereto) constitutes and contains the entire, integrated agreement of the Parties with respect to the subject matter hereof, and shall supersede any and all prior negotiations, correspondence, understandings and agreements between the parties, respecting the subject matter hereof.

7.2. Other Agencies of Law Enforcement. Anything provided in this Agreement to the contrary notwithstanding, it is understood that the Parties may from time to time, under the authority provided under the Code at § 2-105 of the Criminal Procedure Article, enter into agreements of reciprocal enforcement and mutual aid respecting other law enforcement agencies. In the event any provision contained in this Agreement conflicts with any other such enforcement and aid agreement, the terms of the other such agreement shall be deemed to control.

8. Term. This Agreement shall be deemed effective at 12:01 AM on the date first written above and shall continue in full force and effect until such time as it is terminated by either the Village or the Commission upon thirty (30) days written notice.

9. Miscellaneous.

9.1. Notices. Except as otherwise expressly provided by this Agreement, any written notices, requests, demands, consents, and other communications which are required or may be given under this Agreement shall be given as follows:

If to the Village: Shana Davis-Cook, Village Manager
5906 Connecticut Avenue
Chevy Chase, Maryland 20815

If to Village Police: John M. Fitzgerald, Chief
Chevy Chase Village Police Department
5906 Connecticut Avenue
Chevy Chase, Maryland 20815

If to the Commission: Anju A. Bennett, Acting Executive Director
Maryland-National Capital Park and Planning Commission
6611 Kenilworth Avenue, Suite 403
Riverdale, Maryland 20737

If to the Park Police: Darryl W. McSwain, Chief
Maryland-National Capital Park Police
12751 Layhill Road
Silver Spring, Maryland 20906

9.2. Severability. Any provision of this Agreement which is held by a court of competent jurisdiction to be prohibited or unenforceable shall be ineffective to the extent of such prohibition or unenforceability, without invalidating or rendering unenforceable the remaining provisions of this Agreement.

9.3. Amendment; Waiver. No provision of this Agreement may be amended, waived, or otherwise modified without the prior written consent of all of the parties hereto.

9.4. Section Headings. The section and other headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretation of this Agreement.

9.5. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument.

9.6. Applicable Law. This Agreement was made in the State of Maryland, and shall be governed by, construed, interpreted and enforced in accordance with the laws of the State of Maryland, excepting its conflict of laws provisions.

9.7. Use of Genders. Whenever used in this Agreement, the singular shall include the plural and vice versa, and the use of any gender shall include all genders and the neuter.

IN WITNESS WHEREOF, the Parties have executed and acknowledged this Agreement as of the day and year first written above.

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

CHEVY CHASE VILLAGE

By: _____
Anju A. Bennett
Acting Executive Director

By: _____
Shana Davis-Cook,
Village Manager

ATTEST:

Joseph Zimmerman
Secretary-Treasurer

**THE MARYLAND-NATIONAL CAPITAL
PARK POLICE**

CHEVY CHASE VILLAGE POLICE

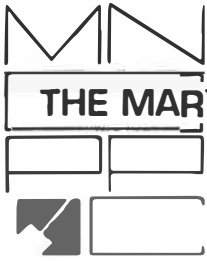
By: _____
Darryl W. McSwain, Chief

By: _____
John M. Fitzgerald, Chief

Approved as to form and legal sufficiency:

Approved as to form and legal sufficiency:

Suellen M. Ferguson, Village Attorney



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

Date: September 18, 2019

To: The Maryland-National Capital Park and Planning Commission

Via: Anju Bennett, Acting Executive Director *AD*
 John Kroll, Corporate Budget Director *JK*

From: Melinda Duong, Corporate Budget Analyst III

Subject: Bi-county Operations Labor Cost Allocation Analysis for the FY21 Budget

Recommendation

It is recommended that the Commission adopt the update to the labor cost percentages used to allocate bi-county operations budgets between Montgomery and Prince George's counties for the FY21 Proposed Budget. The bi-county operations are commonly known as CAS.

These updated allocations were presented to the Executive Committee.

Background

Developed annually by the Corporate Budget Office, the analysis looked at the six bi-county departments/operations providing services to the departments in the two counties. These six operations include:

- Department of Human Resources and Management
- Finance Department
- Legal Department
- Office of the Chief Information Officer (Corporate IT)
- Inspector General's Office
- Merit System Board

This analysis determines the percentage of time allocated to each county, and hence how much of each budget should be charged to each of the funding sources.

Within the six operations, there are three bi-county functions that are not addressed in this analysis: 1) Group Insurance – labor costs are factored into the rates set for the employer and employee/retiree, and, since FY14, no longer allocated and charged directly to the operating departments in each county; 2) CIO – Labor costs are allocated by the percentage of subscriptions to the Cloud and included in the two CIO / Commission-wide IT Initiatives Fund budgets; 3) Risk Management – in the past the administrative costs have been allocated 50/50. After analyzing staff time records for the three-year period from FY17 to FY19, even though the

allocation is slightly different each year, the annualized allocation for Risk Management remains 50/50.

Methodology

Fiscal year data is extracted from the time card system. For those divisions for which cost drivers are not applied, work hours are classified as Montgomery County, Prince George's County or Bi-county, according to the description of the labor codes used. If the labor code does not indicate a specific county for the work/leave hours, the hours are classified as Bi-county. Bi-county hours are allocated 50/50 between the two counties.

For Accounts Payable, Treasury/Investments, Payroll and Purchasing units of the Finance Department, and Employee Records and Recruitment units of the Department of Human Resources and Management, the labor cost allocations are done using cost drivers, i.e., work hours are classified and distributed as Montgomery or Prince George's according to the Cost Driver table below. For Accounts Payable and Payroll the driver is number of payments issued; for Purchasing the driver is total document volume (including PO's, contracts and purchase card transactions); for Treasury the driver is the number of cash receipts and deposits; for Employee Records the driver is the number of PA2's processed; for Recruitment the driver is the number of applications.

Whether utilizing the labor hour allocations or the cost drivers, the results are then factored into a three-year moving average to smooth individual year variations.

Two bi-county operations do not utilize either of these methodologies. For the Merit System Board, it is assumed that the decisions they render are applicable to the Commission as a whole. Therefore, their budget is allocated on a 50/50 basis.

CAS Support Services – Historically allocated on a 50/50 basis, beginning with FY15 these expenses are now allocated based upon the three-year labor allocation average of the bi-county departments/units that are supported.

Results

Cost drivers were updated for FY19 by Finance and DHRM and these results are shown below along with the drivers used for prior periods.

Cost Drivers	FY15		FY16		FY17		FY18		FY19		% shift in Share	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
Accounts Payable	31.0%	69.0%	36.0%	64.0%	38.5%	61.5%	43.50%	56.50%	43.60%	56.40%	0.1%	-0.1%
Payroll	23.5%	76.5%	24.5%	75.5%	24.8%	75.2%	24.80%	75.20%	24.82%	75.18%	0.0%	0.0%
Purchasing	45.9%	54.1%	50.3%	49.7%	49.9%	50.1%	49.62%	50.38%	48.89%	51.11%	-0.7%	0.7%
Treasury/Investment	30.0%	70.0%	30.0%	70.0%	20.0%	80.0%	20.00%	80.00%	20.00%	80.00%	0.0%	0.0%
Employee Records	21.0%	79.0%	22.0%	78.0%	23.0%	77.0%	15.89%	84.11%	19.78%	80.22%	3.9%	-3.9%
Recruitment	43.3%	56.7%	45.0%	55.0%	44.1%	55.9%	49.70%	50.30%	44.40%	55.60%	-5.3%	5.3%

Using the labor hour splits for some divisions, the cost driver calculations for other divisions, and the assumptions noted above under Methodology for Merit Board and Support Services resulted in the allocation percentages shown below.

ALLOCATION OF CAS BUDGET TO EACH COUNTY FY15 TO FY20

	FY20		FY21 Proposed		Change from FY20	
	MC	PGC	MC	PGC	MC	PGC
DHRM	42.6%	57.4%	41.6%	58.4%	-1.0%	1.0%
Finance	44.6%	55.4%	42.3%	57.7%	-2.3%	2.3%
Legal	50.4%	49.6%	51.1%	48.9%	0.7%	-0.7%
Office of Inspector General	34.8%	65.2%	37.8%	62.2%	3.0%	-3.0%
Corporate IT	45.2%	54.8%	49.1%	50.9%	3.9%	-3.9%
Merit System Board	50.0%	50.0%	50.0%	50.0%	0.0%	0.0%
Support Services	44.8%	55.2%	44.4%	55.6%	-0.4%	0.4%
Total CAS Before Chargebacks	44.9%	55.1%				

Below is an expanded summary showing the budgeted allocations from FY15 through FY20

ALLOCATION OF CAS BUDGET TO EACH COUNTY FY15 TO FY20

	FY15		FY16		FY17		FY18		FY19		FY20		FY21 Proposed		Change from FY20	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
DHRM	43.7%	56.3%	42.9%	57.1%	42.4%	57.6%	42.6%	57.4%	43.0%	57.0%	42.6%	57.4%	41.6%	58.4%	-1.0%	1.0%
Finance	42.7%	57.3%	42.9%	57.1%	42.9%	57.1%	43.6%	56.4%	43.9%	56.1%	44.6%	55.4%	42.3%	57.7%	-2.3%	2.3%
Legal	56.1%	43.9%	53.8%	46.2%	52.0%	48.0%	50.5%	49.5%	49.9%	50.1%	50.4%	49.6%	51.1%	48.9%	0.7%	-0.7%
Office of Inspector General	32.4%	67.6%	30.9%	69.1%	34.7%	65.3%	34.9%	65.1%	34.8%	65.2%	34.8%	65.2%	37.8%	62.2%	3.0%	-3.0%
Corporate IT	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	44.4%	55.6%	45.2%	54.8%	48.1%	50.9%	3.9%	-3.9%
Merit System Board	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	0.0%	0.0%
Support Services	45.1%	54.9%	44.7%	55.3%	44.2%	55.8%	44.5%	55.5%	44.3%	55.7%	44.8%	55.2%	44.4%	55.6%	-0.4%	0.4%
Total CAS Before Chargebacks	45.4%	54.6%	44.7%	55.3%	44.3%	55.7%	44.4%	55.6%	44.6%	55.4%	44.9%	55.1%	44.9%	55.1%		

Multi-Year Change Summary

The table below shows the change from year to year, including the proposed change for FY21.

Change from Prior Year

	FY16		FY17		FY18		FY19		FY20		FY21	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
DHRM	-0.9%	0.9%	-0.5%	0.5%	0.2%	-0.2%	0.4%	-0.4%	-0.4%	0.4%	-1.0%	1.0%
Finance	0.2%	-0.2%	0.0%	0.0%	0.7%	-0.7%	0.3%	-0.3%	0.7%	-0.7%	-2.3%	2.3%
Legal	-2.3%	2.3%	-1.8%	1.8%	-1.5%	1.5%	-0.6%	0.6%	0.5%	-0.5%	0.7%	-0.7%
Office of Inspector General	-1.5%	1.5%	3.8%	-3.8%	0.3%	-0.3%	-0.1%	0.1%	0.0%	0.0%	3.0%	-3.0%
Corporate IT	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	44.4%	55.6%	0.8%	-0.8%	3.9%	-3.9%
Merit System Board	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Support Services	-0.4%	0.4%	-0.5%	0.5%	0.3%	-0.3%	-0.2%	0.2%	0.5%	-0.5%	-0.4%	0.4%
Total CAS Before Chargebacks	-0.7%	0.7%	-0.4%	0.4%	0.1%	-0.1%	0.2%	-0.2%	0.4%	-0.4%	0.4%	-0.4%

Recommendation

The recommendation is to adopt the results of this year's analysis and direction be given to staff to utilize in developing the FY21 Proposed Budget. Using FY20 budget numbers, this would shift approximately \$28,000 to Montgomery County from Prince George's County.

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M-NCPPC Sustainability Report

July 2017 – June 2019



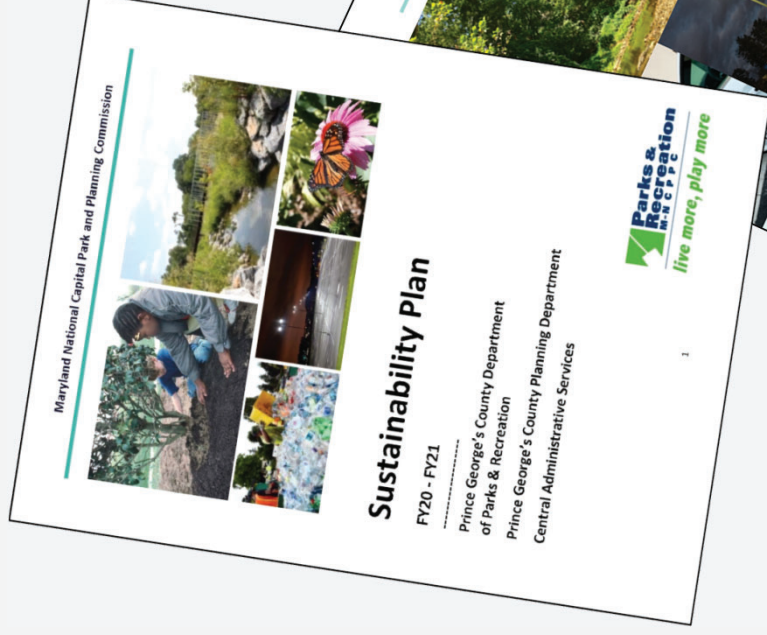
Montgomery County Department of Parks
Montgomery County Department of Planning
Prince George's County Department of Parks & Recreation
Prince George's County Planning Department
Central Administrative Services



Sustainability Plan Structure

Plan Elements:

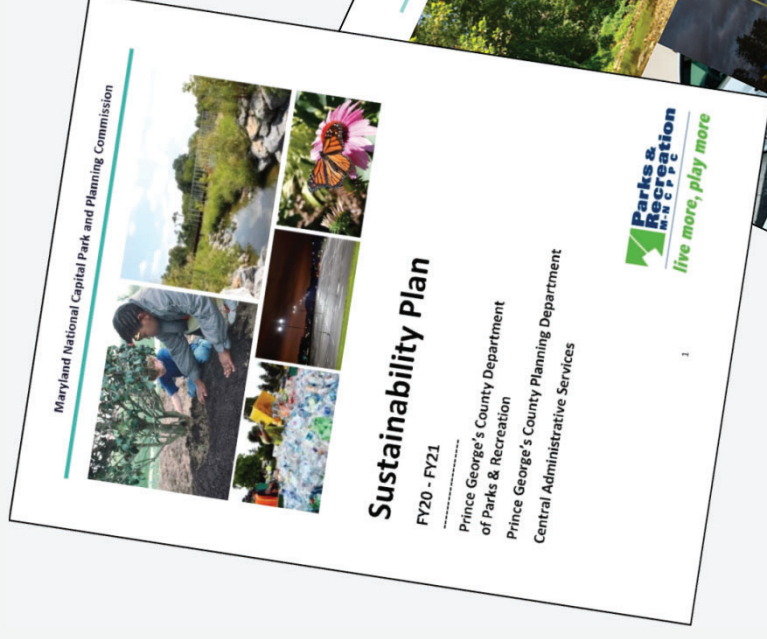
- Employee Education, Training, & Engagement
- Community & Patrons Education & Engagement
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- Water Conservation & Management
- Fleet Management
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- Recycling & Solid Waste Management
- Sustainable Infrastructure & Natural Areas
- Natural Resources & Habitat Preservation
- Health & Wellness



Sustainability Plan Structure

Plan Elements:

- Employee Education, Training, & Engagement
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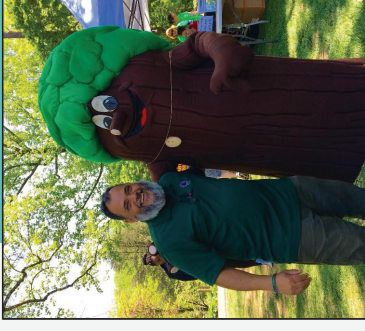
Community & Patrons Education & Engagement

- Provided nearly 10,000 wildflower seed packets to community members – supporting our Pollinator Project.
- Through Nature Centers, Park Rangers and Waterfront Parks and community outreach, engaged 375,000 people in environmental efforts.

Prince George's

- M-NCPPC hosted GreenFest at Brookside Gardens in FY19, alongside local agencies and green groups. Approximately 5,000 people attended – the largest turnout to date!
- In FY18/19, Nature Center programming reached nearly 100,000 people in programs and an additional 132,000 people engaged at centers. Stream and park cleanups in FY18/19 engaged more than 10,000 people who removed nearly 100 tons of trash and recyclables.

Montgomery



Utility/Energy Conservation: Sourcing Renewable Energy

As an agency, M-NCPPC participates in the Montgomery County Green Power Purchasing Group. Since 2016, 100% of our electric power usage is supplied by renewable energy.

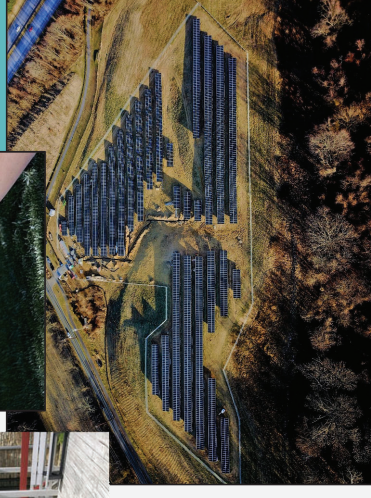
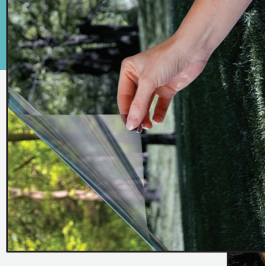
The County Green Power Purchasing Group is listed in EPA's National Top 100 users of green power in the country.



Utility/Energy Conservation

- Retrofit more than 50 sites with LED lighting – with a total projected savings of \$300,000.
- Started construction of a 2.4MW solar farm – saving tens of thousands of dollars and offsetting 2,069 tons of carbon dioxide yearly, equivalent to 436 passenger vehicles.

Prince George's



- Construction on 2.5MW of solar, across two sites was completed. This clean energy will help offset about 2,877 tons of greenhouse gases annually and utilized to power nearly 40 park sites.
- Began installing window film to reduce solar heat gain in strategic locations.

Montgomery

Water Conservation & Management

- Installed cisterns at 5 sites, with an annual capturing capacity of 1 million gallons/year.
- Established Storm Water Management Task Force, which is developing maintenance plan for hundreds of facilities located on Park property – supporting water quality and limiting run-off.

Prince George's



- Installed two 800-gallon cisterns at the Green Farm Maintenance Facility to collect and store rooftop stormwater runoff which can be used for a variety of applications.

- All new and retrofit plumbing opportunities are outfitted with water-efficient plumbing fixtures.

Montgomery



Recycling & Solid Waste Management

- Launched recycling campaign, 1 Million More, which diverted an additional one million pounds of waste from landfills to recycling centers.
- Hundreds of items (furniture, equipment) have been reused using email distribution strategy.

Prince George's

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- Discontinued contracted recycling service and began self-hauling. Exceeded the Montgomery County Recycling goal of 70% in 2018.

- The Green-Waste Recycling Program processed more than 9.6 million pounds of green waste in FY18/19, converting it into useful products like compost, wood chips, mulch, trailer boards, etc.


Montgomery





Looking Ahead to FY20 & FY21

Update Practice 6-40 – Sustainability Standards

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION	
PRACTICE	
Approved by The Commission	
No. 6-40	Initially issued: 11/1/76
Last amended: 11/19/2012	
Last reviewed: 11/19/2012	
M-NCPPC Sustainability Standards	
AUTHORITY	This Administrative Practice was initially approved by the Executive Committee at its meeting on October 4, 1976, and last amended by the Commission on November 19, 2012.  Patricia Barney, Executive Director
REVISION	The Practice, as amended on November 19, 2012, updates and replaces all other internal sustainability procedures.
PURPOSE AND BACKGROUND	This Practice (originally titled Commission Resource Conservation Program) was initially established to communicate agency-wide policy on the conservation of utilities sources, such as electricity, natural gas, fuel oil, and motor fuel. The Practice was revised on November 19, 2012 to update and replace initial measures through a broader understanding of sustainability standards, which benefit the environment, our workplace, and the communities we serve. The Practice, as originally approved, has been revised as follows: <ul style="list-style-type: none">• May 1, 1979 and January 9, 1980: incorporated updated responsibilities due to agency restructuring.• November 19, 2012: Policy amended to:<ul style="list-style-type: none">◦ Reflect more modern concepts in the area of sustainability, including:<ul style="list-style-type: none">▪ Green building management strategies which meet nationally accepted sustainability certifications for energy conservation and use of renewable resources;▪ Procurement of goods and services aimed at high efficiency products and other sustainable practices;▪ Implementation of green development strategies in community planning, landscape design and other site planning;▪ Elements aimed to foster ongoing awareness among our employees and patrons on sustainability objectives and programs; and▪ Updated County and State sustainability mandates.
REFERENCES	Federal/State/Local Standards: <ul style="list-style-type: none">• Maryland Stormwater Management Act of 2007 and accompanying Environmental Site Design Standards• Maryland Code, State Finance and Procurement, § 5-312, High Performance Building Act

Montgomery and Prince George's staff intend to work collaboratively in FY20 and FY21 to refine the existing M-NCPPC Practice 6-40.

Specific goals include:

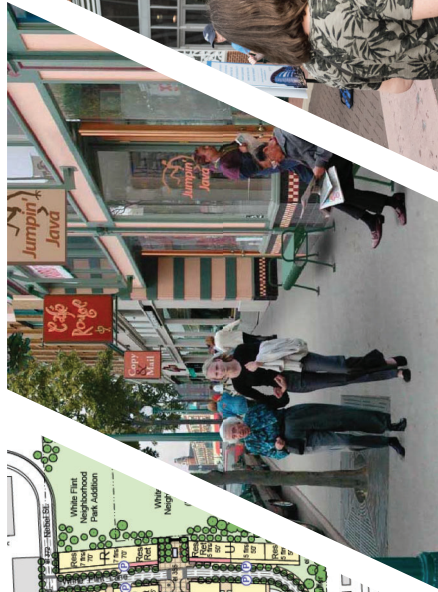
Define priority focus areas based on current available science and applicable regulations

- Prioritize strategies for achieving organizational sustainability
- Allow for the ability to prioritize actions based on need and opportunity



Strategic Direction: *Montgomery County*

- Fleet & Equipment Management



Strategic Direction: Montgomery County

- Walkable and Bikeable Communities
- Land Use
- General Plan Update – Thrive 2050





Strategic Direction: Prince George's County

- Stormwater Management



71 Strategic Direction: Prince
George's County

- Employee and Community Engagement





Questions?



Montgomery County Department of Parks
Montgomery County Department of Planning
Prince George's County Department of Parks & Recreation
Prince George's County Planning Department
Central Administrative Services





Sustainability Plan

FY20 - FY21

**Prince George's County Department
of Parks & Recreation**

Prince George's County Planning Department

Central Administrative Services



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OVERVIEW

Sustainability – especially as it relates to climate change -- has taken on a mounting sense of urgency in recent years. Seas are rising, ice caps are melting and it's projected that one million plant and animal species are the verge of extinction. Research shows those losses are undermining food and water security as well as human health. As one of the largest parks and recreation organizations in the country, we have a great opportunity and a great responsibility to build on our sustainability efforts and establish a culture of conservation that has a tangible and lasting impact as well as serves as a model for others to follow.

M-NCPPC is committed to stewardship of the environment, our community, and the workplace through implementation of sustainable practices that preserve natural and economic resources, reduce waste and consumption, minimize the carbon footprint, promote green practices in our facilities and programs, and support the wellness of our employees and community.

Beginning in 1976, M-NCPPC established a Sustainability Standards Practice (known then as the Commission Resource Conservation Program) which was originally used as a strategy to communicate policy regarding conservation of energy sources including electricity, natural gas, and fuel. This Practice was revised on November 19, 2012 to reflect more modern concepts regarding sustainability, elements to foster sustainability-culture within the organization, as well as updates on County and State mandates impacting sustainability (Appendix A). The Sustainability Plan is designed to be updated every two years.

In support of its Master Plan and to coincide with the FY20-21 Sustainability Plan, the Prince George's County Department of Parks and Recreation is launching *Mission Zero* – a long-term sustainability initiative that aims to reduce our environmental footprint as close to zero as possible by 2040. Simply put, this means that we will: educate and engage our entire staff and community, steward our natural resources, discover and implement innovative practices and measure and evaluate our impact. The Plan's four primary pillars include:

Educate & Engage: strengthen communication, share information and translate awareness into action among the Department's staff and broader community.

Steward: standardize a systems approach as well as site specific strategies that reduce the Department's environmental impact on our climate, water quality and usage, waste and other natural resources.

Discover: explore and pioneer new innovative approaches at demonstration sites that can be replicated across the Department.

Measure & Evaluate: establish baseline metrics for key indicators at all sites and facilities and evaluate / report on results.

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Sustainability Plan Structure

The Biennial Sustainability Plan is comprehensive and includes goals and recommendations across ten work areas or elements. These elements include:

- Employee Education, Training, & Engagement
- Community & Patrons Education & Engagement
- Utility/Energy Conservation
- Water Conservation & Management
- Fleet Management
- Sustainable Acquisition & Use of Agency Supplies
- Recycling & Solid Waste Management
- Sustainable Infrastructure & Natural Areas
- Natural Resources & Habitat Preservation
- Health & Wellness

The goals and recommendations outlined in this plan are organized by individual element as described above, and contain information along a consistent structure for each element. The various sections are described below.

Objective:

A description of the overall intent of the specific plan element. Where available, this objective coincides with the description established in the M-NCPPC Sustainability Standards, Practice 6-40.

Recommended Focus Areas July 2020 – June 2021:

Identifies goals, new initiatives, or programs that should be implemented within the defined time period to further the sustainability program across the Department and assist in meeting the standards set forth in the M-NCPPC Sustainability Standards, Practice 6-40.

Supporting Programs, Policies, or Initiatives:

Examples of existing programs, policies, or initiatives already taking place within the Prince George's Parks and Recreation Department in support of the plan element and associated objectives or goals.

Indicators:

Metrics or other indicators of progress used to assess achievement of sustainability goals and objectives outlined in the M-NCPPC Sustainability Standards, Practice 6-40.

Sustainability Plan

Employee Education, Training, & Engagement

Objective: Employee Education, Training, and Engagement strives to ensure that agency staff are provided with the necessary training and education to support sustainability initiatives and environmental awareness as well as ensure expectations for performance related to sustainability goals are understood and supported.

Recommended Focus Areas July 2020 – June 2021

1. Develop and implement an internal communications plan for ‘Mission Zero’ to ensure that all staff members understand the program and how they can support the campaign.
 - a. Create a Sustainability Communications position that will develop and implement employee engagement campaigns to increase awareness and participation in programs.
 - b. Create a Department-wide “Mission Zero Challenge” to educate and inspire behavior change.
 - c. Develop materials that educate staff about ways they can reduce their facility’s environmental impact.

2. Provide training for key staff including trades, maintenance, planning, purchasing and marketing to change current processes into best practices. Professional development includes:
 - a. Develop 5 internal training modules targeting key issues
 - b. Continue Chesapeake Bay Landscape Professional Certification (CBLP) introductory, basic and advanced training
 - c. Support Sustainability Institute II Conference

Supporting Programs, Policies, or Initiatives

- Continue to grow and strengthen the Conservation Ambassador program, which is designed to engage all employees in a departmental-wide effort to create a culture of conservation.
- Develop the Sustainability Coordinator, who was hired in FY 19 to focus on implementation of the Sustainability Plan.
- CBLP training for all landscapers strengthened understanding of storm water management best practices and conservation landscaping with native plants.

Indicators

Indicators of progress for this plan element include the following:

- ✓ Number and type of education, training, and engagement opportunities made available to staff about sustainability-related topics (by fiscal year). Information should be collected on the:
 - CBLP Basic Training for 35 staff
 - CBLP Advanced Training for 10 staff
 - Sustainability Institute I & II Conference 20 staff
 - All staff understand the importance and actively support the goals of ‘Mission Zero’

Community/Patrons Education & Engagement

Objective: Foster sustainability efforts through agency-wide promotion and education of environmental awareness and conservation to the community and park patrons.

Recommended Focus Areas July 2020 – June 2021

1. Create communications campaign that outlines the Department’s Sustainability Plan and Mission Zero vision.
 - a. Create online and print materials that communicate overall sustainability plan and conservation efforts.
 - b. Develop outreach plan and materials for key sites that explain ‘net zero’ goals, strategies and provides real time tracking of impact.
2. Provide opportunities for community members and partners to engage in sustainability efforts as well as offer information and tools for how individuals can reduce their environmental impact.
 - a. Organize community activities including clean ups and tree plantings.
 - b. Provide tools such as a carbon calculator, volunteer tracking and seed packets that enable public to join the effort.
 - c. Install bike share and public charging station opportunity at demonstration site.
 - d. Launch a young adult outreach program to create new generation of climate champions.

Supporting Programs, Policies, or Initiatives

- Continue ‘Senior Green Team’ that meets regularly to lead clean ups and tree plantings.
- Continue outdoor programs in elementary schools, summer playgrounds, community centers and nature centers for young people.
- Strengthen agriculture / farming program to engage more minorities and urban populations.

Indicators

Indicators of progress for this plan element include the following:

- ✓ Marketing campaign reaches 100,000 individuals and actively engages 25,000 in actions that reduced environmental impact – especially carbon reduction and recycling.
- ✓ Involve 250 volunteers in effort to plant 1,000 trees – capturing 1,000 tons of CO2 over 30 years.
- ✓ Organize 100 clean up campaigns that involve 1,000 volunteers and captures 50,000 pounds of trash
- ✓ Launch “Conservation Next” program that empowers 250 youth to champion climate outreach
- ✓ Engage thousands of young people in conservation activities

Utility/Energy Conservation

Objective: Develop and implement strategies that reduce the Department’s carbon footprint and help achieve net zero by 2040. Conserve natural and fiscal resources by improving energy efficiency, reducing energy consumption, and increasing the use of renewable energy resources. Strategies include:

- Utility Measurement and Monitoring
- Conservation of Electricity and Natural Gas
- Management of Heating, Ventilation, Air Conditioning (HVAC) Systems
- Utilization of Technological Improvements
- Renewable Energy Resources

Recommended Focus Areas July 2020 – June 2021

1. Establish baselines (use and cost) and provide quarterly reports for the following:
 - a. Greenhouse Gas Emissions
 - b. Electricity
 - c. Natural Gas
 - d. Water
2. Reduce energy consumption through:
 - a. LED replacements
 - b. High efficiency HVAC replacements
 - c. Programmable or motion sensors
 - d. Insulation upgrades
3. Renewable energy projects launched / continued
 - a. Install large scale solar farm at Randall Farm
 - b. Pilot solar panels and explore wind, geothermal at demonstration site
 - c. Purchase renewable credits to off-set DPR’s electricity use

Supporting Programs, Policies, or Initiatives

- LED replacements at ball fields, parking lots and over 50 locations and facility sites.
- Motion-sensors and programmable controls at over 50 locations.
- All new M-NCPPC buildings/facilities greater than 7,500 square feet adhere to the International Green Construction Code standards and these facilities are constructed to at least LEED Silver.

Indicators

Indicators of progress for this plan element include the following:

- ✓ Completion of baseline information for all utility use and GHG emissions.
- ✓ Install Randall Farm solar field and demonstration project site.
- ✓ Energy usage across the Department decreases 10 percent at targeted sites.
- ✓ Facilities outfitted with high-efficiency lighting and / or programmable controls /motion sensors increase 10 percent at targeted sites.
- ✓ Upgrades to high efficiency HVAC continue as appropriate

Water Conservation & Management

Objective: Conserve natural and fiscal resources by eliminating waste, improving efficiency, reducing water consumption, and seeking out opportunities to collect, store, and use non-potable sources of water including grey water and storm water runoff for targeted applications.

Recommended Focus Areas July 2020 – June 2021

1. Create baseline water use and cost for every facility and provide quarterly reports.
2. Develop Comprehensive Storm Water Management Plan.
 - a. Inspect and bring into compliance 195 storm water facilities and upload information into EAM.
3. Water Conservation
 - a. Install infrastructure for use of rainwater or greywater including water amenities and landscape watering.
 - b. Analyze impact of cisterns and strategies to expand as appropriate.
 - c. Install low-flow or water-saving plumbing fixtures at demonstration site and retrofit existing facilities as appropriate.
 - d. Install soil moisture sensor technology for better management of select landscapes.
 - e. Explore conservation opportunities for aquatic facilities and water-using exhibits.

Supporting Programs, Policies, or Initiatives

1. Created Storm Water Management task force that works together to manage storm water systems.
2. Five rainwater cisterns installed at Parks and Recreation Administration Building, Southern Region Technology and Recreation Complex and South Bowie Community Center.

Indicators

Indicators of progress for this plan element include the following:

- ✓ Baseline for water usage established to inform decisions.
- ✓ Annual volume of water used across Department decreases 10 percent at targeted sites.
- ✓ Increase utilizing rainwater or greywater by 3 sites.
- ✓ Ensure all storm water management sites are code compliant.
- ✓ Conservation opportunities developed for aquatic facilities and water-dependent exhibits.

Fleet Management

Objective: Minimize impact of Department’s vehicles on the environment – reviewing vehicle efficiency standards, operating procedures, and best management practices. Evaluate greenhouse gas emission standards and compliance with Federal/State/Local guidelines.

- Conservation of Fuel
- Management of Vehicle and Maintenance Equipment
- Utilization of Technology Improvements
- Utilization of Alternative Energy Resources
- Use of Alternative Commuting Resources

Recommended Focus Areas July 2020 – June 2021

1. Assess vehicle and equipment selection/purchasing based on work program requirements, accounting for fuel/energy efficiency, safety, and effective operation.
 - a. Increase the current hybrid/electric fleet inventory.
 - b. Explore alternative vehicle / fuel source opportunities, which may include XL-electrified vehicles, biofuels, landscaping and maintenance vehicles, solar powered golf carts.
2. Pilot a charging station for electric vehicles at demonstration site.
3. Explore an anti-idling technology for fleet vehicles.

Supporting Programs, Policies, or Initiatives

- Vehicles receive regular maintenance that is consistent with manufacturer’s specifications.
- Administrative procedure for alternative commuting resources for commuting staff to utilize, free of charge, during qualifying emergency situations.
- Administrative procedures for telework agreements and compressed work schedules for staff to utilize that reduces impacts from transportation and costs/needs associated with workspace operations.

Indicators

Indicators of progress for this plan element include the following:

- ✓ Create baseline for fleet fuel efficiency including average MPG by type of vehicle.
- ✓ Number of gallons of fuel utilized per fiscal year.
- ✓ Number of fleet in inventory that is hybrid/electric or alternatively fueled.
- ✓ Number of staff utilizing telework and compressed work schedule
- ✓ Number of staff participating in and using transit modes other than single-occupancy vehicles for commuting to and from work.

Sustainable Acquisition & Use of Agency Supplies

Objective: Develop procurement specifications that encourage the use of goods and services that support the agency's commitment to sustainability in areas including, but not limited to, resource conservation, protection of the environment, and workplace health and safety.

- Office Supplies and Furniture
- Printing and Copying
- Procurement
- Construction Materials

Recommended Focus Areas July 2020 – June 2021

1. Create sustainable purchasing guide for key areas including office and cleaning supplies, construction materials.
 - a. Explore a protocol and oversight of purchases for large events and caterers using sustainable/green criteria.
 - b. Work to ensure that all printers make use of 100% post-consumer recycled paper or is Forest Stewardship Council (FSC) Certified
2. Provide guidance on the proper disposal of external surplus/recycling of M-NCPPC property when reuse or repurposing is no longer feasible within the organization.

Supporting Programs, Policies, or Initiatives

- Continue to centralize purchases of electronic equipment – ensuring high efficiency production.

Indicators

Indicators of progress for this plan element include the following:

- ✓ Adoption of sustainable purchasing practices across Department.
- ✓ Implementation of sustainable protocols for large events.
- ✓ Number and type of education, training, and engagement opportunities made available to staff about paper reduction strategies.
- ✓ Number of periodic email notifications for reuse of durable equipment, excess office supplies, and furniture available for reuse and/or repurposing at other M-NCPPC facilities.
- ✓ Percent of sustainable print production paper purchased.

Recycling & Solid Waste Management

Objective: Implement projects and programs to reduce solid waste, reuse and recycle materials used by employees and patrons, and strive to meet or exceed the regulatory mandates established by government regulations. Recycling and disposal of materials shall comply with relevant Federal/State safety regulations.

Recommended Focus Areas July 2019– June 2020

1. Build on 1 Million More campaign and continue to make progress toward Prince George’s County recycling goal of 60% by 2020 for mandatory recycling products (mixed paper, commingled materials, yard trim and scrap metal.)
 - a. Create a baseline that shows percentage of recycled materials co-mingled in trash through a series of waste audits.
 - b. Strengthen recycling messaging and signage to optimize participation.
 - c. Reduce plastic water bottles and single use utensils.
 - d. Explore composting program opportunities.

Supporting Programs, Policies, or Initiatives

- Conservation Ambassadors within each Division work to ensure recycling at their site is conveniently located for users and provides consistent messaging with informational stickers on bins and posters.
- The agency participates in voluntary recycling and reuse programs for materials including but not limited to vehicle fluids and oil, batteries, asphalt, tires, furniture, computers and other electronics, tires, furniture, and construction debris etc.
- Develop educational tools and events for staff as well as the community to encourage and demonstrate best practices related to recycling, reuse, and reduction of waste.

Indicators

Indicators of progress for this plan element include the following:

- ✓ Baseline of tonnage of solid waste material (trash), recyclable material (mixed paper, commingled materials, scrap metal and yard trim (compost) generated by the Department.
- ✓ Increase materials recycled versus solid waste material disposed as trash by 20 percent.
- ✓ Number of staff engaged in / supporting the Conservation Ambassador program.
- ✓ Number of parks with successful recycling programs

Sustainable Infrastructure & Planning

Objective: M-NCPPC will utilize National and State standards for green practices in the design of facilities and in the management of natural resources. Natural areas will be managed to maintain healthy ecosystems and maximize biodiversity.

- Sustainable Building
- Sustainable Site Work
- Connectivity – Hard Surface and Natural Trails

Recommended Focus Areas July 2017 – June 2019

1. Evaluate LEED (or equivalent standard) to document lessons learned, ideas, and recommendations for future projects.
2. Enhance incorporation of pre-design assessments in standard scopes of work that explore opportunities for sustainable elements, and project checklists for project and construction managers.
3. Expand and enhance trail system throughout the county.

Supporting Programs, Policies, or Initiatives

- All new construction or major renovation of M-NCPPC buildings greater than 5,000 square feet are required to adhere to IGCC standards and are constructed to at least LEED Silver.
- All new construction or major renovation of M-NCPPC buildings greater than 7,500 square feet adhere to the Maryland Green Building Council standards and constructed to at least United States Green Building Council, USGBC, LEED Silver or equivalent standard.
- When planning new office sites or recreation facilities, consideration is given to locations that offer access to public transportation resources such as metro rail, trains, buses, and carpools.
- Working with local communities and partner organizations, expand trail system (natural and hard surfaces) with a focus on connectivity.

Indicators

Indicators of progress for this plan element include the following:

- ✓ Number of facilities or locations that have achieved at least LEED Silver (or equivalent standard) or Sustainable SITES designation.
- ✓ Characterization of the types of sustainable elements incorporated into small facilities or locations not seeking LEED or Sustainable SITES designation (per fiscal year).
- ✓ Number of facilities that are accessible by public transportation.
- ✓ Number of natural and hard surface trail systems.

Natural Resources & Habitat Preservation

Objective: M-NCPPC will utilize National and State standards for green practices in the management of natural resources. Natural areas will be managed to maintain healthy ecosystems and maximize biodiversity focused on:

- Natural Resources Management
- Forest and Tree Canopy Conservation and Preservation
- Environmentally Sensitive and Unique Habitats

Recommended Focus Areas July 2019 – June 2021

1. Develop Conservation Landscaping protocols and plan
2. Implement and evaluate 'net zero' strategies at demonstration site
 - a. Completely remove invasive species and replace with native plants
 - b. Test new permeable construction materials to reduce run-off
 - c. Conduct bio-blitz to measure impact of habitat restoration
3. Conduct Departmental-wide assessment of key natural resource assets including tree canopy and invasive species impact
 - a. Measure the existing tree canopy on all 28,000 acres – quantifying annual CO2 capture rate

Supporting Programs, Policies, or Initiatives

- Expand nuisance wildlife program (e.g. White-tailed deer, Canada geese, etc.).
- Reduce mowing by 5 percent across Department.
- Plant 1,000 trees to provide habitat and offset carbon footprint.
- Support pollinator program to include 25 acres of meadow habitat, bee-keeper collective and pollinator gardens.

Indicators

Indicators of progress for this plan element include the following:

- ✓ Baseline of tree canopy and CO2 sequestration on annual basis
- ✓ Reduction of mowed areas
- ✓ Acreage of pollinator zones
- ✓ Number of trees planted
- ✓ Acreage of invasive species removed
- ✓ Amount of species before and after bio-blitz

Health & Wellness

Objective: Promote safety, health, and wellness through our workplace, programs, and services.

Recommended Focus Areas July 2020 – June 2021

1. Make connections between environmental health and human health in training offerings, educational materials, and program offerings related to sustainability.

Supporting Programs, Policies, or Initiatives

- An annual Fitness Week is coordinated annually that provides a designated number of Administrative Leave hours for staff to participate in scheduled events across the county.
- Support Park Rx initiative and support the Health and Wellness Plan
- Health and safety incident claims data are reviewed annually, quarterly, and monthly to assess risk, identify trends, and to analyze frequency and severity of accidents, injuries and/or property damage.
- Workplace hazards are mitigated through timely identification, investigation and remedial action. Extensive material testing is conducted at facilities to identify hazards prior to large-scale renovation or construction projects, and associated abatement is completed as appropriate.

Indicators

Indicators of progress for this plan element include the following:

- ✓ Number and type of opportunities or events made available to staff to promote health, safety, and wellness (by fiscal year). Information should be collected on the:
 - topic (brief description),
 - date of event or distribution,
 - format (e.g. presentation, written material, workshop, event),
 - target audience, and
 - number of staff participants.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

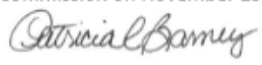
PRACTICE

No. 6-40

Approved by
The Commission

Initially issued: 11/1/76
Last amended: 11/19/2012
Last reviewed: 11/19/2012

M-NCPPC Sustainability Standards

AUTHORITY	<p>This Administrative Practice was initially approved by the Executive Committee at its meeting on October 4, 1976, and last amended by the Commission on November 19, 2012.</p> <p style="text-align: right;"> Patricia Barney, Executive Director</p>
RESCISSION	<p>The Practice, as amended on November 19, 2012, updates and replaces all other internal sustainability procedures.</p>
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M-NCPPC Sustainability Standards, Administrative Practice 6-40, page 2

- Prince George’s County Executive Order 22-2007, Goes Green Program
- Prince George’s County Energy Policy
- Montgomery County Bill 32-07, Environmental Sustainability Climate Protection Plan
- Montgomery County Code Section 18A, Energy Policy—Regulations
- Montgomery County Resolution 16-757, County Energy Policy (with reference to Interagency Committee on Energy and Utilities Management)
- Leadership in Energy and Environmental Design Certification Standards as issued by the United States Green Building Council
- Standards and Guidelines for Sustainable Sites (United States Sustainable Sites Initiative)
- Maryland Sustainable Communities Act of 2010

M-NCPPC Policies:

- Administrative Practice 4-10, Purchasing Policy
- Administrative Practice 2-18, Work-Life Program and related Administrative Procedures including:
 - 95-02, Compressed Scheduling
 - 95-04, Telework
 - 03-02, Alternative Commuting Resources

APPLICATION

This Practice applies agency-wide.

DEFINITIONS

Chlorine-free Processing: Paper is whitened without the use of chlorine in the process (PCF), eliminating production of chlorinated toxic chemicals and dioxins in processing wastes.

Energy Star: The Department of Energy rating for appliances and building products that minimize the use of energy.

Environmental Site Design (ESD): Using small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources.

Forest Stewardship Council (FSC) Certification: A third-party guarantee that wood products, including paper, are harvested from a certified sustainably managed forest.

Green Practice: The wise use of resources, conservation, and innovative environment-friendly designs that create or enhance sustainability.

Greenhouse Gas (GHG): A gas that increases the atmospheric reflection of infrared heat emissions from Earth’s surface, measured in carbon dioxide equivalent.

M-NCPPC Sustainability Standards, Administrative Practice 6-40, page 3

Leadership in Energy and Environmental Design (LEED): A building certification system designed by the U.S. Green Building Council (USGBC) that promotes design and construction strategies aimed at improving environment and resource stewardship. The tiered standards, which use Certified, Silver, Gold, and Platinum, vary by project type and are made available at USGBC.org.

Net Metering: Net metering is a policy that allows a solar-system owner to receive credit on his/her electricity bill for surplus solar electricity sent back to the utility.

Post-Consumer Recycled Content: Contains material that was consumed in a final product and then recycled.

Renewable Energy Certificate: Also known as “Green Tags” and “Green Certificates” is a tradable, non-tangible energy commodity that represents proof that one megawatt-hour of electricity was generated from an eligible renewable energy resource. Renewable Energy Certificates provide organizations a convenient way to purchase renewable energy, offset carbon emissions, and encourage clean energy development.

Smart Growth: Urban planning that supports efficient and sustainable land development and utilizes redevelopment that optimizes prior infrastructure investments. Smart growth incorporates strategies such as mixed-use urban centers that support and enhance public transit; promote walking and bicycling, provide for a range of housing and retail options, and consume less land that can be preserved for open spaces and natural systems.

Sustainable Sites Initiative (SITES): A rating system, similar to LEED developed by the American Society of Landscape Architects, that establishes voluntary national guidelines and performance benchmarks for sustainable land design, construction and maintenance practices.

Sustainability: Creates and maintains the conditions under which humans and nature can exist in productive harmony, and preserves resources so that they are not depleted or permanently damaged.

POLICY

The M-NCPPC is committed to stewardship of the environment, our community, and the workplace through the implementation of sustainable practices that preserve natural and economic resources, reduce waste and consumption, reduce the carbon footprint, promote green practices in our facilities and programs, and support the wellness of our employees and community.

Sustainability efforts shall increase the value or longevity of services while reducing reliance on resources and the negative effect on health or the environment.

M-NCPPC Sustainability Standards, Administrative Practice 6-40, page 4

The goal of this agency is to lead and implement meaningful sustainability initiatives. The sustainability goals outlined in this Practice are to be carried out as an agency, wherever feasible, and implemented within each department. The feasibility analysis of initiatives should consider the following:

- The prudent use of public dollars;
- The availability of green materials/services;
- The ability to maintain or improve existing service levels and safety; and
- The ability to safeguard the integrity of facilities/structures, including concerns for historic preservation.

These goals are intended to serve as benchmarks that may be further enhanced on a departmental, programmatic, or facility basis. It is recognized that certifications/standards identified in this Practice may evolve over time. The agency shall be guided by the certification/standard requirements that are in place at the time an initiative is being designed.

To implement this policy, each Department shall generate a Sustainability Plan that explains how goals identified in this Practice are being implemented for its respective facilities, operations or services. These Plans shall be presented to the Executive Committee by September 2013 and updated at least every two years.

The agency's sustainability efforts under this Practice also will be supported through a Sustainability Committee comprised of representatives from each department. The Committee shall: ensure coordinated efforts for agency-wide initiatives wherever practical; share ideas and expertise for the implementation on sustainability goals on a departmental level; prepare a Sustainability Report to the Commission that describes initiatives implemented throughout the agency, and recommend new or revised goals to ensure that the M-NCPPC stays at the forefront of sustainability practices.

Specific requirements for development of Sustainability Plans and reporting results to the Executive Committee and Commission are outlined in the Section titled Responsibilities. The following goals and objectives are designed to guide implementation of this Sustainability policy.

- I. **Utility/Energy Conservation:** Conserve natural and fiscal resources by eliminating waste, improving efficiency, reducing the consumption of energy, and increasing the use of renewable sources of energy. Whenever feasible, new appliances and building materials shall meet Energy Star or equivalent rating for high efficiency and energy conservation. This should be in addition to also considering other environmental attributes such as recyclability and applicable federal/state safety and building code requirements.
 - A. **Utility Measurement and Monitoring**
 1. Department sustainability coordinators shall collect utility use information to develop/enhance utility management standards and track the cost of each facility's utility consumption over time.

M-NCPPC Sustainability Standards, Administrative Practice 6-40, page 5

2. Utility consumption trends shall be made available to facility managers and Department Directors to evaluate and refine utility and cost saving practices.
3. Managers who operate buildings or spaces leased by the M-NCPPC should work with the facility owners to include utility metering or reporting for the leased space(s).

B. Conservation of Electricity and Natural Gas

1. In addition to established internal maintenance programs, departments should pursue grants for energy efficiency studies, upgrades, and retrofits for planned and existing facilities.
2. All M-NCPPC facility managers should seek to meet Leadership in Energy and Environmental Design (LEED) Volume Program for Operations and Maintenance, or LEED for Existing Buildings: Operations and Maintenance criteria, for at least a Silver or equivalent rating standards for operations and maintenance. These standards are issued by the U.S. Green Building Council which can be accessed through its website (www.usgbc.org).
3. Where practical, indoor and outdoor lighting fixtures shall be programmable or linked to occupancy or motion sensor(s).
4. Light emitting diodes (LEDs), daylight fixtures, or other efficient low-energy lighting solutions should be used in place of incandescent, halogen, or fluorescent lights, where practical.
5. By 2020, the agency through coordination with the Department of Finance, will strive to meet a target whereby 40% of its electricity is produced or supported through renewable energy sources. These sources may include, but are not limited to, the purchase of Renewable Energy Certificates, onsite generation of energy from renewable sources (such as wind, solar, geothermal, water, etc.), and/or the acquisition of renewable energy from utility companies. This target may be adjusted by the Executive Committee with input from the Secretary-Treasurer based on fluctuating costs and availability of renewable energy sources.
6. Renewable sources (such as solar, wind and geothermal) should be considered for new and replacement systems where life cycle cost savings are justified in addition to aggregate net metering or power purchase agreements, among other financing or contract mechanisms, to further reduce the Commission's carbon footprint with its energy use, save costs, and further promote clean power alternatives wherever practicable.

C. Conservation of Water

1. Install and properly maintain automatic faucets, where practical.
2. Whenever feasible, utilize low flow toilets and other innovations to reduce water demands.

M-NCPPC Sustainability Standards, Administrative Practice 6-40, page 6

3. Investigate and where feasible, install an efficient infrastructure for use of rainwater or grey water at M-NCPPC facilities, including water amenities and landscape watering.
4. Upon learning of any abnormal water usage pattern, facility managers shall investigate, locate, and immediately repair any leaks and inefficiencies.
5. Strive to plant native trees and shrubs in landscaping.
6. Strive to reduce lawn areas to minimize the need for irrigation and plant areas with appropriate drought tolerant native species.

D. Management of Heating, Ventilation, and Air Conditioning (HVAC) Systems

Whenever feasible:

1. Insulate exposed piping and ventilation ducts in accordance with at least LEED Silver or equivalent standard.
2. Integrate installation of high efficiency HVAC equipment in new construction or in replacement plans for existing equipment, such as Energy Star or equivalent.
3. Use programmable thermostats to minimize HVAC use when buildings are not in use.
4. In the planning of new buildings or major renovations to existing buildings, review insulation specifications to meet LEED Silver or equivalent standards.

E. Fleet Management and Use of Alternative Commuting Resources

1. Employees utilizing M-NCPPC vehicles are encouraged to carpool with other employees to conserve fuel, minimize operating costs, and reduce environmental impacts related to pollution and congestion.
2. Fleet managers shall assist Departments in assessing the functional use/need of vehicles based on assigned work program needs, and recommend vehicle purchases to most effectively meet these needs to include factors such as fuel/energy efficiency, safety, and effective operation. All new vehicle purchases shall consider the most energy efficient options suitable to meet the indicated use for the vehicle.
3. Vehicle assignments shall ensure the most efficient use of the agency's fleet.
4. To maintain highest operating efficiency, fleet managers should ensure that all vehicles receive periodic maintenance consistent with manufacturer specifications.
5. Reduce impact of employee travel to and from M-NCPPC facilities by implementing the following strategies:
 - a) Implement feasible options and/or incentives to encourage staff's use of public transportation, regional commuting resources (e.g., ride share and car pools), and internal programs such as departmental pool vehicles and vanpools.

M-NCPPC Sustainability Standards, Administrative Practice 6-40, page 7

- b) Establish and encourage carpooling by M-NCPPC employees, allocating reserved spaces for carpoolers.
- c) Encourage the use of alternate work arrangements such as Telework and Compressed Workweeks to reduce, among other things, environmental impact and costs/needs associated with workspace operations.
- d) Capitalize on meeting and conferencing technology by using more phone and video conference calls (including webinars for training), even locally, to cut back on use of vehicles and travel times.

- II. **Sustainable Acquisition and Use of Agency Supplies:** Develop procurement specifications that encourage the use of goods and services which support the agency's commitment to sustainability in areas including, but not limited to, resources conservation, protection of the environment, and workplace health and safety.

A. Office Supplies and Furniture

1. Actively reuse office supplies whenever possible, maintaining a returned inventory of supplies for reuse.
2. Durable office equipment, including furniture, should be considered for reuse or repurpose by other M-NCPPC facilities/operations before it is recycled/surplused/or disposed.
3. All disposal or external surplus/recycling of M-NCPPC property shall be coordinated with the Department of Finance, Purchasing Office, to ensure-adherence to legal dispossession of assets, with a preference placed on repurposing outside M-NCPPC for the benefit of the community.
4. Where feasible, identify and use environmentally friendly cleaning supplies/other products and services that are effective, enhance worker safety and health, and meet or exceed federal/state safety requirements.

B. Printing and Copying

1. Utilize two-sided printing whenever one-sided printing is not necessary.
2. Limit use of color copying/printing to reduce costs and resources.
3. Unless specific job demands or technical specifications of a printer require otherwise, purchase and use 100% post-consumer recycled paper, preferably with chlorine-free processing.
4. Purchase of papers containing less than 100% post-consumer content should be limited to those that are Forest Stewardship Council (FSC) Certified.
5. Incorporate other practical measures to reduce print material such as e-signatures, document imaging, and other paperless means of doing business.

C. Procurement

1. Procurement policies shall incorporate sustainable purchasing guidelines to secure economies of scale and promote sustainable product and service offerings by vendors. (See, for example, the Environmental Protection Agency's list of greener products that promote resource conservation, efficiency, safer

M-NCPPC Sustainability Standards, Administrative Practice 6-40, page 8

alternatives, and, recycled content and recyclability, among other factors, in addition to other, similar sources. See also Section I.B., Conservation of Electricity and Natural Gas.)

2. Purchases should be combined whenever reasonable to reduce deliveries to minimum essential requirements, to save costs and energy where possible.
3. In cooperation with the Chief Information Officer, departments should create and sustain an efficient information technology (IT) infrastructure that supports operational needs while increasing paperless options for reviewing and storing information, and using environmentally preferable and energy efficient equipment including computers, printers, copiers, document imaging systems, servers, etc.).

III. Recycling and Solid Waste Management: Implement projects and programs to recycle, reuse, and reduce solid wastes used by M-NCPPC employees and patrons to meet or exceed the regulatory mandates established by government regulations. Recycling and disposal of materials shall comply with relevant federal/State safety regulations.

- A. Implement recycling and reuse programs to achieve an overall rate of 90% of recyclable materials mandated by state or local law (including mixed paper, commingled materials, yard trim materials, Christmas trees, and scrap metal).
- B. Implement recycling and reuse programs to include other material to include but not be limited to oils, batteries, asphalt, tires, furniture, computers, electronics, construction debris, etc.
- C. Implement programs to recycle and reuse plant, tree, and related vegetation materials to include composting within the natural resources of the agency.
- D. Develop community-based information programs to encourage, demonstrate, and educate patrons on best practices to recycle, reuse, and reduce solid waste at M-NCPPC facilities/programs.

IV. Sustainable Infrastructure and Natural Areas: The M-NCPPC will utilize the national and State standards for green practices in the design of facilities and in the management of natural resources. Natural areas will be managed to maintain healthy ecosystems and maximize biodiversity.

A. Sustainable Building - Whenever feasible:

1. All new construction of M-NCPPC buildings shall be at least Leadership in Energy and Environmental Design (LEED) Silver eligible or equivalent standard.
2. Major renovation of M-NCPPC buildings shall meet at least LEED Silver eligibility or equivalent standard.
3. Capital improvement plans shall include implementation of LEED or equivalent standards in construction and renovation.

M-NCPPC Sustainability Standards, Administrative Practice 6-40, page 9

4. When planning new office sites, consideration should be given to locations that offer access to public transportation resources such as metro rail, trains, buses, and carpools.

B. Sustainable Site Work - Where appropriate:

1. Capital improvement plans shall include implementation of the Sustainable Sites Initiative (SITES) or equivalent standards (such as LEED) in construction and renovation.
2. Plant native trees and shrubs around agency-owned buildings to provide wind and summer sun shelter.
3. Utilize appropriate site layout, landscaping, and material choice to reduce heat island effect and summer cooling costs.
4. Use best practices including, but not limited to, current environmental site design standards to avoid, trap, and control erosion or surface runoff of detergents, fertilizers, pesticides, and soil into storm drains and surface waters.

C. Natural Resources Management:

1. Develop and implement a Natural Resources Management Plan for all parklands acquired for conservation purposes by 2012. This Plan provides general guidance to park management staff for the management of natural areas in parks.
2. Maintain, and expand as appropriate, the existing program for the inventory, assessment, and control of non-native and invasive (NNI) plants.
3. Maintain, and expand as appropriate, the existing program for the control of nuisance wildlife (e.g. White-tailed deer, Canada geese, etc.)
4. Utilize integrated pest management practices, where effective.
5. Maintain, and expand, as required by State regulations, the storm sewer system, and the monitoring of water bodies and restoration of watersheds within the park system.

D. Community Planning and Development:

Where possible and practical, Community Planning and Development shall:

1. Plan and locate new development according to Smart Growth principles and in conjunction with Maryland Sustainability initiatives.
2. Locate recreation facilities to afford access via public transit and trails networks.
3. Co-locate community recreation centers and major recreation facilities with other public facilities.

V. Health & and Wellness: Promote safety, health, and wellness through our workplace, programs, and services.

M-NCPPC Sustainability Standards, Administrative Practice 6-40, page 10

- A. Support healthy communities by integrating sustainability concepts and green practices with relevant program offerings, to further enhance patron and employee well-being.
- B. Raise awareness of workplace health, safety, and wellness issues through comprehensive training and education programs targeting illness and injury prevention.
- C. Mitigate workplace hazards through timely identification, investigation, and remedial action. Whenever reasonable, complete collaborative reviews of accidents and design new programs to encourage greater understanding of risks and actions to implementation.

VI. Employee Education & Training on Sustainability Goals

- A. Sustainability efforts will be fostered through agency-wide promotion and education of environmental awareness and conservation.
- B. Employees should be encouraged to seek sustainability credentials appropriate to their work program.
- C. Supervisors are responsible for reviewing work program requirements as they pertain to implementation of sustainability efforts. Applicable sustainability goals are to be incorporated into employee performance expectations.

RESPONSIBILITIES

The following responsibilities are assigned for the overall administration of the agency's sustainability policy. Responsibilities may be delegated as appropriate.

Department Directors shall:

- Ensure compliance with this policy.
- Develop a departmental bi-annual Sustainability Plan that shall be presented to the Executive Committee by September 2013 to outline initiatives for the upcoming two-year period. The Sustainability Plan shall be reviewed and presented every two years.
- Following the first year of implementation of the Plan, Department Directors shall report of the status of achieving sustainability goals and objectives outlined in this Practice and in the departmental Sustainability Plan.
- Designate one or more employees to act as the departmental Sustainability Coordinator(s) and serve as the representative(s) to the agency-wide Sustainability Committee.

Departmental Sustainability Coordinators shall:

- Serve as the departmental liaison to the Sustainability Committee and as the point of contact and clearinghouse for all sustainability-related issues for the M-NCPPC.
- Assist the Department Director in preparing the departmental Sustainability Plan that meets, at a minimum, the sustainability goals and objectives set forth in this Practice.
- Communicate goals outlined in the departmental Sustainability Plan to all operations/facilities and provide support for implementation of the Plan.

M-NCPPC Sustainability Standards, Administrative Practice 6-40, page 11

- Collect data and perform analyses to monitor and assess ongoing progress on meeting standards and complying with guidelines.

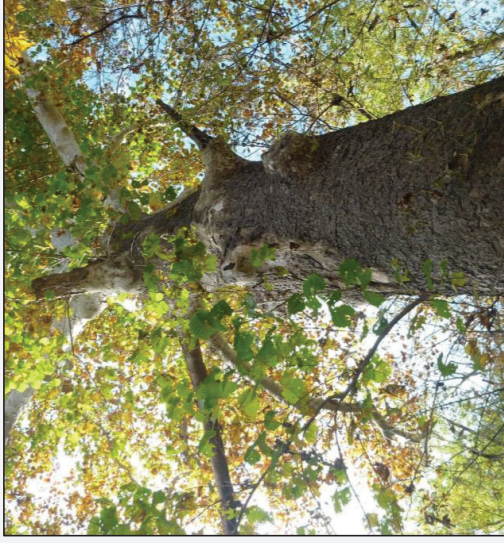
Sustainability Committee shall:

- Share ideas for implementation of sustainability goals throughout the agency and on a departmental level.
- Promote sustainability awareness within M-NCPPC and the region.
- Recommend to Department Directors, and develop/implement approved communication tools to educate the workforce and the community on sustainability goals, initiatives, and progress.
- Recommend to Department Directors, new or amended initiatives to comply with the goals outlined in this Practice.
- Prepare a Sustainability Report to the Commission that describes the initiatives that have been implemented throughout the agency.
- Strengthen information exchange with intergovernmental relationships in the area of sustainability (e.g., Council of Governments, County/State agencies, local municipalities) and, where relevant, explore opportunities to promote cooperative partnerships and complementary cost-savings with potential implementation of various measures with or across organizational boundaries.



Maryland-National Capital Park and Planning Commission, 2019

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M-NCPPC Sustainability Report

July 2017 – June 2019



Montgomery County Department of Parks
Montgomery County Department of Planning
Prince George's County Department of Parks & Recreation
Prince George's County Planning Department
Central Administrative Services



M-NCPPC Practice 6-40, Sustainability Standards

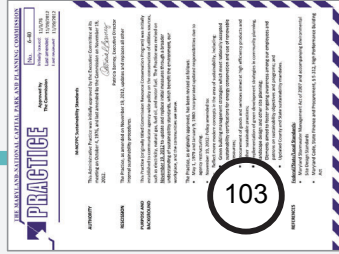
The Practice was initially established in 1976 to communicate agency-wide policy on resource conservation.

In 2012 the Practice was revised to establish “a broader understanding of sustainability standards that benefit the environment, our workplace, and the communities we serve.”

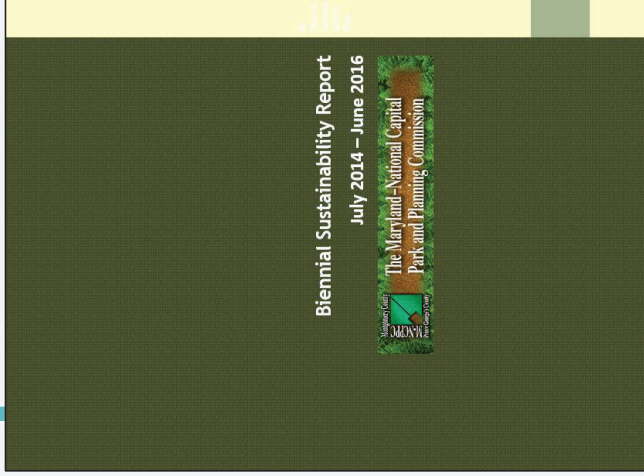


Development of a Sustainability Plan

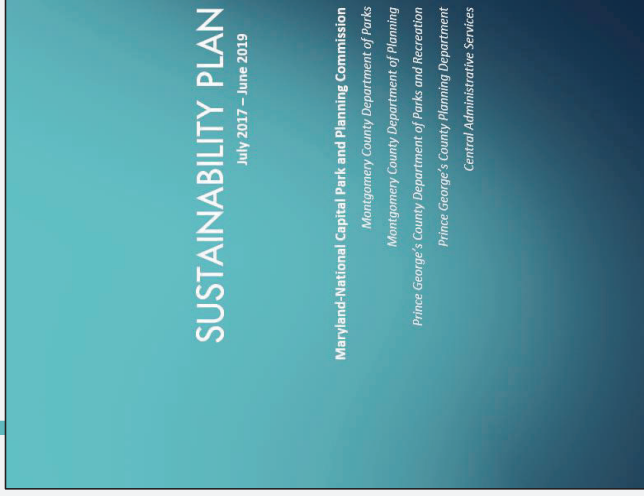
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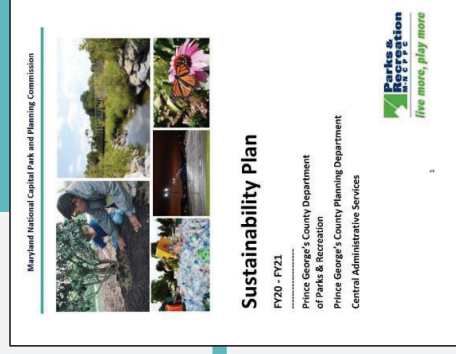
July 2014 – June 2016



July 2017 – June 2019



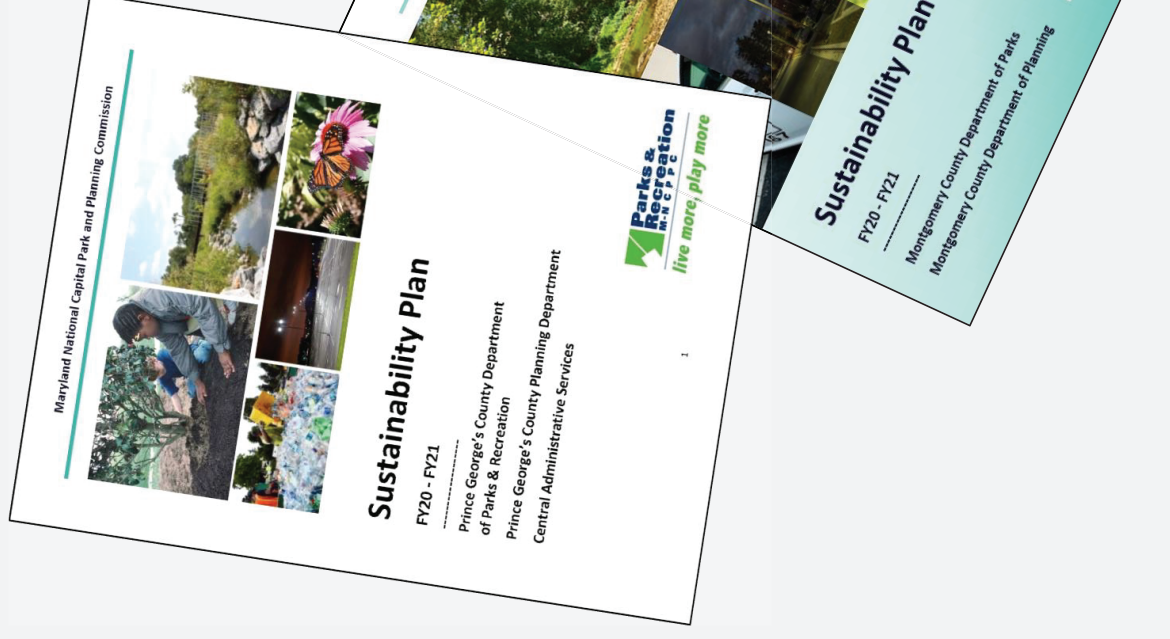
July 2019 – June 2021



Sustainability Plan Structure

Plan Elements:

- Employee Education, Training, & Engagement
- Community & Patrons Education & Engagement
- Utility/Energy Conservation
- Water Conservation & Management
- Fleet Management
- Sustainable Acquisition & Use of Agency Supplies
- Recycling & Solid Waste Management
- Sustainable Infrastructure & Natural Areas
- Natural Resources & Habitat Preservation
- Health & Wellness



Employee Education, Training & Engagement

- Founding member of the Sustainability Institute, a national week-long conference on sustainability best practices - 10 staff from 5 Divisions participated.
- More than 50 staff participated in Chesapeake Bay Landscape Professional Certification training.

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Prince George's

- Continued providing engaging training opportunities in support of sustainability-related topics including recycling, stormwater management, pollution prevention best practices, etc.

- Engaged staff with sustainability-themed activities like Mug Shots and What's Your Green Routine?

Montgomery



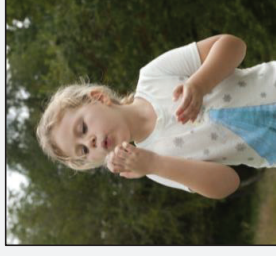
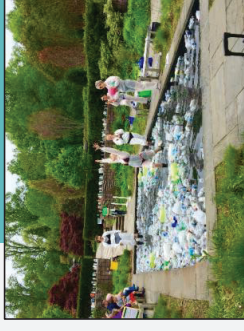
Community & Patrons Education & Engagement

- Provided nearly 10,000 wildflower seed packets to community members – supporting our Pollinator Project.
- Through Nature Centers, Park Rangers and Waterfront Parks and community outreach, engaged 375,000 people in environmental efforts.

Prince George's

- M-NCPPC hosted GreenFest at Brookside Gardens in FY19, alongside local agencies and green groups. Approximately 5,000 people attended – the largest turnout to date!
- In FY18/19, Nature Center programming reached nearly 100,000 people in programs and an additional 132,000 people engaged at centers. Stream and park cleanups in FY18/19 engaged more than 10,000 people who removed nearly 100 tons of trash and recyclables.

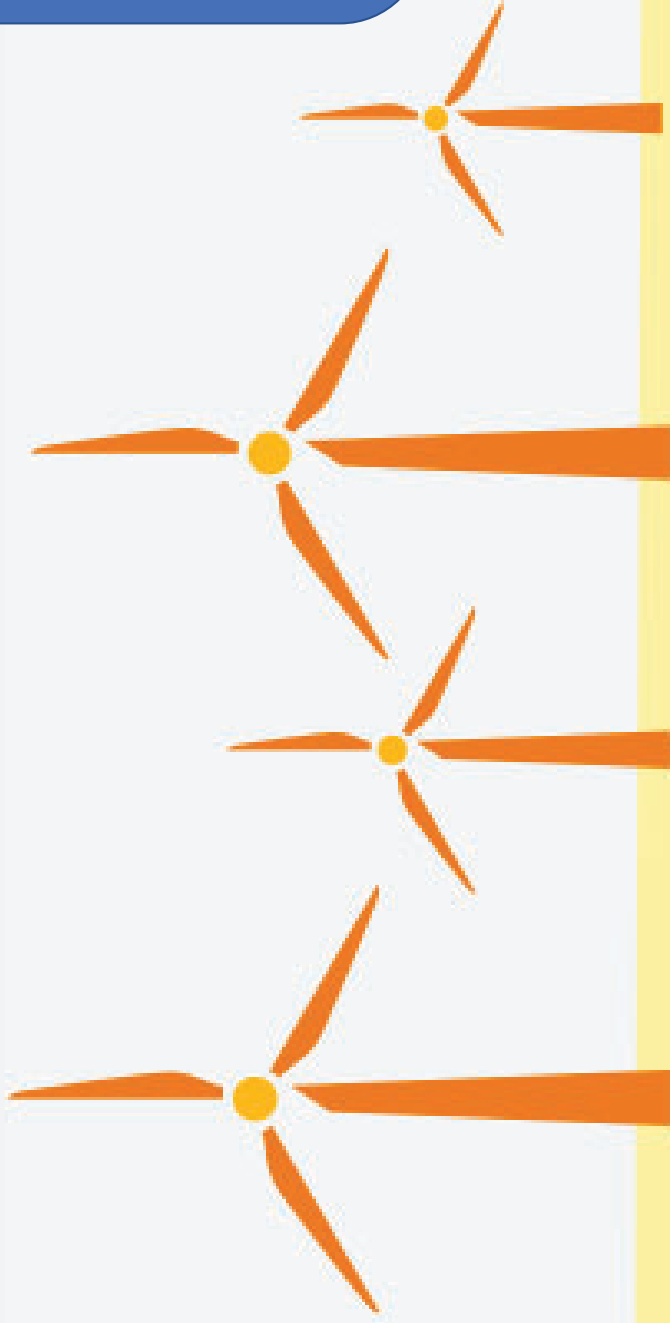
Montgomery



Utility/Energy Conservation: Sourcing Renewable Energy

As an agency, M-NCPPC participates in the Montgomery County Green Power Purchasing Group. Since 2016, 100% of our electric power usage is supplied by renewable energy.

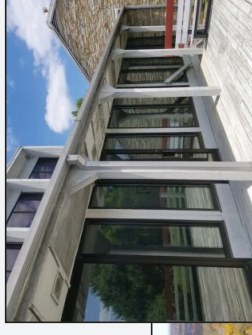
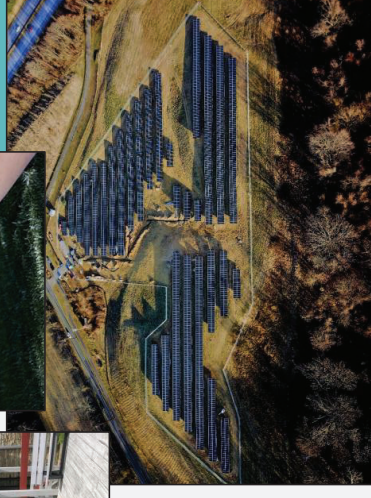
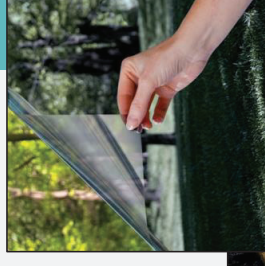
The County Green Power Purchasing Group is listed in EPA's National Top 100 users of green power in the country.



Utility/Energy Conservation

- Retrofit more than 50 sites with LED lighting – with a total projected savings of \$300,000.
- Started construction of a 2.4MW solar farm – saving tens of thousands of dollars and offsetting 2,069 tons of carbon dioxide yearly, equivalent to 436 passenger vehicles.

Prince George's



- Construction on 2.5MW of solar, across two sites was completed. This clean energy will help offset about 2,877 tons of greenhouse gases annually and utilized to power nearly 40 park sites.
- Began installing window film to reduce solar heat gain in strategic locations.

Montgomery

Water Conservation & Management

- Installed cisterns at 5 sites, with an annual capturing capacity of 1 million gallons/year.
- Established Storm Water Management Task Force, which is developing maintenance plan for hundreds of facilities located on Park property – supporting water quality and limiting run-off.

Prince George's



- Installed two 800 gallon cisterns at the Green Farm Maintenance Facility to collect and store rooftop stormwater runoff which can be used for a variety of applications.

- All new and retrofit plumbing opportunities are outfitted with water-efficient plumbing fixtures.

Montgomery



Fleet Management

- Increased hybrid and electric vehicles to more than 18 percent of total fleet inventory.
- Launched pilot program to convert lawn mowers from gas to propane.

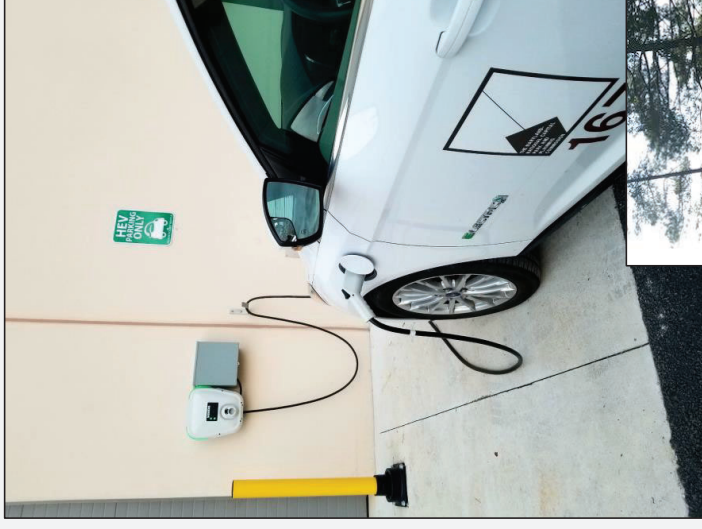
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- Began intensive review of current fleet to identify inefficiencies and recommend reductions or reallocations based on use. Remaining vehicles to be sent to auction.

- The Parks Department purchased its first set of all-electric mowers.

Montgomery

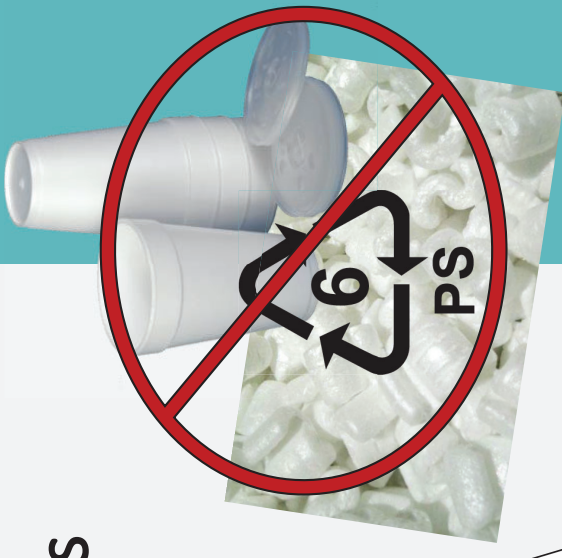
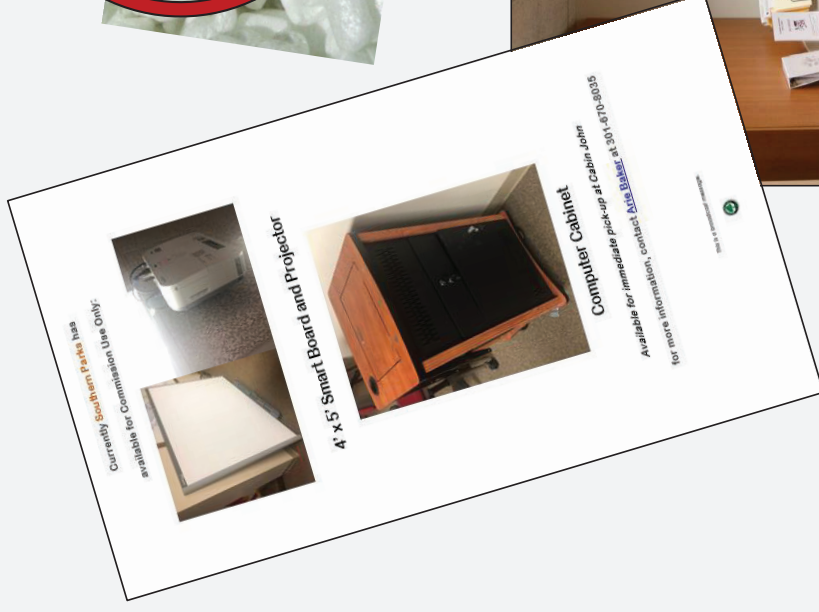


Sustainable Acquisition & Use of Agency Supplies

- All printers are set to print double sided.
- Discontinued use of Styrofoam from all Commission operations.
- Launched employee self service to enroll online during open enrollment.

Prince George's

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- Reusable, durable Commission equipment, property, and supplies are advertised as available through email broadcasts to all staff.
- The Planning Department operates a Central Supply room that is stocked with office supplies meeting sustainable 'green' criteria.

Montgomery



Recycling & Solid Waste Management

- Launched recycling campaign, 1 Million More, which diverted an additional one million pounds of waste from landfills to recycling centers.
- Hundreds of items (furniture, equipment) have been reused using email distribution strategy.

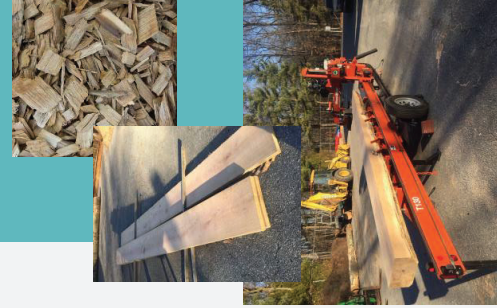
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- Discontinued contracted recycling service and began self-hauling. Exceeded the Montgomery County Recycling goal of 70% in 2018.

- The Green-Waste Recycling Program processed more than 9.6 million pounds of green waste in FY18/19, converting it into useful products like compost, wood chips, mulch, trailer boards, etc.

Montgomery



Sustainable Infrastructure & Natural Areas

- Five facilities designed to meet LEED Silver certification standards.
- Expanded removal of invasive plants to include more than 15 sites.

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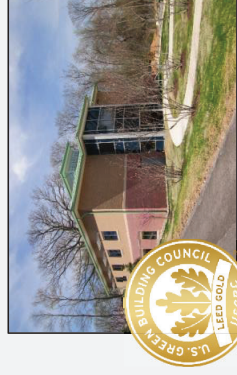
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- The new Rock Creek Maintenance Yard was designed to meet LEED Gold criteria and the Wheaton Headquarters building is being constructed as a LEED Platinum facility.

- Maydale Nature Center is currently being constructed to be a net-positive facility.

Montgomery

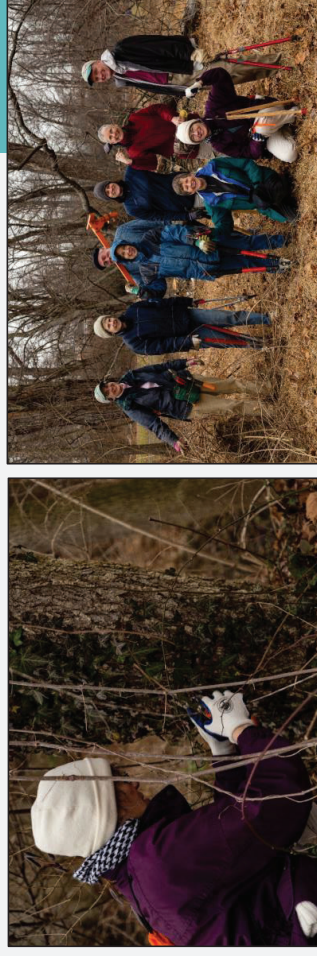
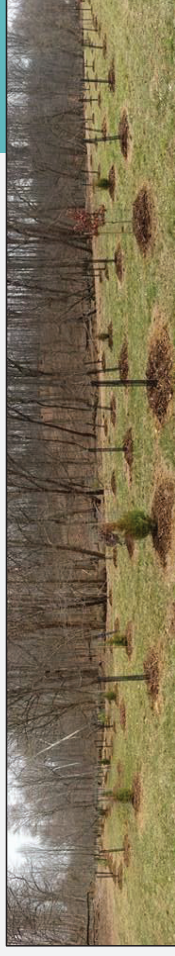
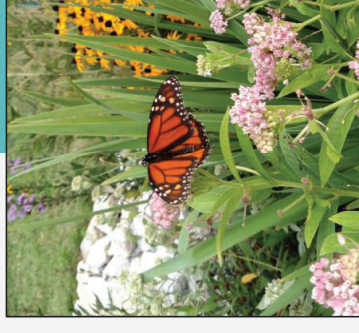


Natural Resources & Habitat Preservation

- Expanded wild rice program along the Patuxent River and launched innovative tracking system of the Sora Rail – determining migration patterns.
- Launched Pollinator Project to include 15 acres of meadow on 10 sites and creation of Bee Keeper Collective.

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Prince George's



- Over 65 acres of reforestation was completed comprised of more than 2,600 trees & shrubs.

- In FY18/19 the Parks Department volunteer Weed Warrior program engaged over 1,000 volunteers in the removal of non-native invasive plants from parkland.

Montgomery

Health & Wellness

- Expanded ParkRx Program – providing patrons a database with health information for sites.
- Launched Wellness in the Woods, a first-of-its kind program that showcases the wealth of activities that take place in our parks and open space.

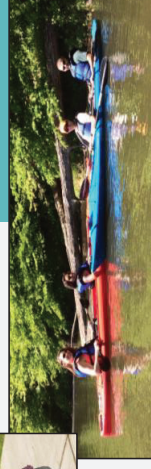
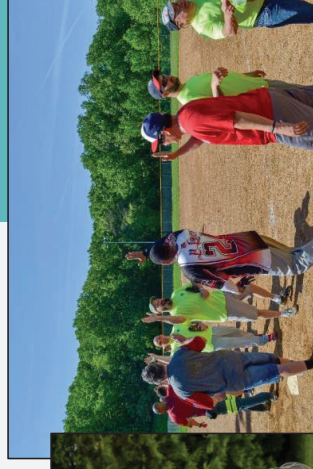
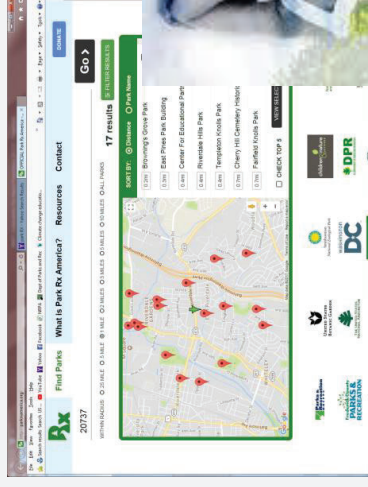
115

Prince George's

- Opportunities for health and wellness programs and opportunities have expanded in the past 2 years. Fitness week will be held in spring and fall to encourage greater participation.

- An annual week-long Pause For Safety training is made available for staff to encourage best practices for workplace health and safety for trades staff.


Montgomery





Looking Ahead to FY20 & FY21

Update Practice 6-40 – Sustainability Standards

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION	
PRACTICE	
Approved by The Commission	
No. 6-40	Initially issued: 11/1/76
Last amended: 11/19/2012	
Last reviewed: 11/19/2012	
M-NCPPC Sustainability Standards	
AUTHORITY	This Administrative Practice was initially approved by the Executive Committee at its meeting on October 4, 1976, and last amended by the Commission on November 19, 2012.  Patricia Barney, Executive Director
REVISION	The Practice, as amended on November 19, 2012, updates and replaces all other internal sustainability procedures.
PURPOSE AND BACKGROUND	This Practice (originally titled Commission Resource Conservation Program) was initially established to communicate agency-wide policy on the conservation of utilities sources, such as electricity, natural gas, fuel oil, and motor fuel. The Practice was revised on November 19, 2012 to update and replace initial measures through a broader understanding of sustainability standards, which benefit the environment, our workplace, and the communities we serve. The Practice, as originally approved, has been revised as follows: <ul style="list-style-type: none">• May 1, 1979 and January 9, 1980: incorporated updated responsibilities due to agency restructuring.• November 19, 2012: Policy amended to:<ul style="list-style-type: none">◦ Reflect more modern concepts in the area of sustainability, including:<ul style="list-style-type: none">▪ Green building management strategies which meet nationally accepted sustainability certifications for energy conservation and use of renewable resources;▪ Procurement of goods and services aimed at high efficiency products and other sustainable practices;▪ Implementation of green development strategies in community planning, landscape design and other site planning;▪ Elements aimed to foster ongoing awareness among our employees and patrons on sustainability objectives and programs; and▪ Updated County and State sustainability mandates.
REFERENCES	Federal/State/Local Standards: <ul style="list-style-type: none">• Maryland Stormwater Management Act of 2007 and accompanying Environmental Site Design Standards• Maryland Code, State Finance and Procurement, § 5-312, High Performance Building Act

Montgomery and Prince George's staff intend to work collaboratively in FY20 and FY21 to refine the existing M-NCPPC Practice 6-40.

Specific goals include:

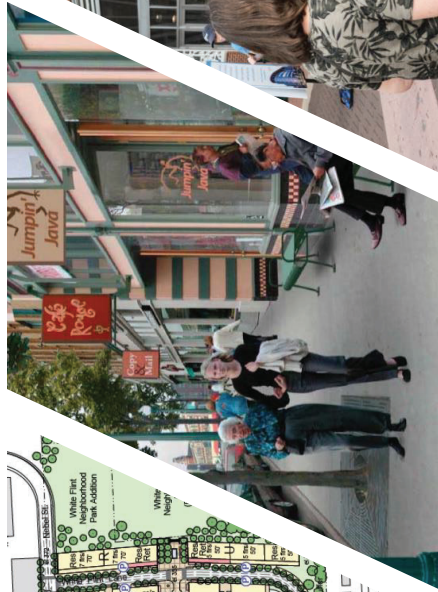
Define priority focus areas based on current available science and applicable regulations

- Prioritize strategies for achieving organizational sustainability
- Allow for the ability to prioritize actions based on need and opportunity



Strategic Direction: *Montgomery County*

- Fleet & Equipment Management



Strategic Direction: Montgomery County

- Walkable and Bikeable Communities
- Land Use
- General Plan Update – Thrive 2050



Strategic Direction: Prince George's County

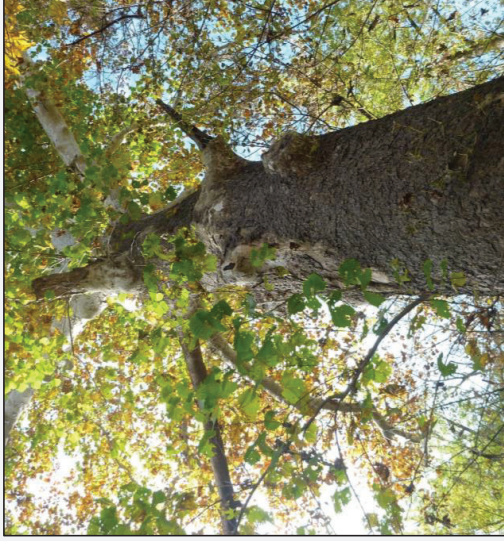
- Stormwater Management



122 Strategic Direction: Prince
George's County

- Employee and Community Engagement





Questions?

Montgomery County Department of Parks
Montgomery County Department of Planning
Prince George's County Department of Parks & Recreation
Prince George's County Planning Department
Central Administrative Services



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

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Jul-19	Aug-19	Jul-19	Aug-19	Jul-19	Aug-19	Jul-19	Aug-19
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	1	1	1	0	0	0	2	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	2	2	0	1	0	0	2	3
LEGAL DEPARTMENT	2	0	1	1	0	0	3	1
FINANCE DEPARTMENT	2	1	0	0	0	0	2	1
PRINCE GEORGE'S PLANNING	2	2	1	1	0	0	2	3
PRINCE GEORGE'S PARKS & RECREATION	3	16	3	3	0	0	6	19
MONTGOMERY COUNTY PARKS	10	9	4	2	0	0	14	11
MONTGOMERY COUNTY PLANNING	1	1	4	2	0	0	5	3
DEPARTMENT TOTAL BY DAYS LATE	23	32	14	10	0	0		
COMMISSION-WIDE TOTAL							36	42

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.

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THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
Department of Finance, Office of Secretary-Treasurer
6611 Kenilworth Avenue, Riverdale, Maryland 20730

September 18, 2019

TO: Commissioners

FROM: Joseph Zimmerman, Secretary-Treasurer



SUBJECT: Annual Report for the 115 Trust – June 30, 2019

Per the requirements of the 115 Trust Document, the annual report of financial status is provided for your information.

The Commission maintains the trust as a funding vehicle for retiree health insurance costs. The program continues to meet its obligations to the retirees as well as amortize the unfunded portions of the cost of previous obligations.

I will be happy to review the report with you.

Attachment: 115 Trust Annual Report at June 30, 2019

**The Maryland-National Capital Park and Planning Commission
Other Post Employment Benefits Trust Fund Investments
Statement of Plan Net Assets
June 30, 2019**

Assets	
Cash and short-term investments	\$ 554
Investments at fair value	
Bond Funds	17,440,092
Equity Funds	57,007,666
Other Assets - Real Estate	7,850,689
Total investments	<u>82,298,447</u>
 Total Assets	 82,299,001
Liabilities	
Accounts payable and others	<u>-</u>
 Net Assets held in trust for other post employment benefits	 <u>\$ 82,299,001</u>

**The Maryland-National Capital Park and Planning Commission
Other Post Employment Benefits Trust Fund Investments
Statement of Changes in Plan Net Assets
For the Period Ended June 30, 2019**

	Month to Date	Fiscal Year to Date
	<u> </u>	<u> </u>
ADDITIONS:		
Contributions	\$ -	\$ 7,631,000
 Investment Earnings:		
Interest	-	168,252
Dividends	103,903	1,891,868
Net increase (decrease) in the Fair Market Value of Investments	3,570,173	(86,678)
Total Investment Earnings	<u>3,674,076</u>	<u>1,973,442</u>
 Add Investment Advisory and Management fees net of adjustment	 -	 -
Net Income from Investing Activities	<u>3,674,076</u>	<u>1,973,442</u>
 Total Additions	 <u>3,674,076</u>	 <u>9,604,442</u>
 DEDUCTIONS:		
 Increase in Net Assets	 <u>3,674,076</u>	 <u>9,604,442</u>
Net Assets held in trust for other post employment benefits		
Beginning of period	78,624,925	72,694,559
June 30, 2019	<u>\$ 82,299,001</u>	<u>\$ 82,299,001</u>



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

Reply To

September 6, 2019

Adrian R. Gardner
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
(301) 454-1111 1 454-1674 fax

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
 General Counsel

RE: Litigation Report for August 2019 – FY 2020

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, September 18, 2019. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

Table of Contents – August 2019 – FY 2020 Report

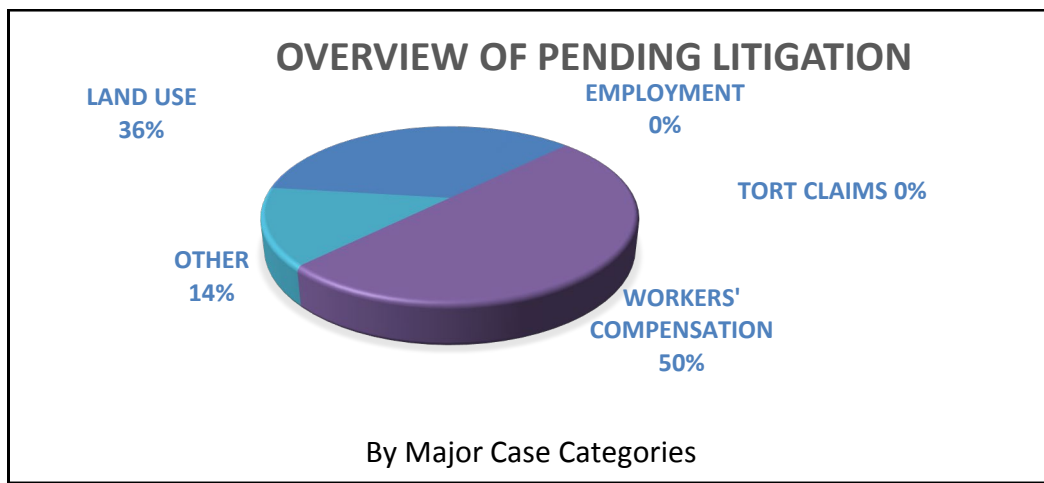
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August 2019 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Trial Court	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	2	3					5
Admin Appeal: Other							
Land Use Dispute							
Tort Claim							
Employment Dispute							
Contract Dispute							
Property Dispute							
Civil Enforcement							
Workers' Compensation	5	2					7
Debt Collection							
Bankruptcy							
Miscellaneous		1					1
Per Forum Totals	7	6					13



August 2019 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2019			
	Pending In July 2019	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	6		1	6		1	5
Admin Appeal: Other (AAO)							
Land Use Disputes (LD)							
Tort Claims (T)	1		1	1		1	
Employment Disputes (ED)							
Contract Disputes (CD)							
Property Disputes (PD)							
Civil Enforcement (CE)							
Workers' Compensation (WC)	5	3	1	5	2	1	7
Debt Collection (D)							
Bankruptcy (B)							
Miscellaneous (M)	2		1	2		1	2
Totals	14	3	4	14	2	4	13

**INDEX OF YTD NEW CASES
(7/1/2019 TO 6/30/20)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Milbourne v. Commission	PG	WC	July 19
Commission v. Batson	PG	WC	July 19
Commission v. Sommer	PG	WC	Aug 19
B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
C. <u>New Supreme Court of the U.S. Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>

**INDEX OF YTD RESOLVED CASES
(7/1/2019 TO 6/30/20)**

A. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Ferrante	PG	WC	July 19
Commission v. Ferrante	PG	WC	July 19
Bradley Boulevard Citizens Association Inc. v. Montgomery County Planning Board	MC	AALU	July 19
Critical Area Commission v. MNCPPC	PG	AALU	Aug 19
B. <u>Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Pletsch, et al. v. Commission	PG	AALU	July 19
C. <u>Supreme Court of the U.S. Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>

Disposition of FY20 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 Planning		
Bradley Boulevard Citizens Association, Inc. v. Montgomery County Planning Board	Appeal of Planning Board approval of WMAL Site Plan 820170170.	07/17/19 – Joint Motion to Dismiss granted.
Montgomery County Department of Parks		
Montgomery County Park Police		
Montgomery County Planning Board		
Prince George's County Department of Parks and Recreation		
Ferrante v. Commission (two separate cases)	Appeal from WCC Order requiring Commission to pay indemnity benefits corresponding to medical treatment.	07/25/19- Court affirmed the decision of the orders dated April 11, 2018 and October 19, 2018 issued by the Workers' Compensation Commission
Prince George's County Planning Department		
Critical Area Commission v. MNCPPC	Petition for Judicial Review regarding the Prince George's County Planning Board's approval of the Indian Queen Overlook Conservation Plan CP-16002.	08/19/19 - matter voluntarily dismissed.
Prince George's County Planning Board		

Prince George's Park Police			
Office of Internal Audit			



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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Milbourne v. Commission

Case No. 050200086602019 (WC)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Milbourne alleges Commission owes him for unused leave.

Status: Jury trial prayed. Moved to Circuit Court.

Docket:

03/25/19	Complaint filed
07/19/19	Commission served
07/31/19	Notice of Intent to Defend filed by Commission
07/31/19	Commission Demand for Jury trial

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Commission v. Batson

Case No. CAL19-24204 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order regarding surgical authorization for leg causally related to accidental injury

Status: In Discovery.

Docket:

07/26/19	Petition for Judicial Review filed
08/08/19	Order of Court Permitting Omission of Record
08/19/19	Batson's Notice of Intent to Participate, Jury Demand
08/22/19	Commission's Motion to Strike Request for De Novo Review and Request for Jury Demand

Commission v. Ferrante
Case No. CAL 18-09401 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: Affirmed.

Docket:

04/17/18	Petition for Judicial Review filed
05/07/18	Commission files response to Petition for Judicial Review
06/19/18	Pretrial date rescheduled by consent
06/26/18	Order of Court rescheduling Pretrial Conference
07/09/18	Pretrial Conference cancelled
11/28/18	Consent Motion to consolidate with CAL 18-40683
12/27/18	Consent Motion to consolidate with CAL 18-40683 refiled
01/25/19	Motion to Consolidate granted. Case CAL 18-09401 to be the lead case for purposes of filing.
02/20/19	Trial postponed – inclement weather
03/28/19	Trial held. Court has taken matter under advisement.
07/25/19	Court affirms the decision of the orders dated April 11, 2018 and October 19, 2018 issued by the Workers' Compensation Commission.

Commission v. Ferrante
Case No. CAL 18-40683 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: Affirmed.

Docket:

10/30/18	Petition for Judicial Review filed
11/28/18	Consent Motion to Consolidate with CAL 18-09401
12/27/18	Consent Motion to Consolidate with CAL 18-09401 refiled
01/25/19	Motion to Consolidate granted. Case CAL 18-09401 to be the lead case for purposes of filing.
02/20/19	Trial postponed – inclement weather
03/28/19	Trial held. Court has taken matter under advisement.
07/25/19	Court affirms the decision of the orders dated April 11, 2018 and October 19, 2018 issued by the Workers' Compensation Commission.

Commission v. Sommer
Case No. CAL 19-28143 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant and the Commission have filed a Joint Petition for Judicial Review appealing the several denials of a proposed settlement agreement by the WCC.

Status: In discovery.

Docket:

08/26/19	Joint Petition for Judicial Review filed
08/29/19	Order of Court Permitting Omission of Record

Critical Area Commission v. MNCPPC
Case No. CAL 19-05760 (AALU)

Lead Counsel: Dumais
Other Counsel:

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

Status: Dismissed.

Docket:

02/15/19	Petition for Judicial Review filed
03/09/19	Commission served
03/19/19	Response of MNCPPC filed
04/17/19	Interested Party Michael Min's Response to Petition for Judicial Review filed
07/25/19	Oral argument rescheduled 10/16/19
08/19/19	Voluntary Dismissal
08/21/19	Case dismissed

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

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

Case No. 463263-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

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

Status: Dismissed.

Docket:

02/14/19	Petition for Judicial Review
02/15/19	Notice of Filing from Court
03/07/19	MNCPPC's Response to Petition filed
03/20/19	Toll Bros., Inc.'s Response to Petition filed
06/21/19	Respondents' Joint Motion to Dismiss filed.
07/17/19	Joint Motion to Dismiss granted

MARYLAND COURT OF SPECIAL APPEALS

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

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

Lead Counsel: Sorrento
Other Counsel:

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

Status: Awaiting oral argument.

Docket:

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

Gaspard v. Montgomery County Planning Board

September Term 2019 Case No. 0579 (AALU)

Lead Counsel: Dumais
Other Counsel:

Abstract: Appeal of decision affirming Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833

Status: Appeal filed.

Docket:

05/23/19	Appeal filed
08/21/19	Order Appeal to proceed without a prehearing conference or ADR

Green v. Commission

September Term 2019 Case No.0709 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: Appeal filed.

Docket:

06/13/19	Appeal filed.
07/23/19	Order Appeal to proceed without a prehearing conference or ADR

Pletsch, et al v. Commission

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

Lead Counsel: Mills
Other Counsel: Borden

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

Status: Remanded to Circuit Court to Dismiss Petition for Judicial Review for lack of standing.

Docket:

02/16/18	Notice of Appeal filed by Pletsch, et al.
02/23/18	Notice of Appeal filed by St. John Properties, Inc.
05/13/19	Oral Argument held.
07/22/19	Judgment of Circuit Court vacated. Case remanded with direction to dismiss Petition for Judicial Review.

Ross v. Commission

September Term 2019, No. 280 (WC)

Lead Counsel: Foster
Other Counsel:

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

Status: Appeal filed.

Docket:

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

The Town of Forest Heights v. Commission

September Term 2019 Case No. (Misc.)

Lead Counsel: Borden
Other Counsel:

Abstract: Commission filed a declaratory judgment against the Town of Forest Heights. The Town appealed. Court of Appeals reversed, and case remanded.

Status: Awaiting new decision.

Docket:

04/05/19	Remanded from the Court of Appeals.
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MARYLAND COURT OF APPEALS

No Pending Cases

U.S. DISTRICT COURT OF MARYLAND

No Pending Cases

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

No Pending Cases

SUPREME COURT OF THE UNITED STATES

No Pending Cases