



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

February 19, 2020

10:00 a.m. – 12:00 p.m.

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

6600 Kenilworth Avenue
Riverdale, Maryland 20737

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, February 19, 2020**

**Prince George’s County Parks and Recreation Administration Auditorium
6600 Kenilworth Avenue
Riverdale, Maryland 20737**

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.) Open Session – January 15, 2020 Closed Session – January 15, 2020	(+*) (+*)	Page 3
3.	General Announcements (10:05 a.m.)		
	a) M-NCPPC Black History Month Events		
	1. Employee Events: Montgomery County Planning and Parks Departments’ Lunch and Lecture Black History Month events, Fridays in February at MRO		
	2. Employee Event: Prince George’s County Planning Black History Month Event at CAB on February 26.		
	3. Other public activities, see pgparks.com and montgomeryparks.org.		
	b) American/National Heart Month		
	c) February 14 was National Organ Donor Day		
	d) Upcoming Women’s History Month, March 2020. Planned activities, including One-Commission event hosted by the Diversity Council		
4.	Committee Minutes/Board Reports (For Information Only) (10:20 a.m.)		
	a) Executive Committee Meeting – Open Session – February 5, 2020	(+) Page 9	
	b) Employees’ Retirement System Board of Trustees Regular Meeting – January 7, 2020	(+) Page 11	
5.	Action and Presentation Items (10:20 a.m.)		
	a) Recommendation for appointment of PGIM as a new Investment Manager for the Employees’ Retirement System (Rose)	(+*)	Page 15
	b) Briefing on Preliminary FY21 Spending Affordability Guidelines for Montgomery County (Kroll)	(+) Page 17	
	c) Quarterly CIO Report (Chilet)	(+) Page 19	
6.	Officers’ Reports (11:00 a.m.)		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, January 2020 (For Information Only)	(+) Page 23	
	<u>Secretary Treasurer</u>		
	b) MFD 1 st Quarter Purchasing Statistics (For Information Only)	(+) Page 25	
	<u>General Counsel</u>		
	c) Litigation Report (For Information Only)	(+) Page 39	
 <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>			
7.	Closed Session (11:05 a.m.)		
	a) Collective Bargaining Update (Chiang-Smith/Bennett)		

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

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
January 15, 2020

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
Manuel Geraldo

Montgomery County Commissioners

Casey Anderson, Vice-Chair
Gerald Cichy
Tina Patterson

NOT PRESENT

A. Shuanise Washington

Natali Fani-Gonzalez
Partap Verma

Chair Hewlett convened the meeting at 10:16 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Commissioner Bailey to approve the Commission agenda
Seconded by Commissioner Geraldo
The motion was approved unanimously

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – December 18, 2019
Closed Session – December 18, 2019
ACTION: Motion of Commissioner Bailey to approve the minutes
Seconded by Commissioner Doerner
The motion was approved unanimously

ITEM 3

GENERAL ANNOUNCEMENTS

Chair Hewlett wished everyone a happy new year and announced the following for the month of January:

- Rev. Dr. Martin Luther King, Jr.'s birthday is today. The M-NCPPC will be observing it on Monday, January 20.
- National Blood Donor Month
- National Slavery and Human Trafficking Prevention Month
- Upcoming M-NCPPC Black History Month Events – February 2020. Black women in politics, to the Ballot Box and beyond on January 26 and Detroit February 7.

Chair Hewlett announced the newly appointed Director of the Prince George's County Department of Parks and Recreation, Bill Tyler, will start on February 9. Vice-Chair

Anderson also congratulated Mr. Tyler noting his outstanding management and leadership qualities. Chair Hewlett indicated that Mr. Tyler will be recognized more at the upcoming February Commission meeting, following his appointment. She also recognized the department's leaders during the transition, particularly Acting Director Debbie Tyner.

Chair Hewlett:

- Congratulated Commissioner Patterson for graduating from the Federal Bureau of Investigation's Baltimore Division Citizens Academy Program in October 2019.
- Recognized members of the Alpha Kappa Alpha a Happy Founders Day on its 112th anniversary. She also congratulated members of the Delta Sigma Theta sorority on its 107th Anniversary, commending all for their service and sisterhood.
- Welcomed Commissioner Doerner back to the Commission after an extended absence caring for his newborn daughter. Everyone's thoughts and well-wishes meant so much to the family.

Vice-chair Anderson expressed the Commission's condolences to the former colleagues of past Montgomery Parks Director Lester Straw, who passed away recently.

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

- a) Executive Committee – Open Session Jan 3, 2020
- b) Employees' Retirement System Board of Trustees Regular Meeting – December 3, 2019

ITEM 5 ACTION AND PRESENTATION ITEMS

a) Rotation of Commission Chair and Vice-Chair

Chair Hewlett shared it has been great pleasure to work with Vice Chair Anderson and the whole Commission. Commissioner Geraldo thanked Chair Hewlett for her service and leadership.

ACTION: Motion of Commissioner Cichy to approve Montgomery County Planning Board Chair Casey Anderson as 2020 Commission Chair and Prince George's County Planning Board Chair Elizabeth Hewlett as 2020 Commission Vice-Chair
Seconded by Commissioner Bailey.
The motion was approved unanimously

Chair Anderson said it has been an honor working with Vice-Chair Hewlett for the past five years, has learned a lot from her during the time, and looks forward to continuing to do so.

- b) Nomination of Eli Glazier to the Maryland Bicycle and Pedestrian Committee (Anspacher)
Chair Anderson asked for a motion to nominate the Montgomery County Planning Department's Eli Glazer to the committee. He noted Fred Schaeffer from the Prince George's Planning Department has been serving on the Committee for several years, thanked him for his service and wonderful work. Mr. Glazier was being recommended to the position and Chair Anderson believes he will do a fantastic job with advocating for biking and pedestrian infrastructure and safety.

ACTION: Motion of Vice-Chair Hewlett to approve the appointment
Seconded by Bailey
The motion was approved unanimously

- c) PowerPoint Presentation on the Comprehensive Annual Financial Report (CAFR) for Fiscal Year End June 30, 2019 (Zimmerman/Rodman/Lehman):
Secretary-Treasurer Zimmerman introduced Mr. Chris Lehman of the audit firm, SB & Co., and Corporate Accounting Manager Abbey Rodman. Mr. Lehman was pleased to report there was nothing unusual in the audit findings for the agency's fiscal report, noting no significant deficiencies, material weaknesses or instances of fraud. Ms. Rodman summarized the CAFR document, providing snapshots of the Prince George's and Montgomery County Administration, Parks, and Enterprise funds.

Chair Anderson and Vice-Chair Hewlett thanked the presenters for the report, pleased that the Audit was positive.

- d) Diversity Council
1. Introduction of the 2020 Diversity Council (Chiang-Smith/Bennett)
Combined with item 2.
 2. Certificates of Appreciation for 2019 Diversity Council (Chiang-Smith/Bennett)
Executive Director Chiang-Smith introduced the incoming and outgoing Diversity Councils and thanked them for their service. Commissioners added their appreciation. Ms. Bennett, who served as the Acting Executive Director for 2019, was unable to attend to the Commission meeting.
 3. 2019 Diversity Council Year-end Report (Weiss/Black/Bush)
2019 Diversity Council Chair Weiss and Vice Co-Chair Black presented the Diversity Council's 2019 Annual review of accomplishments including development and adoption of a Strategic Plan, diversity council outreach, communications and programs. Vice Co-chair Bush discussed upcoming events planned for 2020, including Women's History Month, the One-Commission Diversity Event and "Unconscious Bias" Training.

Chair Anderson shared that he encouraged greater training on unconscious bias training and wanted to learn how this training will be rolled out to departments. Commissioner Cichy recommended that the Diversity Council participate in any upcoming legislative receptions where it may be beneficial to share the agency's commitment on diversity. General Council Gardner will keep Commissioners apprised of any developments on a new event.

e) Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for Fiscal Year 2020 (Kroll)

The Commission received its 34th consecutive award for its budget report from the National GFOA, for excellence in reporting and transparency. Corporate Budget Manager Kroll invited the M-NCPPC's cross-departmental budget team to join him to be recognized for the GFOA Award.

f) Montgomery Planning Project Update (Wright)

Montgomery Planning Director Gwen Wright introduced Deputy Planning Director Robert Kronenberg and noted Deputy Director Tanya Stern was currently working offsite. Director Wright and Deputy Director Kronenberg presented the update to Montgomery County's General Plan Update – *Thrive Montgomery 2050*.

The update presented three major components/goals:

- Community Equity
- Economic Health
- Environmental Resilience

This project has an extraordinary amount of outreach, with multiple events held in every part of the county to inform everyone about the project and get their input. The project included an advertising campaign including images and ads at Metro stations and bus signs. Surveys asking provocative questions to think beyond day to day issues and take a broad look to the future. Particular effort was made to reach out to communities who usually do not participate in the planning effort, including making inroads to ethnic media – Spanish and Chinese language newspapers, and translating information into multiple languages. The website can be downloaded into different languages.

The department is taking all feedback, grouping comments into categories to create *Thrive Montgomery 2050 Top Issues Report*, to cover complete communities, connectedness, diverse economies, safe and efficient travel, affordability, healthy and sustainable environment, diverse and adaptable growth, and culture and design. Director Wright added the department is examining how to address the issues with new policies and actions.

Director Wright and Deputy Director Kronenberg described other ongoing projects that help achieve the three major goals of *Thrive Montgomery 2050*. Future projects include the Silver Spring Master Plan; the White Flint 10-year Check Up; the Ashton Village Plan; and the Fairland Minor Master Plan.

Director Wright commended her staff, for a tremendous job on this major project and invited Commissioners to ask questions.

Commissioner Cichy asked about the acquisition of surplus property for transportation and how that might be expanded into housing. Director Wright said the department is pursuing the possibility as part of the housing initiative. The department is looking at all possibilities, including public lands acquired for transportation. Commissioner Cichy said this could be a great asset and suggested broadening the Transit Oriented Development zones to include transportation land acquisition.

Commissioner Doerner commented on financing of small, 2-4 or 6-10 unit housing properties is very difficult because of the multiple add-ons and pricing layers, versus financing on single-unit or medium to large 10+ or 50+ unit properties. He asked for any additional

information the department might have on financing incentives, saying it would be helpful to encourage the growth of those properties.

ITEM 6 OFFICERS' REPORTS

Executive Director's Report

- a) Employee Evaluations Not Completed by Due Date (December 2019) (For information only)
- b) Financial Disclosure Filings. Packets were delivered to Commissioners and filing deadline is April 30. Department staff who are required to file will receive their information as well.

Secretary Treasurer Report

No report

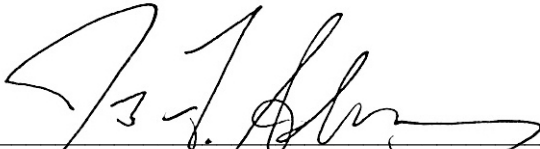
General Counsel Report

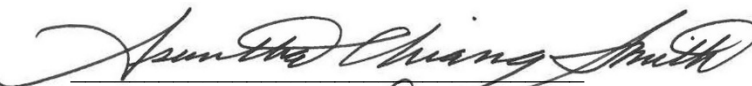
- c) Litigation Report (For information only)

Chair Anderson asked for a motion to enter closed session at 11:40 a.m. Chair Hewlett moved, Commissioner Geraldo seconded. 7 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 and conduct collective bargaining discussions.

Open session resumed at 11:49 a.m. There being no further business to discuss, the meeting ended at 11:49 a.m.


James F. Adams, Administrative Specialist II


Asuntha Chiang-Smith, Executive Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES

February 5, 2020

On February 5, 2020, the Maryland-National Capital Park and Planning Commission's Executive Committee met via teleconference. Present were Chair Casey Anderson, Vice-Chair Elizabeth M. Hewlett, and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

Andree Checkley, Director, Prince George's County Planning (PGPL)
 Debbie Tyner, Acting 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)

Presenters/Staff

Anju Bennett, Corporate Policy and Management Operations Director

Executive Director Chiang-Smith convened the meeting at 10:02 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	No changes.
ACTION	Vice-Chair Hewlett moved to approve the agenda. Chair Anderson seconded. Agenda approved unanimously.

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for February 18, 2020

Discussion	No changes.
ACTION	Vice-Chair Hewlett moved to approve the agenda. Chair Anderson seconded. Agenda approved unanimously.

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	Items to modify the Rolling Agenda: <ul style="list-style-type: none"> • Verify national colorectal [cancer] month for March
ACTION	Vice-Chair Hewlett moved to approve the agenda. Chair Anderson seconded. Rolling agenda approved (with update, if needed).

ITEM 2 – JANUARY 3, 2020 EXECUTIVE COMMITTEE MEETING MINUTES

Discussion	January 3, 2020 Open Session.
ACTION	Vice-Chair Hewlett moved to approve the minutes. Executive Director Chiang-Smith second. Minutes approved unanimously.

ITEM 3 – DISCUSSION/PRESENTATION ITEMS

Discussion	Item 3a. Investment Report November 2019 (Zimmerman) (information item only)
Discussion	Added item. Chair Hewlett asked Department Heads to be mindful of late performance evaluations.

There being no further business to discuss, the meeting adjourned at 10:07 a.m.

James F. Adams, Senior Technical Writer

Asuntha Chiang-Smith, Executive Director

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**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

**Tuesday, January 7, 2020; 10:00 a.m.
ERS/Merit Board Conference Room**

or

Via Conference Call

The Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees ("Board") met in the ERS/Merit Board Conference Room at its office in Riverdale, Maryland on Tuesday, January 7, 2020 and was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present In-Person

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner
Howard Brown, FOP Represented Trustee
Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio
Elaine A. Stookey, Bi-County Open Trustee
Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

Board Members Present Via Conference Call

Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
Melissa D. Ford, Prince George's County Open Trustee
Pamela F. Gogol, Montgomery County Public Member
Amy Millar, MCGEO Represented Trustee
Sheila Morgan-Johnson, Prince George's County Public Member

Board Members Not Present

Vacant, Montgomery County Open Trustee

ERS Staff Present

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

Presentations

Wilshire Associates - Bradley A. Baker, Managing Director
Groom Law Group – Alexander P. Ryan, Counsel

Others Present

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

ITEM 1 APPROVAL OF THE JANUARY 7, 2020 CONSENT AGENDA

- A. Approval of the January 7, 2020 Board of Trustees Meeting Agenda
- B. Minutes of Open Session, December 3, 2019
- C. Minutes of Closed Session, December 3, 2019 (**Trustees Only**)
- D. Disbursements Granted Reports – November 2019

Confidential

ACTION: MS. GOGOL made a motion, seconded by MS. CHIANG-SMITH to approve the Consent Agenda. The motion PASSED unanimously (10-0). (Motion #20-01)

ITEM 2 CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary

CHAIRMAN HEWLETT reminded Board members that attending training events is a requirement.

ITEM 3 MISCELLANEOUS

No miscellaneous reported.

ITEM 4 COMMITTEE REPORTS/RECOMMENDATIONS**Investment Monitoring Group – Report of December 17, 2019 Meeting**

In October 2019, Eaton Vance requested permission to include Agency Credit Risk Transfer Securities (CRTs) in the eligible investment universe. Eaton Vance believes an allocation to CRTs would provide the portfolio with improved diversification and exposure to areas of the U.S. economy with better credit fundamentals. The Investment Monitoring Group (IMG) reviewed Eaton Vance's proposed changes to the investment guidelines with Wilshire Associates' (Wilshire), Brad Baker, who recommended approval of the revised investment guidelines to permit inclusion of a maximum of 5% in CRTs.

ACTION: MS. CHIANG-SMITH made a motion, seconded by VICE CHAIRMAN CICHY to Approve the Revised Investment Guidelines for Eaton Vance to Permit Inclusion of a Maximum of 5% in CRTs. The motion PASSED unanimously (10-0). (Motion #20-02)

On November 21, 2019, C.S. McKee informed the ERS of an expected sale to CSM Advisors, LLC, an affiliate of North Square Investments. C.S. McKee is being rebranded as CSM Advisors, LLC and is requesting the ERS consent to the assignment of their Investment Management Agreement to CSM Advisors, LLC to continue receiving investment advisory services. C.S. McKee manages approximately 6% of the ERS' fixed income portfolio.

In a Memorandum dated December 17, 2019, Wilshire recommended retention of C.S. McKee (CSM Advisors, LLC) as a core fixed income manager. The IMG and Wilshire's Brad Baker expressed concerns about the backing by Estancia Capital, a private equity fund, and eventual exit strategy for Estancia Capital; pressure to grow assets; loss of focus and/or taking more risk; and a change to the investment strategy.

MS. MORGAN-JOHNSON recommended developing a Watch List Policy and placing CSM Advisors, LLC on watch with frequent in-person performance reviews to the IMG.

ACTION: MR. ZIMMERMAN made a motion, seconded by MS. CHIANG-SMITH to Approve C.S. McKee's Request to Consent to the Assignment of the Investment Management Agreement to CSM Advisors, LLC, and to place CSM Advisors, LLC on watch. The motion PASSED unanimously (10-0). (Motion #20-03)

ITEM 5 CLOSED SESSION

At 10:15 a.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter.

ACTION: MS. GOGOL made a motion, seconded by MS. CHIANG-SMITH to go into Closed Session. The motion PASSED unanimously (10-0). (Motion #20-04)

During Closed Session, the following action was taken:

1. The Board approved recommendations for amendments to the Investment Management Agreement with C.S. McKee

The Board moved back into Open Session at 10:28 a.m.

ACTION: MS. CHIANG-SMITH made the motion, seconded by MR. ZIMMERMAN to ratify the actions taken in Closed Session. The motion PASSED unanimously (10-0). (Motion #20-07)

The Board meeting of January 7, 2020 adjourned at 10:30 a.m.

Respectfully,

Heather D. Van Wagner
Senior Administrative Specialist

Andrea L. Rose
Administrator

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MEMORANDUM



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

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

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
 Vice Chairman Gerald R. Cichy

Andrea L. Rose
Administrator

Asuntha Chiang-Smith
 Melissa D. Ford
 Amy Millar
 Elaine Stookey

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

To: The Commission

Date: January 30, 2020

Via: Elizabeth M. Hewlett
 Chairman, Board of Trustees

From: Andrea L. Rose
 ERS Administrator

Subject: **Recommendation for Appointment of PGIM as a new Investment Manager
 for the Employees' Retirement System**

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System (ERS), I recommend the Commission approve PGIM as a new investment manager for the ERS.

BACKGROUND AND EVALUATION

At its July 9, 2019 meeting, the Board approved a new asset allocation that includes a dedicated 5% (approximately \$50 million) allocation to Emerging Market Debt (EMD). 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. The Board's investment consultant, Wilshire Associates (Wilshire), recommended the emerging market allocation include a blend of Hard (80%) and Local (20%) Currency.

Wilshire completed a manager search and selected candidates with certain criteria, including institutional quality managers with a verifiable track record to a diversified or blended EMD benchmark; a manager with dedicated risk management systems and tools; a manager with

competitive terms, including fees and fund structure; a firm highly rated by Wilshire; and a minority or emerging strategy. The search process included a universe of approximately 150 managers.

PGIM, Payden & Rygel, and TCW presented to the Board at its December 3, 2019 meeting. The Board awarded the \$50 million EMD mandate to PGIM. The mandate is a 5% dedicated allocation and is subject to successful negotiation of the Investment Management Agreement.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

February 11, 2020

TO: Commissioners

FROM: John Kroll, Corporate Budget Director *JK*

SUBJECT: FY21 Spending Affordability Guidelines for Montgomery County

On Tuesday, February 11, 2020, the Montgomery County Council approved the Spending Affordability Guidelines for the operating budget for FY21.

These guidelines project a 7.5% reduction from the proposed budget, or approximately \$11.3M in Montgomery County funded departmental budgets, including the MC funded portion of the bi-county departments. By comparison, last year's SAG reduction was 5% (\$6.5M).

The amount of the required reduction may change with the release of the County Executive's budget on March 15th.

I am presenting this information to the full Commission for two reasons:

- Reductions that may be proposed for the bi-county departments will undoubtedly impact the Prince George's County side of the Commission as well; and
- Equally important, the magnitude of these suggested reductions may result in other spill-over effects to the full Commission.

I would like to point out that, unlike past years, we have not yet been able to identify any Commission-wide savings that could be applied. And, further, the desire expressed in the recent department heads' meeting to accelerate the completion of the reclassification project may well result in the need for a larger compensation marker than that currently in the proposed budget.

Although recent history suggests that the fiscal picture of Montgomery County may be shown to improve in the next month, given the size of the reduction at this time it may be appropriate to begin developing our options now. Toward that end, the MC Planning Board is scheduled to begin this discussion at tomorrow's Planning Board meeting.

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The Maryland-National Capital Park and Planning Commission
 Office of the Chief Information Officer
 6611 Kenilworth Avenue, Suite 403
 Riverdale, Maryland 20737
<http://www.mncppc.org> • T. (301) 454-1010

TO: Commissioners
FROM: Mazen Chilet, Chief Information Officer
DATE: 2/19/2020
SUBJECT: Chief Information Officer Report – 4th Quarter-FY19

The Office of the Chief Information Office provides IT expertise to ensure that the agency’s complex IT infrastructure is modern and secure for its workforce and its patrons. The CIO provides solutions that bring about effectiveness to the business operations and services to the agency. The CIO also serves as a resource to the departments to efficiently streamline IT infrastructure investment and agency wide application services.

The 4th Quarter-2019 report focuses on service activities and project achievements in the following areas:

1. ERP service requests figures – October 2019 – December 2019
2. Time and Attendance Management System (Kronos) figures - October 2019 – December 2019
3. Program Management Office (PMO) – Project Statistics
4. IT Training for FY20

The following topics will be deferred to the March Commission Meeting:

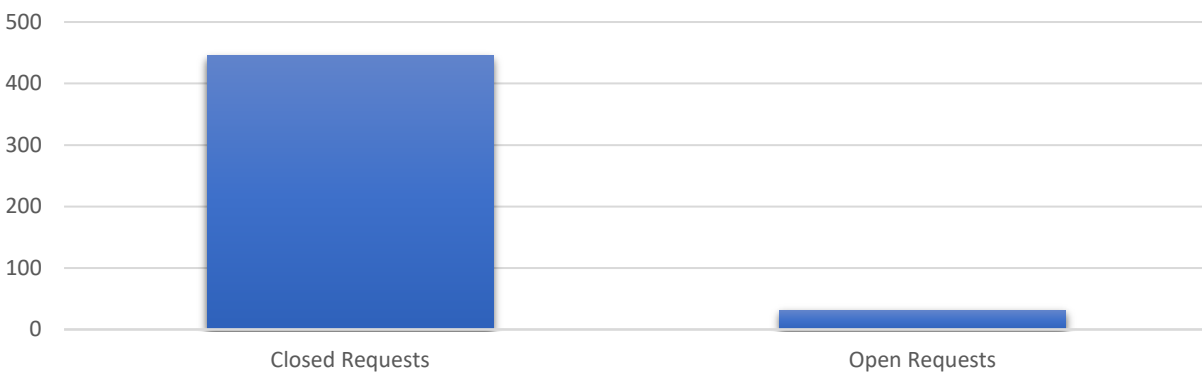
1. Cyber Security Readiness of agency IT systems
2. Information Security Initiatives
3. Security Awareness Training of workforce

1. ERP Service Request

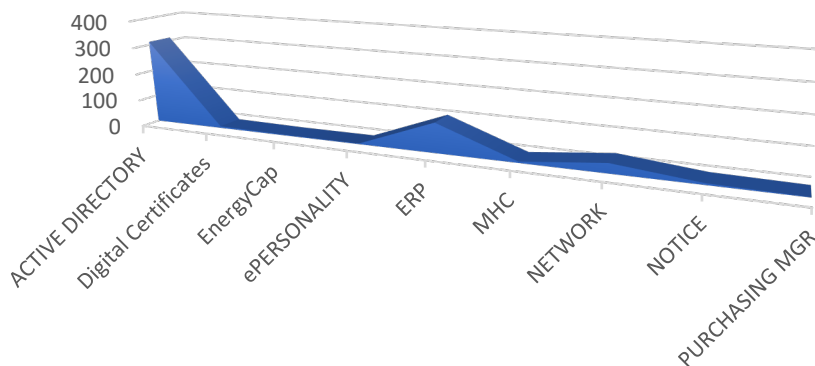
Adding features and further enhancing the ERP modules and applications is an ongoing effort. Corporate IT is responsible for responding to ERP user issues concerning all modules. The numbers below represent those activities from October through December 2019.

ERP Service Requests Submitted		ERP Subcategories	
		Active Directory	311
Open Tickets	31	Digital Certificates	6
Closed Tickets	445	EnergyCap	2
Total	476	ePERSONALITY	2
		ERP	108
		Network	5
		Notice	35
		Other Applications	6
		Purchasing Mgr.	1

**Technical Support to ERP users across the Agency.
Service Requests (October - December 2019)**



**ERP Service Requests by Categories
October 2019 - December 2019**

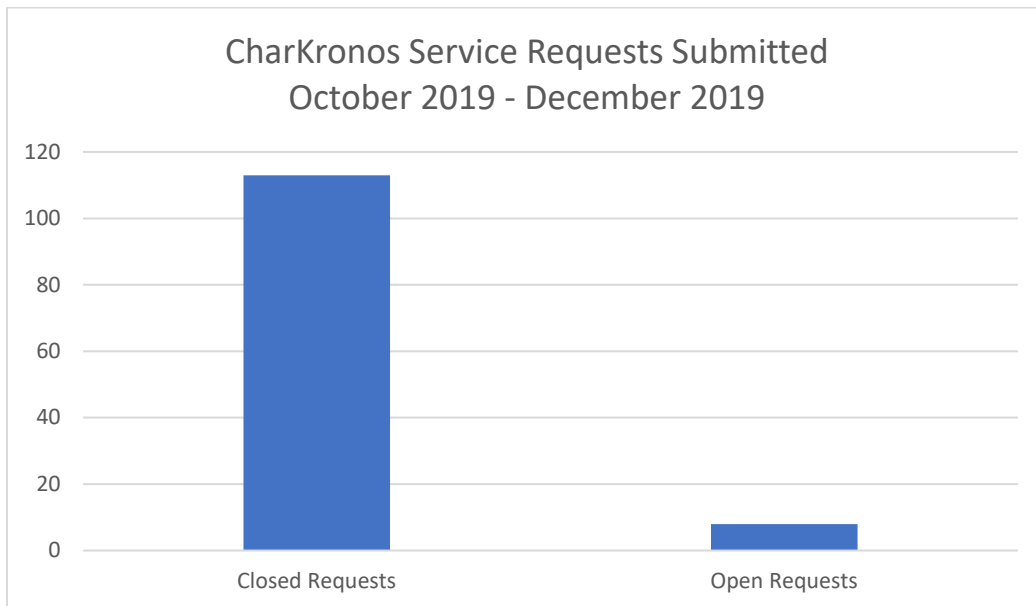


2. Time and Attendance Management System (Kronos) – October 2019 – December 2019

Our Time and Attendance System has gone through several improvements since it was upgraded in February 2019. The upgrade enabled the digitization's and automation of Employee Personnel Actions and paved the way for us develop a solution that takes Seasonal Employee Payroll for a full paper-based process to a fully digitized and automated. This improvement will reduce errors, save time, free support staff at the department and the HR Backoffice to turn their attention to other important matters; and save trees as well.

Corporate IT is responsible for responding to agency wide time management system user issues. The numbers below represent those activities from April through June 2019.

Time and Attendance Management System (Kronos) submitted requests	
Open Requests	8
Closed Requests	113
Total Requests	121



ServiceNow Service Portal

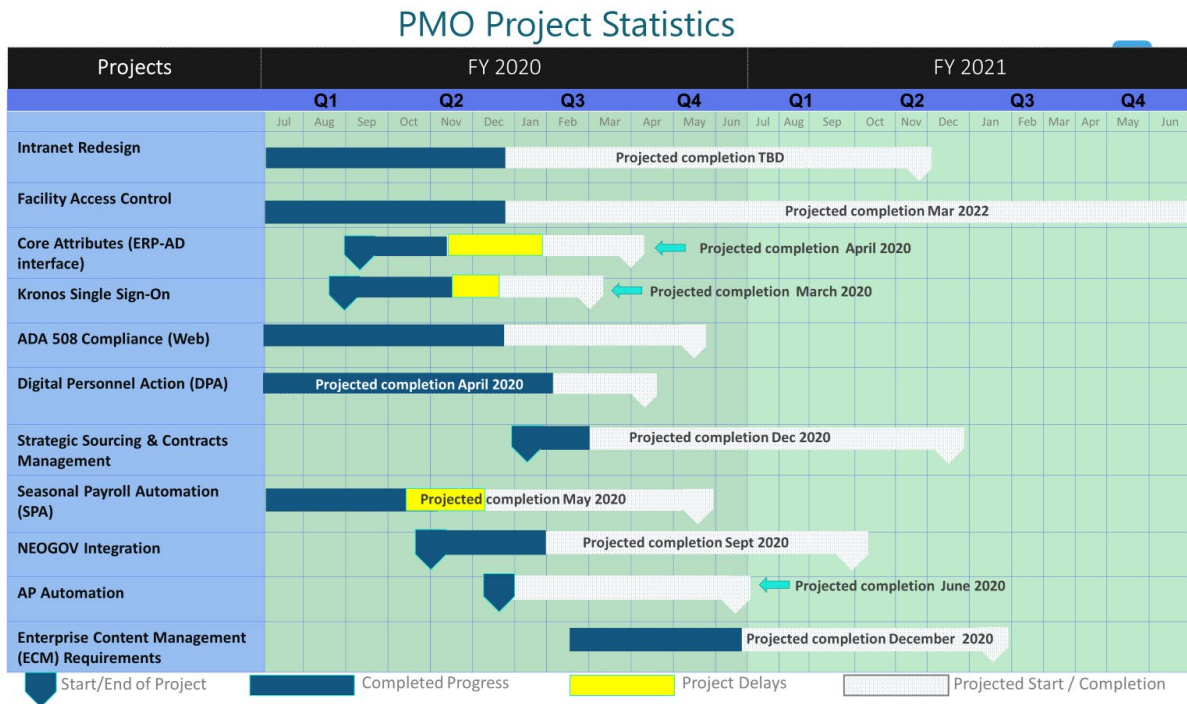
Corporate IT will be rolling out ServiceNow help Desk Portal by September of this year. One of the biggest benefits of adopting ServiceNow is its integration capabilities. Integration is essential to enabling business automation. Currently support to core business systems (Payroll, HR, Finance, Benefits, etc.) is requested through email. This approach has many limitations - emails may get overlooked, lost at times, not trackable, lack of visibility, hard to provide service metrics on, etc.

Several key benefits make migrating to a modern IT service management solution such as ServiceNow a worthwhile:

- ✓ Better visibility of IT service issues and available solutions (through Knowledge Base).
- ✓ The ability to automate routine service tasks, freeing IT staff to focus on more complex problems.
- ✓ An ongoing process of improvement, ensuring that IT capabilities keep up with increasingly complex technology needs.

Together, these benefits enable more streamlined, more responsive IT operations, resulting in less downtime, reduced costs, and a team empowered to be a true and responsive partner.

3. Program Management Office (PMO) – Project Statistics



4. IT Training for FY20

As reported previously, the CIO planned two cloud computing training for technologies:

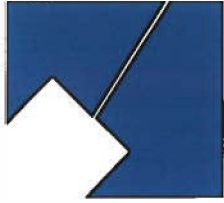
- 1- Agency wide Microsoft Cloud Administration (Azure) training was organized and offered to participants from IT groups across the Agency. The trainer delivered the training in our training classroom on premises for added focus and convenience for our IT Staff. Ten IT staff members completed the training.
- 2- Amazon Web Services (AWS) training is planned for May 2020. The training will prepare our IT staff with the AWS expertise needed to support Cloud hosted (SaaS) applications.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF JANUARY 2020**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Dec-19	Jan-20	Dec-19	Jan-20	Dec-19	Jan-20	Dec-19	Jan-20
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	0	3	0	0	0	0	0	3
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	0	0	0	0	0	1	0
LEGAL DEPARTMENT	1	1	2	1	0	2	3	4
FINANCE DEPARTMENT	3	5	1	2	0	0	4	7
PRINCE GEORGE'S PLANNING	1	4	4	3	2	3	7	10
PRINCE GEORGE'S PARKS & RECREATION	19	5	0	1	1	2	20	8
MONTGOMERY COUNTY PARKS	9	8	4	1	3	1	16	10
MONTGOMERY COUNTY PLANNING	11	5	3	1	1	0	15	6
DEPARTMENT TOTAL BY DAYS LATE	45	31	14	9	7	8		
COMMISSION-WIDE TOTAL							66	48

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.

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

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

February 4, 2020

TO: Commissioners

VIA: Asuntha Chiang-Smith, Executive Director

FROM: Joseph C. Zimmerman, Secretary/Treasurer 

SUBJECT: MFD Purchasing Statistics— First Quarter FY20

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

Some of the observations of this FY20 report include:

- Attachment A indicates that through the first quarter of FY20, the Commission procured approximately \$23.2 million in goods, professional services, construction and miscellaneous services. Approximately 16.7% or \$3.9 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the first quarter MFD utilization was 16.7%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the first quarter of FY20 was 27.3%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the first quarter are 21.8% and 7.0%, respectively.
- Attachment D presents the FY20 activity for the Purchase Card program totaling approximately \$4.1 million of which 1.3% was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 17.6% of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a

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

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to First Quarter FY20.
- Attachments F & G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analysis, MFD vendors do appear to be participating, at an overall rate of 12.7% in informal (under \$30,000) and 19.4% in the formal (over \$30,000) procurements. For transactions under \$10k, MFD participation is 9.7%. MFD vendors are participating at an overall rate of 10.1% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$23.2 million in total procurement, \$10.6 million was procured from Maryland vendors. Of the \$3.9 million in procurement from MFD vendors, \$3.3 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Native American, Hispanic and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated June 25, 2018.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 2.0% of total procurement.

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

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
 FY 2020
 FOR THREE MONTHS ENDED SEPTEMBER 30, 2019

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<u>Prince George's County</u>						
Commissioners' Office	\$ 16,936	\$	-	-	\$ 1,632	9.6%
Planning Department	269,473				19,393	7.2%
Parks and Recreation Department	13,707,315		106,595	2	2,989,837	21.8%
Total	<u>13,993,724</u>		<u>106,595</u>	<u>2</u>	<u>3,010,862</u>	<u>21.5%</u>
<u>Montgomery County</u>						
Commissioners' Office	1,563		-	-	-	0.0%
Planning Department	457,746				51,554	11.3%
Parks Department	8,226,887		162,366	2	574,917	7.0%
Total	<u>8,686,196</u>		<u>162,366</u>	<u>2</u>	<u>626,471</u>	<u>7.2%</u>
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	100,169				38,386	38.3%
Finance Department	15,609		60,000	1	1,296	8.3%
Legal Department	11,567				770	6.7%
Merit Board	-		-	-	-	0.0%
Office of Chief Information Officer	376,918		136,800	1	191,968	50.9%
Office of Inspector General	6,061		-	-	182	3.0%
Total	<u>510,324</u>		<u>196,800</u>	<u>2</u>	<u>232,602</u>	<u>45.6%</u>
Grand Total	<u>\$ 23,190,244</u>	<u>\$</u>	<u>465,761</u>	<u>6</u>	<u>\$ 3,869,935</u>	<u>16.7%</u>

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

Prepared by Finance Department
 January 30, 2020

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2020
MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	9.6%			
Planning Department	7.2%			
Parks and Recreation Department	21.8%			
Total	21.5%			
<u>Montgomery County</u>				
Commissioners' Office	0.0%			
Planning Department	11.3%			
Parks Department	7.0%			
Total	7.2%			
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	38.3%			
Finance Department	8.3%			
Legal Department	6.7%			
Merit Board	0.0%			
Office of Chief Information Officer	50.9%			
Office of Inspector General	3.0%			
Total	45.6%			
Grand Total	16.7%			

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	9.6%				9.6%
Planning Department	7.2%				7.2%
Parks and Recreation Department	21.8%				21.8%
Total	21.5%				21.5%
<u>Montgomery County</u>					
Commissioners' Office	0.0%				0.0%
Planning Department	11.3%				11.3%
Parks Department	7.0%				7.0%
Total	7.2%				7.2%
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	38.3%				38.3%
Finance Department	8.3%				8.3%
Legal Department	6.7%				6.7%
Merit Board	0.0%				0.0%
Office of Chief Information Officer	50.9%				50.9%
Office of Inspector General	3.0%				3.0%
Total	45.6%				45.6%
Grand Total	16.7%				16.7%

Prepared by Finance Department
January 30, 2020

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS
BY MAJOR PROCUREMENT CATEGORY
FY 2020

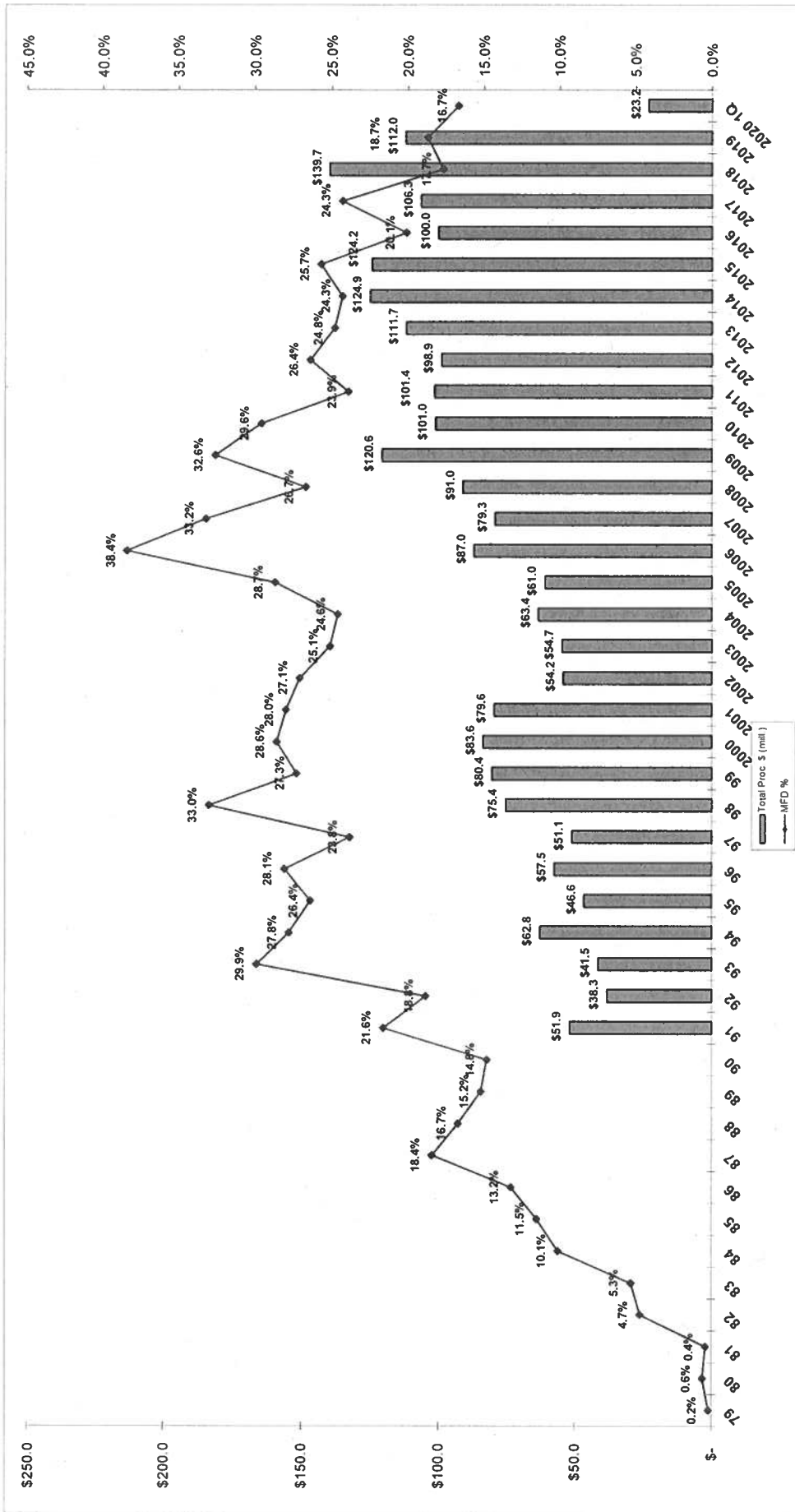
FOR THREE MONTHS ENDED SEPTEMBER 30, 2019

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Resources	Finance Dept.	Legal Dept.	Office of Chief Information
Goods:									
Total \$	\$ 9,134,927	\$ 141,690	\$ 4,399,558	\$ 4,383,126	\$ 49,463	\$ 15,751	\$ 11,982	\$ 354	\$ 133,003
MFD \$	\$ 834,361	\$ 9,995	\$ 79,653	\$ 635,306	\$ 513	\$ 0	\$ 576	\$ 0	\$ 108,318
Percentage	9.1%	7.1%	1.8%	14.5%	1.0%	0.0%	4.8%	0.0%	81.4%
Miscellaneous Services:									
Total \$	\$ 4,136,289	\$ 287,013	\$ 911,332	\$ 2,603,986	\$ 177,480	\$ 19,630	\$ 3,430	\$ 11,041	\$ 122,377
MFD \$	\$ 704,392	\$ 21,695	\$ 87,561	\$ 491,050	\$ 18,880	\$ 238	\$ 720	\$ 598	\$ 83,650
Percentage	17.0%	7.6%	9.6%	18.9%	10.6%	1.2%	21.0%	5.4%	68.4%
Professional Services:									
Total \$	\$ 1,768,070	\$ 29,043	\$ 271,253	\$ 1,299,157	\$ 42,530	\$ 4,180	\$ 197	\$ 172	\$ 121,538
MFD \$	\$ 113,813	\$ 19,864	\$ 76,845	\$ 16,932	\$ 0	\$ 0	\$ 0	\$ 172	\$ 0
Percentage	6.4%	68.4%	28.3%	1.3%	0.0%	0.0%	0.0%	100.0%	0.0%
Construction:									
Total \$	\$ 8,126,398	\$ 0	\$ 2,644,744	\$ 5,421,046	\$ 0	\$ 60,608	\$ 0	\$ 0	\$ 0
MFD \$	\$ 2,215,555	\$ 0	\$ 330,858	\$ 1,846,549	\$ 0	\$ 38,148	\$ 0	\$ 0	\$ 0
Percentage	27.3%	0.0%	12.5%	34.1%	0.0%	62.9%	0.0%	0.0%	0.0%
SUBTOTAL									
Total \$	\$ 23,165,684	\$ 457,746	\$ 8,226,887	\$ 13,707,315	\$ 269,473	\$ 100,169	\$ 15,609	\$ 11,567	\$ 376,918
MFD \$	\$ 3,868,121	\$ 51,554	\$ 574,917	\$ 2,989,837	\$ 19,393	\$ 38,386	\$ 1,296	\$ 770	\$ 191,968
Percentage	16.7%	11.3%	7.0%	21.8%	7.2%	38.3%	8.3%	6.7%	50.9%
Pr. Geo. Commissioners' Office									
Total \$	\$ 16,936								
MFD \$	\$ 1,632								
Percentage	9.6%								
Mont. Commissioners' Office									
Total \$	\$ 1,563								
MFD \$	\$ 0								
Percentage	0.0%								
Merit Board									
Total \$	\$ 0								
MFD \$	\$ 0								
Percentage	0.0%								
Office of Inspector General									
Total \$	\$ 6,061								
MFD \$	\$ 182								
Percentage	3.0%								
GRAND TOTAL \$	\$ 23,190,244								
MFD \$	\$ 3,869,935								
Percentage	16.7%								

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

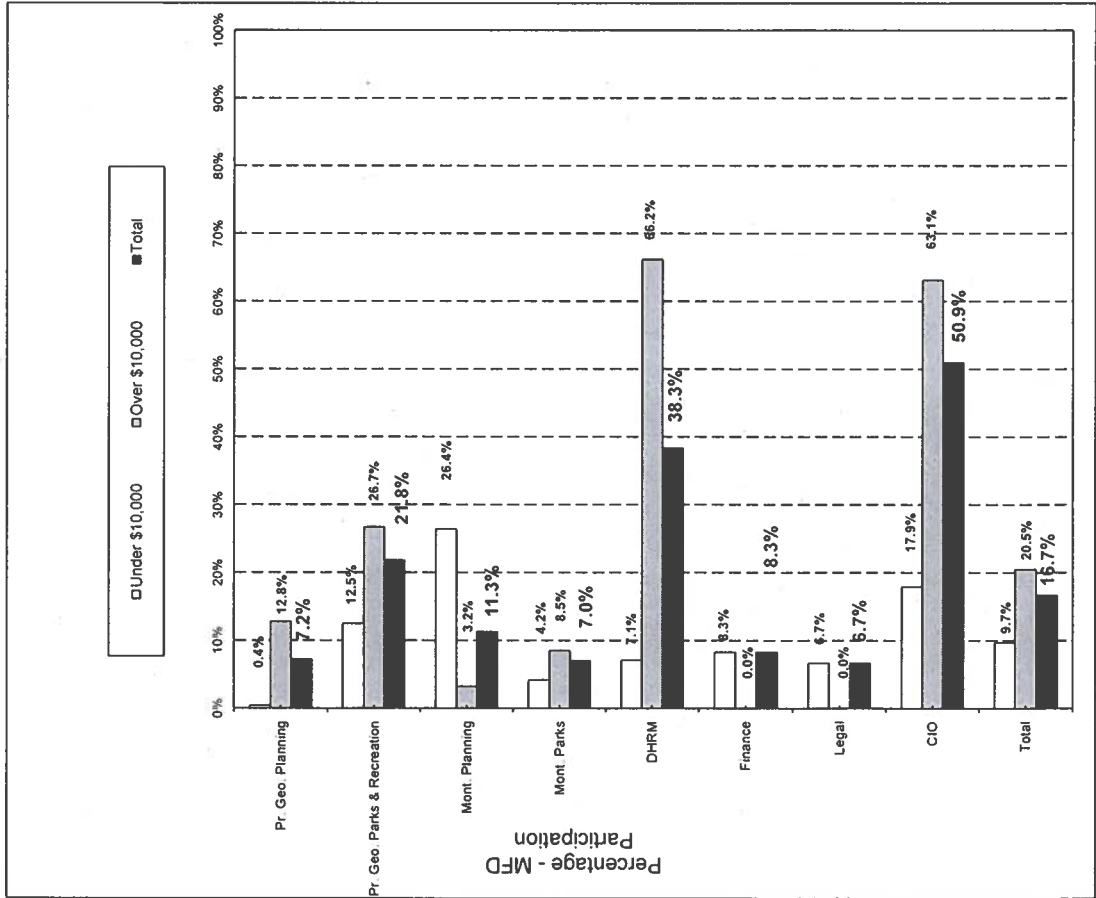
Attachment E



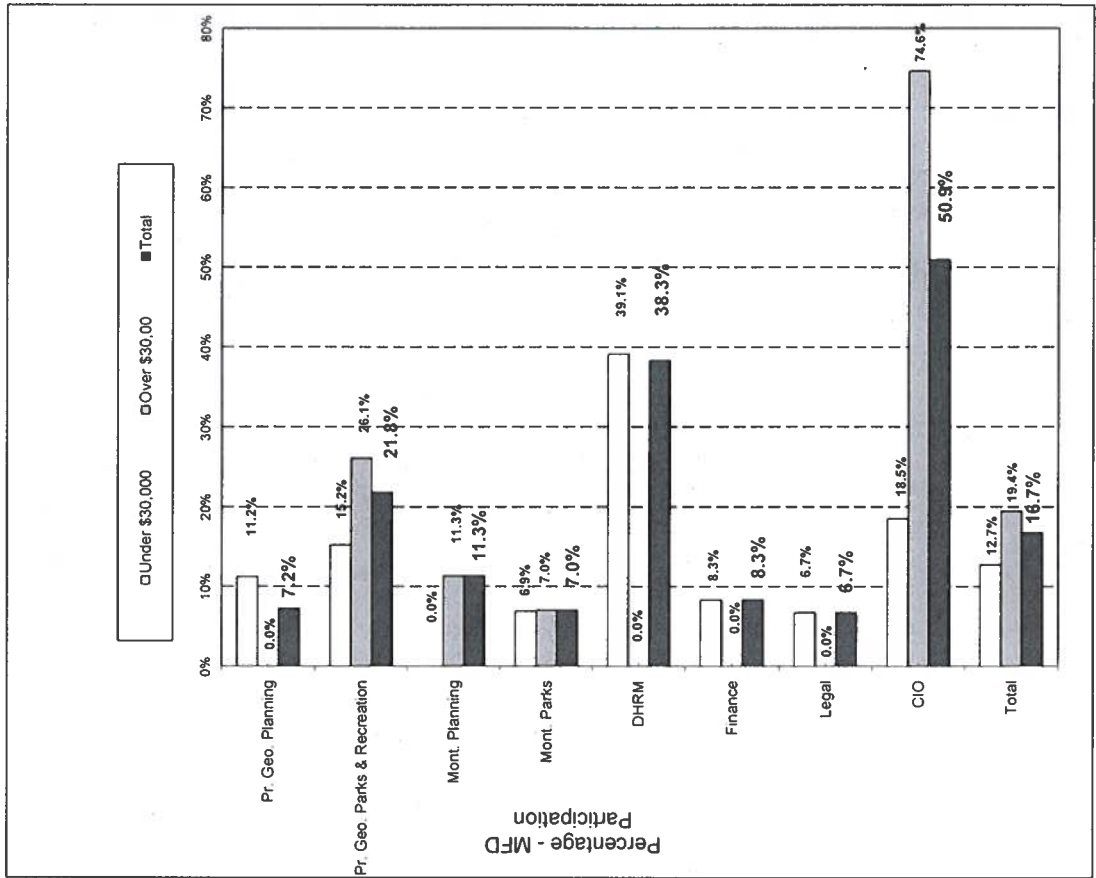
Prepared by Finance Department
 January 30, 2020

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %
 FY 2020 1Q

Under/Over \$10,000

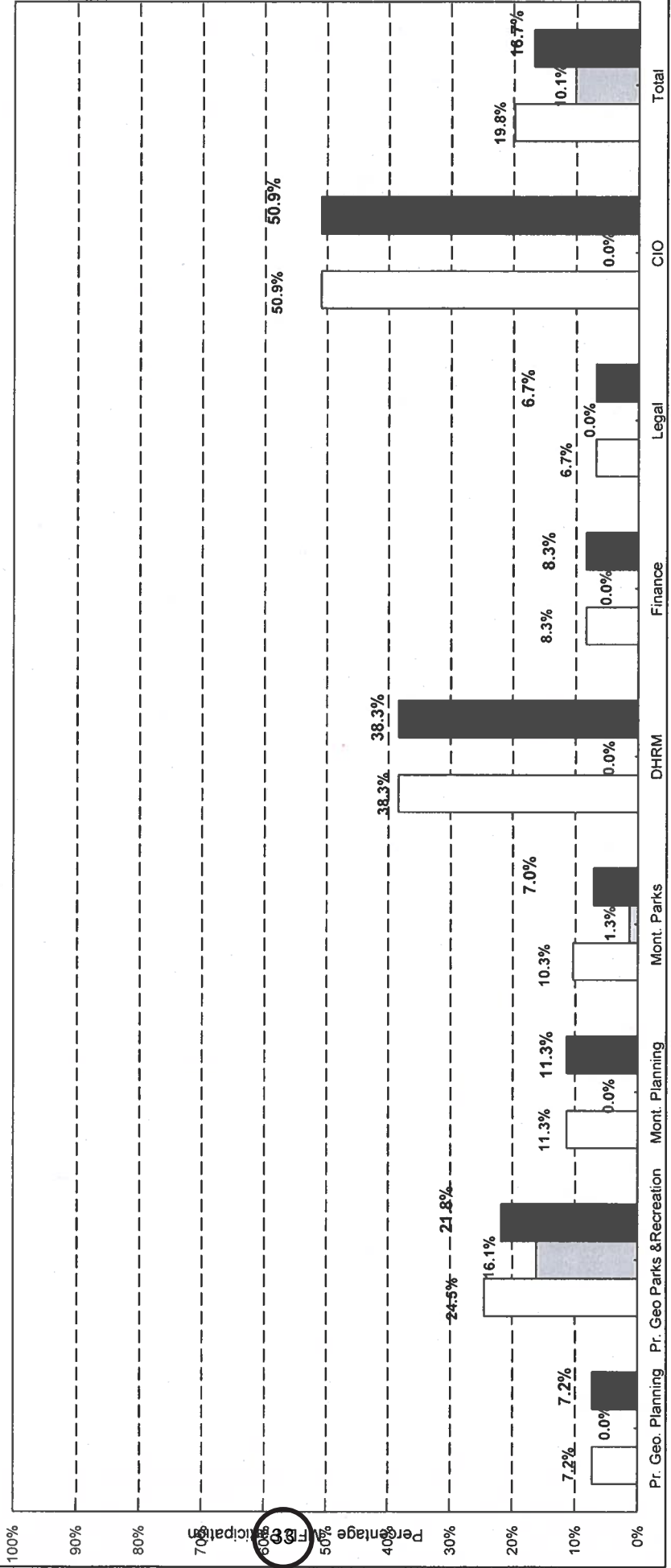


Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2020 1Q

□ Under \$250K ■ Over \$250K ■ Total



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Amount of Procurement and Number of Vendors by Location

FY 2020

FOR THREE MONTHS ENDED SEPTEMBER 30, 2019

Attachment H

TOTAL of ALL VENDORS

Location	Procurement		Number of Vendors	
	Amount	Percentage	Number	Percentage
Montgomery County	\$ 4,108,689	18.5%	144	16.9%
Prince George's County	3,690,282	16.6%	232	27.1%
Subtotal	7,798,971	35.1%	376	44.0%
Maryland - other locations	2,824,854	12.7%	161	18.9%
Total Maryland	10,623,825	47.8%	537	62.9%
District of Columbia	481,798	2.2%	37	4.3%
Virginia	1,073,420	4.8%	61	7.2%
Other Locations	10,011,201	45.2%	218	25.6%
Total	\$ 22,190,244	100.0%	853	100.0%

TOTAL of Non-MFD Vendors

Location	Procurement		Number of Vendors	
	Amount	Percentage	Number	Percentage
Montgomery County	\$ 2,956,023	16.1%	95	14.8%
Prince George's County	2,486,952	13.6%	154	24.0%
Subtotal	5,442,975	29.7%	249	38.8%
Maryland - other locations	1,927,176	10.5%	135	21.1%
Total Maryland	7,370,151	40.2%	384	59.9%
District of Columbia	377,432	2.1%	20	3.1%
Virginia	1,007,981	5.5%	49	7.6%
Other Locations	9,564,745	52.2%	188	29.4%
Total	\$ 18,320,309	100.0%	641	100.0%

TOTAL of MFD Vendors

Location	Procurement		Number of Vendors	
	Amount	Percentage	Number	Percentage
Montgomery County	\$ 1,152,666	29.8%	49	23.1%
Prince George's County	1,203,330	31.1%	78	36.7%
Subtotal	2,355,996	60.9%	127	59.8%
Maryland - other locations	897,678	23.2%	26	12.3%
Total Maryland	3,253,674	84.1%	153	72.1%
District of Columbia	104,366	2.7%	17	8.0%
Virginia	65,439	1.7%	12	5.7%
Other Locations	446,456	11.5%	30	14.2%
Total	\$ 3,869,935	100.0%	212	100.0%

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

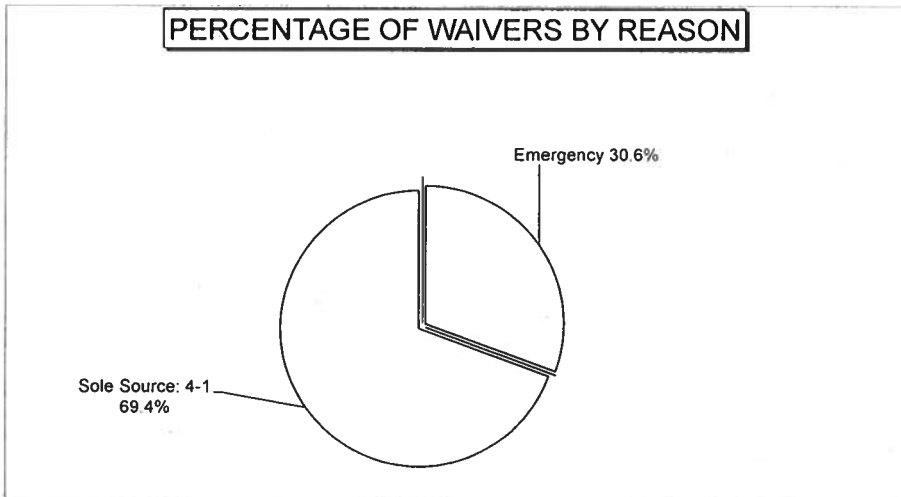
	Total Procurement		MFD Procurement	
	Amount	Percentage	Amount	Percentage
Prince George's County	\$ 14,248,886	61.4%	\$ 3,127,163	80.8%
Montgomery County	8,941,358	38.6%	742,772	19.2%
Total	\$ 23,190,244	100.0%	\$ 3,869,935	100.0%

Prepared by Finance Department
January 30, 2020

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REASONS FOR WAIVERS
 CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
 FY 2020
 FOR THREE MONTHS ENDED SEPTEMBER 30, 2019

Attachment J

	NUMBER	AMOUNT	PERCENTAGE
Emergency	2	\$ 142,595	30.6%
Public Policy	0	\$ 0	0.0%
Amendment	0	\$ -	0.0%
Sole Source: 4-1	4	\$ 323,166	69.4%
Sole Source: 4-2	0	\$ 0	0.0%
Sole Source: 4-3	0	\$ -	0.0%
Total	6	\$ 465,761	100.0%



Waiver Reason Definitions:

Emergency:

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

Required by Law or Grant:

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

Amendment:

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

Sole Source 4:

It has been determined that:

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

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2020
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2019**

Attachment K

	Total Waivers		MFD/Waivers		% of MFD	Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		% Sole Source
	\$	Number	\$	Number		\$	Number	\$	Number	\$	Number	
Prince George's County												
Commissioners' Office	\$ -	0	\$ -	0	0.0%	\$ -	0	\$ -	0	\$ -	0	0.0%
Planning Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Parks and Recreation Department	106,595	2	82,595	1	77.5%	24,000	1	-	0	-	0	22.5%
Total	106,595	2	82,595	1	77.5%	24,000	1	-	0	-	0	22.5%
Montgomery County												
Commissioners' Office	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Planning Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Parks Department	162,366	2	-	0	0.0%	162,366	2	-	0	-	0	100.0%
Total	162,366	2	-	0	0.0%	162,366	2	-	0	-	0	100.0%
Central Administrative Services												
Dept. of Human Resources and Mgt.	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Finance Department	60,000	1	60,000	1	100.0%	-	0	-	0	-	0	0.0%
Legal Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
OC/OA	136,800	1	-	0	0.0%	136,800	1	-	0	-	0	100.0%
Merit Board	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Total	196,800	2	60,000	1	30.5%	136,800	1	-	0	-	0	69.5%
Grand Total	\$ 465,761	6	\$ 142,595	2	30.6%	\$ 323,166	4	\$ -	0	\$ -	0	69.4%

Purpose of Summary of Waiver Report:

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

Sole Source: 4

It has been determined that:

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

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

Reply To

February 5, 2020

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

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission
FROM: Adrian R. Gardner
General Counsel
RE: Litigation Report for January 2020 – FY 2020

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, February 5, 2020 19, 2020. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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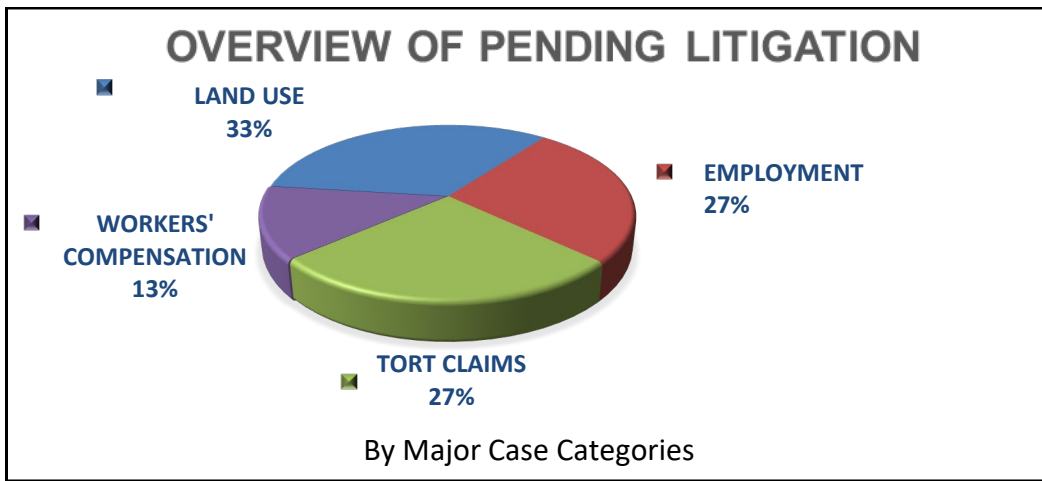
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Overview of Pending Litigation (Chart).....Page 01
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Index of Resolved YTD Cases (FY20)Page 04
Disposition of FY20 Closed Cases Sorted by DepartmentPage 05
Index of Reported Cases Sorted by Jurisdiction.....Page 07
Litigation Report Ordered by Court Jurisdiction.....Page 08

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January 2020 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	3	2					5
ADMIN APPEAL: OTHER							
LAND USE DISPUTE							
TORT CLAIM	4						4
EMPLOYMENT DISPUTE	3			1			4
CONTRACT DISPUTE							
PROPERTY DISPUTE							
CIVIL ENFORCEMENT							
WORKERS' COMPENSATION	2						2
DEBT COLLECTION							
BANKRUPTCY							
MISCELLANEOUS							
PER FORUM TOTALS	11	2		1			15



January 2020 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2020			
	Pending In Dec. 2019	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	7	1	3	6	6	7	5
Admin Appeal: Other (AAO)							
Land Use Disputes (LD)							
Tort Claims (T)	1	3		1	4	1	4
Employment Disputes (ED)	2	2			4		4
Contract Disputes (CD)							
Property Disputes (PD)							
Civil Enforcement (CE)							
Workers' Compensation (WC)	4		2	5	3	7	2
Debt Collection (D)							
Bankruptcy (B)							
Miscellaneous (M)				2		2	
Totals	14			14	11	12	15

**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
McCourt v. Commission	PG	ED	Aug 19
Neighbors for an Improved Kensington, et al. v. Montgomery County Planning Board	MC	AALU	Aug 19
King v. Commission	PG	WC	Sept 19
Estreicher v. Montgomery County Planning Board	MC	AALU	Sept 19
Evans v. Commission	MC	ED	Sept 19
Pumphrey v. Wilson	PG	Tort	Sept 19
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Nov 19
Kosary v. Montgomery County Planning Board	MC	AALU	Dec 19
Brown v. City of Bowie	PG	Tort	Nov 19
Alexander v. Proctor	PG	Tort	Nov 19
Coe v. Commission	PG	ED	Dec 19
Jackson v. Commission	PG	Tort	Jan 20
Thompkins v. Commission	MC	ED	Jan 20
B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Pletsch, et al v. Commission	MC	AALU	Sept 19
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Dec 19

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

<u>A. 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
Commission v. Sommer	PG	WC	Oct 19
Milbourne v. Commission	PG	WC	Nov 19
<u>B. Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
The Town of Forest Heights v. Commission	PG	Misc.	June 19
Pletsch, et al. v. Commission	PG	AALU	July 19
Ross v. Commission	PG	WC	Oct 19
Bradley Blvd. Citizens Assn., Inc v. Montgomery County Planning Board	MC	AALU	Dec 19
Pletsch, et al. v. Commission	PG	AALU	Dec 19
Green v. Commission	PG	AALU	Dec 19

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.
Bradley Boulevard Citizens Association, Inc. v. Montgomery County Planning Board	Appeal from Circuit Court affirming the Planning Board's approval of WMAL Preliminary Plan 120160290.	12/06/19 – Judgment of Circuit Court Affirmed
Montgomery County Department of Parks		
Montgomery County Park Police		
Montgomery County Planning Board		
Prince George's County Department of Parks and Recreation		
Commission v. Sommer	Claimant and Commission filed Joint Petitions for Judicial Review appealing the several denials of a proposed settlement agreement by the WCC.	10/30/19 – Court remanded back to WCC in line with settlement agreement between the parties. Commission to pay a lump sum payment.
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

Green v. Commission	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 12/1/18. 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.	12/10/19 - Appeal voluntarily dismissed.
Milbourne v. Commission	Claimant alleged Commission owed him for amounts withheld from annual leave upon leaving employment	11/13/19 Settlement for overpayment of wages and case dismissed.
Ross v. Commission	Defense of appeal from order granting a credit for overpayment of temporary total disability from June 26, 2013 to March 23, 2016.	10/22/19 – Appeal dismissed by Ross.
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.
Pletsch, et al. v. Commission	Two separate appeals filed. 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.	07/22/19 – Court vacated the judgment of the Circuit Court and remanded with direction to dismiss the Petition for Judicial Review.
Pletsch, et al. v. Commission	Petition for Writ of Certiorari filed regarding Court of Special Appeals remand to Circuit Court to Dismiss Petition for Judicial Review for lack of standing.	12/23/19 – Certiorari denied.
Prince George's County Planning Board		
Prince George's Park Police		
Office of Internal Audit		

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Cases

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Estreicher v. Montgomery County Planning Board

Case No. 472672-V (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of Sketch Plan 320190100 8015 Old Georgetown Road.

Status: Awaiting Oral Argument.

Docket:

09/24/19	Petition for Judicial Review filed
10/08/19	Commission's Response filed
11/21/19	Administrative record filed
01/02/20	Estreicher's memorandum filed

Kosary v. Montgomery County Planning Board

Case No. 476283-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of Primrose School Preliminary Forest Conservation Plan CU-18-08.

Status: Awaiting Decision on Motion to Dismiss.

Docket:

12/06/19	Petition for Judicial Review filed
12/11/19	Planning Board's Motion to Dismiss filed
12/12/19	Response to Petition for Judicial Review filed
12/19/19	Petitioner's Supplemental Petition for Judicial Review filed
12/23/19	Petitioner's Response to Motion to Dismiss filed.
01/21/20	Motion to Dismiss denied as moot.
01/22/20	Plaintiff's Motion for Stay and Request for Hearing.
05/08/20	Oral Argument scheduled.

Neighbors for an Improved Kensington, et al. v. Montgomery County Planning Board

Case No. 472049-V (AALU)

Lead Counsel: Coleman
Other Counsel: Mills

Abstract: Judicial Review of Montgomery County Planning Board's approval of Knowles Manor Site Plan 820190080.

Status: Awaiting Oral Argument.

Docket:

08/29/19	Petition for Judicial Review filed
09/09/19	Commission's response filed
10/04/19	Kensington Manor Senior Housing, LLC's Response to Petition for Judicial Review filed.
12/02/19	Joint Motion for Continuance filed.
12/05/19	Motion for Continuance granted.
03/20/20	Oral Argument scheduled.

Thompkins v. Commission

Case No. 477424-V (ED)

Lead Counsel: Foster
Other Counsel:

Abstract: Judicial Review of Merit Board Decision related to her reclassification under the Administrative Series.

Status: Awaiting Petitioner's Memorandum.

Docket:

01/02/20	Petition for Judicial Review filed
01/16/20	Commission's Response to Petition
06/05/20	Oral Argument scheduled.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Alexander v. Proctor

Case No. CAL19-37187 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Alexander filed complaint against Park Police officer arising from arrest on Commission property.

Status: In discovery.

Docket:

11/20/19	Complaint filed
12/06/19	Proctor served
12/09/19	Commission served
01/03/20	Commission's Motion to Dismiss filed
01/23/20	Motion to Dismiss denied. Plaintiff to file Amended Complaint on or before 02/07/2020.

Brown v. City of Bowie

Case No. CAL19-35931 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injuries resulting from an event at Trap and Skeet location owned by the Commission.

Status: Commission has yet to be served.

Docket:

11/15/19	Complaint filed
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Coe v. Commission
Case No. CAL19-39808 (ED)

Lead Counsel: Adams
Other Counsel:

Abstract: Coe filed for Judicial Review of decision to terminate employment following LEOBR police hearing.

Status: Oral argument scheduled.

Docket:

12/13/2019	Petition for Judicial Review filed
01/03/20	Commission's Response to Petition for Judicial Review
6/12/20	Oral argument scheduled.

Commission v. Batson
Case No. CAL19-24204 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: The Commission filed for Judicial Review on the record of 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
09/03/19	Opposition to Motion to Strike filed
09/06/19	Memo in Support of on the record Judicial Review filed
10/02/19	Order of Court- Commission's Motion to Strike Request for De Novo Review and Request for Jury Trial denied. Case to proceed De Novo before a jury.
11/21/19	Motion to Bifurcate filed by Commission in an attempt to litigate the dispositive legal issue preliminarily before any de novo trial.
12/16/19	Motion to Bifurcate denied.
10/07/20	Trial

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

Case No. CAL19-39808 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: Complaint filed.

Docket:

07/15/19	Complaint filed
01/22/20	Commission accepted service
01/27/20	Complaint to be amended to reflect Commission as party.

King v. Commission

Case No. CAL 19-30096 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission denying authorization for neck surgery.

Status: In discovery.

Docket:

09/23/19	Petition for Judicial Review filed
10/03/19	Response of Commission filed.
06/30/20	Trial

McCourt v. Commission
Case No. CAL 19-27903 (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Petition for Judicial Review of Merit Board decision on a classification matter filed.

Status: In discovery.

Docket:

08/23/19	Petition for Judicial Review filed
09/04/19	Commission notified of filing of Petition
09/24/19	Response to Petition for Judicial Review
10/07/19	Petition for Judicial Review filed by Patricia McCourt
03/27/20	Oral argument.

Pumphrey v. Wilson
Case No. CAL 19-30161 (Tort)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Automobile accident with vehicle driven by Commission employee.

Status: Commission has yet to be served.

Docket:

09/16/19	Complaint filed
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MARYLAND COURT OF SPECIAL APPEALS

Benton v. Woodmore Overlook Commercial, LLC

September Term 2019, No. 2118 (AALU)
(Originally filed under CAL19-14488 in Prince George's County)

Lead Counsel: Borden
Other Counsel:

Abstract: Judicial Review of decision of the Prince George's County Planning Board.

Status: Appeal filed.

Docket:

12/19/19	Appeal filed
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Gaspar v. Montgomery County Planning Board

September Term 2019 Case No. 0579 (AALU)

Lead Counsel: Mills
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
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MARYLAND COURT OF APPEALS

No Cases Pending

U.S. DISTRICT COURT OF MARYLAND

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

Lead Counsel: Dickerson
Other Counsel: Foster

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

Status: Complaint filed.

Docket:

09/11/19	Complaint filed
10/23/19	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/19	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/19	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/19/19	Case Management Conference held
11/20/19	Order directing Plaintiff's Counsel to file Status Report by November 26, 2019
11/26/19	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/19	Amended Complaint filed.
12/23/19	Notice of Intent to file a Motion to Dismiss filed by all defendants
12/30/19	Case Management conference set.
01/09/20	Order granting Plaintiff leave to file Amended Complaint
01/16/20	Amended Complaint filed