



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

September 15, 2021
9:00 a.m. to 11 a.m.

**The Commission will be meeting by teleconference
and live-streamed from:**

Wheaton Headquarters

Auditorium

2425 Reddie Drive

Wheaton, Maryland 20902

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, September 15, 2021**

**Via videoconference live-streamed by
The Montgomery Planning Department**

9:00 a.m. – 11 a.m.
(please note updated time)

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (9:00 a.m.)	(+*)	Page 1
2.	Approval of Commission Minutes (9:05 a.m.)		
	a) Open Session – July 21, 2021	(+*)	Page 3
	b) Closed Session – July 21, 2021	(++*)	
3.	General Announcements (9:05 a.m.)		
	a) Hispanic Heritage Month (September 15-October 15)		
	b) HIV/AIDS Awareness Day (Sept 18)		
	c) Aging Awareness Day		
	d) National Prostate Cancer Awareness Month		
4.	Committee Minutes/Board Reports (For Information Only) (9:10 a.m.)		
	a) Executive Committee Meeting – Open Session – September 1, 2021	(+)	Page 7
	b) Executive Committee Meeting – Closed Session – September 1, 2021	(++)	
	c) Employees’ Retirement System Board of Trustees Regular Meeting – June 1, 2021	(+)	Page 11
5.	Action and Presentation Items (9:10 a.m.)		
	a) Resolution 21-21 Prince George’s County Bond Resolution (Zimmerman)	(+*)	Page 15
	b) Resolution 21-22 Designation of Juneteenth as an Authorized Commission Holiday (Chiang-Smith)	(+*)	Page 57
	c) Resolution 21-23 Amendment to the Fund Balance Policy (Zimmerman)	(+*)	Page 59
	d) CAS Cost Allocation (Kroll)	(+*)	Page 63
	e) Open Enrollment and Benefit Plans Proposed Rates for 2022 (Spencer/McDonald)	(+*)	Page 69
	f) Sick Leave Bank Program Amendments (Chiang-Smith/Spencer/Beckham)	(+*)	Page 79
	g) Life Insurance Program Amendment (Chiang-Smith/Spencer/McDonald) (information item)	(+)	Page 95
	h) 115 Trust Annual Report (Zimmerman)	(+)	Page 99
	i) Audit Committee Report (Bailey)	(LD)	
	j) Regional COVID Outlook Presentation, speaker Prince George’s County Health Officer Dr. Ernest L. Carter, MD, PhD		
	k) Vaccination/Return-to-Work Policy/M-NCPPC COVID Trends (Chiang-Smith/Spencer/Beckham)	(+*)	Page 101
<i>Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (1i-ii), (7) & (9), a closed session is proposed to consult with counsel for legal advice, and compensation decisions, and consider matters that relate to negotiation.</i>			
6.	Closed Session (10:30 a.m.)		
	a) Direction for Fiscal Year 2023 Salary Marker Assumptions (Kroll) (discussion only)		
	b) Collective Bargaining Update (Chiang-Smith)	(++)	

7. **Action and Presentation Items – Wage Resolutions (10:45 a.m.)**

- a) Resolution 21-12-A, Amended Fiscal Year 2022 Wage Adjustments for Park Police Officers at the Command Ranks of Lieutenant, Captain and Commander (Chiang-Smith) (+*)Page 111
- b) Resolution 21-14-A, Amended Fiscal Year 2022, Merit Increase/Anniversary Pay Increments and Other Adjustments for Certain Non-Represented Merit System and Term Contract Employees (Excluding Park Police Officers and Park Police Candidates) (Chiang-Smith) (+*)Page 113
- c) Resolution 21-16 Ratification of MCGEO Collective Bargaining Agreement 3-Year Contract (2021-2024) and Fiscal Year 2022 Wage Adjustments (Chiang-Smith) (+*)Page 115

8. **Officers' Reports (10:50 a.m.)**

Executive Director's Report

- a) Late Evaluation Report, August 2021 (For Information Only) (+) Page 117

Secretary Treasurer

- b) 4th Quarter MFD Report (For Information Only) (+) Page 119
- c) 4th Quarter Investment Report (For Information Only) (+) Page 133

General Counsel

- d) Litigation Report (For Information Only) (+) Page 139

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
July 21, 2021

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the County Administration Building in Upper Marlboro, Maryland. The meeting was broadcast by the Department of Parks and Recreation, Prince George's County.

PRESENT

Prince George's County Commissioners

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

Montgomery County Commissioners

Gerald Cichy (arrived 10:09 am)
Natali Fani-Gonzalez
Tina Patterson
Partap Verma

NOT PRESENT

Casey Anderson, Vice-Chair

Chair Hewlett called meeting to order at 10:02 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

Chair Hewlett removed Item 7 from the agenda and moved Item 8 before Item 6 (closed session).

ACTION: Motion of Commissioner Geraldo to approve the amended agenda

Seconded by Bailey

8 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – June 16, 2021

Closed Session – June 16, 2021

Special Commission Meeting – Open Session – July 1, 2021

Special Commission Meeting – Closed Session – July 1, 2021

ACTION: Motion of Commissioner Bailey to approve the minutes

Seconded by Commissioner Patterson

8 approved the motion

ITEM 3

GENERAL ANNOUNCEMENTS

- a) National Recreation and Parks Association (NRPA) – National Parks and Recreation Month (July)
- b) Bereaved Parents' Month (July)
- c) Parents' Day (July 25)
- d) Upcoming Olympics in August
- e) National Aviation Day (August 19)
- f) Labor Day Commission Holiday (September 6)
- g) Upcoming Hispanic Heritage Month (September 15 - October 15)
- h) Chair Hewlett asked for a moment of silence for Commission staff who have recently lost family members

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

- a) Executive Committee Meeting – Open Session, July 7, 2021
- b) Executive Committee Meeting – Closed Session, July 7, 2021
- c) Employees’ Retirement System Board of Trustees Regular Meeting, May 4, 2021

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Resolution 21-17 Merit System Board Reappointment – Carolyn Scriber (Chiang-Smith)
Chair Hewlett said Ms. Scriber has tremendous expertise and is an asset to the Merit Board.
ACTION: Motion of Commissioner Geraldo to adopt Resolution 21-17
Seconded by Commissioner Bailey
8 approved the motion
(Anderson and Cichy absent for the vote)

- b) Resolution 21-18 Adoption of the Approved Ashton Village Center Sector Plan (Pratt/Butler)
No discussion.
ACTION: Motion of Commissioner Geraldo to adopt Resolution 21-18
Seconded by Commissioner Bailey
8 approved the motion
(Anderson and Cichy absent for the vote)

- c) Resolution 21-19 Delegation of Authority for Plat Signatories (Borden)
No discussion.
ACTION: Motion of Commissioner Geraldo to adopt Resolution 21-19
Seconded by Commissioner Bailey
8 approved the motion
(Anderson and Cichy absent for the vote)

- d) Resolution 21-20 Recommendation for Adoption of Employees Retirement System Plan Document Amendments, Effective August 1, 2021 (Rose)
No discussion.
ACTION: Motion of Geraldo to adopt Resolution 21-20
Seconded by Commissioner Patterson
9 approved the motion
(Anderson absent for the vote)

- e) Ratification of Actions taken during June 16 Commission Meeting Closed Session (Chiang-Smith)
The Commission acted to mandate mask wearing for all employees in the Prince George's County Department of Parks and Recreation who are working with children up to 12 years of age, regardless of vaccination status, and that each Planning Board will separately consider return to work protocols appropriate for their respective county operations.
ACTION: Motion of Commissioner Geraldo to ratify actions.
Seconded by Commissioner Patterson
9 approved the motion

(Anderson absent for the vote)

ITEM 8

OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report (May/June 2021) (For information only)
- b) Changes to Prescription Plan benefit for Calendar Year 2022 (For information only)

Secretary Treasurer Report

No report for July 2021

General Counsel Report

- c) Litigation Report (For information only)

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (1.ii), (7), (9 & 10), a closed session is proposed to consult with counsel to discuss personnel matters, to consult with counsel for legal advice, consider matters that relate to negotiation and to discuss public cyber security matters.

Chair Hewlett asked for a motion to move to closed session. Commissioner Geraldo moved, Commissioner Patterson seconded. All 9 Commissioners in attendance voted for the measure and the meeting moved to closed session at 10:12 a.m. The meeting concluded from closed session at 10:55 a.m.

There being no further business to discuss, Chair Hewlett adjourned the meeting from closed session at 10:55 a.m.


James F. Adams, Senior Technical Writer


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

September 1, 2021

On September 1, 2021, the Maryland-National Capital Park and Planning Commission's Executive Committee met via teleconference. Present were Chair Elizabeth M. Hewlett, Vice Chair Casey Anderson (joined at 11:30 am), and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

Andree Checkley, Director, Prince George's County Planning (PGPL)
 Adrian Gardner, General Counsel
 Mike Riley, Director, Montgomery County Parks (MCPK)
 Bill Tyler, Director, Prince George's County Parks and Recreation (PGPR)
 Director Gwen Wright, Director, Montgomery County Planning (MCPL)
 Joe Zimmerman, Secretary-Treasurer

Presenters/Staff

James Adams, Senior Technical Writer
 Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director
 Michael Bolling, Safety Specialist (CPMO)
 Debra Borden, Deputy General Counsel
 Mazen Chilet, Chief Information Officer
 Brian Coburn, Acting Corporate Budget and Management Services Manager, (CPMO)
 Cynthia Henderson, Benefits Specialist, (CHR)
 John Kroll, Corporate Budget Director
 Robert Kronenberg, Deputy Director Montgomery Parks
 Jennifer McDonald, Benefits Manager, (CHR)
 John Nissel, Deputy Director, Montgomery Parks
 William Spencer, Corporate Human Resources (CHR) Director
 Tanya Stern, Deputy Director

Chair Hewlett convened the meeting at 11:17 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	Moved item on Hearing Aids from Item 3a to item 4b.
ACTION	Chair Hewlett moved to approve the agenda as amended; Executive Director Chiang-Smith seconded. 2 approved. Vice-Chair Anderson absent for the vote.

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for July 21, 2021

Discussion	Two items added to the September Commission Agenda: 1. Juneteenth added as an authorized Commission Holiday (Chiang-Smith) 2. Discussion for Fiscal Year 2023 Salary Marker (Kroll) (closed session)
ACTION/Follow-up	Chair Hewlett moved to approve the agenda as amended; Executive Director Chiang-Smith seconded. 2 approved. Vice-Chair Anderson absent for the vote.

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS	
Discussion	No modification to Rolling Agenda
ACTION/Follow-up	None.

ITEM 2 – May 5, 2020 EXECUTIVE COMMITTEE MEETING MINUTES	
Discussion	July 7, 2021 Open Session July 7, 2021 Closed Session
ACTION	Chair Hewlett moved to approve the minutes; Executive Director Chiang-Smith seconded. 2 approved. Vice-Chair Anderson absent for the vote.

ITEM 3 – DISCUSSION/PRESENTATION ITEMS	
Discussion	<p><u>3a. Update on Policy for Life Insurance (Chiang-Smith/Spencer)</u></p> <p>Executive Director Chiang-Smith discussed the need for life insurance among agency employees, noting 1/3 of employees do not have life insurance and within the past several weeks, several employees have passed in accidents, and have not had insurance. Benefits staff proposed three different options to increase enrollment, and presented to Department Heads, who selected the option to make life insurance mandatory for all employees, and would pay 80 % of the premiums, with a 20 % cost to employees. The Legal Department noted there was precedent for such a policy, citing Long term disability.</p> <p>Directors intended to move forward with the 80/20 option and wished to inform the executive committee. Executive Director Chiang-Smith noted management still needed to negotiate the mandatory benefit with unions. Ms. McDonald said Benefits staff expected a response from insurance carrier to see if the existing employees could be grandfathered in without a physical.</p>
ACTION/follow-up	Provided the premium increase is neutral or minimal, the Executive Committee supported the change to be executed by the Benefits Office.
Discussion	<p><u>3b. CAS Cost Allocations (Kroll)</u></p> <p>Corporate Budget Director Kroll summarized the memo included in the packet which recommended direction be given to staff to develop the FY23 Proposed Budget for the Central Administrative Services. Using FY22 numbers, the proposed allocation it would shift \$135,000 from Montgomery County to Prince George’s County for FY23.</p>
ACTION/Follow-up	The Executive Committee supported the memo for presentation to the full Commission.
Discussion	<p><u>3c. Amendment to the Fund Balance Policy (Zimmeman)</u></p> <p>Secretary-Treasurer Zimmerman summarized the memo which discussed the lease agreement for county agencies using space within the Wheaton Headquarters Building. The agreement includes a contribution of money to a Capital Reserve Fund, capped at \$50,000 and any surplus amount beyond that would be refunded to the county.</p>

	<p>Secretary-Treasurer Zimmerman requested an amendment to the Fund Balance Policy to put the M-NCPPC and different county agencies on the same level for payments to the Capital Reserve Fund. The memo detailed the language which would be brought before the Commission for approval.</p> <p>The Secretary-Treasurer requested the Executive Committee's support to bring the amendment to the Commission</p>
Action/Follow up	Executive Committee supported forwarding the amendment to the Commission.
Discussion	<p><u>3d. July 2021 Investment Report (Zimmerman) (information item only)</u></p> <p>No discussion.</p>

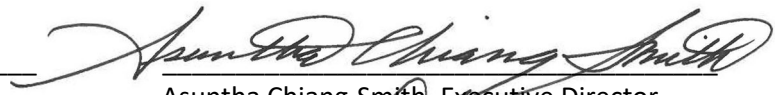
Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice and consider matters that relate to negotiation.

Chair Hewlett motioned for the meeting to move into Closed Session at 11:39 a.m. Vice Chair Anderson seconded. Motion approved unanimously.

With no further business to discuss, the meeting adjourned from Closed Session at 1:23 p.m.



 James F. Adams, Senior Technical Writer



 Asuntha Chiang-Smith, Executive Director

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

**BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, June 1, 2021; 10:00 a.m.
County Administration Building, Upper Marlboro, MD
(Due to COVID -19 Attend via Microsoft Teams)

Due to COVID-19, the Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually through Microsoft Teams with CHAIRMAN HEWLETT leading the call from the County Administration Building in Upper Marlboro, Maryland on Tuesday, June 1, 2021. The meeting was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George’s County Commissioner
Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
Howard Brown, FOP Represented Trustee
Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio
Melissa D. Ford, Prince George’s County Open Trustee
Pamela F. Gogol, Montgomery County Public Member
Caroline McCarthy, Montgomery County Open Trustee
Amy Millar, MCGEO Represented Trustee
Sheila Morgan-Johnson, Prince George’s County Public Member
Elaine A. Stookey, Bi-County Open Trustee
Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

ERS Staff Present

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

Presentations

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

Legal Counsel Present

M-NCPPC Legal Department - Tracey Harvin, Senior Counsel

ITEM 1 APPROVAL OF THE JUNE 1, 2021 CONSENT AGENDA

The June 1, 2021 Board Meeting Agenda was revised as follows:

1. ITEMS 6.A.i. and 6.A.i.b. followed ITEM 4.A.iv.
2. ITEM 6.A.i.a. followed ITEM 7.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. CHIANG-SMITH to approve the Consent Agenda as revised. The motion PASSED unanimously (11-0). (Motion #21-30)

ITEM 2 CHAIRMAN’S ITEMS

ACTION: MR. ZIMMERMAN made a motion, seconded by MS. FORD to approve the Resolution to appoint Elizabeth M. Hewlett as Chairman and Gerald R. Cichy as Vice Chairman of the Board of Trustees for the terms

ending June 30, 2023. The motion PASSED unanimously (11-0).
(Motion #21-31)

ITEM 3 MISCELLANEOUS

No items reported.

ITEM 4 MANAGER REPORTS/PRESENTATIONS

Wilshire Associates

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

Brad Baker provided a Quarterly Executive Summary for the quarter ending March 31, 2021 and reported on the fund's performance. The ERS' total fund return was 2.85% (net of fees) for the quarter, outperforming the target policy index return of 1.64%. For the one, three, five, and ten-years ended March 31, 2021 the ERS fund return was 23.7%, 8.16%, 9.68%, and 7.54%, respectively, compared to the target policy return of 27.22%, 8.21%, 8.96%, and 7.30%, respectively. The total market value through March 31, 2021 was \$1,067.9 million.

Martell McDuffy provided a Monthly Investment Summary for the month ending April 30, 2021. Mr. McDuffy provided a market commentary and reported on the fund's performance. The ERS' total fund return for the one-month was 3.02% (net of fees), outperforming the target policy index return of 2.53%. For the one, three, five, and ten-years ended April 30, 2021 the ERS fund return was 21.44%, 9.11%, 9.96%, and 7.56%, respectively, compared to the target policy return of 23.36%, 9.02%, 9.16%, and 7.25%, respectively. The total market value through April 30, 2021 was \$1,095.0 million.

Investment Monitoring Group – Report of May 11, 2021

Andrea Rose presented the Investment Monitoring Group's (IMG) Regular Report of May 11, 2021 and highlighted the Private Equity Commitment recommendation the IMG was tasked to provide to the Board.

At its meetings on January 19, 2021, February 16, 2021, and March 16, 2021, the IMG had private equity pacing and commitment discussions regarding an additional capital commitment to private equity to provide adequate exposure and vintage year diversification. The IMG discussed both a recommitment to Wilshire Private Markets (WPM) and evaluation of alternative investment strategies. While recognizing the potential conflict of interest between Wilshire Consulting and WPM, the IMG could not ignore the advantages of a recommitment to WPM Series III, which includes a competitive fee, outperformance in Series I and II, and savings in legal fees.

In considering a recommitment to WPM versus alternative investment strategies, additional due diligence on the potential conflict of interest between Wilshire Consulting and WPM was conducted. Wilshire Consulting confirmed the WPM allocation is reviewed like any other investment manager using performance metrics, peers, and benchmarks. Wilshire Consulting acknowledges and mitigates its conflicts of interest with WPM through policies, procedures, and a Conflicts Management Committee.

The IMG recommended the Board approve a private equity commitment of \$15 million (\$45 million total) for three-years to Wilshire Private Markets Group Series III and Grant a Waiver of Certain Prohibitions of the Code of Ethics, contingent upon Wilshire's confirmation of private equity dry powder and valuations at the June Board meeting.

Mr. Baker presented Wilshire's Private Equity Market Analysis and Opportunities report dated June 1, 2021. Current valuations show private capital dry power has increased steadily since 2014, topping \$3.4 trillion across all fund types and private equity comprises just over 61% of total dry powder in the market as of April 2021.

Despite the continued shift to private market investments, capital activity as well as deals (per transaction) and funds (investment vehicles raised and closed) have declined after peaking in 2018. Valuations within private equity markets have increased.

Wilshire has favorable views on certain segments of the private equity market, including buyout investments in industrial, healthcare & technology, special situation investments across many industries/sectors, and lower-middle market deals with industry specializations and small fund sizes (<\$2 billion in aggregate size) along with emerging and/or minority-ownership. Mr. Baker highlighted that WPM focuses on the lower-middle market deals which mitigates valuation risk.

VICE CHAIRMAN CICHY requested the IMG annually review the conflict of interest between Wilshire Consulting and WPM.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. MILLAR to approve a private equity commitment of \$15 million (\$45 million total) for three-years to Wilshire Private Markets Group Series III and Grant a Waiver of Certain Prohibitions of the Code of Ethics. The motion PASSED unanimously (11-0). (Motion #21-32)

ITEM 5 REPORT OF THE ADMINISTRATOR

Andrea L. Rose presented the Administrator's Report dated May 25, 2021

Andrea Rose requested approval to allow ERS employees an extension to utilize unused Social Distancing and Administrative Leave from June 30, 2021 through December 31, 2021.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. FORD to allow ERS employees an extension to utilize unused Social Distancing and Administrative Leave from June 30, 2021 through December 31, 2021. The motion PASSED unanimously (11-0). (Motion #21-33)

ITEM 6 COMMITTEE REPORTS/PRESENTATIONS

Investment Monitoring Group – Report of May 11, 2021

These ITEMS were moved, see ITEM 1.

ITEM 7 CLOSED SESSION

At 11:17 a.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosure about a particular proceeding or matter and to discuss matters that are subject to Section 4-335 of the General Provisions Article of the Maryland Annotated Code, which prevents public disclosure of confidential commercial or financial information.

ACTION: MS. GOGOL made a motion, seconded by VICE CHAIRMAN CICHY to go into Closed Session. The motion PASSED unanimously (11-0). (Motion #21-34)

During Closed Session, the following action was taken:

1. The Board discussed the Northern Trust's Fee Schedule.

The Board moved back into Open Session at 11:22 a.m.

In its May 11, 2021 Regular Report, the IMG recommended the Board approve the Fee Schedule with Northern Trust effective July 1, 2021 with an expiration date of June 30, 2025.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. FORD to approve the Fee Schedule with Northern Trust effective July 1, 2021 with an expiration date of June 30, 2025. The motion PASSED unanimously (11-0). (Motion #21-35)

The Board meeting of June 1, 2021 adjourned at 11:23 a.m.

Respectfully,

Heather D. Van Wagner

Heather D. Van Wagner
Senior Administrative Specialist

Andrea L. Rose

Andrea L. Rose
Administrator



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

RESOLUTION NO. 21-21

\$25,100,000
Prince George's County
General Obligation
Park Acquisition and Development Project Bonds,
Series PGC-2021A

RECITALS

The Maryland-National Capital Park and Planning Commission (the “Commission”) has determined to authorize the issuance of one or more series of its Prince George’s County General Obligation Park Acquisition and Development Project Bonds, Series PGC-2021A in an aggregate amount not to exceed \$25,100,000 (collectively, the “Bonds”), pursuant to Sections 18-201 through 18-211, inclusive, of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2021 Supplement) (the “Land Use Article”). The Commission is authorizing the issuance of the Bonds (1) to finance and refinance the cost of certain park acquisition and development projects in Prince George’s County, Maryland (the “Projects”) and (2) to pay the costs of issuance related to the Bonds.

The Bonds may be issued in the form of serial bonds, term bonds, commercial paper, variable rate demand bonds or such other form as the Commission or its authorized designee may determine is advisable in consultation with the financial advisor to the Commission and its bond counsel.

BE IT RESOLVED BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION:

Section 1: Authorization of Bonds. Acting pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article, the Commission hereby authorizes the

borrowing of a sum not to exceed \$25,100,000 and the evidencing of such borrowing by the issuance of one or more series of its Bonds in like aggregate principal amount, to be designated “Prince George’s County General Obligation Park Acquisition and Development Project Bonds, Series PGC-2021A”, or as further designated by the Secretary-Treasurer. The Bonds are being issued in order to provide funds (i) to pay the costs of the Projects and (ii) to pay, at the discretion of the Secretary-Treasurer, all or a portion of the costs of issuance of the Bonds.

Section 2: Terms of the Bonds.

(a) General Provisions. The Bonds shall be issued as fully registered bonds. The Commission hereby authorizes the Chair or Vice Chair and the Secretary-Treasurer of the Commission, in consultation with its bond counsel and financial advisor, to determine and approve on behalf of the Commission the denominations, the form, terms and conditions, the method of determining the interest rates (variable or fixed), the maturity schedule, the redemption provisions, if any, the amount of the good faith deposit, if any, the dates and the terms and conditions of the sale and delivery of the Bonds, and all other terms, conditions and provisions relating to the issuance, sale and delivery of the Bonds, in accordance with the provisions of this Resolution.

The Bonds shall be numbered from No. R-1 upward, shall be dated and mature (subject to the right of prior redemption, if any) as determined by the Secretary-Treasurer, in the principal amounts approved by the Chair or Vice Chair and the Secretary-Treasurer of the Commission, at or prior to the sale of the Bonds; provided however, that in no event shall the Bonds mature later than 50 years from the date of issue as required by Section 18-203(e) of the Land Use Article.

(b) Book-Entry. The Bonds shall initially be maintained under a book-entry system with The Depository Trust Company, New York, New York, or other securities depository, and shall be registered in the name of the nominee of such securities depository, all as more fully set forth in an official statement or offering memorandum with respect to the issuance and sale of the Bonds, *provided* the Secretary-Treasurer does not determine that it is in the best interest of the Commission to initially maintain the Bonds under a system other than the book-entry system. The Secretary-Treasurer is hereby authorized to take all action necessary or appropriate to provide for

the issuance of the Bonds in book-entry form, including (without limitation) execution of letters of representations with The Depository Trust Company, or such other securities depository. If in the judgment of the Secretary-Treasurer it is in the best interests of the Commission to maintain the Bonds or any series of the Bonds under a system other than the book-entry system or to discontinue the maintenance of the Bonds or any series of the Bonds under a book-entry system, the Secretary-Treasurer is hereby authorized to provide for the termination of the book-entry system, if necessary, and the delivery of printed certificates for such Bonds in lieu thereof. The Secretary-Treasurer may designate a different securities depository.

(c) County Guaranty. The Bonds shall be guaranteed as to payment of principal and interest by Prince George’s County, Maryland (“Prince George’s County”), as required by Section 18-204(d) of the Land Use Article, and such guaranty shall be endorsed on each bond certificate in the manner hereinafter provided as required by Section 18-204(d) of the Land Use Article. The Secretary-Treasurer is hereby authorized and directed to arrange with the County Executive of Prince George’s County for the endorsement on the Bonds of the guarantee of the payment of the principal thereof and interest thereon, as herein outlined and as required by law. The Bonds shall not be delivered until after the endorsement of such guaranty thereon.

(d) Interest Provisions. The Chair or Vice Chair and the Secretary-Treasurer shall determine and approve the method for setting the rates of interest for the Bonds. The rates of interest for the Bonds shall be as determined and approved by the Chair or Vice Chair and the Secretary-Treasurer to be in the best interest of the Commission. If the Bonds are competitively sold, the Bonds shall bear interest at the rate or rates for each maturity named by the successful bidder for the Bonds, in accordance with the terms of the Notice of Sale hereinafter adopted. Interest shall be payable on the dates (each an “Interest Payment Date”) and in the manner determined by the Secretary-Treasurer. The Bonds shall bear interest from the most recent Interest Payment Date to which interest has been paid or duly provided for, or from their date if no interest has been paid on the Bonds.

(e) Redemption Provisions. The Bonds may be subject to redemption at the times, upon the terms and conditions and at the redemption prices approved by the Chair or Vice Chair and the Secretary-Treasurer in consultation with the Commission's financial advisor and bond counsel, at or prior to the sale of the Bonds.

Section 3: Execution. The Bonds shall be signed by the manual or facsimile signature of the Chair of the Commission and shall be attested by the manual or facsimile signature of the Secretary-Treasurer of the Commission. There shall be printed on each of the Bonds a facsimile of the seal of the Commission. In case any officer of the Commission whose manual or facsimile signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, or in the case that any such officer shall take office subsequent to the date of issue of the Bonds, such signature or facsimile shall nevertheless be valid and sufficient for the purposes herein intended.

Section 4: Authentication. No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication of such Bond substantially in the form hereinafter adopted shall have been duly executed by the Registrar (hereinafter defined) and such executed certificate of the Registrar on such Bond shall be conclusive evidence that such Bond has been authenticated and delivered under this Resolution. The Registrar's certificate of authentication on any Bond shall be deemed to have been executed by it if signed by an authorized officer or signatory of the Registrar. It shall not be necessary that the same officer or signatory of the Registrar sign the certificate of authentication for all the Bonds issued hereunder.

Section 5: Payment of Bonds. The principal of, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America at the time of payment. So long as the Bonds or any series of the Bonds are maintained under a book-entry system with The Depository Trust Company, principal of and premium, if any, and interest on such Bonds shall be payable to Cede & Co., as nominee of The Depository Trust Company, all as described in an official statement or offering memorandum related to such Bonds. If the book-entry system for

the Bonds or any series of the Bonds shall be discontinued in accordance with this Resolution, the principal of and premium, if any, on such Bonds shall be payable upon presentation thereof at a designated corporate trust office of a bank or other entity hereafter to be determined by the Secretary-Treasurer, which bank or other entity, or any successor thereof, shall be designated as paying agent for such Bonds (the "Paying Agent"). Interest on such Bonds shall be payable by wire transfer, check or draft mailed by the Paying Agent to the registered owners thereof as of the record date immediately preceding each Interest Payment Date (the "Record Date") at their addresses as they appear on the Bond Register (hereinafter defined) or to such other address as is furnished to the Paying Agent by a registered owner. The Secretary-Treasurer may determine that the Office of the Secretary-Treasurer of the Commission will act as the Paying Agent or designate a Paying Agent as provided in this Resolution. Such designation by the Secretary-Treasurer may be done at any time and from time to time.

When there is no existing default in the payment of interest on the Bonds, the person in whose name any Bond is registered on the Record Date with respect to an Interest Payment Date shall be entitled to receive the interest payable on such Interest Payment Date (unless such Bond has been called for redemption on a redemption date which is prior to such Interest Payment Date) notwithstanding the cancellation of such Bond upon any registration of transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date.

Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner of the Bond on the relevant Record Date by virtue of having been such owner; and such Defaulted Interest shall be paid by the Paying Agent to the person in whose name the Bond is registered at the close of business on a date (the "Special Record Date") which shall be fixed by the Secretary-Treasurer in consultation with the Paying Agent and bond counsel. Defaulted Interest shall be paid to the persons in whose names the Bonds are registered on such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered under this Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 6: Registration, Transfer or Exchange of Bonds. The Commission shall cause to be kept at a designated corporate trust office of a bank or another designated entity hereafter to be determined by the Secretary-Treasurer, which shall be appointed the Registrar for the Bonds (the “Registrar”), a register (the “Bond Register”) for the registration of the transfer or exchange of the Bonds. The Secretary-Treasurer may determine that the Office of the Secretary-Treasurer of the Commission will serve as the Registrar or the Secretary-Treasurer may appoint a Registrar as provided in this Resolution. Such designation by the Secretary-Treasurer may be done at any time and from time to time. Each Bond shall be registered and transferred or exchanged in accordance with the terms and conditions with respect thereto set forth in such Bond, the form of which is hereinafter adopted.

Section 7: Cancellation of Bonds. The Bonds paid at maturity or upon prior redemption shall be canceled and destroyed by the Registrar in accordance with practices that are commonly used in the marketplace at that time and certificates of such action shall be transmitted to the Commission.

Section 8: Form of Bonds. The Bonds hereby authorized shall be in substantially the form attached hereto as Exhibit A, with appropriate insertions as therein set forth, which is hereby adopted by the Commission as the approved form of the obligations to be incurred by it, and all the covenants, conditions and representations contained in said form are hereby declared to be binding on the Commission and to constitute contracts between the Commission and the holders from time to time of the Bonds, said contracts to become binding when the Bonds are executed and delivered as herein authorized. Such form may be modified by the Secretary-Treasurer in accordance with the provisions of this Resolution, including but not limited to, modifications for the issuance of bonds in the form of serial bonds, term bonds, commercial paper, variable rate demand bonds or such other form as the Secretary-Treasurer may determine advisable in

consultation with the financial advisor to the Commission and its bond counsel and modifications to reflect the maintenance of the Bonds under a book-entry system or the termination of a book-entry system as provided herein.

Section 9: Negotiated Sale. The Secretary-Treasurer is hereby authorized to sell the Bonds or any series of the Bonds by private negotiated sale on behalf of the Commission as authorized by Section 18-203(f) of the Land Use Article. The Chair or Vice Chair and the Secretary-Treasurer of the Commission, in consultation with bond counsel and the financial advisor to the Commission, are hereby authorized to determine on behalf of the Commission the method for conducting such private negotiated sale. The Secretary-Treasurer is hereby authorized to solicit and accept proposals for the sale of such Bonds on a private, negotiated basis. The Secretary-Treasurer of the Commission is hereby authorized to negotiate an agreement for the purchase of such Bonds (the “Bond Purchase Agreement”), to be approved by the Secretary-Treasurer in consultation with the Planning Board of Prince George’s County, in accordance with the limitations set forth in this Resolution.

Section 10: Public Sale; Notice of Sale. The Secretary-Treasurer is hereby authorized to sell the Bonds or any series of the Bonds by public competitive sale. In the event of a public sale, the Secretary-Treasurer is hereby authorized to advertise such sale by any electronic medium or financial journal or to publish a notice of sale or a summary thereof calling for bids for such Bonds in such other manner as the Secretary-Treasurer shall deem appropriate. The Secretary-Treasurer is authorized to offer the Bonds or any series of the Bonds for sale by competitive bid and accept bids, including but not limited to electronic bids via such service provider as the Secretary-Treasurer deems appropriate upon the advice of the financial advisor to the Commission. Said notice of sale shall be substantially in the form of Exhibit B attached hereto, subject to such changes, insertions (including without limitation the insertion of the appropriate amounts and dates in the respective spaces provided therefor in such form) and amendments as the Secretary-Treasurer deems necessary and approves upon the advice of bond counsel and the financial advisor to the Commission, the Secretary-Treasurer’s publication of such notice to constitute conclusive

evidence of the approval of the Secretary-Treasurer of all changes from the form set forth in Exhibit B. In lieu of publishing the entire notice of sale as set forth in Exhibit B in a financial journal or by electronic medium as above specified, the Secretary-Treasurer, upon the advice of the financial advisor to the Commission, may determine to publish a summary of said notice of sale.

Section 11: Official Statement.

(a) The Secretary-Treasurer may prepare a private placement memorandum, a preliminary official statement, a final official statement or another form of offering document (collectively, the “Official Statement”) and a notice of sale with respect to the issuance and sale of any series of the Bonds, including any financial and other information about the Commission and Prince George’s County deemed appropriate by the Secretary-Treasurer.

(b) The Secretary-Treasurer is hereby authorized and directed to make all arrangements for the printing, execution and delivery of the Official Statement and certificates for any series of the Bonds.

Section 12: Use of Bond Proceeds. The proceeds of the sale of the Bonds (i) shall be used to pay the costs of the Projects, and (ii) may be used to pay all or a portion of the issuance costs of the Bonds.

Section 13: Tax Pledge. The Commission hereby pledges its full faith and credit and the proceeds of the taxes required to be levied and collected for the Commission by Prince George’s County under Section 18-304 of the Land Use Article, to the payment of the principal of and premium and interest on the Bonds as they become due.

The Commission covenants with each and every holder, from time to time, of the Bonds issued hereunder to allocate the proceeds of said taxes, as received, *pari passu*, to debt service on all outstanding bonds and notes issued by it, including the Bonds, payable from said taxes, subject only to the prior rights of the holders of bonds of the Commission which are secured by a pledge of a specific portion of said tax. The Commission further covenants not to issue any additional

bonds or notes payable from said taxes in excess of the limits prescribed, from time to time, by Section 18-203(d) of the Land Use Article.

With respect to the Bonds hereby authorized, the Commission covenants with the holders thereof annually to submit to Prince George's County a budget requesting the imposition of said taxes to produce the revenues to pay the debt service to which the revenues from said taxes is pledged hereby, and to take all action it legally can take to compel Prince George's County to impose taxes at rates sufficient for the purpose and to fulfill and perform its guarantee of the payment, when due, of the principal of and interest on the Bonds.

Section 14: Tax and Arbitrage Covenants. The Chair or the Vice Chair and the Secretary-Treasurer shall be the officers of the Commission responsible for the issuance of the Bonds within the meaning of the Arbitrage Regulations (defined herein). The Chair or the Vice Chair and the Secretary-Treasurer shall also be the officers of the Commission responsible for the execution and delivery (on the date of issuance of the Bonds) of a certificate of the Commission (the "Section 148 Certificate") which complies with the requirements of Section 148 of the Internal Revenue Code of 1986, as amended ("Section 148"), and the applicable regulations thereunder (the "Arbitrage Regulations"), and such officials are hereby directed to execute the Section 148 Certificate and to deliver the same to bond counsel on the date of the issuance of the Bonds.

The Commission shall set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds, or of any moneys, securities or other obligations to the credit of any account of the Commission which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, "Bond Proceeds"). The Commission covenants that the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the Commission's reasonable expectations on the date of issuance of the Bonds and will be, to the best of the certifying officials' knowledge, true and correct as of that date.

The Commission covenants and agrees with each of the holders of any of the Bonds that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of

the Bond Proceeds which would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 and the Arbitrage Regulations. The Commission further covenants that it will comply with Section 148 and the regulations thereunder which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds.

The Commission further covenants that it shall make such use of the proceeds of the Bonds, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on the Bonds. All officers, employees and agents of the Commission are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Bonds, as may be necessary or appropriate from time to time to comply with, or to evidence the Commission’s compliance with, the covenants set forth in this Section.

The Chair or Vice Chair and the Secretary-Treasurer, on behalf of the Commission, may make such covenants or agreements in connection with the issuance of the Bonds as such official shall deem advisable in order to assure the registered owners of the Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes, and such covenants or agreements shall be binding on the Commission so long as the observance by the Commission of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The foregoing covenants and agreements may include such covenants or agreements on behalf of the Commission regarding compliance with the provisions of the Internal Revenue Code of 1986, as amended, as the Chair or Vice Chair and the Secretary-Treasurer shall deem advisable in order to assure the registered owners of the Bonds that the interest thereon shall be and remain excludable from gross income for federal income tax purposes, including (without limitation) covenants or agreements relating to the investment of the proceeds of the Bonds, the payment of rebate (or payments in lieu of rebate) to the United States, limitations on the times within which, and the

purpose for which, such proceeds may be expended, or the use of specified procedures for accounting for and segregating such proceeds.

Section 15: Appointment of Trustee and other Service Providers. The Secretary-Treasurer is hereby authorized to engage the services of a trustee, a registrar, a paying agent, a credit facility provider, a broker-dealer, a placement agent, a remarketing agent, an underwriter, a liquidity facility provider and such other service providers as the Secretary-Treasurer deems appropriate from time to time with respect to the Bonds.

Section 16: Approval, Execution and Delivery of Documents. The Secretary-Treasurer may prepare, as appropriate and shall submit for the approval of the Chair or the Vice Chair any agreement with a registrar, a paying agent, a trustee, credit facility provider, a placement agent, a broker-dealer, a remarketing agent, an underwriter, a liquidity facility provider and such other service providers as the Secretary-Treasurer deems appropriate from time to time with respect to the Bonds or any series of the Bonds (collectively, the “Transaction Documents”). The Chair or Vice Chair is hereby authorized to execute and deliver, as appropriate, such Transaction Documents. The Chair, Vice Chair, Secretary-Treasurer and all other authorized officers of the Commission are hereby authorized to execute and deliver such other and further documents, certifications and forms as may be necessary, appropriate or advisable in order to effectuate the transaction authorized by this Resolution.

Section 17: Continuing Disclosure Agreement. The Secretary-Treasurer is expressly authorized to approve the form of, and execute and deliver on behalf of the Commission, a continuing disclosure agreement or certificate to assist bidders and/or underwriters in complying with the requirements of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

Section 18: Award of Bonds. The Chair or the Vice Chair with prior consultation with the Planning Board of Prince George’s County, and the Secretary-Treasurer are hereby authorized with respect to the Bonds or any series of the Bonds to accept the best bid for such Bonds, reject all other bids for such Bonds, set the interest rates of such Bonds and set the maturity schedules

and terms of redemption of such Bonds, in accordance with the limitations set forth in this Resolution.

Section 19: Effective Date. This Resolution shall take effect from the date of its passage.

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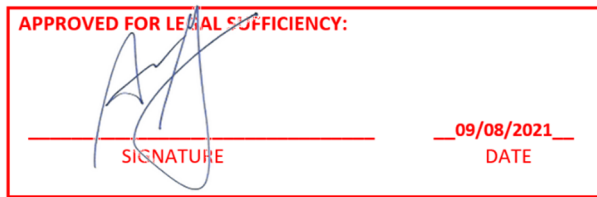
I, JOSEPH C. ZIMMERMAN, the duly appointed, qualified and acting Secretary-Treasurer of The Maryland-National Capital Park and Planning Commission, do hereby certify that the foregoing is a true copy of Resolution No. 21-21, adopted by said Commission at a regular meeting thereof duly called and held on September 15, 2021.

I do further certify that Commissioners Anderson, Bailey, Cichy, Doerner, Fani-Gonzalez, Geraldo, Hewlett, Patterson, Verma and Washington were present. A motion to adopt was made and seconded. The Resolution was adopted unanimously.

I do further certify that said Resolution has not been amended and is still in force and effect on the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of The Maryland-National Capital Park and Planning Commission, this 15th day of September, 2021.

Secretary-Treasurer



This is to certify that the foregoing is a true and correct copy of Resolution No. 21-__ adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____ seconded by Commissioner _____, with Commissioners Anderson, Bailey, Cichy, Doerner, Fani-Gonzalez, Geraldo, Hewlett, Patterson, Verma and Washington voting in favor of the motion, and Commissioners _____ absent during the vote, at its meeting held on Wednesday, September 15, 2021, in _____, Maryland.

Asuntha Chaing-Smith
Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Exhibit A

UNITED STATES OF AMERICA

STATE OF MARYLAND

No. R- _____

\$ _____

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County
General Obligation
Park Acquisition and Development Project Bond,
Series PGC-2021A

<u>Dated Date</u>	<u>Interest Rate</u>	<u>Maturity Date</u>	<u>CUSIP</u>
[_____], 2021	___ % per annum	_____, 20__	_____

Registered Owner: Cede & Co.

Principal Amount: _____ DOLLARS

The Maryland-National Capital Park and Planning Commission (the "Commission"), a public body corporate, organized and existing under the laws of the State of Maryland, hereby acknowledges itself indebted for value received and, upon presentation and surrender hereof, promises to pay to the Registered Owner shown above, or its registered assigns, on the Maturity Date shown above, unless this bond shall have been called for prior redemption and payment of the redemption price made or provided for, the Principal Amount shown above, and to pay interest on the outstanding principal amount hereof from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, or, if no interest has been paid on this bond, from the date of this bond, at the annual rate of interest set forth above, payable semi-annually on _____ 1/15 and _____ 1/15 each year, beginning _____ 1/15, 2022 (each an "Interest Payment Date") until payment of such Principal Amount shall be

discharged as provided in the Resolution (hereinafter defined), by wire transfer or check mailed by the Commission or a banking institution or other entity designated as paying agent by the Commission (the “Paying Agent”), or any successor thereto, to the person in whose name this bond is registered on the registration books maintained by the Registrar (identified herein) at the close of business on the [fifteenth day of the month immediately preceding such Interest Payment Date] [first day of the month in which such Interest Payment Date occurs] (the “Record Date”). Notwithstanding the preceding sentence, interest on this bond which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date shall forthwith cease to be payable to the owner of this Bond on the relevant Record Date by virtue of having been such owner and such interest shall be paid by the Paying Agent to the person in whose name this bond is registered at the close of business on a Special Record Date for the payment of such interest, which shall be fixed as provided in the Resolution (hereinafter defined). Interest on this bond shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

Principal of, premium, if any, and interest on this bond are payable in lawful money of the United States of America, at the time of payment. Principal and premium, if any, hereon will be payable upon presentation and surrender of this bond by the registered owner hereof in person or by his duly authorized attorney, at the designated office of the Paying Agent.

This bond is a general obligation of the Commission and of Prince George’s County, Maryland (the “County”), to the payment, in accordance with its terms, of the principal of and interest on which the Commission and the County hereby each pledge their respective full faith and credit and taxing power.

The principal of and premium and interest on this bond are payable in the first instance from mandatory limited annual ad valorem property taxes which the County is required by Section 18-304 of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2021 Supplement) (the “Land Use Article”) to impose at a fixed rate against all property assessed for the purposes of county taxation in the portion of the Maryland-Washington Metropolitan District (the “District”) established by Title 19 of the Land Use Article located in the

County. Section 18-209 of the Land Use Article provides that, if said mandatory tax is insufficient to pay the principal of and interest on this bond, the County shall impose an additional tax upon all assessable property within the portion of the District in the County, and, if the proceeds of such additional tax are still inadequate for such purposes, upon all assessable property within the corporate limits of the County, to pay such deficiency. By the guaranty endorsed hereon, the full faith and credit of the County is pledged to the payment, when due, of the principal of and interest on this bond.

This bond is one of an issue of bonds (the “Bonds”), each of a par value of \$5,000 or an integral multiple thereof, in the aggregate principal amount of \$_____, numbered from No. R-1 upwards, all dated as of the Dated Date and all known as: “The Maryland-National Capital Park and Planning Commission Prince George’s County General Obligation Park Acquisition and Development Project Bonds, Series PGC-2021A”. Unless previously redeemed as herein provided, the Bonds mature and are payable in consecutive annual installments on _____ 1/15 in each of the years 2022 through 20___, and bear interest payable on each _____ 1/15 and _____ 1/15, commencing _____ 1/15, 2022, until their respective maturities or prior redemption. The Bonds are issued pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article and in accordance with Resolution No. 21-__ of the Commission duly adopted on September 15, 2021 (the “Resolution”).

The Bonds which mature on or after _____ 1/15, 2032, are subject to redemption prior to their respective maturities, at the option of the Commission, in whole or in part in any order of their maturities, at any time on or after _____ 1/15, 2031, at a redemption price equal to the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds are called for redemption, the particular maturities to be redeemed shall be selected by the Commission. If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds to be redeemed from such maturity shall be selected by lot or other random means by the Paying Agent in such manner as the Paying Agent in its

discretion may determine, provided that each \$5,000 of the principal amount of any Bond shall be treated as a separate Bond for this purpose.

Notice of call for redemption shall be delivered to the Depository (as defined herein) prior to the date fixed for redemption in accordance with the Depository's procedures. If the book-entry system is discontinued for the Bonds, a notice calling for redemption of the Bonds to be redeemed shall be mailed by the Commission as Paying Agent, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (the "Redemption Date"), to all registered owners of Bonds to be redeemed, at their last addresses appearing on the registration books kept by the Registrar. Failure to deliver or mail any such notice, or any defect in such notice, or in the delivery or mailing thereof, shall not affect the validity of any redemption proceedings. Such notice shall specify the issue, the numbers and the maturities of the Bonds to be redeemed, which statement of numbers may be from one number to another, inclusive, the Redemption Date and the redemption price, any conditions to such redemption, and shall further state that on such date the Bonds called for redemption will be due and become payable at the offices of the Paying Agent, and that, from and after such date, interest thereon shall cease to accrue.

From and after the date fixed for redemption, if notice has been given as herein provided, and the funds sufficient for payment of the redemption price and accrued interest shall be available therefore on such date, the Bonds so designated for redemption shall cease to bear interest. Upon presentation and surrender in compliance with such notice, the Bonds so called for redemption shall be paid by the Paying Agent at the redemption price. If not so paid on presentation thereof, such Bonds so called shall continue to bear interest at the rates expressed therein until paid.

This bond shall be registered as to principal and interest in the owner's name on the registration books kept for that purpose at the office of the Secretary-Treasurer or a designated office of the banking institution or other entity, or any successor thereto, designated by the Secretary-Treasurer (the "Registrar").

The transfer of this bond is registerable by the registered owner hereof in person or by his attorney or legal representative at a principal office of the Registrar upon surrender and

cancellation of this bond together with a duly executed assignment in the form attached hereto and satisfactory to the Registrar. Upon any such registration of transfer, the Registrar shall authenticate and deliver in exchange for this bond a registered Bond or Bonds registered in the name of the transferee of authorized denomination or denominations, in the aggregate principal amount equal to the principal amount of this bond or the unredeemed portion hereof, of the same maturity and bearing interest at the same rate. Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, bearing interest at the same rate, of other authorized denominations, at a principal office of the Registrar. The Commission and the Registrar may make a charge for every such exchange or transfer sufficient to reimburse it for any tax, fee, or other governmental charge, shipping charges and insurance required to be paid with respect to such exchange or transfer, and in addition, may charge a sum sufficient to reimburse them for expenses incurred in connection with such exchange or transfer. All Bonds surrendered in such exchange or registration of transfer shall forthwith be canceled by the Registrar. The Registrar shall not be required to register the transfer of this bond or make any such exchange of this bond after the mailing of notice calling this bond or any portion hereof for redemption.

So long as all of the Bonds shall be maintained in Book-Entry Form with The Depository Trust Company or another securities depository (the "Depository"): (1) in the event that fewer than all Bonds of any one maturity shall be called for redemption, the Depository, and not the Registrar, will select the particular accounts from which Bonds or portions thereof will be redeemed in accordance with the Depository's standard procedures for redemption of obligations such as the Bonds; (2) in the event that part, but not all, of this bond shall be called for redemption, the holder of this bond may elect not to surrender this bond in exchange for a new bond in accordance with the provisions hereof and in such event shall make a notation indicating the principal amount of such redemption and the date thereof on the Payment Grid attached hereto; and (3) payments of principal or redemption price of and interest on this bond shall be payable to the Depository or its assigns in accordance with the provisions of the Resolution. For all purposes, the principal amount of this bond outstanding at any time shall be equal to the lesser of (A) the

principal sum shown on the face hereof and (B) such principal sum reduced by the principal amount of any partial redemption of this bond following which the holder of this bond has elected not to surrender this bond in accordance with the provisions hereof. The failure of the holder hereof to note the principal amount of any partial redemption on the Payment Grid attached hereto, or any inaccuracy therein, shall not affect the payment obligation of the Commission hereunder. THEREFORE, IT CANNOT BE DETERMINED FROM THE FACE OF THIS BOND WHETHER A PART OF THE PRINCIPAL OF THIS BOND HAS BEEN PAID.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened and to be performed precedent to and in the issuance of this bond, does exist, has been done, has happened and has been performed, in full and strict compliance with the Constitution and laws of the State of Maryland and the proceedings of the Commission and of the County, and that the issue of bonds of which this bond is one, together with all other indebtedness of said Commission, and of the County, is within every debt and other limit prescribed by the Constitution and laws of said State.

IN WITNESS WHEREOF, The Maryland-National Capital Park and Planning Commission, in the State of Maryland, has caused this bond to be signed in its name by the signature of its Chair and attested by the signature of its Secretary-Treasurer and has caused the facsimile of its corporate seal to be imprinted hereon, all as of Dated Date set forth above.

ATTEST:

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Secretary-Treasurer

By:

Chair

(CORPORATE SEAL)

GUARANTY

The payment of interest when due, and of the principal on maturity, is guaranteed by Prince George’s County, Maryland.

ATTEST:

PRINCE GEORGE’S COUNTY,
MARYLAND

Clerk

By:

County Executive

(CORPORATE SEAL)

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds issued under the provisions of and described in the within mentioned Resolution of The Maryland-National Capital Park and Planning Commission.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Registrar

By: _____
Authorized Officer

Date of Authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto (Please Insert Social Security or Other Identifying Number of Assignee) _____

(Print or Type Name and Address, Including Zip Code of Assignee)

the within bond and all rights thereunder, and does hereby constitute and appoint _____
_____ attorney to transfer the within bond on the books kept for the registration thereof,
with full power of substitution in the premises.

NOTICE: Signature must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

(Signature of registered owner)
NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

PAYMENT GRID

Date of Payment	Principal Amount Paid	Principal Amount Outstanding	Holder Signature

NOTICE OF SALE

\$ _____
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George’s County
General Obligation
Park Acquisition and Development Project Bonds,
Series PGC-2021A

Electronic Bids only will be received until 10:30 a.m.,
Local Baltimore, Maryland Time, on _____, 2021

by The Maryland-National Capital Park and Planning Commission (the “Commission”), for the purchase of the above-named issue of bonds (the “Bonds”) of the Commission, to be dated as of the date of their delivery and to be issued pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2021 Supplement) (the “Land Use Article”) and a Resolution of the Commission adopted on September 15, 2021. The Bonds will bear interest from the date of their delivery payable semi-annually on each _____ 1/15 and _____ 1/15, commencing _____ 1/15, 2022 until maturity or prior redemption.

The payment of the principal of and interest on all of the Bonds will be unconditionally guaranteed by Prince George’s County, Maryland (the “County”).

Maturities: The Bonds will be separately numbered from No. R-1 upward, and will mature, subject to prior redemption, in consecutive annual installments on _____ 1/15 in the years and amounts set forth in the following table:

MATURITY SCHEDULE			
<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
	\$		\$

Adjustments: The aggregate principal amount and the principal amount of each maturity of the Bonds are subject to reduction by the Commission after the receipt of bids for their purchase. The final aggregate principal amount and maturity schedule for the Bonds will be communicated to the successful bidder by 5:00 p.m. local Baltimore, Maryland time on the date of sale and will not reduce the aggregate principal amount of the Bonds by more than the premium bid by the successful bidder. The dollar amount bid for principal by the successful bidder will be adjusted to

reflect any reduction in the aggregate principal amount of the Bonds, but the interest rates specified by the successful bidder for all maturities will not change. The successful bidder may not withdraw its bid as a result of any changes made within these limits.

Book-Entry System: The Bonds shall be issued only in fully registered form without coupons. One bond certificate representing each maturity will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), as registered owner of the Bonds and each bond certificate shall be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The successful bidder, as a condition to delivery of the Bonds, will be required to deposit the bond certificates representing each maturity with DTC.

Registrar and Paying Agent: The Maryland-National Capital Park and Planning Commission will act as Registrar and Paying Agent for the Bonds.

Security: All of the Bonds will be general obligations of the Commission and of the County for the payment, in accordance with their terms, of the principal of and interest on which the Commission and the County will each pledge their respective full faith and credit and taxing power.

The Bonds will be payable as to both principal and interest first from limited ad valorem property taxes which the County is required by law to impose in the portion of the Maryland-Washington Metropolitan District (the “District”) established by Title 19 of the Land Use Article located in the County and remit to the Commission. By its guarantee of the Bonds, the full faith and credit of the County is pledged, as required by law, for the payment of the principal thereof and interest thereon. To the extent that the aforesaid taxes imposed for the benefit of the Commission are inadequate in any year to pay such principal and interest, Section 18-209 of the Land Use Article provides that the County shall impose an additional tax upon all assessable property within the portion of the District in the County, and if the proceeds of such additional tax are still inadequate for such purposes, upon all assessable property within the corporate limits of the County, to pay such deficiency.

Redemption: The Bonds which mature on or after _____ 1/15, 2032, are subject to redemption prior to their respective maturities at any time on or after _____ 1/15, 2031, at the option of the Commission, in whole or in part, in any order of maturities, at a redemption price equal to the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

Electronic Bids: Notice is hereby given that electronic proposals will be received via *[PARITY]*, in the manner described below, until 10:30 a.m., local Baltimore, Maryland time, on _____, 2021.

Bids may be submitted electronically pursuant to this Notice until 10:30 a.m., local Baltimore, Maryland time, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in *[PARITY]* conflict with this Notice,

the terms of this Notice shall control. For further information about *[PARITY]*, potential bidders may contact *[PARITY]* at (212) 849-5021.

Disclaimer: Each prospective electronic bidder shall be solely responsible to submit its bid via *[PARITY]* as described above. Each prospective electronic bidder shall be solely responsible to make necessary arrangements to access *[PARITY]* for the purpose of submitting its bid in a timely manner and in compliance with the requirements of the Notice of Sale. Neither the Commission nor *[PARITY]* shall have any duty or obligation to provide or assure access to *[PARITY]* to any prospective bidder, and neither the Commission nor *[PARITY]* shall be responsible for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, *[PARITY]*. The Commission is using *[PARITY]* as a communication mechanism, and not as the Commission's agent, to conduct the electronic bidding for the Bonds. The Commission is not bound by any advice and determination of *[PARITY]* to the effect that any particular bid complies with the terms of this Notice of Sale and in particular the "Bid Specifications" hereinafter set forth. All costs and expenses incurred by prospective bidders in connection with their submission of bids via *[PARITY]* are the sole responsibility of the bidders; and the Commission is not responsible, directly or indirectly, for any of such costs or expenses. If a prospective bidder encounters any difficulty in submitting, modifying, or withdrawing a bid for the Bonds, the prospective bidder should telephone *[PARITY]* at (212) 849-5021 and notify the Commission's Financial Advisor, Davenport & Company LLC, by facsimile at (866) 932-6660 and by telephone at (410) 296-9426.

Electronic Bidding Procedures: Electronic bids must be submitted for the purchase of the Bonds (all or none) via *[PARITY]*. Bids will be communicated electronically to the Commission at 10:30 a.m. local Baltimore, Maryland time, on [_____], 2021. Prior to that time, a prospective bidder may (1) submit the proposed terms of its bid via *[PARITY]*, (2) modify the proposed terms of its bid, in which event the proposed terms as last modified will (unless the bid is withdrawn as described herein) constitute its bid for the Bonds or (3) withdraw its proposed bid. Once the bids are communicated electronically via *[PARITY]* to the Commission, each bid will constitute an irrevocable offer to purchase the Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on *[PARITY]* shall constitute the official time.

Bid Specifications: Proposals for purchase of the Bonds must be for all of the Bonds herein described and must be submitted electronically pursuant to this Notice of Sale until 10:30 a.m. local Baltimore, Maryland time on [_____], 2021. Bidders must pay not less than par and not more than [115]% of par. In their proposals, bidders are requested to specify the annual rate or rates of interest to be borne by the Bonds. Bidders are requested to name the interest rate or rates in multiples of 1/8 or 1/20 of 1%. Bidders may specify more than one rate of interest to be borne by the Bonds, but all Bonds maturing on the same date must bear interest at the same rate. Bonds on successive maturity dates may bear the same interest rate. No Bond shall bear more than one rate of interest, which rate shall be uniform for the life of the Bond and no interest rate may be named that exceeds [5.00]%. The difference between the highest and lowest interest rates may not exceed [four] percent ([4.00]%).

Award of Bonds: The successful bidder will be determined based on the lowest interest cost to the Commission. The lowest interest cost shall be determined in accordance with the true

interest cost (“TIC”) method by doubling the semi-annual interest rate, compounded semi-annually, necessary to discount the debt service payments from the payment dates to the date of the Bonds, and to the price bid. Where the proposals of two or more bidders result in the same lowest interest cost, the Bonds may be apportioned between such bidders, but if this shall not be acceptable, the Commission shall have the right to award all of the Bonds to one bidder. The Commission reserves the right to reject any or all proposals and to waive any irregularities in any of the proposals. The Secretary-Treasurer’s judgment shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity to the terms of this Notice of Sale. Any award of the Bonds may be made as late as 4:00 p.m. local Baltimore, Maryland time on the sale date. All bids shall remain firm until an award is made.

Good Faith Deposit: The successful bidder is required to submit a good faith deposit in the amount of \$[_____] (the “Good Faith Deposit”) payable to the order of the Commission in the form of a wire transfer in federal funds as instructed by the Commission. The successful bidder shall submit the Good Faith Deposit not more than two hours after the verbal award is made. The successful bidder should provide as quickly as it is available, evidence of wire transfer by providing the Commission the federal funds reference number. If the Good Faith Deposit is not received in the time allotted, the bid of the successful bidder may be rejected and the Commission may direct the next lowest bidder to submit a Good Faith Deposit and thereafter may award the sale of the Bonds to such bidder. If the successful bidder fails to comply with the Good Faith Deposit requirement as described herein, that bidder is nonetheless obligated to pay to the Commission the sum of \$[_____] as liquidated damages due to the failure of the successful bidder to timely deposit the Good Faith Deposit.

Submission of a bid to purchase the Bonds serves as acknowledgement and acceptance of the terms of the Good Faith Deposit requirement.

The Good Faith Deposit so wired will be retained by the Commission until the delivery of the Bonds, at which time the Good Faith Deposit will be applied against the purchase price of the Bonds or the Good Faith Deposit will be retained by the Commission as partial liquidated damages in the event of the failure of the successful bidder to take up and pay for such Bonds in compliance with the terms of this Notice of Sale and of its bid. No interest on the Good Faith Deposit will be paid by the Commission. The balance of the purchase price must be wired in federal funds to the account detailed in the closing memorandum, simultaneously with delivery of the Bonds.

Establishment of Issue Price: The successful bidder shall assist the Commission in establishing the issue price of the Bonds and shall execute and deliver to the Commission at closing an “issue price” or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached hereto as Exhibit A-1 or Exhibit A-2, as applicable, with such modifications as may be appropriate or necessary, in the reasonable judgment of the successful bidder, the Commission and Bond Counsel. All actions to be taken by the Commission under this Notice of Sale to establish the issue price of the Bonds may be taken on behalf of the Commission by the Commission’s financial advisor identified herein and any notice or report to be provided to the Commission may be provided to the Commission’s financial advisor.

The Commission intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “competitive sale” for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the “competitive sale requirements”) because:

- (1) the Commission shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Commission may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the Commission anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

By submitting a bid, each bidder (i) confirms that its bid is a firm offer for the purchase of the Bonds identified in this Notice of Sale, on the terms set forth in its bid and this Notice of Sale, except as permitted by this Notice of Sale and (ii) represents that it has an established industry reputation for underwriting new issuances of municipal bonds.

In the event that the competitive sale requirements are not satisfied, the Commission shall so advise the successful bidder. The Commission may determine to treat (i) the first price at which 10% of a maturity of the Bonds (the “10% test”) is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the Bonds as the issue price of that maturity (the “hold-the-offering-price rule”), in each case applied on a maturity-by-maturity basis (and if different interest rates apply within a maturity, to each separate CUSIP number within that maturity). The successful bidder shall advise the Commission if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds. The Commission shall promptly advise the successful bidder, at or before the time of award of the Bonds, which maturities (and if different interest rates apply within a maturity, which separate CUSIP number within that maturity) of the Bonds shall be subject to the 10% test or shall be subject to the hold-the-offering-price rule. Bids will not be subject to cancellation in the event that the Commission determines to apply the hold-the-offering-price rule to any maturity of the Bonds. Bidders should prepare their bids on the assumption that some or all of the maturities of the Bonds will be subject to the hold-the-offering-price rule in order to establish the issue price of the Bonds.

By submitting a bid, the successful bidder shall (i) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the “initial offering price”), or at the corresponding yield or yields, set forth in the bid submitted by the successful bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

- (1) the close of the fifth (5th) business day after the sale date; or
- (2) the date on which the underwriters have sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The successful bidder shall promptly advise the Commission when the underwriters have sold 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5th) business day after the sale date.

If the competitive sale requirements are not satisfied, then until the 10% test has been satisfied as to each maturity of the Bonds, the successful bidder agrees to promptly report to the Commission the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing has occurred, until the 10% test has been satisfied as to the Bonds of that maturity or until all Bonds of that maturity have been sold.

The Commission acknowledges that, in making the representation set forth above, the successful bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The Commission further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the Bonds.

By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to (A) report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it until it is notified by the successful bidder that either the 10% test has been satisfied as to the Bonds of that maturity or all Bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the successful bidder and as set forth in the related pricing wires, and (ii) any agreement among underwriters relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to (A)

report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it until it is notified by the successful bidder or such underwriter that either the 10% test has been satisfied as to the Bonds of that maturity or all Bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the successful bidder or such underwriter and as set forth in the related pricing wires.

Sales of any Bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (i) “public” means any person other than an underwriter or a related party,
- (ii) “underwriter” means (A) any person that agrees pursuant to a written contract with the Commission (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the public),
- (iii) a purchaser of any of the Bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and
- (iv) “sale date” means the date that the Bonds are awarded by the Commission to the successful bidder.

CUSIP Numbers; Expenses of the Bidder: It is anticipated that CUSIP numbers will be assigned to each maturity of the Bonds, but neither the failure to type or print such numbers on any of the Bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds. The policies of the CUSIP Service Bureau will govern the assignment of specific numbers to the Bonds. The successful bidder will be responsible for applying for and obtaining, subject to the CUSIP Service Bureau policy and procedures, CUSIP numbers for the Bonds promptly upon award of the bid. All expenses of typing or printing CUSIP numbers for the Bonds will be paid for by the Commission; provided the CUSIP Service Bureau charges for the assignment of the numbers shall be the responsibility of and shall be paid for by the successful bidder.

All charges of DTC and all other expenses of the successful bidder will be the responsibility of the successful bidder for the Bonds.

Official Statement: Not later than seven (7) business days after the date of sale, the Commission will deliver to the successful bidder an Official Statement, which is expected to be substantially in the form of the Preliminary Official Statement referred to below. If so requested

by the successful bidder for the Bonds at or before the close of business on the date of the sale, the Commission will include in the Official Statement such pricing and other information with respect to the terms of the reoffering of the Bonds of such issue by the successful bidder therefor, if any, as may be specified and furnished in writing by such bidder (the “Reoffering Information”). If no such information is specified and furnished by the successful bidder, the Official Statement will include the interest rate or rates on the Bonds resulting from the bid of such successful bidder. The successful bidder shall be responsible to the Commission and its officials for such Reoffering Information furnished by such bidder, and for all decisions made by such bidder with respect to the use or omission of the Reoffering Information in any reoffering of the Bonds. The successful bidder will also be furnished, without cost, with a reasonable number of copies of the Official Statement as determined by the Secretary-Treasurer (and any amendments or supplements thereto).

Legal Opinion: The Bonds described above will be issued and sold subject to approval as to legality by McGuireWoods LLP, Bond Counsel, whose approving opinion will be delivered, upon request, to the successful bidder for the Bonds without charge. Such opinion will be substantially in the form included in Appendix [] to the Preliminary Official Statement referred to below.

Continuing Disclosure: In order to assist bidders in complying with SEC Rule 15c2-12, the Commission will execute and deliver a continuing disclosure certificate on or before the date of issuance of the Bonds pursuant to which the Commission will undertake to provide certain information annually and notices of certain events. A description of this certificate is set forth in the Preliminary Official Statement and will also be set forth in the Official Statement.

Delivery and Payment: It shall be a condition of the obligation of the successful bidder to accept delivery of and pay for the Bonds, that, simultaneously with or before delivery and payment for the Bonds, said bidder shall be furnished, without cost, with a certificate of the Secretary-Treasurer of the Commission to the effect that, to the best of his knowledge, the Official Statement and any amendment or supplement thereto (except for the Reoffering Information provided by the successful bidder, as to which no view will be expressed) does not contain, as of the date of sale and as of the date of delivery of the Bonds, any untrue statement of a material fact, required to be stated or necessary to be stated, to make such statements, in light of the circumstances under which they were made, not misleading.

Delivery of the Bonds, at the Commission’s expense, will be made by the Commission to the purchaser on _____, 2021, or as soon as practicable thereafter, through the facilities of DTC in New York, New York, and, thereupon, said purchaser will be required to accept delivery of the Bonds purchased and pay the balance of the purchase price thereon in federal or other immediately available funds. The Bonds will be accompanied by the customary closing documents including a no-litigation certificate effective as of the date of delivery.

Contacts: A preliminary official statement, which is in form “deemed final” as of its date by the Commission for purposes of SEC Rule 15c2-12 (the “Preliminary Official Statement”) but is subject to revision, amendment and completion in the final official statement (the “Official Statement”), together with this Notice of Sale, may be obtained from Joseph C. Zimmerman, Secretary-Treasurer, The Maryland-National Capital Park and Planning Commission, 6611

Kenilworth Avenue, Riverdale, Maryland 20737, (301) 454-1540 or Davenport & Company LLC, 8600 LaSalle Road, The Oxford Building, Suite 618, Towson, Maryland 21286-2011, (410) 296-9426.

Right to Change Notice of Sale and Postpone Offering: The Commission reserves the right to change the Notice of Sale and to postpone, from time to time, the date established for the receipt of bids. In the event of a postponement, the new date and time of sale will be announced via TM3 News Service at least 24 hours prior to the time proposals are to be submitted. On any such alternative sale date, bidders may submit electronic bids for the purchase of the Bonds in conformity with the provision of this Notice of Sale, except for any changes to this Notice of Sale, the change of the date of sale and the changes described in the next sentence. If the date fixed for receipt of bids is postponed, the expected date of delivery of the Bonds also may be postponed. Such changes, if any, will be announced via TM3 News Service at the time any alternative sale date is announced.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

By: _____
Chair

\$ _____
Prince George's County
General Obligation
Park Acquisition and Development Project Bonds,
Series PGC-2021A

ISSUE PRICE CERTIFICATE
(Qualified Competitive Bid)

The undersigned, on behalf of [NAME OF PURCHASER] (the "Purchaser"), hereby certifies as set forth below with respect to the sale of the above-captioned obligations (the "Bonds").

1. ***Reasonably Expected Initial Offering Price.***

(a) As of the Sale Date, the reasonably expected initial offering prices of the Bonds to the Public by the Purchaser are the prices listed in Schedule A (the "Expected Offering Prices"). The Expected Offering Prices are the prices for the Bonds used by the Purchaser in formulating its bid to purchase the Bonds. Attached as Schedule B is a true and correct copy of the bid provided by the Purchaser to purchase the Bonds.

(b) The Purchaser was not given the opportunity to review other bids prior to submitting its bid.

(c) The bid submitted by the Purchaser constituted a firm offer to purchase the Bonds.

2. ***Defined Terms.***

(a) *Issuer* means The Maryland-National Capital Park and Planning Commission.

(b) *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

(c) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term "related party" for purposes of this Certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(d) *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is _____, 2021.

(e) *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Non-Arbitrage Certificate and Tax Covenants and with respect to compliance with the Federal income tax rules affecting the Bonds, and by McGuireWoods LLP, as bond counsel to the Issuer, in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for Federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other Federal income tax advice that it may give to the Issuer from time to time relating to the Bonds.

[NAME OF PURCHASER], as Purchaser

By: _____

Title: _____

Dated: _____, 2021

SCHEDULE A
Expected Offering Prices of the Bonds

SCHEDULE B
Copy of Bid

§ _____
**Prince George's County
General Obligation
Park Acquisition and Development Project Bonds,
Series PGC-2021A**

ISSUE PRICE CERTIFICATE
(Nonqualified Competitive Bid)

The undersigned, on behalf of [NAME OF PURCHASER] (the "Purchaser"), hereby certifies as set forth below with respect to the sale and issuance of the above-captioned obligations (the "Bonds").

1. ***Sale of the 10% Maturities.*** As of the date of this Certificate, for each Maturity of the 10% Maturities Bonds, the first price at which a Substantial Amount of such Maturity of the Bonds was sold to the Public is the respective price listed in Schedule A.

2. ***Initial Offering Price of the Undersold Maturities.***

(a) Each Underwriter offered the Undersold Maturities to the Public for purchase at the respective initial offering prices listed in Schedule B (the "Initial Offering Prices") on or before the Sale Date. A copy of the pricing wire or equivalent communication for the Bonds is attached to this Certificate as Schedule C.

(b) As set forth in the Notice of Sale and bid award, each Underwriter has agreed in writing that, (i) for each Maturity of the Undersold Maturities, it would neither offer nor sell any of the Bonds of such Maturity to any person at a price that is higher than the Initial Offering Price for such Maturity during the Offering Period for such Maturity, nor would it permit a related party to do so (the "hold-the-price rule") and (ii) any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any retail distribution agreement shall contain the agreement of each broker-dealer who is a party to the retail distribution agreement, to comply with the hold-the-price rule. Pursuant to such agreement, no Underwriter has offered or sold any Maturity of the Undersold Maturities at a price that is higher than the respective Initial Offering Price for that Maturity of the Bonds during the Offering Period.

3. ***Defined Terms.***

(a) *10% Maturities* means those Maturities of the Bonds shown in Schedule A hereto as the "10% Maturities."

(b) *Issuer* means The Maryland-National Capital Park and Planning Commission.

(c) *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

(d) *Offering Period* means, with respect to an Undersold Maturity, the period starting on the Sale Date and ending on the earlier of (i) the close of the fifth business day after the Sale Date ([_____, 2021]), or (ii) the date on which the Purchaser has sold a Substantial Amount of such Undersold Maturity to the Public at a price that is no higher than the Initial Offering Price for such Undersold Maturity.

(e) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term “related party” for purposes of this Certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(f) *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is _____, 2021.

(g) *Substantial Amount* means ten percent (10%).

(h) *Undersold Maturities* means those Maturities of the Bonds shown in Schedule B hereto as the “Undersold Maturities.”

(i) *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Non-Arbitrage Certificate and Tax Covenants and with respect to compliance with the Federal income tax rules affecting the Bonds, and by McGuireWoods LLP, as bond counsel to the Issuer, in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for Federal income tax purposes, the preparation of Internal Revenue Service Form 8038-G, and other Federal income tax advice it may give to the Issuer from time to time relating to the Bonds.

[NAME OF PURCHASER], as
Purchaser

By: _____

Title: _____

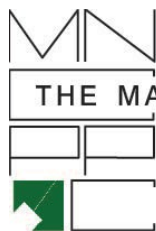
Dated: _____, 2021

SCHEDULE A
Sale Prices of the 10% Maturities

SCHEDULE B
Initial Offering Prices of the Undersold Maturities

SCHEDULE C
Pricing Wire

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

M-NCPPC Resolution 21-22

Designation of Juneteenth as an Authorized Commission Holiday

WHEREAS, it is recognized that consistent with federal law declaring June 19 as Juneteenth National Independence Day, this holiday commemorates the much-delayed emancipation of enslaved people in the United States upon learning of President Lincoln's Emancipation Proclamation 2+ years after its effective date on January 1, 1863,

WHEREAS, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

WHEREAS the faith and strength of character demonstrated by former slaves and the descendants of former slaves remain an example for all people of the United States, regardless of background, religion, or race;

WHEREAS slavery was not officially abolished until the ratification of the 13th Amendment to the Constitution of the United States in December 1865; and

WHEREAS, over the course of its history, the United States has grown into a symbol of democracy and freedom around the world:

NOW THEREFORE, BE IT RESOLVED that June 19, Juneteenth National Independence Day, is designated as an official Commission holiday.

BE IT FURTHER RESOLOVED, Juneteenth will be observed on the closest weekday when the holiday falls on a weekend.

APPROVED FOR LEGAL SUFFICIENCY

William Dickerson,
M-NPCPPC Legal Department
September 8, 2021

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

TO: The Maryland-National Capital Park and Planning Commission

FROM: Joe Zimmerman, Secretary-Treasurer

SUBJECT: Wheaton Building capital reserve

DATE: September 2, 2021

As you are aware, the new Wheaton building is tenanted in part by County agencies under a lease agreement.

As part of that lease agreement, the following provision governs contributions to a capital reserve fund:

Section 3.5.4 - The parties agree to establish a capital reserve fund (the “**Capital Reserve Fund**”) to be administered by the Commission for the convenience of the parties whereby any surplus County Operating Expenses contribution from year to year will be deposited into the Reserve Fund to be capped at \$50,000. Any surplus amount beyond \$50,000 will be promptly paid to the County. The Commission may use the Reserve Fund for expenses allowed under this Lease. The Reconciliation Statement shall include deposits into and withdrawals from the Capital Reserve Fund.

In order to put the Planning and Parks Departments on an equal footing, the following language is proposed to be added to the Commission’s Fund Balance Policy.

“Wheaton Building Enterprise Fund:

Reserve fund to be established and funded through a maximum annual contribution of \$37,000 from surplus funds attributable to the Commission. This contribution is in addition to any budgeted contribution to the reserve fund. Any remaining budget surplus shall be returned to the department budgets.

Contributions to the reserve fund from other tenants are addressed in the relevant lease agreement.”

The Contribution amounts represent the 57.5% of space allocated to County agencies and 42.5% allocated to M-NCPPC Departments.

The above language has been incorporated into the Fund Balance Policy for adoption by resolution of the full Commission. It is intended that this policy revision be effective with the beginning of occupancy in FY 21.

Please let me know if you have any questions.



M-NCPPC No. 21-23

RESOLUTION

FUND BALANCE POLICY

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of Division II of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt budgetary policies and procedures; and

WHEREAS, The Maryland-National Capital Park and Planning Commission considers the development of fund balance policy goals as an important part of sound fiscal management; and

WHEREAS, The Maryland-National Capital Park and Planning Commission desires to maintain favorable bond ratings and recognizes that establishing fund balance policy goals is encouraged by rating agencies.; and

WHEREAS, from time to time The Maryland-National Capital Park and Planning Commission may make adjustments to its Fund Balance Policy based on actual experience.


NOW, THEREFORE, BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby replace previous fund balance policies with the following policy goals:

<u>Fund</u>	<u>Policy</u>
General Fund	3-5% of expenditures
Prince George's Special Revenue Funds	10% of expenditures
Montgomery Special Revenue Funds	15% of expenditures
Montgomery Enterprise Fund	Minimum cash balance equal to 10% of operating expenses plus one year's debt service on all debt excluding that which is related to golf course operations, with a 3 year replenishment period, if necessary.
Prince George's Enterprise Fund	Minimum cash balance equal to 10% of operating expenses with a 3 year replenishment period, if necessary.
Montgomery Risk Management Fund	2% of operating expenditures (General, Enterprise and Capital Projects Funds)
Pr. George's Risk Management Fund	2% of operating expenditures (General, Enterprise and Capital Projects Funds)
Flexible Spending and Leave Funds	100% of Net Assets
Insurance Fund (employee life and health benefits)	10% of fund expenditures

"Wheaton Building Enterprise Fund:

Reserve fund to be established and funded through a maximum annual contribution of \$37,000 from surplus funds attributable to the Commission. This contribution is in addition to any budgeted contribution to the reserve fund. Any remaining budget surplus shall be returned to the department budgets.

Contributions to the reserve fund from other tenants are addressed in the relevant lease agreement."

APPROVED FOR LEGAL SUFFICIENCY:	
	
_____ SIGNATURE	___09/07/2021___ DATE



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

Date: September 15, 2021

To: The Maryland-National Capital Park and Planning Commission

Via: Asuntha Chiang-Smith, Executive Director
John Kroll, Corporate Budget Director *JRK*

From: Melinda Duong, Corporate Budget Analyst III *MD*

Subject: Bi-county Operations Labor Cost Allocation Analysis for the FY23 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 FY23 Proposed Budget. The bi-county operations are commonly known as the Central Administrative Services (CAS).

These updated allocations were presented to the Executive Committee on September 1, 2021.

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 (DHRM)
- 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 are 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 FY19 to FY21, 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 FY21 by Finance and DHRM and these results are shown below along with the drivers used for prior periods.

Cost Drivers	FY17		FY18		FY19		FY20		FY21		% shift in Share	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
Accounts Payable	38.5%	61.5%	43.50%	56.50%	43.60%	56.40%	43.10%	56.90%	43.70%	56.30%	0.6%	-0.6%
Payroll	24.8%	75.2%	24.80%	75.20%	24.82%	75.18%	25.31%	74.69%	31.78%	68.22%	6.5%	-6.5%
Purchasing	49.9%	50.1%	49.62%	50.38%	48.89%	51.11%	48.56%	51.44%	48.10%	51.90%	-0.5%	0.5%
Treasury/Investment	20.0%	80.0%	20.00%	80.00%	20.00%	80.00%	20.00%	80.00%	20.00%	80.00%	0.0%	0.0%
Employee Records	23.0%	77.0%	15.89%	84.11%	19.78%	80.22%	16.76%	83.24%	15.47%	84.53%	-1.3%	1.3%
Recruitment	44.1%	55.9%	49.70%	50.30%	44.40%	55.60%	43.50%	56.50%	43.60%	56.40%	0.1%	-0.1%

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 FY17 TO FY22

	FY22		FY23 Proposed		Change from FY22	
	MC	PGC	MC	PGC	MC	PGC
DHRM	41.1%	58.9%	40.1%	59.9%	-1.0%	1.0%
Finance	43.0%	57.0%	42.7%	57.3%	-0.3%	0.3%
Legal	50.5%	49.5%	49.3%	50.7%	-1.2%	1.2%
Office of Inspector General	41.8%	58.2%	40.9%	59.1%	-0.9%	0.9%
Corporate IT	49.6%	50.4%	50.0%	50.0%	0.4%	-0.4%
Merit System Board	50.0%	50.0%	50.0%	50.0%	0.0%	0.0%
Support Services	44.5%	55.5%	44.0%	56.0%	-0.5%	0.5%
Total CAS Before Chargebacks	45.0%	55.0%				

Below is an expanded summary showing the budgeted allocations from FY17 through FY22

ALLOCATION OF CAS BUDGET TO EACH COUNTY FY17 TO FY22

	FY17		FY18		FY19		FY20		FY21		FY22		FY23 Proposed		Change from FY22	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
DHRM	42.4%	57.6%	42.6%	57.4%	43.0%	57.0%	42.6%	57.4%	41.7%	58.3%	41.1%	58.9%	40.1%	59.9%	-1.0%	1.0%
Finance	42.9%	57.1%	43.6%	56.4%	43.9%	56.1%	44.6%	55.4%	42.4%	57.6%	43.0%	57.0%	42.7%	57.3%	-0.3%	0.3%
Legal	52.0%	48.0%	50.5%	49.5%	49.9%	50.1%	50.4%	49.6%	50.5%	49.5%	50.5%	49.5%	49.3%	50.7%	-1.2%	1.2%
Office of Inspector General	34.7%	65.3%	34.9%	65.1%	34.8%	65.2%	34.8%	65.2%	37.9%	62.1%	41.8%	58.2%	40.9%	59.1%	-0.9%	0.9%
Corporate IT	0.0%	0.0%	0.0%	0.0%	44.4%	55.6%	45.2%	54.8%	48.2%	50.8%	49.6%	50.4%	50.0%	50.0%	0.4%	-0.4%
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	44.2%	55.8%	44.5%	55.5%	44.3%	55.7%	44.8%	55.2%	44.5%	55.5%	44.5%	55.5%	44.0%	56.0%	-0.5%	0.5%
Total CAS Before Chargebacks	44.3%	55.7%	44.4%	55.6%	44.6%	55.4%	44.9%	55.1%	45.1%	54.9%	45.0%	55.0%	44.0%	56.0%	-0.5%	0.5%

This table provides the divisional labor allocation in detail, including the three-year average which forms the basis for each year's proposed allocation.

LABOR COST ALLOCATION SUMMARY AND COMPARISON TO FY22 BUDGETED ALLOCATION

	FY 17		FY 18		FY 19		FY 20		FY 21	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
30 - Dept Human Resources & Mgmt	42.1%	57.9%	41.4%	58.6%	41.3%	58.7%	39.9%	60.1%	39.1%	60.9%
OFFICE OF THE EXEC. DIR.	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
BUDGET DIVISION	49.9%	50.1%	49.5%	50.5%	49.4%	50.6%	50.4%	49.6%	50.2%	49.8%
CLASSIFICATION - COMPENSATION	51.9%	48.1%	45.5%	54.5%	43.1%	56.9%	41.7%	58.3%	35.9%	64.1%
CORP. POLICY & MGMT SVCS	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
EMPLOYEE LABOR RELATIONS	50.1%	49.9%	59.9%	40.1%	49.7%	50.3%	45.0%	55.0%	50.5%	49.5%
HRIS/EMP. RECORDS	23.0%	77.0%	15.9%	84.1%	19.8%	80.2%	16.8%	83.2%	15.5%	84.5%
RECRUITMENT	44.1%	55.9%	49.7%	50.3%	44.4%	55.6%	43.5%	56.5%	43.6%	56.4%
31 - Legal	51.0%	49.0%	53.2%	46.8%	49.1%	50.9%	49.1%	50.9%	49.8%	50.2%
32 - Finance Department	41.0%	59.0%	43.3%	56.7%	42.7%	57.3%	42.3%	57.7%	43.2%	56.8%
ACCOUNTING	50.6%	49.4%	51.6%	48.4%	50.3%	49.7%	50.0%	50.0%	50.0%	50.0%
ACCOUNTS PAYABLE	38.5%	61.5%	43.5%	56.5%	43.6%	56.4%	43.1%	56.9%	43.7%	56.3%
ADMINISTRATIVE SERVICES	48.6%	51.4%	49.7%	50.3%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
INVESTMENTS	20.0%	80.0%	20.0%	80.0%	20.0%	80.0%	20.0%	80.0%	20.0%	80.0%
OFFICE OF THE SEC-TREAS.	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
PAYROLL	24.8%	75.2%	24.8%	75.2%	24.8%	75.2%	25.3%	74.7%	31.8%	68.2%
PURCHASING	49.9%	50.1%	49.6%	50.4%	48.9%	51.1%	48.9%	51.1%	48.1%	51.9%
37 - Corporate IT	48.3%	51.7%	48.9%	51.1%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
40 - Merit System	50.1%	49.9%	50.1%	49.9%	50.0%	50.0%	50.1%	49.9%	50.1%	49.9%
52 - Office of Inspector General	29.7%	70.3%	38.0%	62.0%	45.8%	54.2%	41.6%	58.4%	35.3%	64.7%
Total CAS	43.8%	56.2%	45.0%	55.0%	44.5%	55.5%	43.8%	56.2%	43.6%	56.4%

Notes:

- 1) Highlighted rows represents labor cost allocations are done with cost drivers
- 2) Result include chargeback positions based on time card records

	3 Year Average		3 Year Average		3 Year Average		3 Year Average		3 Year Average vs FY22 Budget	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
30 - Dept Human Resources & Mgmt	41.6%	58.4%	40.6%	59.4%	40.1%	59.9%	41.1%	58.9%	-1.0%	1.0%
OFFICE OF THE EXEC. DIR.	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
BUDGET DIVISION	49.6%	50.4%	49.7%	50.3%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
CLASSIFICATION - COMPENSATION	46.8%	53.2%	41.5%	58.5%	40.2%	59.8%	40.0%	60.0%	50.0%	50.0%
CORP. POLICY & MGMT SVCS	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
EMPLOYEE LABOR RELATIONS	53.3%	46.7%	53.4%	46.6%	48.4%	51.6%	48.4%	51.6%	50.0%	50.0%
HRIS/EMP. RECORDS	19.6%	80.4%	17.0%	83.0%	17.3%	82.7%	17.3%	82.7%	50.5%	49.5%
RECRUITMENT	46.1%	53.9%	45.9%	54.1%	43.8%	56.2%	43.8%	56.2%	43.0%	57.0%
31 - Legal	51.1%	48.9%	50.7%	49.3%	49.3%	50.7%	49.3%	50.7%	-1.2%	1.2%
32 - Finance Department	42.3%	57.7%	43.1%	56.9%	42.7%	57.3%	43.0%	57.0%	-0.3%	0.3%
ACCOUNTING	50.8%	49.2%	50.6%	49.4%	50.1%	49.9%	50.1%	49.9%	50.4%	50.0%
ACCOUNTS PAYABLE	41.9%	58.1%	43.6%	56.4%	43.5%	56.5%	43.5%	56.5%	50.0%	50.0%
ADMINISTRATIVE SERVICES	49.4%	50.6%	49.9%	50.1%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
INVESTMENTS	20.0%	80.0%	20.0%	80.0%	20.0%	80.0%	20.0%	80.0%	49.6%	50.4%
OFFICE OF THE SEC-TREAS.	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
PAYROLL	24.8%	75.2%	27.1%	72.9%	27.3%	72.7%	27.3%	72.7%	50.0%	50.0%
PURCHASING	49.5%	50.5%	48.9%	51.1%	48.5%	51.5%	48.5%	51.5%	50.0%	50.0%
37 - Corporate IT	49.1%	50.9%	49.6%	50.4%	50.0%	50.0%	49.6%	50.4%	0.4%	-0.4%
40 - Merit System	50.1%	49.9%	50.1%	49.9%	50.1%	49.9%	50.0%	50.0%	0.1%	-0.1%
52 - Office of Inspector General	37.8%	62.2%	39.7%	60.3%	40.9%	59.1%	41.8%	58.2%	-0.9%	0.9%
Total CAS	44.4%	55.6%	44.4%	55.6%	44.0%	56.0%	45.0%	55.0%	-1.0%	1.0%

Multi-Year Change Summary

The table below shows the change from year to year, including the proposed change for FY23.

	Change from Prior Year											
	FY18		FY19		FY20		FY21		FY22		FY23	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
DHRM	0.2%	-0.2%	0.4%	-0.4%	-0.4%	0.4%	-0.8%	0.8%	-0.7%	0.7%	-1.0%	1.0%
Finance	0.7%	-0.7%	0.3%	-0.3%	0.7%	-0.7%	-2.2%	2.2%	0.6%	-0.6%	-0.3%	0.3%
Legal	-1.5%	1.5%	-0.6%	0.6%	0.5%	-0.5%	0.1%	-0.1%	0.0%	0.0%	-1.2%	1.2%
Office of Inspector General	0.3%	-0.3%	-0.1%	0.1%	0.0%	0.0%	3.1%	-3.1%	3.9%	-3.9%	-0.9%	0.9%
Corporate IT	0.0%	0.0%	44.4%	55.6%	0.8%	-0.8%	4.0%	-4.0%	0.4%	-0.4%	0.4%	-0.4%
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	0.3%	-0.3%	-0.2%	0.2%	0.5%	-0.5%	-0.3%	0.3%	0.0%	0.0%	-0.5%	0.5%
Total CAS Before Chargebacks	0.1%	-0.1%	0.2%	-0.2%	0.4%	-0.4%	0.1%	-0.1%	0.0%	0.0%		

Recommendation

The recommendation is to adopt the results of this year's analysis and direction be given to staff to utilize in developing the FY23 Proposed Budget. Using FY22 budget numbers, this would shift approximately \$135,000 to Prince George's County from Montgomery County.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

September 7, 2021

TO: The Maryland-National Capital Park and Planning Commission

VIA: Asuntha Chiang-Smith, Executive Director

FROM: William Spencer, Human Resources Director
Jennifer McDonald, Benefits Manager
Cynthia Henderson, Principal Benefits Specialist

SUBJECT: Benefit Plans Proposed Rates for 2022 and Coverage for Hearing Aids

Based on the agency's experience in claim costs, our Actuary, AON Consulting, has provided 2022 calendar year rate recommendations for our self-insured and fully insured health plans. Coverage for hearing aids is also proposed.

This memorandum briefs the Commission on the following:

- I. Health Plan rate adjustments for self-insured plans.
- II. Rates for fully insured health and welfare benefit plans.
- III. Coverage for hearing aids
- IV. Open Enrollment Season

Background on Benefits Plans

Existing Health and Welfare Plans

- The agency offers three medical health plans and their Medicare components to eligible employees and retirees. We offer a Health Maintenance Organization (HMO) plan through Kaiser Permanente, and two plans through UnitedHealthcare (UHC), the Exclusive Provider Organization (EPO) and the Point of Service (POS). Under the Kaiser HMO, a member must select a Primary Care Physician (PCP) and receive care or referrals to specialists from the PCP. Under the UnitedHealthcare EPO, no referrals are required for a specialist visit, but the provider must participate in the plan's network. Under the UnitedHealthcare POS, members can choose to receive care from a network provider or elect to receive care from an out of network provider for additional costs, however, referrals are not generally needed.
- Eligible employees and retirees may also elect to participate in a prescription drug plan (CVS Caremark), one of two dental plans (Delta Dental Preferred Provider Organization (PPO) and DeltaCare HMO); and a vision plan for eyeglasses and contact lenses through EyeMed.
- Eligible employees are also offered Basic/Supplemental/Dependent Life Insurance coverage through Securian and are automatically enrolled in a Long-Term Disability Plan through MetLife. (Recommendation for basic life insurance is addressed in a separate memo.)
- Eligible employees may also take advantage of Dependent Care and Healthcare Flexible Spending Accounts administered by Benefit Strategies.

2022 Self-Insured Health Plan Rate Adjustments

The agency utilizes a benefits actuary, Aon Consulting, to help determine appropriate health plan rates which provide sufficient funding of health plan coverage and protection to the agency against expected claim costs during the plan year. Our insurance coverage is categorized as either fully insured or self-insured. With self-insured plans, the MNCPPC manages funds and pays claims as they are incurred. A commercial stop-loss policy exists to protect the agency against large claims. Each fall, the agency must determine the health plan premium rates for the following calendar year. The actuary works with each of our health plan providers to review our relevant claims data for the prior cycles as well as current year costs, trends for projected health costs in the market, and plan design offerings.

- Medical Plans
 - For the self-insured UnitedHealthcare medical plans, Aon typically uses the claims experience for the most recent 12 months immediately preceding the calculation of the rates, usually July to June; however, because of the current pandemic, the claims experience period used runs from June 2019 through May 2021, a two year period. Due

to COVID-19 many individuals refrained from receiving nonemergency care. Rates are increasing by single digit percentages.

- The Kaiser HMO, a fully insured plan, had better claims experience because the younger and healthier employees are choosing this plan, the least expensive. Rates are decreasing.
- Prescription Plan
 - Prescription drug utilization and trend was offset by improved financial contract terms effective 1/1/2021 and the projected savings of \$558,28 from implementing the PrudentRx program for 1/1/2022.

The Medical and Prescription Rates Effective January 1, 2022 as Recommended by Aon

Medical and prescription rate adjustments range from a decrease of 5.6% to an increase of 8.4%.

- **UnitedHealthcare (UHC) Exclusive Provider Organization (EPO)**, for employees and retirees under 65 – increase of 8.4 %.
 - Prior year’s increase was calculated at 8.2% but the Commission elected to hold rates flat and not pass on the recommended increase to employees.
- **UnitedHealthcare EPO Medicare**, for Medicare eligible retirees – increase of 7.3%.
 - Prior year’s increase was calculated at 13.4% but the Commission elected to pass on an increase of 5.2%.
- **UnitedHealthcare POS**, for employees and retirees under 65 – increase of 5.1%.
 - Prior year’s increase was calculated at 16.6% but the Commission elected to pass on an increase of 8.4%.
- **UnitedHealthcare Medicare Complement**, for Medicare Eligible Retirees – increase of 1.5%.
 - Prior year’s increase was calculated at 13.7% but the Commission elected to pass on an increase of 5.5%.
- **Caremark Prescription** – increase of 3.7%.
 - Prior year was a 0.6% decrease. No adjustment was made to calculated rate.
- **Kaiser Permanente HMO**, which includes a prescription benefit in its design - 0.8% decrease
 - Kaiser is a fully insured plan with rates determined by the carrier.
 - Prior year was a 5.0% decrease.
- **Kaiser Permanente Medicare Complement Plan for Over 65 retirees** which includes prescription benefit in its design – 5.4% decrease.
 - Kaiser is a fully insured plan with rates determined by the carrier.
 - Last year, there was no change in rates.

Historical M-NCPPC Healthcare Plan Rate Increases – 2021 – 2022

Year	Rate Increase	Self Insured Medical and Rx Plans					Fully Insured Medical-Dental & Vision Plan				
		UHC EPO		UHC POS	UHC Medicare Complement	Rx	Kaiser Permanente HMO		Delta Dental PPO	Delta Care HMO	EyeMed Vision
		Active/ < Age 65	Over Age 65	Active/ < Age 65	Over Age 65	All Members	Active/ < Age 65	Over Age 65	All Members	All Members	All Members
2021 ¹	Projected	8.2%	13.4%	16.6%	13.7%	(0.6%)	(5.0%)	0.0%	0.0%	0.0%	0.0%
	Implemented	0.0%	5.2%	8.4%	5.5%	(0.6%)	(5.0%)	0.0%	0.0%	0.0%	0.0%
2022 ²	Projected	8.4%	7.3%	5.1%	1.5%	3.7%	(0.8%)	(5.4%)	8.5%	3.0%	0.0%
	Implemented	TBD	TBD	TBD	TBD	TBD	(0.8%)	(5.4%)	8.5%	3.0%	0.0%

See attachment A for the 2022 rate changes and dollar impact for employee and retiree groups.

Other Benefit Plans

Other benefit plans are fully insured with rates determined by the carriers’ respective actuaries. Aon Consulting negotiated, on the agency’s behalf, with the carriers to reduce their initial rate increases with some success.

- **Vision Plan (EyeMed)**
 - Rates remain unchanged for 2021 and are guaranteed through 2022.
- **Dental Plans (Delta Dental PPO and DeltaCare HMO)**
 - Delta PPO rates - increase of 8.5%. The initial increase presented was 9.9%.
 - Delta HMO rates - increase of 3.0%
- **Life Insurance Plans (Securian)**
 - Rates remain unchanged for 2022 and are guaranteed through 2023. (This may change as the agency is restructuring the life insurance plans.)
- **Long Term Disability Plan (MetLife)**
 - The initial rate increase was quoted at 35%. After several rounds of discussion Aon and the agency were able to negotiate a rate increase of 10% guaranteed through 2023.

Coverage for Hearing Aids

The agency was contacted by the president of the M-NCPPC Retiree Association to consider coverage for hearing aids. The agency’s health plans currently provide limited coverage for children and only discounts for adults.

Current Coverage

- **UnitedHealthcare Medical Plans:**
 - UHC POS - Hearing Aids are not covered. Significant discounts are available through select vendors.

- Select EPO - Minor Children coverage is at 50% plan coinsurance: The Plan pays benefits for hearing aids, exam and testing for minor children under age 19. Benefits are limited to up to \$1,400 per hearing aid for each hearing-impaired ear every 36 months. Discounts are available through select vendors.
- The Medicare Complement plan - Hearing Aids are not covered. Discounts are available through select vendors.
- Kaiser Permanente Plans:
 - Coverage for adults and children include \$1000 for each ear every 36 months.
- The Delta Dental Plans and the EyeMed vision plan also offer discounts, averaging over 50% on hearing aids through partners.

Hearing Aid Benefit Provided by Other Agencies

Agency	Hearing Aid Benefit Offering
Alexandria, Virginia	Not offered.
Anne Arundel County	Paid at 100% -1 Hearing aid/ear /36 months
Arlington County	Not offered
DC Government	\$2,500 per calendar year
Fairfax County	Plan 1 – 80%-90%, based on in/out-of-network, after coinsurance deductible met, maximum benefit \$3,000/24 months Plan 2 – 1/ear/36 months, maximum \$1,000
Federal Government	Up to \$2,500 every 5 years
Howard County	Plan 1 - One (1) Hearing aid to a maximum of \$1,400/ear/36 months for children up to age 19 Plan 2 – One (1)/ear/36 months. After end of month in which member turns age 19, \$1,000 benefit maximum
Montgomery County	Up to \$1,500/ear/36 months
Prince George’s County	Discount under VSP Vision Plan – Up to 60% discount through TruHearing
State of Maryland	Range based on plan elected - 70% of allowance after deductible to 100% of allowance for Basic Model Hearing Aid. (Includes Maryland mandated benefit for hearing aids for minor children (ages 0-18) effective 01/01/02, including hearing aids per each impaired ear for minor children.)
State of Virginia	Balance after plan pays \$1,200 once every 48 months
WSSC	Covers 80%, limited to \$1,200 every 3 benefit years (No dollar limit applies to children under age 26).

Coverage of hearing aids is offered by one third to one half of employers. Administration of hearing aid benefits varies significantly. There appears to be a fair amount of flexibility in the design parameters for self-funded clients. Examples of some of the parameters that seem to be more common are listed below:

- Maximum defined annually as every 3 years or lifetime.
- Maximums range from \$500 annual to \$10,000 lifetime; \$2,500 - \$3,000 seems to be a
- common range for 3-year maximums.

- Benefit is typically subject to some cost sharing feature (after deductible/coinsurance/copay).
- Most plans specify that it must be physician recommended or plan requires prior approval.

UHC’s coverage under fully insured plans is 50% plan coinsurance for adults every 36 months (3 years) up to the proposed allowance caps (\$500/\$1,400/\$3,000). Allowance caps are per member not per ear.

Proposed Coverage

Coverage would be 50% plan coinsurance for adults every 36 months (3 years) up to the proposed allowance caps (\$500/\$1,400/\$3,000). Allowance caps are per member (not per ear.)

Plan	Current	\$500 Cap	\$1,400 Cap	\$3,000 Cap
UHC EPO	\$0	\$6,023	\$13,252	\$24,094
UHC POS	\$0	\$9,188	\$20,214	\$36,753
Medicare EPO	\$0	\$638	\$1,403	\$2,550
Medicare Comp	\$0	\$1,165	\$2,563	\$4,660
Total UHC	\$0	\$17,014	\$37,431	\$68,057

The projected cost impact of the proposed plans, even at the highest level is less than 0.002% of total spend for self-insured medical plans.

The Executive Committee supports adding coverage for adults and children at 50% coinsurance with a \$3,000 maximum every 36 months per ear; however, they asked for the cost impact of increasing the coinsurance paid by the employee to 20% or 25%. This information has been requested and is not yet available at this time. It is expected to be available within the next few weeks.

Action Requested

Approval of the benefit plans rates for 2022 and proposed hearing aid benefit is requested. The Department Heads and Executive Committee have been briefed and support the adjustments to the rates and proposed coverage for hearings aids.

Open Enrollment

Open enrollment will take place October 25th through November 12th for the 2022 plan year. Meetings are tentatively scheduled as follows and may change depending on the pandemic, with safety of our employees a top priority.

- Two virtual meetings for active employees

- 10/26 from 2:00PM to 4:00PM
- 11/4 from 10:00AM to 12:00 Noon
- One virtual meeting for retirees on 10/28 from 2:00PM to 4:00PM
- Two in person meetings
 - 10/27 at Randall Farm from 7:00AM to 9:00AM
 - 11/3 at Green Farm from 7:00AM to 9:00AM
 - TBD - Additional in person meetings for Park Maintenance Employees

Attendees will be able to hear and see presentations from the various vendors and ask questions. Presentations and recordings from these meetings will be posted on our website. Postcards announcing the meetings will be sent to employees and retirees home addresses in mid-September.

We are strongly encouraging all employees to use the agency's employee self service to make open enrollment changes as many employees will still be teleworking during the open enrollment season. Information will be sent to employees on how to access and use the service.

Attachment A – M-NCPPC Healthcare Plan Premiums Effective 1/1/2022

FRATERNAL ORDER OF POLICE (FOP) PREMIUM RATES EFFECTIVE 1/1/2022						
Plan	Cost Share %	Full 2022 Monthly Rate	Full Bi-Weekly	M-NCPPC Bi-Weekly	Employee Bi-Weekly	\$ Change from 2021
SINGLE COVERAGE						
Caremark Prescription	77%/23%	\$236.46	\$ 109.14	\$ 84.04	\$ 25.10	\$ 0.90
Kaiser Permanente HMO with Prescription	77%/23%	\$520.65	\$ 240.30	\$ 185.03	\$ 55.27	\$ (0.43)
Kaiser Permanente Medicare Complement	77%/23%	\$289.03	\$ 133.40	\$ 102.72	\$ 30.68	\$ (1.76)
UnitedHealthcare Choice Plus POS	77%/23%	\$751.96	\$ 347.06	\$ 267.24	\$ 79.82	\$ 3.87
UHC Medicare Complement Plan	77%/23%	\$280.50	\$ 129.46	\$ 99.68	\$ 29.78	\$ 0.44
UnitedHealthcare Select EPO	77%/23%	\$637.64	\$ 294.30	\$ 226.61	\$ 67.69	\$ 5.27
UHC Select EPO Medicare Eligible	77%/23%	\$440.38	\$ 203.25	\$ 156.50	\$ 46.75	\$ 3.20
Delta Dental PPO	77%/23%	\$35.00	\$ 16.15	\$ 12.44	\$ 3.72	\$ 0.29
Delta Dental HMO	77%/23%	\$18.59	\$ 8.58	\$ 6.61	\$ 1.97	\$ 0.06
EyeMed Vision Plan - Low	80%/20%	\$3.16	\$ 1.46	\$ 1.17	\$ 0.29	\$ 0.00
EyeMed Vision Plan - Moderate	See Note*	\$5.48	\$ 2.53	\$ 1.17	\$ 1.36	\$ 0.00
EyeMed Vision Plan - High	See Note*	\$9.53	\$ 4.40	\$ 1.17	\$ 3.23	\$ 0.00
TWO MEMBER COVERAGE						
Caremark Prescription	77%/23%	\$472.92	\$ 218.27	\$ 168.07	\$ 50.20	\$ 1.79
Kaiser Permanente HMO with Prescription	77%/23%	\$1,041.29	\$ 480.60	\$ 370.06	\$ 110.54	\$ (0.87)
Kaiser Permanente Medicare Complement	77%/23%	\$578.06	\$ 266.80	\$ 205.44	\$ 61.36	\$ (3.53)
UnitedHealthcare Choice Plus POS	77%/23%	\$1,503.92	\$ 694.12	\$ 534.47	\$ 159.65	\$ 7.76
UHC Medicare Complement Plan	77%/23%	\$561.00	\$ 258.92	\$ 199.37	\$ 59.55	\$ 0.87
UnitedHealthcare Select EPO	77%/23%	\$1,275.28	\$ 588.59	\$ 453.21	\$ 135.38	\$ 10.54
UHC Select EPO Medicare Eligible	77%/23%	\$880.76	\$ 406.50	\$ 313.01	\$ 93.50	\$ 6.39
Delta Dental PPO	77%/23%	\$70.17	\$ 32.39	\$ 24.94	\$ 7.45	\$ 0.58
Delta Dental HMO	77%/23%	\$36.15	\$ 16.68	\$ 12.85	\$ 3.84	\$ 0.11
EyeMed Vision Plan - Low	80%/20%	\$6.36	\$ 2.94	\$ 2.35	\$ 0.59	\$ 0.00
EyeMed Vision Plan - Moderate	See Note*	\$10.98	\$ 5.07	\$ 2.35	\$ 2.72	\$ 0.00
EyeMed Vision Plan - High	See Note*	\$19.07	\$ 8.80	\$ 2.35	\$ 6.45	\$ 0.00
FAMILY COVERAGE						
Caremark Prescription	77%/23%	\$709.38	\$ 327.41	\$ 252.11	\$ 75.30	\$ 2.69
Kaiser Permanente HMO with Prescription	77%/23%	\$1,561.94	\$ 720.90	\$ 555.09	\$ 165.81	\$ (1.29)
Kaiser Permanente Medicare Complement	77%/23%	\$867.09	\$ 400.20	\$ 308.15	\$ 92.05	\$ (5.29)
UnitedHealthcare Choice Plus POS	77%/23%	\$2,255.88	\$ 1,041.18	\$ 801.71	\$ 239.47	\$ 11.63
UHC Medicare Complement Plan	77%/23%	\$841.50	\$ 388.38	\$ 299.05	\$ 89.33	\$ 1.30
UnitedHealthcare Select EPO	77%/23%	\$1,912.92	\$ 882.89	\$ 679.83	\$ 203.06	\$ 15.81
UHC Select EPO Medicare Eligible	77%/23%	\$1,321.14	\$ 609.76	\$ 469.52	\$ 140.24	\$ 9.58
Delta Dental PPO	77%/23%	\$129.76	\$ 59.89	\$ 46.11	\$ 13.77	\$ 1.08
Delta Dental HMO	77%/23%	\$52.38	\$ 24.18	\$ 18.62	\$ 5.56	\$ 0.16
EyeMed Vision Plan - Low	80%/20%	\$9.52	\$ 4.39	\$ 3.52	\$ 0.88	\$ 0.00
EyeMed Vision Plan - Moderate	See Note*	\$16.47	\$ 7.60	\$ 3.52	\$ 4.09	\$ 0.00
EyeMed Vision Plan - High	See Note*	\$28.61	\$ 13.20	\$ 3.52	\$ 9.69	\$ 0.00

* Vision - Employer pays 80% of Low Option Plan toward any level of coverage. Member responsible for any balance.

CONTRACT EMPLOYEES PREMIUM RATES EFFECTIVE 1/1/2022						
Plan	Cost Share%	Full 2022 Monthly Rate	Full Bi-Weekly Rate	M-NCPPC Bi-Weekly	Employee Bi-Weekly	\$ Change from 2021
SINGLE COVERAGE						
Caremark Prescription	65%/35%	\$236.46	\$109.14	\$70.94	\$38.20	\$ 1.37
Kaiser Permanente HMO with Prescription	65%/35%	\$520.65	\$240.30	\$156.20	\$84.11	\$ (0.65)
UnitedHealthcare Select EPO	65%/35%	\$637.64	\$294.30	\$191.29	\$103.00	\$ 8.02
TWO MEMBER COVERAGE						
Caremark Prescription	65%/35%	\$472.92	\$218.27	\$141.88	\$76.39	\$ 2.73
Kaiser Permanente HMO with Prescription	65%/35%	\$1,041.29	\$480.60	\$312.39	\$168.21	\$ (1.32)
UnitedHealthcare Select EPO	65%/35%	\$1,275.28	\$588.59	\$382.58	\$206.01	\$ 16.04
FAMILY COVERAGE						
Caremark Prescription	65%/35%	\$709.38	\$327.41	\$212.81	\$114.59	\$ 4.10
Kaiser Permanente HMO with Prescription	65%/35%	\$1,561.94	\$720.90	\$468.58	\$252.31	\$ (1.98)
UnitedHealthcare Select EPO	65%/35%	\$1,912.92	\$882.89	\$573.88	\$309.01	\$ 24.06

Attachment A – M-NCPPC Healthcare Plan Premiums Effective 1/1/2022 (Continued)

MC GEO, NON-UNION REPRESENTED PREMIUM RATES EFFECTIVE 1/1/2022						
Plan	Cost Share %	Full 2022 Monthly Rate	Full Bi-Weekly Rate	M-NCPPC Bi-Weekly	Employee Bi-Weekly	\$ Change from 2021
SINGLE COVERAGE						
Caremark Prescription	85%/15%	\$236.46	\$109.14	\$92.77	\$16.37	\$ 0.59
Kaiser Permanente HMO with Prescription	85%/15%	\$520.65	\$240.30	\$204.26	\$36.05	\$ (0.28)
Kaiser Permanente Medicare Complement	85%/15%	\$289.03	\$133.40	\$113.39	\$20.01	\$ (1.15)
UnitedHealthcare Choice Plus POS	80%/20%	\$751.96	\$347.06	\$277.65	\$69.41	\$ 3.37
UHC Medicare Complement Plan	80%/20%	\$280.50	\$129.46	\$103.57	\$25.89	\$ 0.38
UnitedHealthcare Select EPO	80%/20%	\$637.64	\$294.30	\$235.44	\$58.86	\$ 4.58
UHC Select EPO Medicare Eligible	80%/20%	\$440.38	\$203.25	\$162.60	\$40.65	\$ 2.78
Delta Dental PPO	80%/20%	\$35.00	\$16.15	\$12.92	\$3.23	\$ 0.25
Delta Dental HMO	80%/20%	\$18.59	\$8.58	\$6.86	\$1.72	\$ 0.05
EyeMed Vision Plan - Low	80%/20%	\$3.16	\$1.46	\$1.17	\$0.29	\$ 0.00
EyeMed Vision Plan - Moderate	See Note*	\$5.48	\$2.53	\$1.17	\$1.36	\$ 0.00
EyeMed Vision Plan - High	See Note*	\$9.53	\$4.40	\$1.17	\$3.23	\$ 0.00
TWO MEMBER COVERAGE						
Caremark Prescription	85%/15%	\$472.92	\$218.27	\$185.53	\$32.74	\$ 1.17
Kaiser Permanente HMO with Prescription	85%/15%	\$1,041.29	\$480.60	\$408.51	\$72.09	\$ (0.57)
Kaiser Permanente Medicare Complement	85%/15%	\$578.06	\$266.80	\$226.78	\$40.02	\$ (2.30)
UnitedHealthcare Choice Plus POS	80%/20%	\$1,503.92	\$694.12	\$555.30	\$138.82	\$ 6.74
UHC Medicare Complement Plan	80%/20%	\$561.00	\$258.92	\$207.14	\$51.78	\$ 0.76
UnitedHealthcare Select EPO	80%/20%	\$1,275.28	\$588.59	\$470.87	\$117.72	\$ 9.16
UHC Select EPO Medicare Eligible	80%/20%	\$880.76	\$406.50	\$325.20	\$81.30	\$ 5.56
Delta Dental PPO	80%/20%	\$70.17	\$32.39	\$25.91	\$6.48	\$ 0.51
Delta Dental HMO	80%/20%	\$36.15	\$16.68	\$13.35	\$3.34	\$ 0.10
EyeMed Vision Plan - Low	80%/20%	\$6.36	\$2.94	\$2.35	\$0.59	\$ 0.00
EyeMed Vision Plan - Moderate	See Note*	\$10.98	\$5.07	\$2.35	\$2.72	\$ 0.00
EyeMed Vision Plan - High	See Note*	\$19.07	\$8.80	\$2.35	\$6.45	\$ 0.00
FAMILY COVERAGE						
Caremark Prescription	85%/15%	\$709.38	\$327.41	\$278.30	\$49.11	\$ 1.76
Kaiser Permanente HMO with Prescription	85%/15%	\$1,561.94	\$720.90	\$612.77	\$108.14	\$ (0.85)
Kaiser Permanente Medicare Complement	85%/15%	\$867.09	\$400.20	\$340.17	\$60.03	\$ (3.45)
UnitedHealthcare Choice Plus POS	85%/20%	\$2,255.88	\$1,041.18	\$832.94	\$208.24	\$ 10.11
UHC Medicare Complement Plan	80%/20%	\$841.50	\$388.38	\$310.70	\$77.68	\$ 1.13
UnitedHealthcare Select EPO	80%/20%	\$1,912.92	\$882.89	\$706.31	\$176.58	\$ 13.75
UHC Select EPO Medicare Eligible	80%/20%	\$1,321.14	\$609.76	\$487.81	\$121.95	\$ 8.34
Delta Dental PPO	80%/20%	\$129.76	\$59.89	\$47.91	\$11.98	\$ 0.94
Delta Dental HMO	80%/20%	\$52.38	\$24.18	\$19.34	\$4.84	\$ 0.14
EyeMed Vision Plan - Low	80%/20%	\$9.52	\$4.39	\$3.52	\$0.88	\$ 0.00
EyeMed Vision Plan - Moderate	See Note*	\$16.47	\$7.60	\$3.52	\$4.09	\$ 0.00
EyeMed Vision Plan - High	See Note*	\$28.61	\$13.20	\$3.52	\$9.69	\$ 0.00

* Vision - Employer pays 80% of Low Option Plan toward any level of coverage. Member responsible for any balance.

Attachment A – M-NCPPC Healthcare Plan Premiums Effective 1/1/2022 (Continued)

RETIREE/SURVIVORS PREMIUM RATES EFFECTIVE 1/1/2022					
Plan	Cost Share %	Full 2022 Monthly Rate	M-NCPPC Monthly	Retiree Monthly	\$ Change from 2021
SINGLE COVERAGE					
Caremark Prescription	80%/20%	\$236.46	\$189.17	\$47.29	\$ 1.69
Kaiser Permanente HMO with Prescription	80%/20%	\$520.65	\$416.52	\$104.13	\$ (0.82)
UnitedHealthcare Choice Plus POS	80%/20%	\$751.96	\$601.57	\$150.39	\$ 7.30
UnitedHealthcare Select EPO	80%/20%	\$637.64	\$510.11	\$127.53	\$ 9.93
Delta Dental PPO	80%/20%	\$35.00	\$28.00	\$7.00	\$ 0.55
Delta Dental HMO	80%/20%	\$18.59	\$14.87	\$3.72	\$ 0.11
EyeMed Vision Plan - Low	80%/20%	\$3.16	\$2.53	\$0.63	\$ 0.00
EyeMed Vision Plan - Moderate	See Note*	\$5.48	\$2.53	\$2.95	\$ 0.00
EyeMed Vision Plan - High	See Note*	\$9.53	\$2.53	\$7.00	\$ 0.00
TWO MEMBER COVERAGE					
Caremark Prescription	80%/20%	\$472.92	\$378.34	\$94.58	\$ 3.38
Kaiser Permanente HMO with Prescription	80%/20%	\$1,041.29	\$833.03	\$208.26	\$ (1.63)
UnitedHealthcare Choice Plus POS	80%/20%	\$1,503.92	\$1,203.14	\$300.78	\$ 14.61
UnitedHealthcare Select EPO	80%/20%	\$1,275.28	\$1,020.22	\$255.06	\$ 19.86
Delta Dental PPO	80%/20%	\$70.17	\$56.14	\$14.03	\$ 1.10
Delta Dental HMO	80%/20%	\$36.15	\$28.92	\$7.23	\$ 0.21
EyeMed Vision Plan - Low	80%/20%	\$6.36	\$5.09	\$1.27	\$ 0.00
EyeMed Vision Plan - Moderate	See Note*	\$10.98	\$5.09	\$5.89	\$ 0.00
EyeMed Vision Plan - High	See Note*	\$19.07	\$5.09	\$13.98	\$ 0.00
FAMILY COVERAGE					
Caremark Prescription	80%/20%	\$709.38	\$567.50	\$141.88	\$ 5.08
Kaiser Permanente HMO with Prescription	80%/20%	\$1,561.94	\$1,249.55	\$312.39	\$ (2.45)
UnitedHealthcare Choice Plus POS	80%/20%	\$2,255.88	\$1,804.70	\$451.18	\$ 21.91
UnitedHealthcare Select EPO	80%/20%	\$1,912.92	\$1,530.34	\$382.58	\$ 29.78
Delta Dental PPO	80%/20%	\$129.76	\$103.81	\$25.95	\$ 2.03
Delta Dental HMO	80%/20%	\$52.38	\$41.90	\$10.48	\$ 0.31
EyeMed Vision Plan - Low	80%/20%	\$9.52	\$7.62	\$1.90	\$ 0.00
EyeMed Vision Plan - Moderate	See Note*	\$16.47	\$7.62	\$8.85	\$ 0.00
EyeMed Vision Plan - High	See Note*	\$28.61	\$7.62	\$20.99	\$ 0.00
UNITEDHEALTHCARE MEDICARE COMPLEMENT PLAN					
1 Medicare Complement	80%/20%	\$280.50	\$224.40	\$56.10	\$ 0.82
2 Medicare Complement	80%/20%	\$561.00	\$448.80	\$112.20	\$ 1.64
Family - 3 or More All Medicare Complement	80%/20%	\$841.50	\$673.20	\$168.30	\$ 2.45
1 Medicare Complement + 1 POS	80%/20%	\$1,032.46	\$825.97	\$206.49	\$ 8.12
1 Medicare Complement + 2 or More POS	80%/20%	\$1,784.42	\$1,427.54	\$356.88	\$ 15.43
2 Medicare Complement + 1 or More POS	80%/20%	\$1,312.96	\$1,050.37	\$262.59	\$ 8.94
UNITED HEALTHCARE EPO MEDICARE PLAN					
1 Medicare Complement	80%/20%	\$440.38	\$352.30	\$88.08	\$ 6.02
2 Medicare Complement	80%/20%	\$880.76	\$704.61	\$176.15	\$ 12.04
Family - 3 or More All Medicare Complement	80%/20%	\$1,321.14	\$1,056.91	\$264.23	\$ 18.06
1 Medicare Complement + 1 EPO<65	80%/20%	\$1,078.02	\$862.42	\$215.60	\$ 15.95
1 Medicare Complement + 2 or More EPO<65	80%/20%	\$1,715.66	\$1,372.53	\$343.13	\$ 25.88
2 Medicare Complement + 1 or More EPO<65	80%/20%	\$1,518.40	\$1,214.72	\$303.68	\$ 21.97
KAISER PERMANENTE MEDICARE COMPLEMENT PLAN WITH PRESCRIPTION DRUG					
1 Medicare Complement	80%/20%	\$289.03	\$231.22	\$57.81	\$ (3.32)
2 Medicare Complement	80%/20%	\$578.06	\$462.45	\$115.61	\$ (6.64)
Family - 3 or More All Medicare Complement	80%/20%	\$867.09	\$693.67	\$173.42	\$ (9.97)
1 Medicare Complement + 1 HMO	80%/20%	\$809.68	\$647.74	\$161.94	\$ (4.14)
1 Medicare Complement + 2 or More HMO	80%/20%	\$1,330.32	\$1,064.26	\$266.06	\$ (4.96)
2 Medicare Complement + 1 or More HMO	80%/20%	\$1,098.71	\$878.97	\$219.74	\$ (7.46)

* Vision - Employer pays 80% of Low Option Plan toward any level of coverage. Member responsible for any balance.



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

September 15, 2021

To: The Commission

Via: Bill Spencer, Corporate Human Resources Director
Michael Beckham, Acting Corporate Policy and Management Operations Director

From: Jennifer McDonald, Benefits Manager, DHRM
Gertie Johnson, Senior Human Resources Specialist, DHRM
Brian Coburn, Acting Budget and Management Services Chief, CPMO

Subject: Amendments to the Agency's Sick Leave Bank to Include Additional Leave Benefits for Parental Responsibilities and Increase Hours to Care for Ill Family Members

Requested Action

The Commission is asked to consider amendments to the Agency's Sick Leave Bank Program (SLB) to expand the agency's paid leave benefits for both parental leave and family care leave. The Sick Leave Bank Program currently provides paid leave to cover a portion of an eligible employee's lost time from work due to their own serious medical condition or to care for an ill/injured family member.

Background

Earlier this year, Montgomery Planning staff presented a request to Department Heads to expand the agency's paid benefits for reasons related to parental leave and leave to care for ill family members. More specifically, they requested the agency offer paid leave benefits of up to 12 weeks, utilizing the agency's current sick leave bank.

The Corporate Human Resources Office presented information on the agency's existing SLB benefits, which provides short-term disability benefits after exhaustion of earned sick, annual, and compensatory leave. Department Heads supported the expansion of the agency's paid leave benefits for both parental leave and family care leave.

The Policy Office and Human Resources Office presented several options to amend the SLB to Department Heads in May. Proposed options were designed to be budget neutral by utilizing the employee-funded SLB. The current SLB is a program that is funded by employee contributions of one day of sick leave/year. To use the SLB, employees must enroll after their new hire probationary period or any subsequent open enrollment period. Enrollees may then apply for leave benefits by meeting criteria including the waiting period, and consideration of documented reasons for leave.

Recommended revisions to the SLB were presented to the Executive Committee who provided their support. Based on the proposed options, Department Heads and the Executive Committee supported the following:

- Removal of the 12-month waiting period for enrollment in the SLB.
- Increase the initial enrollment period from 45 calendar days to 60 calendar days to allow an employee sufficient time to accumulate sick leave and donate a portion of the accumulated leave for enrollment.
- Removal of the 6-month waiting period to file a claim with the SLB for newly-enrolled employees.
- Removal of the 7-day waiting period before SLB benefits are paid.
- Maintain the 8-hour donation to the SLB for enrollees.
- Require exhaustion of all accrued leave except for up to 2 work weeks of annual leave before eligibility to use SLB hours.
- No change to the SLB Program coverage of 80% of a full-time employee's regularly scheduled hours, up to an annual maximum as defined in the Procedures below.
- Provide benefits for a new qualifying event as follows: Up to 12 work weeks of SLB leave for both male and female employees for parental responsibilities to include birth, adoption, or foster care.
- Maintain the definition of covered family members to mirror those defined under FMLA, which only include immediate family members.
- Increase the age of a covered child to those "under age 26" to match ACA guidelines, when caring for a sick child.
- Extend care for an ill family member from 2 work weeks to 4 work weeks.

The Commission is asked to review and support the revisions to these Administrative Procedures. With the Commission's approval of the changes to be effective January 1, 2022, the Procedures will be finalized with the Executive Director, posted and communicated to the workforce.

Attachments:

- A. Proposed Amendments to Administrative Procedures 99-05, Sick Leave Bank Program

**AMENDMENTS TO ADMINISTRATIVE PROCEDURES 99-05:
SICK LEAVE BANK PROGRAM**

Key to revisions

Grey Shading: Recommended revisions to the Policy

~~Strikeout~~: Recommended deletions to the Policy

Bold Italics: Comments regarding proposed amendments

AUTHORITY

The Employees' Sick Leave Bank Program (SLB Program) was initially implemented by the Commission on November 8, 1989. Over the years, the program has been updated through Commission actions. Consistent with the authority to issue Administrative Procedures, this policy is being amended to incorporate changes effective January 1, 2021~~2~~.

APPLICATION

These Administrative Procedures apply to career Merit System employees who meet the criteria for participation in the SLB Program, as outlined in the section titled, "Membership Eligibility."

**PURPOSE/
BACKGROUND**

These Procedures describe the SLB Program and establish the terms and conditions for participation. Since its initial adoption, the SLB Program has been amended, as follows:

- January 1, 2004: Amended to clarify the eligibility requirements for joining the SLB Program, the procedures for enrollment, and automatic review for eligibility for Long-Term Disability benefits when employees use SLB Program hours for sixty (60) days or longer.
- November 12, 2008: Amended to reflect the use of a Third-Party Program Administrator, eliminate waivers of the "waiting period" for SLB Program benefits, and reduce the percentage of an employee's workday the SLB Program will cover from one hundred percent (100%) to seventy five percent (75%).
- January 1, 2016: Amended to permit use of up to eighty (80) hours from the SLB Program for the care of an immediate family member with a serious medical condition, using the criteria for the Family Medical Leave Act (FMLA).
- January 1, 2017: Amended to reduce the SLB Program's waiting period from twenty eight (28) to fourteen (14) calendar days, and increase the maximum number of hours annually available to an employee from three hundred ninety six (396) to four hundred fifty six (456) for full-time employees, and from one hundred ninety eight (198) to two hundred twenty eight (228) for part-time employees.

**PURPOSE/
BACKGROUND
(Continued)**

- November 14, 2019: Amended to clarify the roles of the Health and Benefits Office and the Third-Party Administrator for administering the SLB Program, the process to submit a claim, and requirements for waiting periods.
- January 1, 2021: Amended to: (i) reduce the SLB Program’s waiting period from fourteen (14) to seven (7) calendar days; (ii) increase the percentage of workday hours the SLB Program will cover from seventy-five percent (75%) to eighty percent (80%); and (iii) Increase the maximum number of SLB benefit hours available annually to an employee from four hundred fifty-six (456) to five hundred eighteen (518) for full-time employees, and from two hundred twenty-eight (228) to two hundred fifty-nine (259) hours for part-time employees.
- [Date TBD], 2021: Amended to: (i) remove waiting periods before and after enrollment; (ii) require exhaustion of all leave except for 80 hours of annual leave before eligibility to use SLB hours; (iii) provide a maximum leave of 480 hours to employees for parental responsibilities including birth, adoption, or foster care; (iv) expand the definition of covered family members to mirror those defined under FMLA; (v) increase the age of a covered child to those under age 26, when caring for a sick child; and (vi) extend care for an ill family member from 80 hours to 160 hours.

QUESTIONS

For questions regarding the SLB Program, contact the Health and Benefits Office, Division of Human Resources, in the Department of Human Resources and Management, at 301-454-1694 or benefits@mncppc.org. For copies of the policy, contact the Corporate Policy Office at policyreview@mncppc.org or 301-454-1736.

REFERENCES

- M-NCPPC Merit System Rules and Regulations
- M-NCPPC Collective Bargaining Agreements
- Family and Medical Leave Act of 1993, as amended
- Maryland Organ Donation Act of 2019

DEFINITIONS

The Commission: The governing body of the Maryland-National Capital Park and Planning Commission, which is comprised of five members from each of the agency’s two Planning Boards for Montgomery County and Prince George’s County.

Note to Draft Reviewer: Department Heads supported maintaining the definition of family member to mirror to those eligible under the Family Medical Leave Act (FMLA) which would be an employee's immediate family. Thus, only the following employee's family members would be covered under the Sick Leave Bank:

- Spouse or Domestic Partner.
- Parent.
- Child up to the age of 26 (Note: Department Heads had agreed to increase the age limit from 18 to 26 to mirror the ACA).

Family Member: For purposes of these Procedures, a family member includes an employee's spouse, domestic partner (as qualified under the Commission's Health and Benefits Program), parent, or child up to the age of **twenty-six (26)** (older if disabled).

Long-term Disability (LTD): An income replacement plan that allows participants to receive a portion of their income while they recover from a serious medical condition or until they reach their maximum benefit period.

The Maryland-National Capital Park and Planning Commission: The organizational entity. For purposes of this Procedure, the terms "M-NCPPC" or "agency" shall be used to reference the organizational entity.

Workers' Compensation: The agency's program that covers a work-related injury or illness, consistent with State laws.

TABLE OF CONTENTS

I. Overview.....6

II. Membership Eligibility.....6

III. Benefits of Program and Qualifying Events.....8

 A. Employee’s Own Serious Medical Condition8

 B. Parental Responsibilities.....8

 C. Immediate Family Member’s Serious Medical Condition.....9

 D. Intermittent Use of Benefits and Long-Term Disability Eligibility9

IV. Enrollment in the Program.....10

 A. How to Enroll10

 B. Required Leave Contributions11

 C. Automatic Re-enrollment and Ending Enrollment.....11

V. How to Apply for Benefits11

 A. How to Submit a Claim for a Member’s Own Serious Medical Condition.....11

 B. How to Submit a Claim for an Immediate Family Member’s Serious Medical Condition12

 B. How to Submit a Claim for Parental Responsibilities13

VI. Donating Leave to the Program upon Termination of Employment13

VII. Program Administration.....13

 A. Health and Benefits Office, Department of Human Resources and Management13

 B. Third-Party Program Administrator14

VIII. Additional Terms and Conditions.....14

 A. Coordination of SLB Program Benefits with Other Leave Benefits14

 B. Prohibition Against Accruing Sick and Annual Leave While Receiving SLB Program Hours14

 C. SLB Program Hours Credited as Employee’s Retirement System (ERS) Service Hours.....15

 D. Use of SLB Program Hours Considered as Leave-Without-Pay Hours.....15

 E. Change in Workday Status15

 F. Required Regular Contact with Supervisor15

Note to Draft Reviewer: Department Heads supported including parental responsibilities, including care of a newborn, adoption, and foster care, as a qualifying event under the Sick Leave Bank at the May 25, 2021 meeting.

I. OVERVIEW

The purpose of the Employees' Sick Leave Bank Program (SLB Program) is to provide paid leave to cover a portion of an eligible employee's lost time from work due to a the employee's own serious health condition or parental and other family-related caregiving responsibilities. The SLB Program may be used by an employee for reasons covered by the Maryland Organ Donation Act or the Family Medical Leave Act (FMLA). SLB Program benefits are available to eligible Merit System employees, who have enrolled in the program and when they have exhausted all accrued leave balances, except for 80 hours of annual leave. SLB Program members may also request benefits to care for an eligible seriously injured or ill immediate family member, as described in these Procedures.

Note to Draft Reviewer: Department Heads supported removing the requirement of an employee to complete their probationary period to be eligible to participate in the Sick Leave Bank program at the May 25, 2021 meeting

II. MEMBERSHIP ELIGIBILITY

Merit System employees and appointed positions who have successfully completed their probationary period are eligible to participate in the SLB Program. (**Note to Draft Reviewer:** After researching the program, it was found that non-merit system employees are in the program including appointed officers and the full-time Commissioners.)

The following employees are not eligible to enroll in the SLB Program:

- A. Employees who participate in the Municipal and County Government Employees' Organization (MCGEO) union's Sick Leave Donor Program. These employees may not participate in both the agency's and the MCGEO's programs at the same time.
- B. Employees represented by the Fraternal Order of Police (FOP), as they have their own SLB Program.

Note to Draft Reviewer: Department Heads supported removal of all waiting periods under the Sick Leave Bank at the May 25, 2021 meeting.

III. WAITING PERIODS

A. ~~Waiting Period Prior to Filing a Claim~~

~~Newly enrolled employees, and previously enrolled employees who end participation in the SLB Program and later re-enroll, must wait six (6) months after their membership begins before SLB Program benefits become available.~~

B. ~~Waiting Period After Filing a Claim~~

~~Prior to receiving benefits, a member of the SLB Program must wait seven (7) calendar days and have exhausted all annual, sick, and compensatory leave before receiving any SLB Program hours. An application for SLB Program benefits may be submitted prior to having a zero balance of paid leave in order to satisfy the waiting period. Employees may use their own accrued leave to satisfy the seven (7)-day waiting period, or if they have no leave, use Leave Without Pay.~~

III. BENEFITS OF PROGRAM AND QUALIFYING EVENTS

The SLB Program will cover eighty percent (80%) of a full-time employee's regularly scheduled hours, up to an annual maximum. ~~For example, full-time employees who normally work an eight (8) hour day would receive six (6) hours of leave for each day of absence. For part-time employees, SLB Program hours will be given based on a twenty (20)-hour maximum workweek, regardless of the number of hours scheduled to work. Part-time employees will receive a flat three (3) hours of SLB Program benefits for each day of absence, up to a maximum weekly benefit of fifteen (15) hours.~~

The SLB Program may be used for the following qualifying events:

Note to Draft Reviewer: The change for full-time employees from 518 to 688 hours for full time employees and from 259 to 344 is due to the revisions on the waiting periods as addressed above.

A. Employee's Own Serious Medical Condition

For an employee's own serious medical condition, the employee is eligible for the following maximum leave benefits:

- A full-time employee may receive up to ~~five hundred eighteen (518)~~ six hundred and eighty-eight (688) hours each calendar year. ~~(eight (8) hour average workday multiplied by eighty percent (80%) multiplied by eighty-one (81) days to care for their own serious medical condition).~~
- A part-time employee may receive up to ~~three hundred and forty-four~~ two hundred fifty-nine (344) hours each calendar year. ~~(four (4) hour average workday multiplied by eighty percent (80%) multiplied by eighty-one (81) days to care for their own serious medical condition.)~~

A licensed medical practitioner must certify that the employee is unable to work.

Note to Draft Reviewer: Department Heads supported providing up to 12 work weeks of Sick Leave Bank hours for parental responsibilities including care of a newborn, adoption, and foster care.

B. Parental Responsibilities

For parental responsibilities an employee may be eligible for the following maximum leave benefits:

- A full-time employee may receive up to four hundred and eighty (480) hours each calendar year.
- A part-time employee may receive up to two hundred and forty (240) hours each calendar year.

Parental responsibilities include either parent's involvement within the first 12 months following:

- Birth of a child;
- Adoption of a child; or
- Foster Placement of a child.

For purposes of adoption and foster placement, a child shall be defined consistent with Maryland state laws government adoption and foster placement.

Note to Draft Reviewer: At the May 25, 2021 meeting, Department Heads supported increasing the amount of Sick Leave Bank hours for care of a family member from 80 hours to 160 hours. Additionally, the Department Heads supported increasing the age of an eligible child from 18 years old to 26 years old to be in line with insurance coverage under the Affordable Care Act.)

C. Immediate Family Member’s Serious Medical Condition

Full-time employees may request to receive up to ~~eighty (80)~~ one hundred sixty (160) hours per calendar year to care for an eligible immediate family member’s serious medical condition. Part-time employees may request up to eighty (80) hours per calendar year. For purposes of these Procedures, an immediate family member includes an employee’s spouse, domestic partner (as qualified under the Commission’s Health and Benefits Program), parent, or child up to the age of ~~eighteen (18)~~ twenty-six (26) (older if disabled).

SLB Program hours used to care for an immediate family member are in addition to those available to the employee for their own serious medical condition (i.e., in addition to ~~five hundred eighteen (518)-six hundred and eighty-eight (688)~~ hours for full-time employees and ~~two hundred fifty-nine (259)~~ three hundred and forty-four (344) hours for part-time employees).

Note to Draft Reviewer: The following section is language moved from the beginning of Section IV. As concepts more appropriately fit in their own section.

D. Intermittent Use of Benefits and Long-Term Disability Eligibility

Use of the SLB benefits may be approved for a continuous or an intermittent basis, depending upon the nature of a serious medical condition, as described in Section V(A), How to Submit a Claim for a Member’s Own Serious Medical Condition. When use of SLB Program benefits is approved on an intermittent basis, the benefits must be used within 6 months.

Employees using the SLB Program for their own serious medical condition for sixty (60) calendar days or longer will be automatically reviewed for eligibility for Long-Term Disability (LTD) benefits; however, a member may not use SLB Program hours for more than one hundred twenty (120) calendar days.

IV. ENROLLMENT IN THE PROGRAM

A. **How to Enroll:**

Merit System employees may enroll by completing a SLB Program Membership Application and making the necessary leave contribution (see Section B, below). The application can be obtained by calling the Health and Benefits Office at 301-454-1694 or by visiting www.mncppc.org and entering "Employee Benefits Information" in the search bar and navigating to the SLB Program. Employees eligible to use the Employee Self Service System may enroll online during the annual open enrollment season. Enrollment may occur, as follows:

Upon Hire ~~Completion of Probationary Status~~

Note to Draft Reviewer The health and benefits office recommends extending the enrollment period to 60 days of hire to allow an employee sufficient time to accumulate sick leave and donate a portion of the accumulated leave for enrollment.

- a. Eligible Merit System employees may enroll in the Employees' SLB Program within ~~sixty (60) (45)~~ calendar days of hire ~~completing their probationary period and attaining career status~~. This can occur at any time during the calendar year and is not restricted to the open enrollment period. If the employee does not enroll within ~~the sixty (60) day~~ this time period, they must wait until the next open enrollment period.
- b. Membership becomes effective the first (1st) day of the month, following receipt of the membership application, ~~provided it is received within the sixty (60) day initial eligibility period and remains in effect indefinitely until terminated by the employee during any subsequent open enrollment period through December 31st of the same year.~~

1. **During Annual Open Enrollment Period**

- a. Eligible employees may enroll during the agency's open enrollment period which occurs during the fall of each year and is announced by the Health and Benefits Office.
- b. Membership becomes effective January 1st of the following year and remains in effect ~~until terminated by the employee during any subsequent open enrollment period through December 31st.~~

2. **Employees Returning from Leave-Without-Pay Status**

- a. Employees who are in a leave-without-pay (LWOP) status during the open enrollment period and have exhausted all their accrued sick or annual leave, may join the SLB Program within ~~forty five (45)~~ ~~sixty (60)~~ days of their return to work date by completing the membership application.

- b. An employee who was in an LWOP status and desires to enroll in the SLB Program must make the required leave contribution to the Sick Leave Bank by the close of the third full pay period following the return to work date.
- c. Membership becomes effective the first (1st) of the month, following receipt of the membership application, and remains in effect until terminated by the employee during any subsequent open enrollment period through December 31st of the same year.

B. Required Leave Contributions

1. SLB Program members must make the following minimum contributions, which are deducted automatically at the time of enrollment and on an annual basis thereafter:
 - a. A full-time employee must contribute a minimum of eight (8) hours annually from their accrued sick leave balance, or annual leave balance, if there is an insufficient number of sick leave hours.
 - b. A part-time employee must contribute a minimum of four (4) hours annually from their accrued sick leave balance, or annual leave balance, if there is an insufficient number of sick leave hours.
2. Employee leave contributions will not be returned for any reason after the leave has been deducted from the employee's leave balance.

C. Automatic Re-enrollment and Ending Enrollment

1. All SLB Program members are automatically re-enrolled each year, unless the member elects to end his/her participation. A member may end their participation in the SLB Program only during the Open Enrollment Period.
2. To end participation, a member must use the SLB Program Membership Application check the appropriate box to end enrollment, and submit the form to the Health and Benefits Office. Employees eligible to use the Employee Self Service system may end enrollment online during the annual open enrollment season.

V. HOW TO APPLY FOR BENEFITS

A. How to Submit a Claim for a Member's Own Serious Medical Condition

1. To submit a claim for a member's own serious medical condition, the employee or the employee's his/her representative must call the Health and Benefits Office at 301-454-1694.
2. The Health and Benefits Office will provide the employee with instructions on how to file an application with the Third-Party Program Administrator (TPA). The employee or the employee's his/her representative must contact the TPA to have their claim processed.

3. If eligible for Family Medical Leave Act (FMLA) benefits, the employee must also complete an FMLA form and submit it to his/her Department Head for approval. In such cases, Bank use will run concurrently with FMLA use. (For details on eligibility for FMLA, see: Merit System Rules and Regulations, Section 1640, Family and Medical Leave Status.) The FMLA form may be obtained from the Health and Benefits Office. The form can also be downloaded and completed online by visiting www.mncppc.org and entering "Employee Benefits Information" in the search bar and navigating to the SLB Program.
4. Requests for medical documentation must be provided to the TPA within fourteen (14) calendar days after the request is made. Failure to provide requested medical information within fourteen (14) calendar days from the initial request date could result in a denial of benefits until the TPA receives the documentation.
5. The TPA will notify the Health and Benefits Office of approval to use SLB Program benefits from a start date to an end date for the member's serious medical condition. Approval may be given for either continuous or intermittent use, depending upon the nature of the serious medical condition and the determination of benefits.
 - a. Continuous Leave: SLB Program hours may be approved for a period during which the employee is not expected to return to work until all hours have been exhausted. In such cases, if the employee returns to work prior to exhausting all hours granted, the employee's SLB Program leave status will be re-evaluated.
 - b. Intermittent Leave: SLB Program hours may be approved for intermittent periods of time, for employees experiencing episodic health concerns requiring the use of benefits for short periods of time. In such cases, the employee may return to work before taking leave again, and may continue this pattern until the hours awarded from the SLB Program have been exhausted. Intermittent use may not extend beyond six consecutive calendar months, even if the employee has not exhausted all SLB benefits. For example, an employee granted use of SLB Program benefits on an intermittent basis beginning January 1st must either use all hours/days granted by June 30th or risk termination of SLB Program benefits for the qualifying event.
6. The Health and Benefits Office will notify the employee's supervisor or the department's Human Resources (HR) Coordinator of the period of time during which the employee is approved for SLB Program use and instruct the supervisor (or the HR Coordinator) on coding the employee's time card with appropriate codes applicable to SLB Program use.
7. The Health and Benefits Office will also notify the Payroll Office of the employee's approval to use SLB Program hours and the time period for which the employee has been approved.
8. Long-Term Disability: The TPA will automatically identify and initiate a Long-Term Disability (LTD) benefit claim after sixty (60) calendar days of using the SLB Program for an employee's own serious medical condition.

B. How to Submit a Claim for an Immediate Family Member's Serious Medical Condition

Requests to use SLB Program hours for an employee's immediate family member's serious medical condition are handled in the same manner as those for an employee's own serious medical condition.

However, the Health and Benefits Office will process the application instead of the TPA. The employee must complete an FMLA form and submit it to the Health and Benefits Office with the attending provider's certification form. (Note: Domestic partners must be certified by the Health and Benefits Office before benefits may be allowed.)

C. How to Submit a Claim for Parental Responsibilities

Requests to use SLB Program hours for parental responsibilities are handled in the same manner as those for the care of a family member's own serious medical condition. The employee must complete an FMLA form and submit it to the Health and Benefits Office with the attending provider's certification form. For adoptions and foster care, the employee shall furnish proof of the placement for the intended adoption or foster care of a child up to the age of 18, or older if disabled, and demonstrate that s/he is the person primarily responsible for furnishing care to the child.

VI. DONATING LEAVE TO THE PROGRAM UPON TERMINATION OF EMPLOYMENT

- A. Employees who plan to resign or retire from the agency may donate up to forty (40) hours of their accrued sick leave to the SLB Program. Employees do not need to be a SLB Program member to make such donations. Hours donated to the SLB Program will not be reinstated if the employee making the donation later returns to a Merit System position within the agency.
- B. To make a donation, terminating employees must complete a "Sick Leave Bank Donation Form," which can be obtained by calling the Health and Benefits Office or by visiting www.mncppc.org and entering "Employee Benefits Information" in the search bar and navigating to the SLB Program.
- C. Employees must submit a written request to the Health and Benefits Office at least fourteen (14) calendar days prior to their termination date.

VII. PROGRAM ADMINISTRATION

A. Health and Benefits Office, Department of Human Resources and Management

Administration of the SLB Program is the responsibility of the Health and Benefits Office in the Division of Human Resources, Department of Human Resources and Management. The Health and Benefits Office:

- 1. Ensures the total balance of hours held in the SLB Program are sustainable through ensuring that employees comply with the terms and conditions of these Procedures, monitoring the total number of hours donated to the SLB Program and used by participants, and recommending changes in annual contributions to the Commission, as needed.
- 2. Reviews or provides oversight of all requests to use SLB Program hours:
 - a. For employees – Coordinates with the TPA on claims to use SLB Program benefits for an employee's own serious medical condition.
 - b. For an employee's immediate family member – Processes requests to use SLB Program benefits.

c. For parental responsibilities – Processes requests to use SLB Program benefits.

3. Ensures that SLB Program benefits are applied consistently with the determinations of coverage provided by the TPA.

B. Third-Party Program Administrator

The Third-Party Program Administrator (TPA) is a vendor hired by the agency to review certain applications for SLB Program benefits for an employee’s serious medical condition. The TPA:

1. Processes requests to use SLB Program hours for an employee’s own serious medical condition, and
2. Provides the Health and Benefits Office with a determination of coverage for each request for SLB Program hours for an employee’s own serious medical condition.

VIII. ADDITIONAL TERMS AND CONDITIONS

A. Coordination of SLB Program Benefits with Other Leave Benefits

1. Workers’ Compensation

If an employee has been approved for use of SLB Program hours and has also been approved for Worker’s Compensation, SLB Program benefits will be automatically terminated. If Workers’ Compensation is approved retroactively, any SLB Program hours already used will be reversed in the payroll system and converted to Workers’ Compensation.

Note to Draft Reviewer: The Health and Benefits Team, DHRM, worked to address the use of Family Medical Leave Act (FMLA) status for eligible employees.

2. Family Medical Leave Act (FMLA)

Should an employee qualify for leave status under FMLA, any SLB benefits will run concurrently with any time available under the FMLA. FMLA coverage is available to employees who have met the following minimum service and work hour requirements:

- 12 months of employment service with the Commission, not necessarily consecutive; and
- 1,250 hours worked during the 12-month period immediately preceding the start of the leave.

3. Other Types of Leave

If other types of accrued paid leave (e.g., annual or sick leave) have been used concurrently with SLB Program hours for any reason, SLB Program benefits will be reversed in the payroll system (i.e., deducted from the employee’s other accrued paid leave time).

B. Prohibition Against Accruing Sick and Annual Leave While Receiving SLB Program Hours

An employee will not accrue sick or annual leave while the employee is on disability leave and using SLB Program hours.

C. **SLB Program Hours Credited as Employee's Retirement System (ERS) Service Hours**

Hours received from the SLB Program will count as creditable Employees' Retirement System(ERS) service.

D. **Use of SLB Program Hours Considered as Leave-Without-Pay Hours**

Hours used from the SLB Program will be concurrently considered Leave-Without-Pay Hours. These hours will count towards the Department's right to waive the employee's rights to the employee's his/her position. These hours will also count towards the one year of leave-without-pay before an employee may be terminated.

E. **Change in Workday Status**

A SLB Program member who changes workday statuses from full-time to part-time or part-time to full-time status during the year will be able to use the SLB Program at the member's current workday status, regardless of the member's status at the time of the enrollment or leave contribution.

F. **Required Regular Contact with Supervisor**

The SLB Program member, or their representative, must maintain regular weekly contact with the employee's his/her and advise supervisor and keep their supervisor informed of any change in his/her expected date of return to work, otherwise Bank benefits will be denied.

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

For Information Only

September 7, 2021

To: The Maryland-National Capital Park and Planning Commission

VIA: Asuntha Chiang-Smith, Executive Director
Bill Spencer, CHR Director

From: Jennifer McDonald, Benefits Manager, DHRM

Subject: Proposed Changes to the Commission Life Insurance Plan

For Information Only

The Commission is being informed of proposed changes to the Agency's life insurance benefits to increase employee enrollment. No action is requested. This is for informational purposes.

Background

Some employees do not think about the financial consequences their families would face in the event of their death. For most people, savings alone would not be enough to pay the bills if an income was suddenly lost. The Commission's life insurance programs can help. However, over the past few years we have had a number of employees pass away suddenly, without even basic life insurance coverage.

The current life insurance plan includes the following:

- All plans are voluntary.
- Enrollment is not automatic; employees must complete an enrollment form for each plan.
- Merit employees can enroll in the Basic, Spouse/Dependent and Supplemental Life Insurance Plans.
- Employees must enroll in the Basic Life Insurance Plan as a prerequisite to enrolling in either the Spouse/Dependent Plan or the Supplement Life Insurance Plan.
- Employees are automatically enrolled in Accidental Death and Dismemberment (AD&D) when Basic Life is elected. It cannot be elected as a stand-alone benefit.
- Both Basic and AD&D are paid out in the event of a work related or nonwork-related accident.
- Each plan provides death benefit coverage during a fixed period or "term", which is the length of your employment at the Commission. Term life insurance has no cash or surrender value.
- Upon separation, life insurance may be converted to an individual policy.

Coverage and Cost

<i>Life Plan</i>	<i>Benefit Levels</i>	<i>Employee Cost Share</i>
Basic	2 x base salary rounded up to a maximum of \$200,000	20%
AD&D	2 x base salary rounded up to a maximum of \$200,000	20%
Supplemental	Up to 5 x base salary, maximum of \$750,000	100%
AD&D for Park Police	\$50,000	0%
Dependent	\$5k/\$10/\$15k for children, \$10k/\$20k/\$30k for spouse	100%

Premiums for the plans are based on the amount of coverage per \$1,000.

<i>Life Plan</i>	<i>Monthly Premium</i>	<i>Maximum Employee Bi-weekly Cost</i>	<i>Maximum Employer Bi-weekly Cost</i>
Basic	\$0.116/\$1,000	\$2.14	\$8.57
AD&D	\$0.025/\$1,000	\$0.46	\$1.85
Supplemental	Based on age \$0.038 to \$1.694/\$1,000	Based on age and coverage amount	None
Dependent	\$2.45 to \$7.35	Based on option selected	None

Enrollment

A recent review of the enrollment in basic life insurance showed that approximately 30% of eligible employees are not enrolled, despite the low cost. Eligible Merit System employees may enroll in the life insurance plans within forty-five (45) calendar days of hire or attaining Merit status. If the employee does not enroll within the 45 days or is requesting an amount above guaranteed issue for supplemental life, an Evidence of Insurability (EOI) form must be completed by the employee. The EOI form asks health related questions, which is then underwritten by the insurance carrier for approval or denial. After the initial eligibility period, eligible employees may enroll at any time during the year and is not restricted to only during the annual open enrollment period which occurs during the fall of each year. All enrollments after the initial eligibility period require completion of EOI regardless of the amount or type of coverage elected.

As mentioned above, enrollment in life insurance is not part of the annual open enrollment period. Employees may enroll, make changes, or cancel coverage anytime during the year. To address the low enrollment, in 2018 the agency negotiated with the insurance carrier a one-time guaranteed issue period for employees who were not enrolled including those who may have been declined previously. The special enrollment period also allowed increases to existing coverage up to the normal guaranteed issue amounts. This effort, during the open enrollment season in the fall of 2018, did not result in a significant increase in enrollment.

Proposed Options

To increase enrollment and provide a valuable benefit to all eligible employees, DHRM recommends mandatory and/or automatic enrollment of employees in basic life insurance. The agency has a precedent for mandatory/automatic enrollment. Effective 8/1/1982, enrollment in the Long-Term Disability Plan became mandatory with automatic enrollment.

Local governments and agencies around the region that compete for our talent/ employees offer full basic life insurance coverage, most notably, WSSC, Prince George’s County, Howard County, Anne Arundel County, the State of Virginia, Fairfax County, Arlington County and Alexandria County. Montgomery County pays 75%. The chart below shows the rates paid by several local jurisdictions and the federal government:

Agency Comparison- Basic Life Insurance Offering Survey

Agency	Basic Life Insurance Offering	Employee Cost Share
Alexandria, Virginia	One (1) times base salary rounded to next higher thousand up to \$500,000	0%
Anne Arundel County	\$10,000 to \$100,000 based on employment classification	0%
Arlington County	One (1) times base salary up to \$500,000	0%
DC Government	Annual salary rounded to next thousand, plus \$2,000	33.33%
Fairfax County	One (1) times base salary up to 350,000	0%
Federal Government	Whichever is greater: 1) Annual rate of basic pay, rounded up to the next even \$1,000, plus \$2,000; or 2) \$10,000	33.33%
Howard County	Two (2) times base salary up to \$500,000	0%
Montgomery County	One (1) times base salary up to \$200,000	25%
Prince George's County	Two (2) times salary up to \$225,000 based on salary schedule	0%
State of Maryland	Employee may elect coverage in \$10,000 increments up to \$300,000	100%
State of Virginia	Equals creditable compensation , rounded to the next highest thousand and then doubled	0%
WSSC	Two (2) times base salary up to \$400,000	0%

The current budget for the cost of providing Basic Life Insurance and AD&D with the agency paying 80% and the employee paying 20% of the premium, is \$402,266. ***If the Commission were to pay 100% for Basic and AD&D coverage for all eligible employees, the total cost would be \$659,939, an additional cost of \$257,675, annually.*** The estimated total annual additional cost per department to fully fund basic life insurance for Merit system employees is*:

ADDITIONAL COST TO PAY 100% OF BASIC AND AD&D INSURANCE BY DEPARTMENT

Fund	PGC Commissioner	PGC Planning	PGC Parks & Rec	MC Commissioner	MC Planning	MC Parks	DHRM	Finance	Legal	Merit System	Inspector General	CIO	Total
	1,364	23,336	114,157	960	19,199	79,761	6,930	3,521	5,076	84	735	2,552	257,675

*The additional cost by Department/Fund is detailed in Exhibit A.

There are three options the Commission can decide to pursue that would help ensure Merit employees are covered by basic life insurance:

1. Make Basic Life Insurance and AD&D mandatory/automatic enrollment. The agency pays 100% of the premium.
2. Make Basic Life Insurance and AD&D mandatory/automatic enrollment. The agency continues to pay 80% and the employee pays 20% of the premium.
3. Automatically enroll employees in the Basic Life Insurance and AD&D; however, allow employees to opt out. The agency continues to pay 80% and the employee pays 20% of the premium.

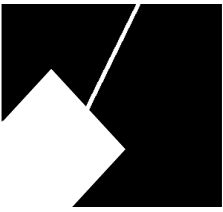
The insurance carrier has confirmed that the current uninsured employees will be covered without evidence of insurability and without an increase in the current rates.

The Executive Committee and Department Heads support option two (2), effective January 1, 2022.

EXHIBIT A

ANALYSIS OF ADDITIONAL COST TO PAY 100% OF BASIC AND AD&D INSURANCE

Fund	PGC Commissioner	PGC Planning	PGC Parks & Rec	MC Commissioner	MC Planning	MC Parks	DHRM	Finance	Legal	Merit System	Inspector General	CIO	Total
PGC Admin	1,364	23,336					3,286	2,014	2,513	42	428	983	33,966
PGC Park			77,165										77,165
PGC Rec			30,813										30,813
PGC Enterprise			6,179										6,179
MC Admin				960	19,199		2,274	1,507	2,563	42	307	968	27,820
MC Park						74,667							74,667
MC Prop Mgmt						432							432
MC Enterprise						4,662							4,662
EOB							356						356
Risk Mgmt							668						668
CIO												601	601
Group Insurance							346						346
Total	1,364	23,336	114,157	960	19,199	79,761	6,930	3,521	5,076	84	735	2,552	257,675



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
Department of Finance, Office of Secretary-Treasurer
6611 Kenilworth Avenue, Riverdale, Maryland 20737

July 30, 2021

TO: Commissioners

FROM: Joseph Zimmerman, Secretary-Treasurer

SUBJECT: M-NCPPC Post Retirement Benefit Trust (115 Trust) Annual Trust for the fiscal year ending – June 30, 2021

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, 2021

**The Maryland-National Capital Park and Planning Commission
Other Post Employment Benefits Trust Fund Investments
Statement of Plan Net Assets
June 30, 2021**

Assets	
Cash and short-term investments	\$ 3,000,000
Investments at fair value	
Bond Funds	26,183,032
Equity Funds	89,946,161
Other Assets - Real Estate	9,635,329
Total investments	<u>125,764,522</u>
Total Assets	128,764,522
Liabilities	
Accounts payable and others	<u>-</u>
Net Assets held in trust for other post employment benefits	<u><u>\$ 128,764,522</u></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, 2021**

	Month to Date	Fiscal Year to Date
ADDITIONS:		
Contributions	<u>\$ -</u>	<u>\$ 7,627,000</u>
Investment Earnings:		
Interest	-	136,861
Dividends	451,130	3,063,701
Net increase (decrease) in the Fair Market Value of Investments	(23,288)	33,559,543
Total Investment Earnings	<u>427,842</u>	<u>36,760,105</u>
Add Investment Advisory and Management fees net of adjustment	-	-
Net Income from Investing Activities	<u>427,842</u>	<u>36,760,105</u>
Total Additions	<u>427,842</u>	<u>44,387,105</u>
DEDUCTIONS:		
Increase in Net Assets	<u>427,842</u>	<u>44,387,105</u>
Net Assets held in trust for other post employment benefits		
Beginning of period	128,336,680	84,377,417
June 30, 2021	<u><u>\$ 128,764,522</u></u>	<u><u>\$ 128,764,522</u></u>



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

September 15, 2021

TO: The Maryland-National Capital Park and Planning Commission

FROM: Asuntha Chiang-Smith, Executive Director
 Bill Spencer, Corporate Human Resources Director
 Michael Beckham, Corporate Policy and Management Operations Acting Director

SUBJECT: Recommended Approval of Employee Vaccination Policies

Recommendation

On behalf of the Executive Committee and our agency's senior management team, we recommend that the Commission approve the employee vaccination policies described in the draft documents attached to this memorandum. (Please note that the draft documents illustrate the core elements of our recommended policy and that certain language in the drafts may be subject to non-substantive revision prior to final issuance.)

Background

The COVID-19 epidemic continues to constitute a serious public health crisis throughout the region served by the M-NCPPC. As of this writing, the presiding health officer in Montgomery County has classified the county as an area of "Substantial Transmission" and, similarly, the County Executive for Prince George's County recently announced that jurisdiction as an area of "High Transmission." As most public health experts have observed for some time, the current rates of COVID transmission are directly correlated with the rates of vaccination with the surrounding communities. According to the most recent data reflecting the incidence of infection for M-NCPPC employees, there have been 24 new employee cases over the past 7 weeks. This represents a dramatic increase compared to the previous 10 weeks during which there was only one new case.

Under the applicable Centers for Disease Control and Prevention (CDC) guidelines for preventing community spread, local decision makers in areas of Substantial and High Transmission are encouraged to develop multi-layered strategies. Under applicable guidelines issued recently by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), employers may consider adopting policies that require unvaccinated workers to get vaccinated or to undergo regular COVID-19 testing – in addition to mask wearing and physical distancing as part of a workplace safety mitigation package. Toward this end, the United States Equal Employment Opportunities Commission (EEOC) has announced that an employer will not necessarily violate the pertinent Federal civil rights statutes by mandating employee vaccination if appropriate accommodations are allowed for certain medical and religious circumstances.

Vaccinations have become a critical part in an employers' multi-layered strategy. As reported in a recent New York Times article, employers need to maximize office vaccination rates. In the article, Dr. Ashish K. Jha, dean of the Brown University School of Public Health, explains that offices promoting vaccination will be safer, "but

vaccination rates need to exceed 90 percent.” He said, “Even an 85 percent vaccination rate is not enough. It’s not going to work because one of those 15-percent unvaccinated is going to cause an outbreak for every single person in that room ...”

Leadership Consensus

Commission managers have unanimous concerns about creating a safe workplace as we gear up collectively for a return to full-scale work.

After considering several other options for maximizing the percentage of the agency’s workforce that is vaccinated, by an overwhelming preference, the senior leadership of the Montgomery County Planning Department, Prince George’s Planning Department, Montgomery Parks Department, Prince George’s County Department of Parks and Recreation, and others concur in asking the agency to adopt an across-the-board mandate for employee COVID vaccinations (inclusive of volunteers) – subject of course to the prevailing exceptions required by applicable law. On September 1, 2021, the Executive Committee also endorsed this approach.

Summary of Proposed Mandatory Vaccine Program

As indicated in the document drafts attached, key elements of the program recommended by our management team are as follows:

- Each department will determine the census of employee vaccination status by collecting employee information. (It is important to note that collecting employee vaccination information will become necessary under almost every conceivable workplace mitigation alternative. Therefore, the departments already have initiated this data collection process for non-represented employees. Non-represented employees have been instructed to submit vaccination status information, no later than September 15, 2021, by sending an encrypted email. The management bargaining team has reached an agreement with the Fraternal Order of Police Lodge #30 (FOP). The policy for employees represented by Municipal and County Government Employees Organization/United Food and Commercial Workers Union, Local 1994 (MCGEO) will be communicated as soon as an agreement has been reached.
- Effective September 5, 2021, all new hires are to be required to be “fully vaccinated”, unless a medical or religious accommodation is approved. Such employees must submit verification of the COVID-19 vaccination (including date(s) of vaccination, vaccine manufacturer, and location(s) of vaccination) at the same time as the acceptance of Offer of Employment is submitted.
- Beginning on October 31, 2021, all non-represented employees (Merit and Contract employees including Seasonal/Intermittent, Term, and Temporary) will be required to be “fully vaccinated”, unless a medical or religious accommodation is approved. The management bargaining team has reached an agreement with the Fraternal Order of Police Lodge #30 (FOP). The policy for employees represented by Municipal and County Government Employees Organization/United Food and Commercial Workers Union, Local 1994 (MCGEO) will be communicated as soon as an agreement has been reached.

- Employees who request a medical or religious accommodation exempting them from the vaccination requirement are instructed to contact Corporate Human Resources. A committee of departmental representatives led by the HR Director will review these requests.
- For employees exempted from the vaccination requirement, departments will determine the work schedules, and any accommodations including weekly testing will be coordinated with Corporate Human Resources.
- Non-represented employees who are not “fully vaccinated”, or choose to not disclose their vaccination status, and who are not approved for a medical or religious accommodation, will be subject placed on unpaid leave, and subject to discipline (up to and including termination).

Legal Questions

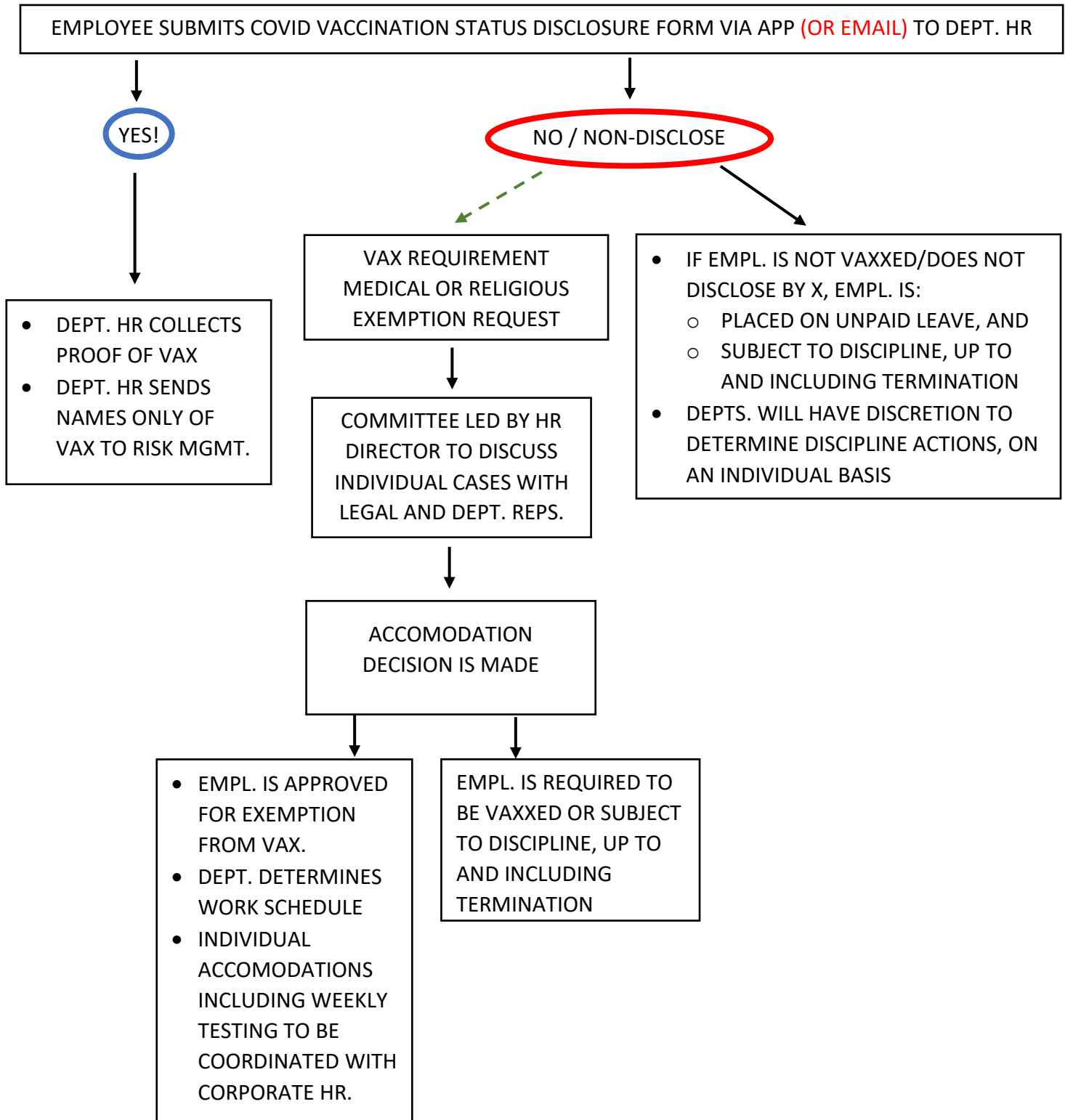
If any Commission members have pressing legal questions, our legal team will be available during your meeting and prepared to discuss any legal questions in a closed session.

ATTACHMENTS

A: Draft COVID-19 Vaccination Policy Flow Chart

B: Draft COVID-19 Vaccination Status Disclosure Requirement and COVID-19 Vaccination Mandate Policy

COVID-19 VACCINATION DRAFT POLICY FLOW CHART



Key
 - - - -> = Employee initiated step

No.

Issue date:

NOTICE

DRAFT COVID-19 VACCINATION MANDATE

During these challenging times, the health and safety of our workforce remains a top priority. According to the Center for Disease Control and Prevention (“CDC”), the use of COVID-19 vaccinations have proved to be safe, effective, and reduce the risk of severe illness. Per the CDC, an individual is “fully vaccinated” two weeks after the second dose of the Pfizer or Moderna vaccine, or two weeks after the single dose required for the Johnson & Johnson vaccine.

On August 23, 2021, the Food and Drug Administration (“FDA”) granted full approval of the Pfizer/BioNTech COVID-19 vaccine. Additionally, the State and counties have implemented protocols to allow residents and workers to receive COVID-19 vaccinations.

As our agency transitions back towards full onsite operations, the M-NCPPC wants to ensure its employees and the public of its continued commitment to maintaining a safe and healthy environment. The M-NCPPC is taking appropriate measures to protect you and your colleagues from workplace exposure to COVID-19. Thus, the M-NCPPC will be implementing steps requiring COVID-19 vaccination, as addressed below.

I. COVID-19 Vaccination Mandate

A. Effective **September 5, 2021, all new hires** (non-represented employees including Volunteers, Merit, and Contract employees including Seasonal/Intermittent, Term, and Temporary) will be required to be “fully vaccinated”, unless a medical or religious accommodation is approved. All new hires must submit verification of the COVID-19 vaccination (including date(s) of vaccination, vaccine manufacturer, and location(s) of vaccination) at the same time as the acceptance of Offer of Employment is submitted.

B. Beginning on **October 31, 2021, all non-represented employees (Volunteers, Merit and Contract employees including Seasonal/Intermittent, Term, and Temporary)** will be required to be “fully vaccinated”, unless a medical or religious accommodation is approved. These employees must submit verification of the COVID-19 vaccination (including date(s) of vaccination, manufacturer of vaccine, and location(s) of vaccination). The policy for represented employees will be communicated as soon as agreements have been reached with the unions.

Please use the following link **[link to be created]** to complete the COVID-19 Vaccination Status Disclosure form. The form is also found as Attachment A and may be sent using an encrypted email to the designated departmental email address provided by your department. See: Attachment B for instructions on how to send an encrypted email.

Note: For those employees who have already reported that they are not “fully vaccinated”, the COVID-19 Vaccination Status Disclosure form (Attachment A) may be updated at any time, through October 31, 2021. Additionally, employees who receive the first dose of either the Pfizer or Moderna vaccine are encouraged to submit verification to the designated departmental email, as soon as possible, prior to the October 31, 2021 deadline.

Any non-represented employee who does not submit verification of being fully vaccinated, or who does not have an approved exemption from the vaccination requirement, by October 31, will be placed on unpaid leave, will be considered in violation of this policy, and will be subject to discipline, up to and including termination.

Recommended Vaccination Schedule

The Pfizer and Moderna vaccines require two doses several weeks apart, while Johnson and Johnson (J&J) is only one dose. Therefore, it is recommended that employees receive the COVID vaccine dose(s) no later than the dates indicated below, to ensure full vaccination by the October 31, 2021 deadline:

Pfizer/BioNTech	
1 st Dose	No later than September 26, 2021
2 nd Dose	No later than October 17, 2021

Moderna	
1 st Dose	No later than September 19, 2021
2 nd Dose	No later than October 17, 2021

Johnson & Johnson (only one dose required)	
1 st Dose	No later than October 17, 2021

II. **Request for Medical or Religious Accommodation**

Employees who have a bona fide medical or religious exemption that precludes them from receiving the COVID-19 vaccination should contact Corporate Human Resources via email at employee-labor-relations@mncppc.org.

Employees are strongly advised to not discuss medical/religious exemptions with supervisors.

III. **Paid Time-Off to Receive COVID-19 Vaccinations**

1. Per agency Notice 21-02, Merit and Term Contract employees may request up to a total of 4 hours of Administrative Leave to take time off from work to receive the vaccine(s).
2. Seasonal and Temporary Contract employees may be excused from work without loss of pay for the equivalent of 4 hours to take time off from work to receive the vaccine(s).
3. The total time off applies regardless of the number of vaccine doses required. Represented employees covered by collective bargaining should refer to any relevant provisions covered by

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their respective collective bargaining agreement.

4. Employees should refer to State and County websites for the latest news on vaccine distribution and where to register for vaccines:

- State Vaccination Site/ Sign-Up: <https://coronavirus.maryland.gov/pages/vaccine>
- Montgomery County Site/Sign-Up:
 - Requirement: You must live or work in Montgomery County.
 - <https://www.montgomerycountymd.gov/covid19/vaccine/>
- Prince George’s County Site/Sign-Up:
 - Requirement: You must work or live in Prince George’s County.
 - <https://www.princegeorgescountymd.gov/3730/COVID-19-Vaccination>

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

COVID-19 VACCINATION STATUS DISCLOSURE

As our agency transitions back to a “new normal” in our office environments, the M-NCPPC wants to ensure its employees and the public of its continued commitment to maintaining a safe and healthy environment. The M-NCPPC is taking appropriate measures to protect you and your colleagues from workplace exposure to COVID-19.

- According to the Center for Disease Control and Prevention (“CDC”), an individual is “fully vaccinated” two weeks after the second dose of the Pfizer or Moderna vaccine, or two weeks after the single dose required for the J&J vaccine.
- Employees who have a medical or religious exemption that precludes them from COVID-19 vaccination should contact Corporate Human Resources via email at employee-labor-relations@mncppc.org.

*****Please note: The completion of this form is mandatory. Failure to provide truthful and accurate answers below may subject you to discipline up to, and including termination.*****

Please place your initials next to your desired response and sign below.

I hereby attest that as of the date of my signature below:

A. _____ Yes, I **have** received both required doses of either the Pfizer or Moderna vaccine or the single dose of the Johnson & Johnson vaccine. I am submitting verification of my vaccination, including one of the following:

- A copy of your CDC COVID-19 Vaccination Record Card showing the date(s) of administration(s) of the vaccine; or
- A copy of your Certificate of COVID-19 Vaccination from the State in which you received your vaccinations.*

**If you received your vaccination(s) in Maryland, West Virginia, or Washington, D.C., you can download your Certificate of COVID-19 Vaccination by going to www.myir.net. If you received your vaccination(s) in another State, and do not have your CDC COVID-19 Vaccination Record Card, contact your State or County Department of Health to request verification of COVID-19 vaccination.*

I also understand that I may be required to sign a release that will permit the M-NCPPC to obtain verification of my vaccinated status directly from the issuing health care provider. Failure to do so may also subject me to discipline up to, and including termination; or

B. _____ No, I **have not** received both required doses of either the Pfizer or Moderna vaccine or the single dose of the Johnson & Johnson vaccine.

C. _____ I **decline** to provide any information regarding my vaccination status.

For Those Responding “No/ I decline”: _____ I am **requesting medical or religious exemption** that precludes me from undergoing COVID-19 vaccination. Please contact Corporate Human Resources via email at employee-labor-relations@mncppc.org following submission of this form for further information.

Employee Name (Please print): _____ Employee Commission ID #: _____

Employee Signature: _____ Date: _____

Department: _____ Work Location: _____

Please submit the completed form along with verification of vaccination dates, doses, etc. using encrypted email to the designated departmental email address provided by your department. See the following page for instructions on how to send an encrypted email.

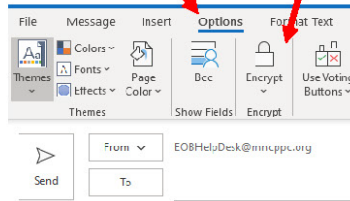
HOW TO SEND ENCRYPTED E-MAIL FROM MICROSOFT OUTLOOK

SENDING ENCRYPTED EMAIL THROUGH THE OUTLOOK DESKTOP CLIENT ON A WINDOWS AND MAC COMPUTER

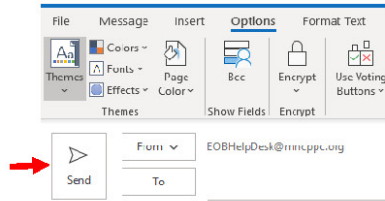
1. Open Outlook | Click on New Email



2. Click on Options | Select Encrypt

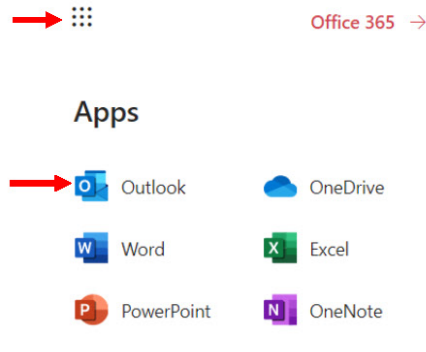


3. Compose the remainder of your email message, click Send when completed.

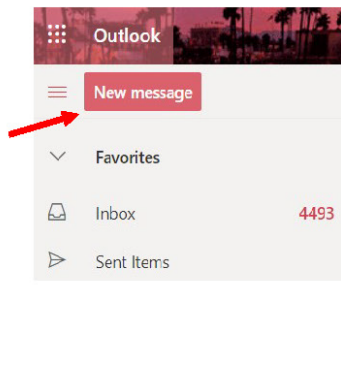


SENDING ENCRYPTED EMAIL THROUGH THE OFFICE 365 OUTLOOK

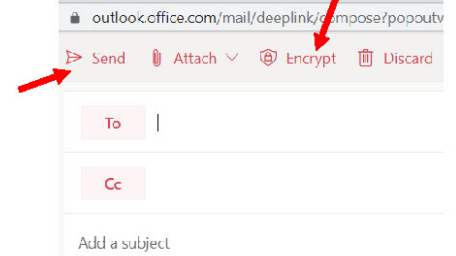
1. Log into O365 <https://portal.microsoftonline.com> Click on the App Launcher and Select Outlook



2. Click on New message

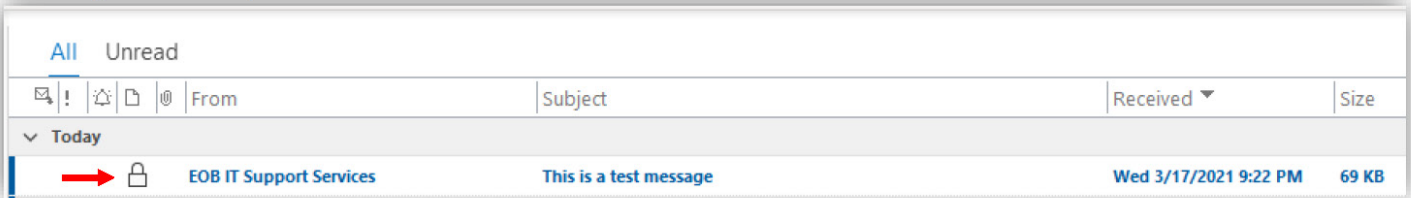


3. Click on Encrypt, compose the remainder of your email message, click Send when completed.

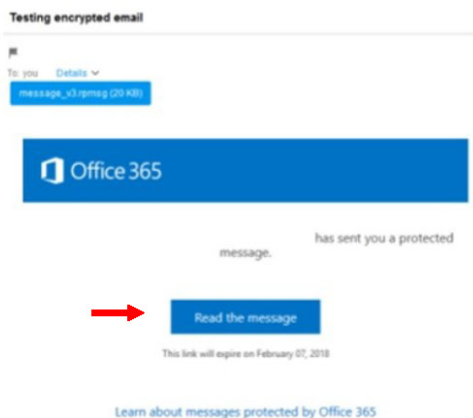


RECEIVING ENCRYPTED EMAILS

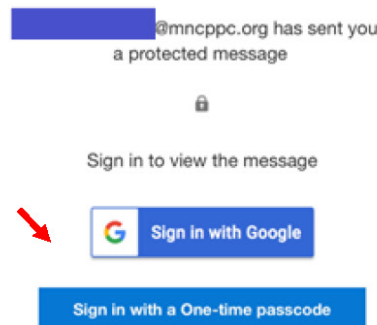
M-NCPPC users will notice a lock symbol next to encrypted email messages, both in Outlook client and O365 Web Mail, double click to open the message



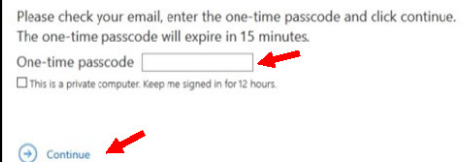
1. Non - M-NCPPC users will receive the following email | Click on "Read the message"



2. Click on Sign in with a One-time passcode . A One-time passcode will be emailed to the user.



3. Enter the One-time passcode to access the encrypted email message Click Continue



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

M-NCPPC Resolution 21-12-A

**Amended Fiscal Year 2022 Wage Adjustments for Park Police Command Officers
at the Ranks of Lieutenant, Captain and Commander**

WHEREAS on June 16, 2021, the Maryland-National Capital Park and Planning Commission (the “Commission”) passed Resolution 21-12 adopting the Fiscal Year 2022 Wage Adjustments for Officers at the Command Ranks of Lieutenant, Captain and Commander.

WHEREAS, subsequent to the adoption of the Resolution, the Commission continued to evaluate wage adjustments for individuals who had reached the top of their paygrade (Top of Grade), and has determined that the initial Fiscal Year 2022 wage actions outlined in adopted Resolution 21-12, will be amended.

WHEREAS, the adoption of this Resolution 21-12-A, replaces and rescinds Resolution 21-12.

WHEREAS, §16-302 of the Land Use Article of the Annotated Code of Maryland requires the Maryland-National Capital Park and Planning Commission (the “Commission”) to engage in collective bargaining for certain employees and under specified circumstances; and

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

WHEREAS, the FOP has a Collective Bargaining Agreement with the Commission, effective February 1, 2020, through January 31, 2023 (“Agreement”), which called for reopener negotiations on certain issues related to Fiscal Year 2022.

WHEREAS the tentative agreement reached between the Commission and the FOP related to Fiscal Year 2022 includes certain wage adjustments which affect the compensation structure for all union represented park police officers.

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

WHEREAS, contingent on the final ratification of the FOP tentative agreement by both the Commission and the FOP, the Commission desires to maintain consistency in certain economic terms across all Park Police, and address areas specific to Park Police Command Officers.

NOW, THEREFORE BE IT RESOLVED that the Commission hereby adopts the following amended wage adjustments and hereby authorizes the Executive Director to implement the following actions for eligible Command Officers:

- 1) For Fiscal Year 2022, a regular merit increase (anniversary pay increment) of up to 3.5% effective the first pay period following the employee's anniversary date.
- 2) For Fiscal Year 2021, a make-up regular merit increase (anniversary pay increment) of up to 3.5%. This increment shall be awarded to eligible officers effective the final pay period of Fiscal Year 2022. The increase will go into effect on this date but will not be calculated retroactively.
- 3) Effective July 1, 2021, the pay range maximums for Lieutenant, Captain, and Commander, will be adjusted by 3.5%, allowing individuals who have reached Top of Grade to receive an up to 3.5% increase effective the first full pay period following their anniversary date.

*Item 3 represents the added wage adjustment.

APPROVED FOR LEGAL SUFFICIENCY

William Dickerson,
M-NPCPPC Legal Department
September 1, 2021



M-NCPPC Resolution Number 21-14-A

Fiscal Year 2022, Merit Increase/Anniversary Pay Increments, and Other Adjustments for Non-Represented Merit System and Certain Term Contract Employees

WHEREAS on July 1, 2021, the Maryland-National Capital Park and Planning Commission (the “Commission”) passed Resolution 21-14 adopting the, “Fiscal Year 2022 Merit Increase/Anniversary Pay Increments, and Other Adjustments for Certain Non-Represented Merit System and Term Contract Employees (Excluding Park Police Officers and Park Police Candidates).” Resolution 21-14 authorized the implementation of merit increases (anniversary increments) for eligible employees.

WHEREAS, subsequent to the adoption of the Resolution, the Commission continued to evaluate wage adjustments for individuals who have reached the Top of Grade, and has determined that the initial Fiscal Year 2022 wage actions outlined in adopted Resolution 21-14, will be amended.

WHEREAS, the adoption of this Resolution 12-14-A, replaces and rescinds previously adopted Resolution 21-14.

WHEREAS, the Maryland-National Capital Park and Planning Commission (Commission) submitted its proposed Fiscal Year 2022 operating and capital budget to the Montgomery and Prince George’s County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 13, 2021, reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments, authorized compensation adjustments within the total dollars proposed by the Commission; and

WHEREAS, the Commission has recently adopted wage Resolution 21-11 for Fraternal Order of Police (FOP) represented Park Police Officers and Resolution 21-12-A for Park Police Command Officers at the Ranks of Lieutenant, Captain and Commander on-represented Park Police Command Officers at the ranks of Lieutenant, Captain and Commander and therefore, these positions are not covered by this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby adopts a 3.5% adjustment to extend the pay ranges of those grades assigned to the General Service Pay Schedule and Special Salary Range Pay Schedule for Select Career IT Positions effective July 1, 2021 (Fiscal Year 2022);

BE IT FURTHER RESOLVED that the Commission hereby adopts for non-represented Merit System employees and Certain Term Contract employees (assigned to the General Service Pay Schedule), a merit increase (anniversary pay increment) of up to 3.5% for Fiscal Year 2022; and

BE IT FURTHER RESOLVED that the Commission hereby adopts a make-up merit increase (anniversary pay increment) of up to 3.5% for Fiscal Year 2021. This increment shall be awarded to eligible non-represented Merit System employees (who remain in the same employment category) to be effective the beginning of the final pay period of Fiscal Year 2022.

1. The individual must have been employed by the Commission as a non-represented Merit System employee throughout the period of July 1, 2020 through June 30, 2021 (and remain in the same employment category);
2. The individual must be qualified for a merit increase in accordance with the performance evaluation system at that time, and otherwise were eligible to receive a merit increase at that time; and
3. The payment shall be prospective only. No retroactive payment will be made on the make-up merit. This make-up merit does not affect an employee's anniversary date.

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

APPROVED FOR LEGAL SUFFICIENCY

William Dickerson,
M-NPCPPC Legal Department
September 1, 2021

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

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution Number 21-16**Fiscal Year 2022 Wage Adjustment MCGEO Bargaining Unit Employees**

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2022 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland;

WHEREAS, the respective County Councils on May 13, 2021, reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission");

WHEREAS, §16-202 of the Land Use Article of the Annotated Code of Maryland requires the Maryland-National Capital Park and Planning Commission (the "Commission") to engage in collective bargaining for certain employees and under specified circumstances;

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

WHEREAS, the parties have reached tentative agreement on the terms and conditions of a three-year *Collective Bargaining Agreement for Service/Labor, Office/Clerical and Trade Units*, which is effective July 1, 2021 through June 30, 2024. This agreement includes certain adjustments to Fiscal Year 2022 compensation for its represented employees.

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts the tentative 3-year agreement and any side-bar agreements with the MCGEO Union on all working conditions and benefits.

BE IT FURTHER RESOLVED following compensation adjustments that will take place in Fiscal Year 2022 for MCGEO represented employees:

- 1) For Fiscal Year 2022, anniversary (merit) pay increase of up to 3.5%. This increase shall be awarded to eligible MCGEO employees at the beginning of the pay period in which the assigned anniversary date occurs in Fiscal Year 2022; and
- 2) For Fiscal Year 2021, a make-up anniversary (merit) pay increase of up to 3.5%. This increase shall be awarded to eligible MCGEO employees effective at the beginning of the last full pay period of Fiscal Year 2022. The increase is subject to the following:

- (a) The individual must have been employed by the Commission throughout the period of July 1, 2020 through June 30, 2021;

- (b) The individual was qualified for a merit increase in accordance with the performance evaluation system at that time, and otherwise was eligible to receive a merit increase at that time; and,
 - (c) The payment shall be prospective only. No retroactive payment will be made on the make-up merit. This make-up merit does not affect an employee's anniversary date and represents a one-time exception to the Collective Bargaining Agreement's provision against any employee receiving more than one anniversary increment in any one year.
- 3) For Fiscal Year 2022, employees who are top of grade as of June 30, 2021 will receive an increase of one and three-quarter percent (1.75%). This increase shall be effective at the beginning of the pay period in which their assigned anniversary date occurs in Fiscal Year 2022, provided they otherwise satisfy the conditions set forth in Article 6. Effective July 1, 2021, the Commission agrees to adjust the top of all bargaining unit salary scales by 3.5% to accommodate this increase. Employees who were top of grade as of June 30, 2021, will receive a second increase of one and three-quarter percent (1.75%) effective the last full pay period in Fiscal Year 2022, provided they otherwise satisfy the conditions set forth in Article 6. Payment will occur after full ratification of the Collective Bargaining Agreement.
- 4) The Commission shall designate Juneteenth as a Commission Holiday for MCGEO represented employees.

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

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

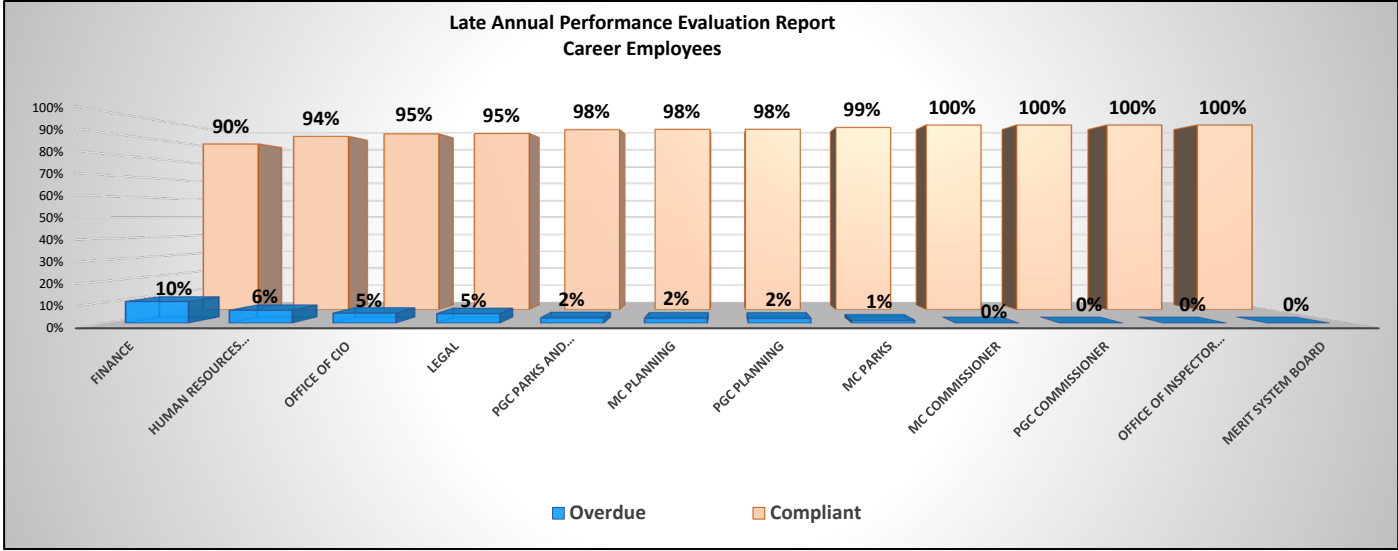
APPROVED FOR LEGAL SUFFICIENCY

William Dickerson,
M-NPCPPC Legal Department
September 1, 2021

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF AUGUST 2021**

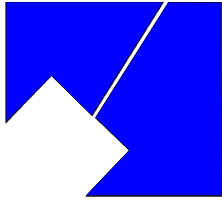
	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Jul-21	Aug-21	Jul-21	Aug-21	Jul-21	Aug-21	Jul-21	Aug-21
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	1	0	0	0	1	1	2	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	1	0	0	1	2	4	3
LEGAL DEPARTMENT	0	0	0	1	0	0	1	1
FINANCE DEPARTMENT	2	3	1	1	1	0	4	4
PRINCE GEORGE'S PLANNING	2	4	1	0	0	0	2	4
PRINCE GEORGE'S PARKS & RECREATION	14	2	0	24	0	0	14	26
MONTGOMERY COUNTY PARKS	7	9	0	0	0	0	7	9
MONTGOMERY COUNTY PLANNING	1	3	0	0	0	0	1	3
DEPARTMENT TOTAL BY DAYS LATE	28	22	2	26	3	3		
COMMISSION-WIDE TOTAL							35	51

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data As Of August 31, 2021

Employee Count Department	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance	4	35	39
Human Resources and Mgt	3	46	49
Legal	1	21	22
MC Commissioner		5	5
MC Parks	9	678	687
MC Planning	3	128	131
Merit System Board		1	1
Office of CIO	1	20	21
Office of Inspector General		4	4
PGC Commissioner		9	9
PGC Parks and Recreation	26	1,019	1,045
PGC Planning	4	172	176
Total Employees	51	2,138	2,189




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

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 21737 • 301-454-1600 Fax: 301-454-1606

August 31, 2021

TO: Commissioners

VIA: Asuntha Chiang-Smith, Executive Director

FROM: Joseph C. Zimmerman, Secretary/Treasurer 

SUBJECT: MFD Purchasing Statistics— Fourth Quarter FY21

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 FY21 report include:

- Attachment A indicates that through the Fourth Quarter of FY21, the Commission procured approximately \$81.6 million in goods, professional services, construction and miscellaneous services. Approximately 16.1% or \$13.2 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the Fourth Quarter MFD utilization was 13.6%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the Fourth Quarter of FY21 was 27.6%. 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 Departments significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the Fourth Quarter are 16.1% and 14.5%, respectively.
- Attachment D presents the FY21 activity for the Purchase Card program totaling approximately \$11.0 million of which 1.7% was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 13.5% 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 Fourth Quarter FY21.
- 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 18.1% in the formal (over \$30,000) procurements. For transactions under \$10k, MFD participation is 9.1%. MFD vendors are participating at an overall rate of 14.6% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$81.6 million in total procurement, approximately \$49.7 million was procured from Maryland vendors. Of the \$13.1 million in procurement from MFD vendors, \$10.7 million was procured from MFD vendors located in Maryland.
- Attachment I measures 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, Hispanic, Asian, Native American, Females and Disadvantaged-Owned Firms. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated February 8, 2117.
- 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 3.5% 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 2021
 FOR TWELVE MONTHS ENDED JUNE 30, 2021

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	\$ 37,838	\$	-	-	\$ 2,526	6.7%
Planning Department	3,921,110		23,625	1	985,519	25.1%
Parks and Recreation Department	49,769,824		1,057,955	13	8,028,325	16.1%
Total	<u>53,728,772</u>		<u>1,081,580</u>	<u>14</u>	<u>9,016,370</u>	<u>16.8%</u>
<u>Montgomery County</u>						
Commissioners' Office	3,688		-	-	-	0.0%
Planning Department	2,001,877		87,681	3	535,122	26.7%
Parks Department	23,342,521		938,651	13	3,384,402	14.5%
Total	<u>25,348,086</u>		<u>1,026,332</u>	<u>16</u>	<u>3,919,524</u>	<u>15.5%</u>
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	1,245,498		514,267	8	155,038	12.4%
Finance Department	72,581		60,000	1	7,523	10.4%
Legal Department	93,869		220,040	5	10,446	11.1%
Merit Board	19,948		-	-	-	0.0%
Office of Chief Information Officer	1,105,811		-	-	66,562	6.0%
Office of Inspector General	9,722		-	-	-	0.0%
Total	<u>2,547,429</u>		<u>794,307</u>	<u>14</u>	<u>239,569</u>	<u>9.4%</u>
Grand Total	<u>\$ 81,624,287</u>	<u>\$</u>	<u>2,902,219</u>	<u>44</u>	<u>\$ 13,175,463</u>	<u>16.1%</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
 July 23, 2021

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2021

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	6.8%	17.3%	8.4%	6.7%
Planning Department	46.1%	41.7%	35.3%	25.1%
Parks and Recreation Department	17.6%	18.7%	17.6%	16.1%
Total	<u>18.7%</u>	<u>19.8%</u>	<u>18.4%</u>	<u>16.8%</u>
<u>Montgomery County</u>				
Commissioners' Office	0.0%	0.0%	0.0%	0.0%
Planning Department	7.1%	17.5%	13.4%	26.7%
Parks Department	24.0%	17.5%	15.4%	14.5%
Total	<u>23.3%</u>	<u>17.5%</u>	<u>15.3%</u>	<u>15.5%</u>
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	41.1%	37.0%	34.0%	12.4%
Finance Department	0.0%	13.2%	12.1%	10.4%
Legal Department	0.0%	3.1%	9.8%	11.1%
Merit Board	0.0%	0.0%	0.0%	0.0%
Office of Chief Information Officer	20.7%	9.3%	9.5%	6.0%
Office of Inspector General	0.0%	0.0%	0.0%	0.0%
Total	<u>26.5%</u>	<u>17.8%</u>	<u>17.3%</u>	<u>9.4%</u>
Grand Total	<u><u>20.7%</u></u>	<u><u>19.0%</u></u>	<u><u>17.4%</u></u>	<u><u>16.1%</u></u>

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	6.8%	28.6%	0.0%	0.0%	6.7%
Planning Department	46.1%	39.7%	4.1%	17.9%	25.1%
Parks and Recreation Department	17.6%	19.4%	14.0%	13.8%	16.1%
Total	<u>18.7%</u>	<u>20.5%</u>	<u>13.6%</u>	<u>14.2%</u>	<u>16.8%</u>
<u>Montgomery County</u>					
Commissioners' Office	0.0%	0.0%	0.0%	0.0%	0.0%
Planning Department	7.1%	43.0%	5.8%	29.0%	26.7%
Parks Department	24.0%	10.4%	4.5%	11.5%	14.5%
Total	<u>23.3%</u>	<u>11.0%</u>	<u>4.6%</u>	<u>13.6%</u>	<u>15.5%</u>
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	41.1%	34.6%	15.8%	3.8%	12.4%
Finance Department	0.0%	16.2%	0.0%	2.7%	10.4%
Legal Department	0.0%	4.0%	13.0%	12.3%	11.1%
Merit Board	0.0%	0.0%	0.0%	0.0%	0.0%
Office of Chief Information Officer	20.7%	2.9%	15.7%	0.7%	6.0%
Office of Inspector General	0.0%	0.0%	0.0%	0.0%	0.0%
Total	<u>26.5%</u>	<u>13.0%</u>	<u>12.7%</u>	<u>3.3%</u>	<u>9.4%</u>
Grand Total	<u><u>20.7%</u></u>	<u><u>17.8%</u></u>	<u><u>11.4%</u></u>	<u><u>13.6%</u></u>	<u><u>16.1%</u></u>

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS
 BY MAJOR PROCUREMENT CATEGORY
 FY 2021
 FOR TWELVE MONTHS ENDED JUNE 30, 2021

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 \$	\$ 35,700,550	\$ 773,503	\$ 10,634,248	22,652,495	\$ 1,018,193	\$ 374,684	\$ 37,787	12,438	\$ 197,202
MFD \$	\$ 3,705,213	\$ 409,862	\$ 291,996	2,572,762	\$ 401,278	\$ 16,346	\$ 530	10,062	\$ 2,377
Percentage	10.4%	53.0%	2.7%	11.4%	39.4%	4.4%	1.4%	80.9%	1.2%
Miscellaneous Services:									
Total \$	\$ 19,372,969	\$ 1,189,705	\$ 5,243,884	8,428,857	\$ 2,838,274	\$ 702,855	\$ 30,714	81,431	\$ 857,249
MFD \$	\$ 2,091,154	\$ 125,260	\$ 493,182	835,576	\$ 584,241	\$ 30,737	\$ 6,993	384	\$ 14,781
Percentage	10.8%	10.5%	9.4%	9.9%	20.6%	4.4%	22.8%	0.5%	1.7%
Professional Services:									
Total \$	\$ 865,554	\$ 35,700	\$ 271,982	397,870	\$ 63,320	\$ 41,242	\$ 4,080	0	\$ 51,360
MFD \$	\$ 297,884	\$ 0	\$ 45,500	179,280	\$ 0	\$ 23,700	\$ 0	0	\$ 49,404
Percentage	34.4%	0.0%	16.7%	45.1%	0.0%	57.5%	0.0%	0.0%	96.2%
Construction:									
Total \$	\$ 25,614,018	\$ 2,969	\$ 7,192,407	18,290,602	\$ 1,323	\$ 126,717	\$ 0	0	\$ 0
MFD \$	\$ 7,078,686	\$ 0	\$ 2,553,724	4,440,707	\$ 0	\$ 84,255	\$ 0	0	\$ 0
Percentage	27.6%	0.0%	35.5%	24.3%	0.0%	66.5%	0.0%	0.0%	0.0%
SUBTOTAL									
Total \$	\$ 81,553,091	\$ 2,001,877	\$ 23,342,521	49,769,824	\$ 3,921,110	\$ 1,245,498	\$ 72,581	93,869	\$ 1,105,811
MFD \$	\$ 13,172,937	\$ 535,122	\$ 3,384,402	8,028,325	\$ 985,519	\$ 155,038	\$ 7,523	10,446	\$ 66,562
Percentage	16.2%	26.7%	14.5%	16.1%	25.1%	12.4%	10.4%	11.1%	6.0%
Pr. Geo. Commissioners' Office									
Total \$	\$ 37,838								
MFD \$	\$ 2,526								
Percentage	6.7%								
Mont. Commissioners' Office									
Total \$	\$ 3,688								
MFD \$	\$ 0								
Percentage	0.0%								
Merit Board									
Total \$	\$ 19,948								
MFD \$	\$ 0								
Percentage	0.0%								
Office of Inspector General									
Total \$	\$ 9,722								
MFD \$	\$ 0								
Percentage	0.0%								
GRAND TOTAL \$	\$ 81,624,287								
MFD\$	\$ 13,175,463								
Percentage	16.1%								

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
 FY 2021
 FOR TWELVE MONTHS ENDED JUNE, 30, 2021

Attachment D

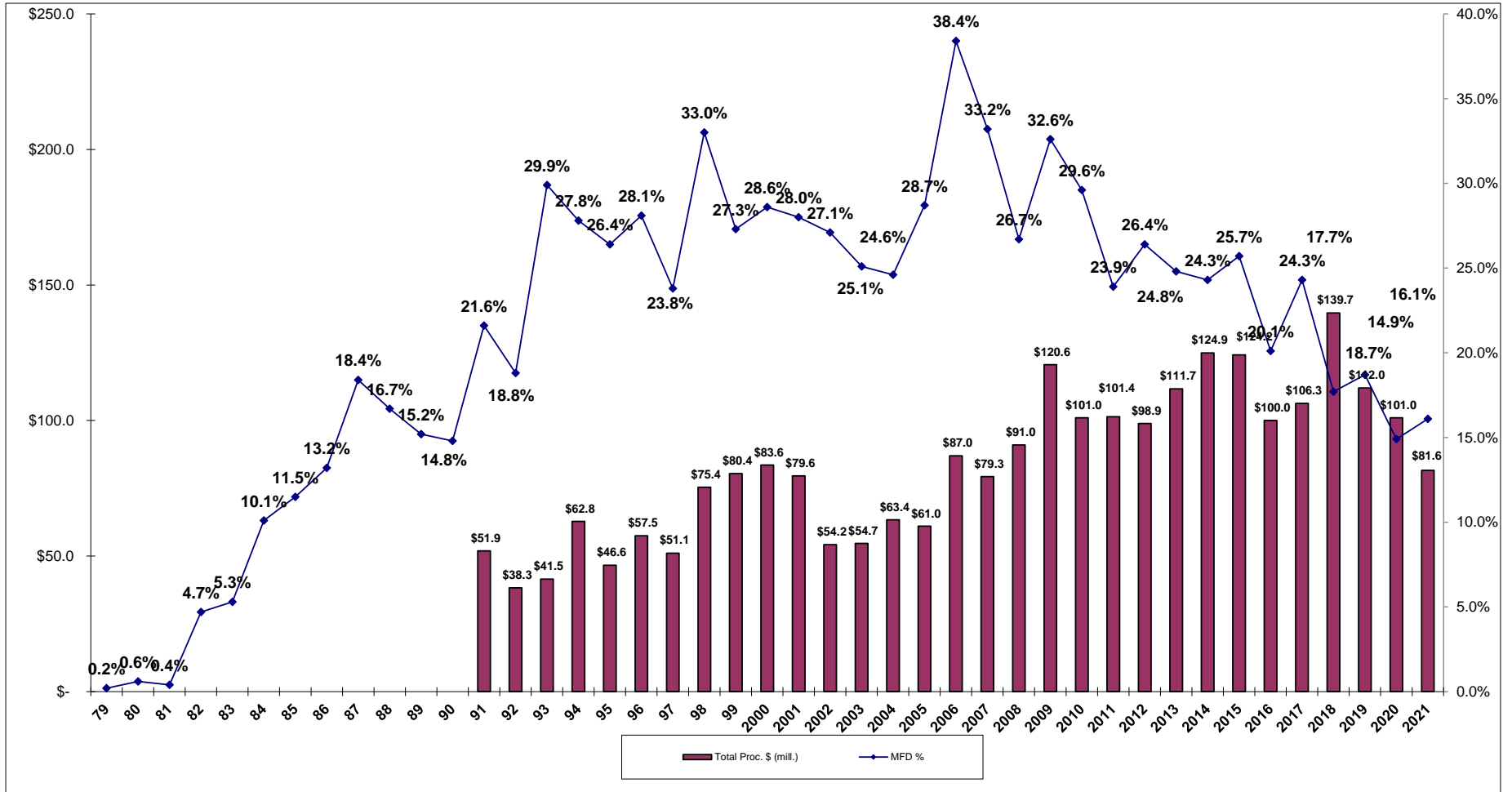
	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 37,838	6.7%	\$ 29,890	8.4%
Planning Department	3,921,110	25.1%	173,081	0.0%
Parks and Recreation Department	49,769,824	16.1%	5,589,370	1.8%
Total	53,728,772	16.8%	5,792,341	1.8%
<u>Montgomery County</u>				
Commissioners' Office	3,688	0.0%	3,542	0.0%
Planning Department	2,001,877	26.7%	144,588	0.0%
Parks Department	23,342,521	14.5%	4,928,932	1.7%
Total	25,348,086	15.5%	5,077,062	1.6%
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	1,245,498	12.4%	64,992	0.0%
Finance Department	72,581	10.4%	16,016	0.0%
Legal Department	93,869	11.1%	28,979	0.0%
Merit Board	19,948	0.0%	-	0.0%
Office of Chief Information Officer	1,105,811	6.0%	9,722	0.0%
Office of Inspector General	9,722	0.0%	7,326	0.0%
Total	2,547,429	9.4%	127,035	0.0%
Grand Total	\$ 81,624,287	16.1%	\$ 10,996,438	1.7%

Percentage of Purchase Card Procurement to Total Procurement 13.5%

Prepared by Finance Department
 July 23, 2021

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

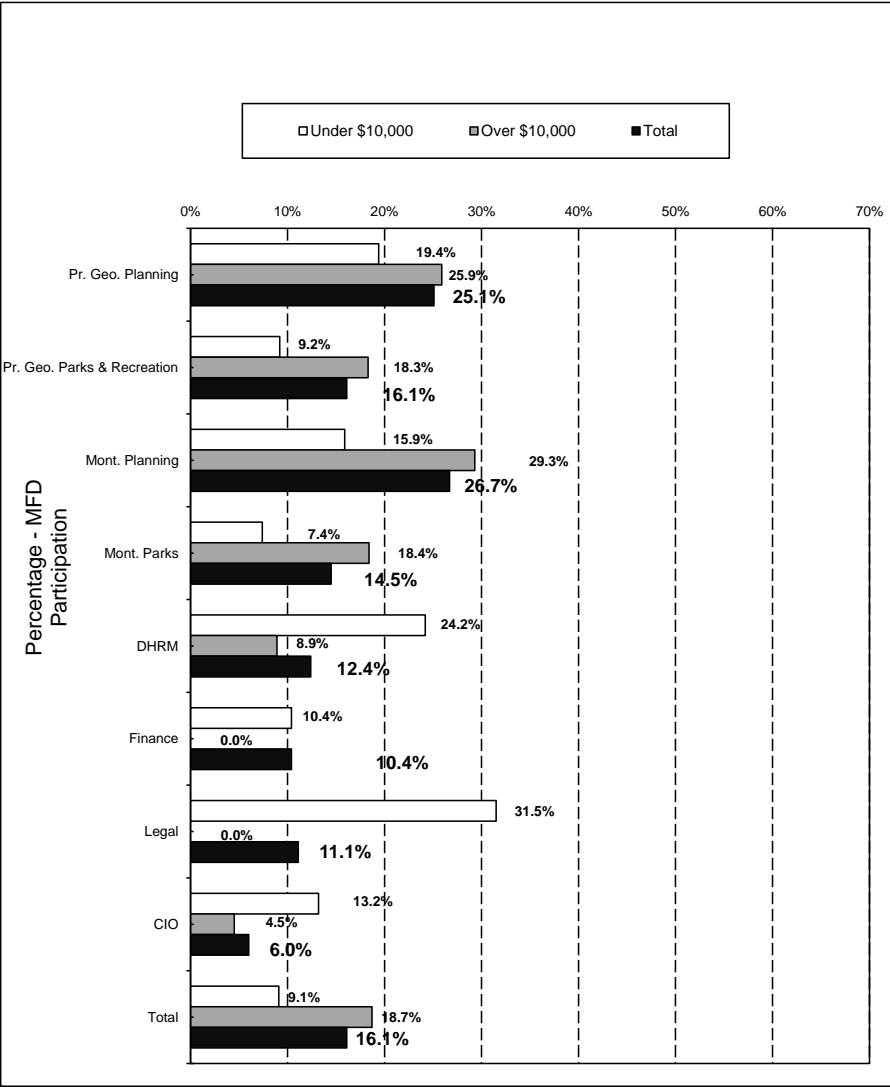
Attachment E



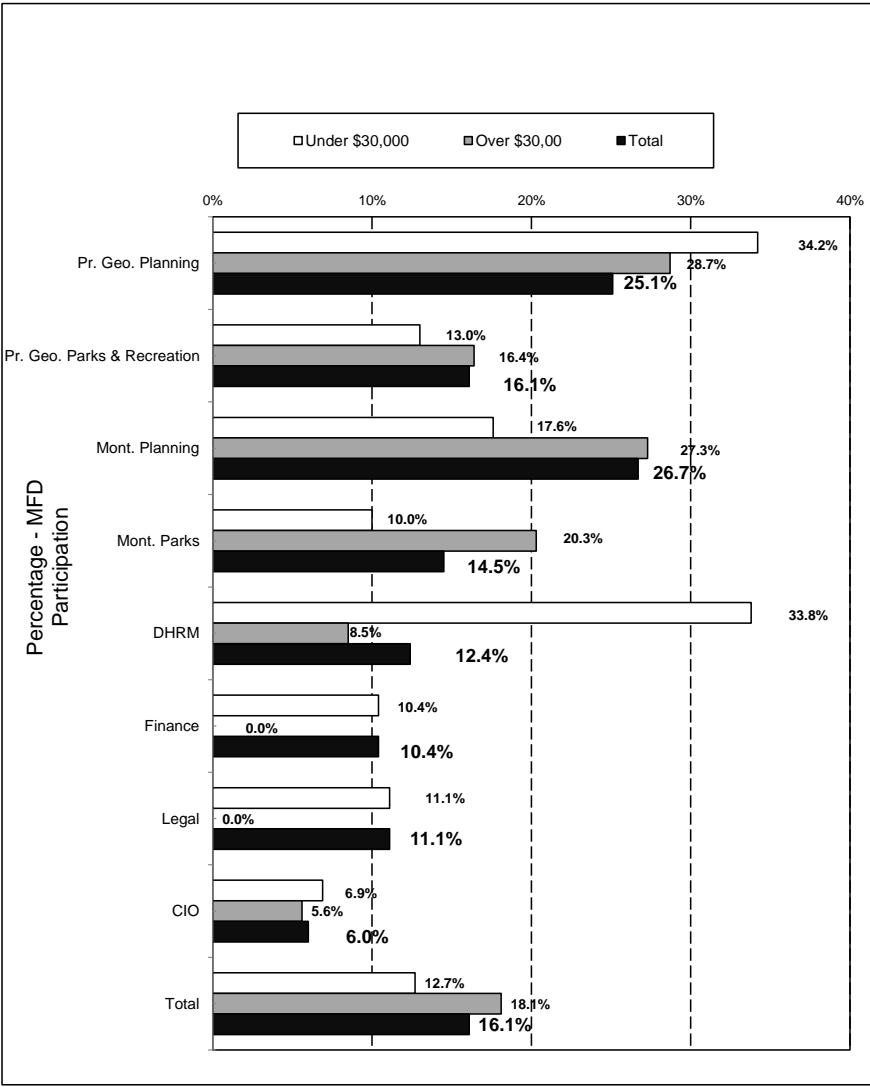
Prepared by Finance Department
 July 23, 2021

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %
 FY 2021 4Q

Under/Over \$10,000

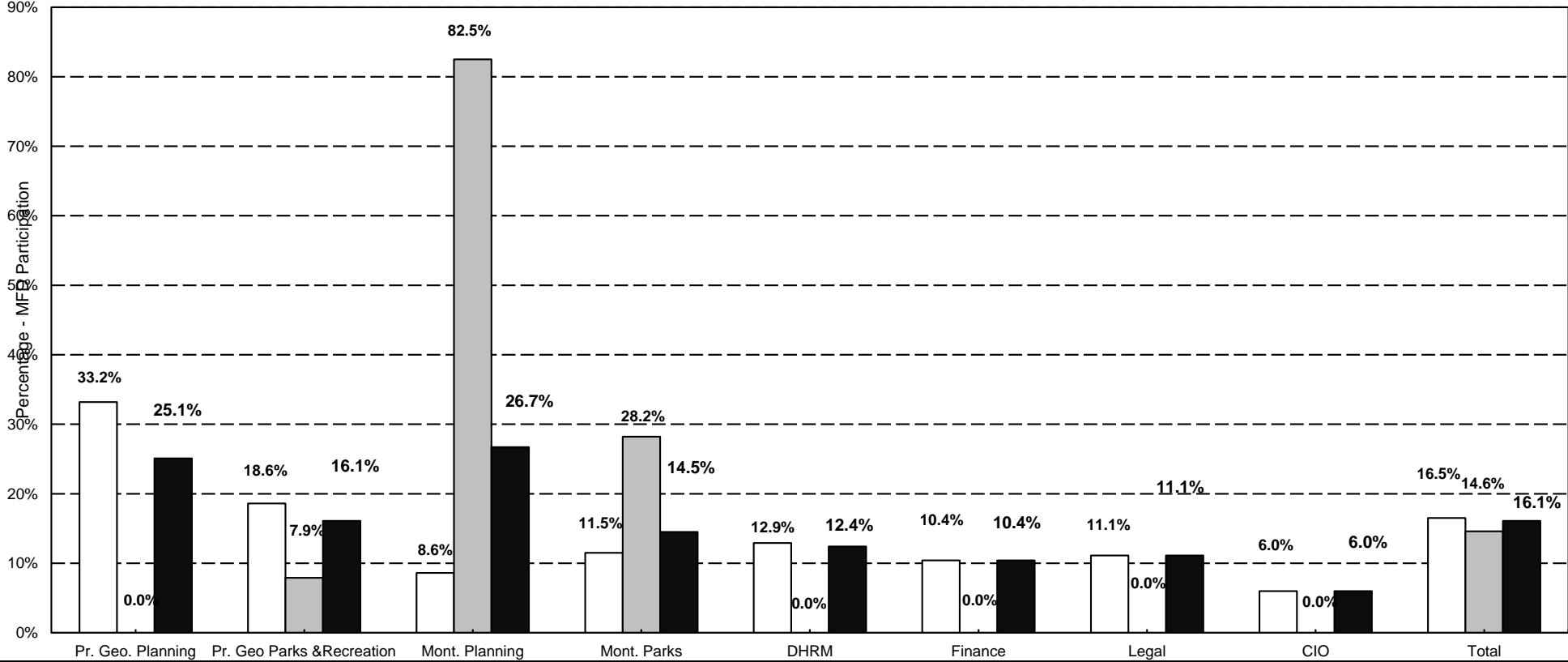


Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2021 4Q

□ Under \$250K □ Over \$250K ■ Total



Prepared by Finance Department
 July 23, 2021

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Amount of Procurement and Number of Vendors by Location
FY 2021
FOR TWELVE MONTHS ENDED JUNE 30, 2021

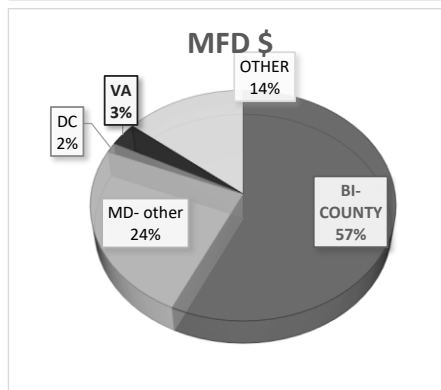
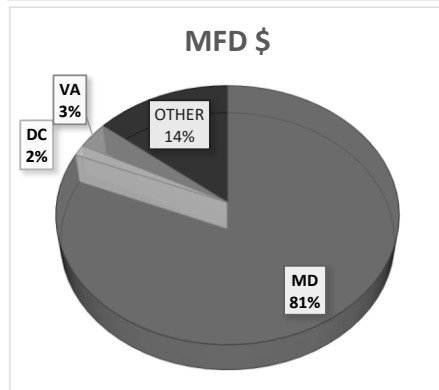
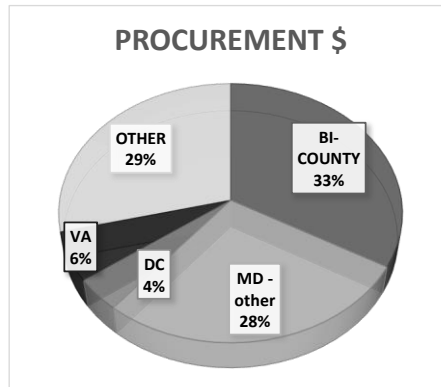
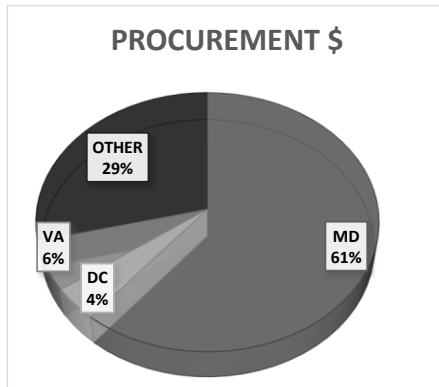
Attachment H

ALL VENDORS

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 10,940,497	13.4%	438	18.8%
Prince George's County	16,190,255	19.8%	539	23.2%
Subtotal	27,130,752	33.2%	977	42.0%
Maryland - other locations	22,600,784	27.8%	489	21.0%
Total Maryland	49,731,536	61.0%	1,466	63.0%
District of Columbia	3,312,035	4.1%	114	4.9%
Virginia	5,015,763	6.1%	176	7.6%
Other Locations	23,564,953	28.8%	569	24.5%
Total	\$ 81,624,287	100.0%	2,325	100.0%

MFD Vendors

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 3,164,963	24.0%	113	29.1%
Prince George's County	4,343,227	33.0%	106	27.3%
Subtotal	7,508,190	57.0%	219	56.4%
Maryland - other locations	3,201,778	24.3%	87	22.4%
Total Maryland	10,709,968	81.3%	306	78.8%
District of Columbia	175,882	1.3%	20	5.2%
Virginia	433,117	3.3%	21	5.4%
Other Locations	1,856,496	14.1%	41	10.6%
Total	\$ 13,175,463	100.0%	388	100.0%



Prepared by Finance Department
 July 23, 2021

Note: The number of vendors excludes purchase card vendors.

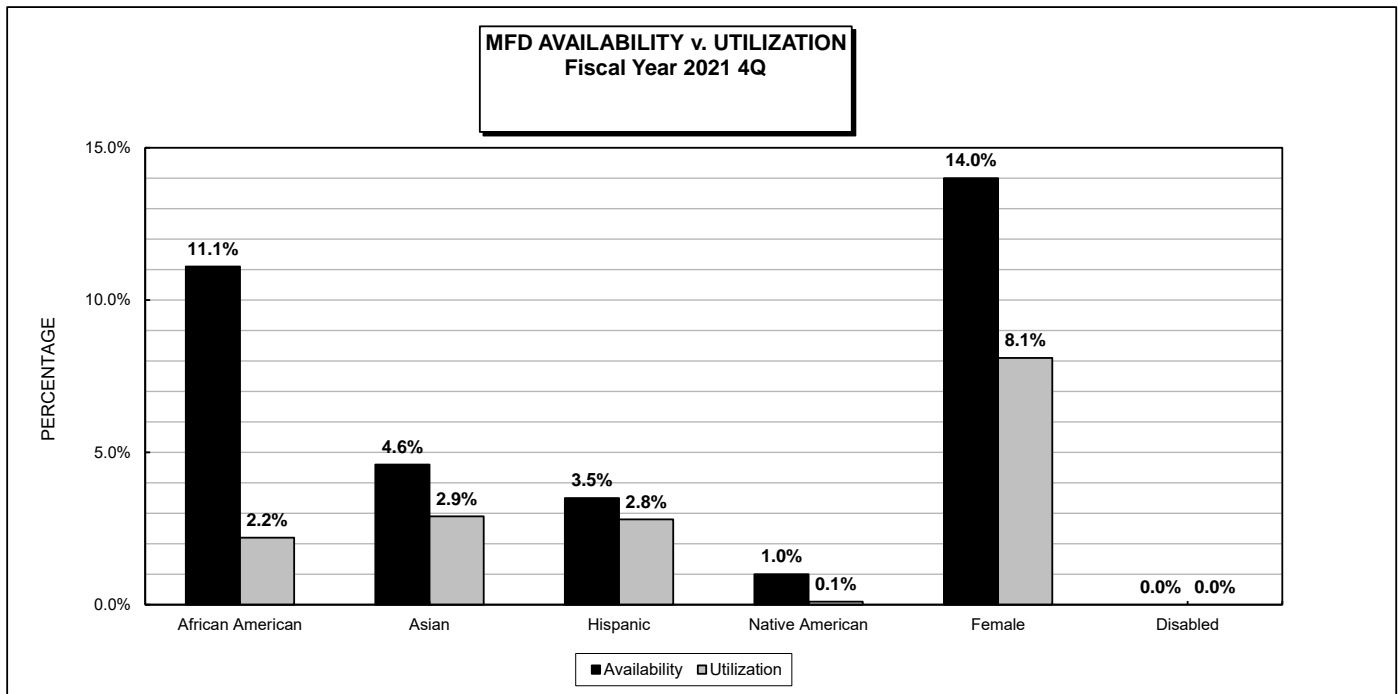
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS
FY 2021
FOR TWELVE MONTHS ENDED JUNE 30, 2021**

Attachment I

Total Amount of Procurement \$ 81,624,287

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

	Procurement		Availability
	Amount	%	%
Minority Owned Firms			
African American	\$ 1,834,212	2.2%	11.1%
Asian	2,328,688	2.9%	4.6%
Hispanic	2,257,031	2.8%	3.5%
Native American	43,403	0.1%	1.0%
Total Minority Owned Firms	6,463,334	8.0%	20.2%
Female Owned Firms	6,710,329	8.1%	14.0%
Disabled Owned Firms	1,800	0.0%	n/a
Total Minority, Female, and Disabled Owned Firms	\$ 13,175,463	16.1%	34.2%



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

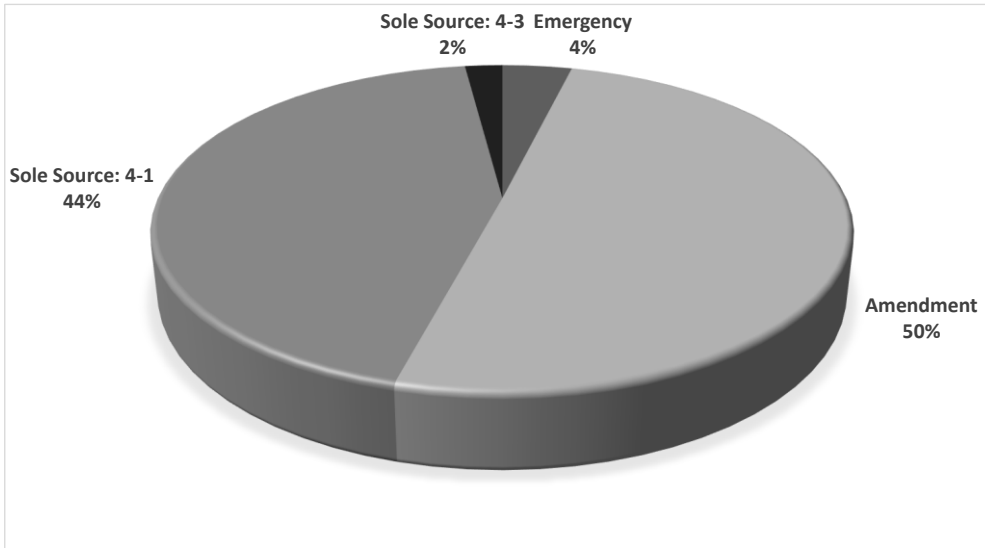
(2) n/a = not available

Prepared by Department of Finance
July 23, 2021

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2021
FOR TWELVE MONTHS ENDED JUNE 30, 2021

Attachment J

REASON	NUMBER	AMOUNT	%
Emergency	6	\$ 111,259	3.8%
Public Policy	0	\$ 0	0.0%
Amendment	11	\$ 1,460,405	50.3%
Sole Source: 4-1	24	\$ 1,270,600	43.8%
Sole Source: 4-2	0	\$ -	0.0%
Sole Source: 4-3	2	\$ 59,955	2.1%
Total	43	\$ 2,902,219	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 2021
FOR THE TWELVE MONTHS ENDED JUNE 30, 2021**

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	23,625	1	-	0	0.0%	23,625	1	-	0	-	0	100.0%
Parks and Recreation Department	1,057,955	13	-	0	0.0%	291,683	7	-	0	28,275	1	30.2%
Total	1,081,580	14	-	0	0.0%	315,308	8	-	0	28,275	1	31.8%
Montgomery County												
Commissioners' Office	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Planning Department	87,681	3	-	0	0.0%	85,881	2	-	0	-	0	97.9%
Parks Department	938,651	13	-	0	0.0%	638,283	8	-	0	-	0	68.0%
Total	1,026,332	16	-	0	0.0%	724,164	10	-	0	-	0	70.6%
Central Administrative Services												
Dept. of Human Resources and Mgt.	514,267	8	-	0	0.0%	107,768	3	-	0	-	0	21.0%
Finance Department	60,000	1	-	0	0.0%	-	0	-	0	-	0	0.0%
Legal Department	220,040	5	-	0	0.0%	123,360	1	-	0	31,680	1	70.5%
OCIO	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Merit Board	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Total	794,307	14	-	0	0.0%	231,128	4	-	0	31,680	1	33.1%
Grand Total	\$ 2,902,219	44	\$ -	0	0.0%	\$ 1,270,600	22	\$ -	0	\$ 59,955	2	45.8%

Purpose of Summary of Waiver Report:

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

Sole Source: 4

It has been determined that:

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

Prepared by Department of Finance
July 23, 2021

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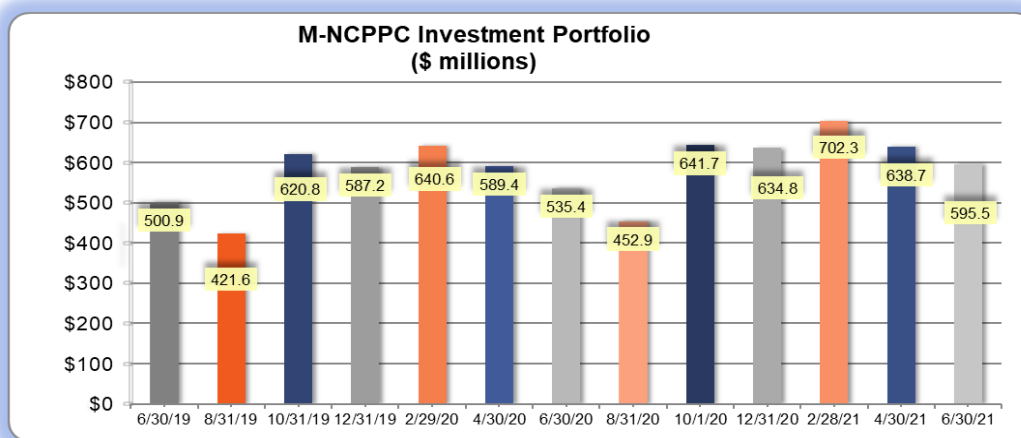


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 CORPORATE TREASURY & INVESTMENTS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1592 / Fax (301) 454-1637

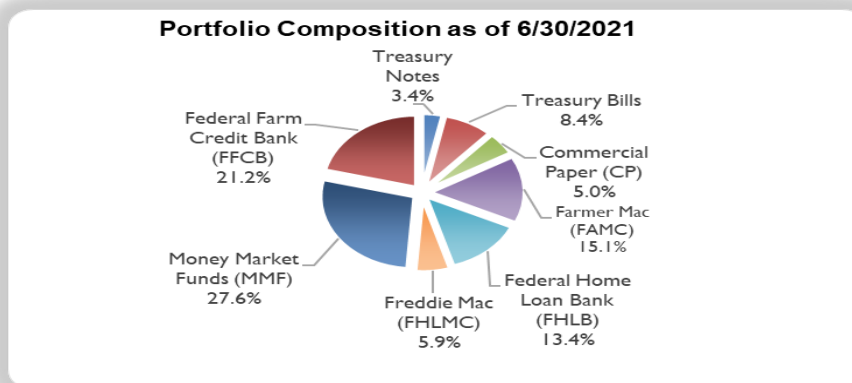
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Corporate Treasury & Investments Manager *T.H.*
DATE: 7/26/2021
SUBJECT: Investment Report – June 2021

The Commission’s pooled cash investment portfolio totaled \$595.5 million as of June 30, 2021, with a 3.4% decrease from May 31, 2021. Details are as follows:



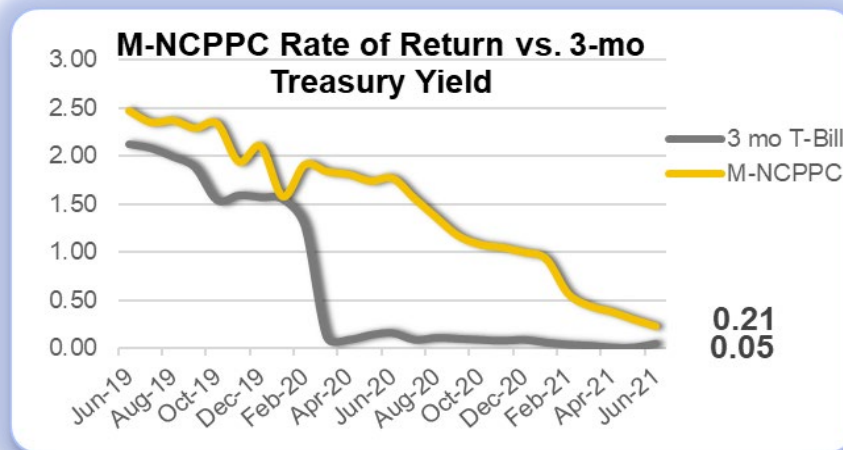
The composition of the pooled cash portfolio as of June 30, 2021 is summarized below:



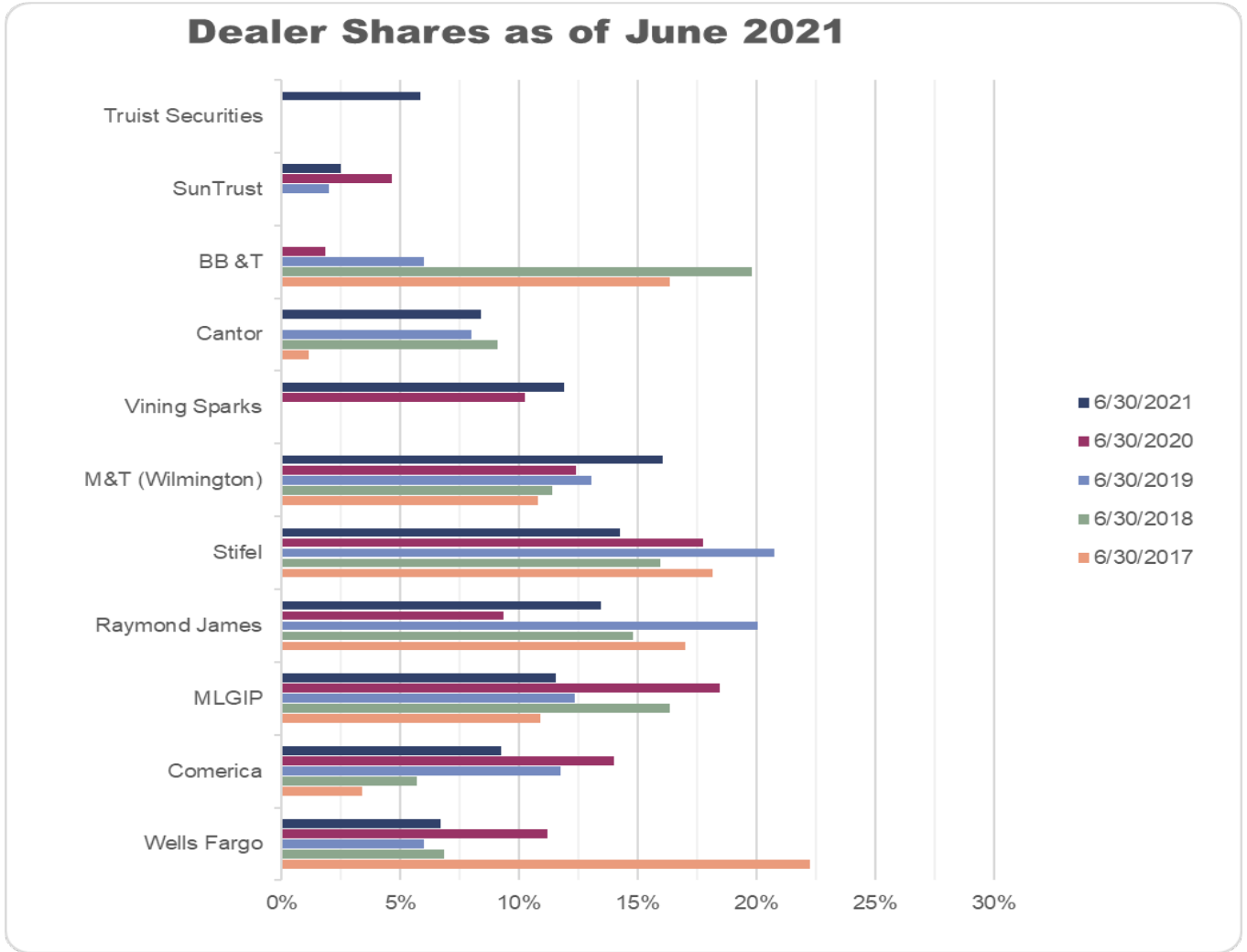
Current Investment Portfolio - June 2021					
Instrument		Limit	Actual	Par Value	Return (B/E)
Money Funds	*	25%	27.6%	\$ 164,555,448	0.03%
Federal Farm Credit Bank		20%	21.2%	126,000,000	0.18%
Farmer Mac		20%	15.1%	90,000,000	0.59%
Federal Home Loan Banks		20%	13.4%	80,000,000	0.13%
Treasury Bills		100%	8.4%	50,000,000	0.08%
Freddie Mac		20%	5.9%	35,000,000	0.21%
Commercial Paper		10%	5.0%	30,000,000	0.41%
Treasury Notes		100%	3.4%	20,000,000	0.12%
Fannie Mae		20%	0.0%	-	0.00%
Certificates of Deposit		50%	0.0%	-	0.00%
Bankers Acceptances		50%	0.0%	-	0.00%
Repurchase Agreements		60%	0.0%	-	0.00%
			100%	\$595,555,448	0.25%

*As of 6/30/2021

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



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



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

Market Value - June 2021		
Prince George's County (PGC-2018A)	\$	2,859,456
Montgomery County (MC-2020A)		8,092,582
Montgomery County (MC-2018A)		9,427
		<u>\$ 10,961,465</u>

The Commission had debt service payments during the month totaling \$191,238 which was for interest only.

Details by issue of debt outstanding as of June 30, 2021 appear below:

Debt Balances - June 2021					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	2,600,000	23%	Jun-12	Jan-24
PGC-2014A	8,415,000	1,115,000	13%	May-14	Jan-22
PGC-2015A (Refunded JJ-2)*	24,820,000	19,360,000	78%	Oct-15	Jan-36
PGC-2017A	33,000,000	26,400,000	80%	Jul-17	Jan-37
PGC-2018A	31,000,000	27,900,000	90%	Nov-19	Nov-38
PGC-2020 (Refunded PGC-2014A)	19,119,615	19,002,957	99%	Oct-20	Jan-34
Total Prince George's County	\$ 127,774,615	\$ 96,377,957	75%		
Montgomery County					
MC-2012A (Refunded CC-2, FF-2)	8,035,000	1,915,000	24%	Apr-12	Dec-22
MC-2012B	1,300,000	280,000	22%	Apr-12	Dec-22
MC-2014A	5,045,000	1,295,000	26%	Jun-14	Dec-22
MC-2016A	12,000,000	9,700,000	81%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	4,740,000	77%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	490,000	46%	Apr-16	Nov-24
MC-2017A	8,000,000	6,400,000	80%	Apr-17	Nov-36
MC-2018A	12,000,000	10,800,000	90%	Oct-18	Nov-38
MC-2018B	3,000,000	1,800,000	60%	Oct-18	Nov-23
MC-2020A	10,000,000	10,000,000	100%	Jun-20	Nov-40
MC-2020B (Refunded MC-2012A)	4,895,487	4,895,487	100%	Oct-20	Dec-32
MC-2020C (Refunded MC-2012B)	1,866,095	1,866,095	100%	Oct-20	Dec-32
MC-2020D (Refunded MC-2014A)	9,655,588	9,655,588	100%	Oct-20	Dec-33
Total Montgomery County	\$ 82,992,170	\$ 63,837,170	77%		
Total	\$ 210,766,785	\$ 160,215,127	76%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2021 – June 30, 2021

OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
Limiting types and amounts of securities	Limit	Yes	
US Government	100%		All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%		
US Federal Agencies - each	20%		
Repurchase Agreements	60%		
CD's and Time Deposits	50%		
Commercial Paper	10%		
Money Market Mutual Funds	25%		
MD Local Gov't Investment Pool	25%		
Investing Bond Proceeds:			
State and local agency securities	100%		
Money Market Mutual Funds	10%		
Bond Proceeds:			
Highly-rated state / local agency securities		Yes	T. Rowe Price managed all funds within limits
Highly-rated money market mutual funds	(Max. 10% in lower-rated funds)		
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers		Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants	30%	Yes	No dealer shares exceeded 30%
Competitive Bidding		Yes	All purchases awarded competitively.
Diversification of Maturities		Yes	All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.			
Require third-party collateral and safekeeping, and delivery-versus-payment settlement		Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity		Yes	Sufficient funds available for all cash requirements during period
Attain a market rate of return		Yes	More than market by 16 basis points.
The pro-rated rates of return for T-bills and the portfolio were 0.05% and 0.21% , respectively.			

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

Reply To

September 1, 2021

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 August 2021 – FY 2022

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, September 15, 2021. 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.

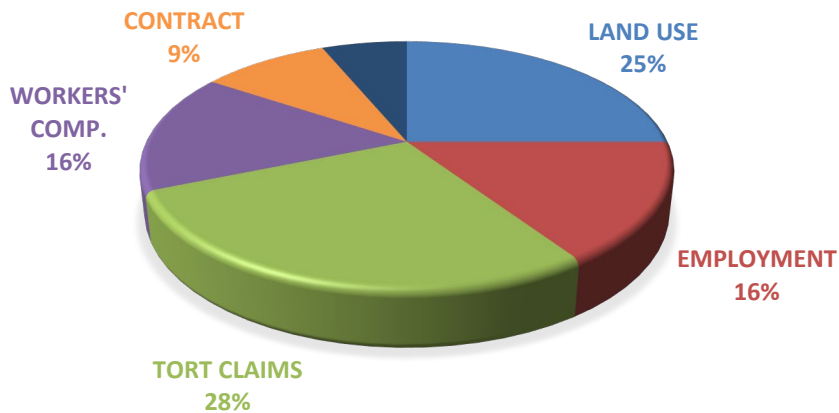
Table of Contents – August 2022 – FY 2022 Report

Composition of Pending Litigation.....Page 01
Overview of Pending Litigation (Chart).....Page 01
Litigation Activity SummaryPage 02
Index of New YTD Cases (FY22)Page 03
Index of Resolved YTD Cases (FY22)Page 03
Disposition of FY21-FY22 Closed Cases Sorted by DepartmentPage 04
Index of Reported Cases Sorted by Jurisdiction.....Page 06
Litigation Report Ordered by Court Jurisdiction.....Page 08

August 2021
Composition of Pending Litigation
(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	4	3	1				8
ADMIN APPEAL: OTHER							
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	3						3
DEBT COLLECTION							
EMPLOYMENT DISPUTE	3			2			5
LAND USE DISPUTE							
MISCELLANEOUS	2						2
PROPERTY DISPUTE							
TORT CLAIM	9						9
WORKERS' COMPENSATION	5						5
PER FORUM TOTALS	26	3	1	2			32

OVERVIEW OF PENDING LITIGATION



August 2021 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2022			
	Pending June 2021	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	10	1	3	10	1	3	8
Admin Appeal: Other (AAO)							
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	3			3			3
Debt Collection (D)							
Employment Disputes (ED)	4	1		4	1		5
Land Use Disputes (LD)							
Miscellaneous (M)	2			2			2
Property Disputes (PD)							
Tort Claims (T)	8	1		8	1		9
Workers' Compensation (WC)	7	1	3	7	1	3	5
Totals	34	4	6	34	4	6	32

**INDEX OF YTD NEW CASES
(7/1/2021 TO 6/30/22)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Izadjoo v. M-NCPPC	MC	ED	July 21
McGill v. Commission	PG	WC	Aug 21
Troublefield v. Commission	PG	Tort	July 21

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	July 21

**INDEX OF YTD RESOLVED CASES
(7/1/2021 TO 6/30/2022)**

A. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	June 21
Commission v. Batson	PG	WC	June 21
Gibson v. Commission	PG	WC	June 21
Hoening v. Commission	PG	WC	June 21
Simmons, et al. v. Prince George's Planning Bd.	PG	AALU	June 21

B. <u>Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Apr. 21

Disposition of FY21-FY22 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Commission v. Batson	The Commission filed for Judicial Review on the record of WCC order regarding surgical authorization for leg causally related to accidental injury.	06/03/2021 - Order of the Court. Case Dismissed and Remanded to the Workers' Compensation Commission for consideration and approval of the Agreement of Final Compromise and Settlement.
Gibson v. Commission	Claimant seeks judicial review of an order from the Workers' Compensation Commission denying causal connection of back injury to the accidental injury of October 20, 2017.	06/10/2021 - Order of Court. Case remanded to Workers' Compensation Commission.
Hoenig v. Commission	Claimant seeks judicial review of February 7, 2020 order from the Workers' Compensation Commission regarding extent of disability.	06/02/2021 - Order of Court. Case Dismissed and Remanded to Workers' Compensation Commission.
Montgomery County Department of Planning		
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	Judicial Review of Montgomery County Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040.	06/04/21 - Planning Board's decision affirmed.
Montgomery County Department of Parks		
Montgomery County Park Police		
Montgomery County Planning Board		

Prince George's County Planning Department		
Prince George's County Planning Board		
Simmons v. Prince George's County Planning Board	Judicial Review of Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-20006 (Freeway Airport)	06/17/2021 - Prince George's County Planning Board's Motion to Dismiss Granted.
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration.	04/20/2021 - Mandate. Circuit Court decision affirmed. Costs to be paid by appellant.
Prince George's Park Police		
Office of Internal Audit		

INDEX OF CASES

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND 8

DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND 8

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND 8

Amica Mutual Insurance Company v. Montgomery County, Maryland, et al. 8

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission 9

Hitchcock v. Maryland-National Park and Planning Commission 9

Izadjoo v. Maryland-National Park and Planning Commission 10

Izadjoo v. Maryland-National Park and Planning Commission 10

Kosary v. Montgomery County Planning Board 11

Snoots v. Commission 11

Structural Engineering Group Inc. v. Maryland-National Capital Park and Planning Commission 12

CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND 13

6525 Belcrest Road, LLC v. Dewey, L.C., et al. 13

Alexander v. Proctor 14

Frederick-Bey v Dick, et al. 15

Brown v. City of Bowie, et al. 15

Coakley & Williams Construction v. Commission 16

Deutsche Bank National Trust Company v Commission 17

Getnet v. Maryland-National Capital Park and Planning Commission 17

Heard v. Maryland-National Capital Park and Planning Commission 18

Jackson v. Prince George’s County Sports & Learning Complex 18

King v. Commission 19

McGill v. Commission 19

Melito v Commission 19

Montague v. Newton White Mansion 20

Murray v. Commission 20

Nuzback, Kathryn A., Revocable Trust v. Commission 21

Troublefield v. Commission, et al. 21

Snyder v. State of Maryland, et al. 22

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

MARYLAND COURT OF SPECIAL APPEALS 24

Benton v. Woodmore Overlook Commercial, LLC 24

Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board 24

Stewart, et al. v. Prince George’s Planning Board, et al. 25

MARYLAND COURT OF APPEALS 26

Benton v. Woodmore Overlook Commercial, LLC 26
U.S. DISTRICT COURT OF MARYLAND **26**
Beck v. Montgomery County Department of Parks, et al. 26
Evans v. Commission, et al. 27

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

Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.
Case No. 483068-V (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Subrogation suit for damages caused by a tulip poplar tree striking home.

Status: Awaiting Order of Dismissal by Court.

Docket:

08/06/2020	Complaint filed.
08/19/2020	Commission served.
09/08/2020	Plaintiff's Motion to Consolidate with Case 483039-V
09/18/2020	Defendant Montgomery County Maryland's Answer to Complaint
09/22/2020	Commission's Motion to Dismiss
09/22/2020	Commission's Motion to Consolidate with Case 483039-V
10/15/2020	Order of the Court Granting Motion to Consolidate. All future pleadings to be filed in case 483068V.
08/03/2021	Plaintiff Uzlyan's Emergency Motion to Dismiss
08/10/2021	Joint Stipulation of Dismissal as to Plaintiff Amica Mutual Insurance Company only
08/12/2021	Joint Stipulation of Dismissal with Prejudice – Plaintiff Uzlyan
08/16/2021	Order – Plaintiff Amica dismissed

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

Case No. 483255-V (CD)

Lead Counsel: Adams

Other Counsel:

Abstract: Dispute over whether or not an allowance should be made, and additional monies paid regarding the measurement (and relative cost) of the retaining wall at Greenbriar Local Park.

Status: Court to set matter in for status conference.

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served
11/25/2020	Motion to Dismiss
12/28/2020	Opposition to Motion to Dismiss
03/12/2021	Consent motion to postpone hearing and stay case.
03/15/2021	Order of Court. Matter stayed for 90 days.

Hitchcock v. Maryland-National Park and Planning Commission

Case No. 485337-V (WC)

Lead Counsel: Foster

Other Counsel:

Abstract: Hitchcock filed appeal of Workers' Compensation Commission determination that he did not sustain a compensable accidental injury on June 5, 2020.

Status: In discovery.

Docket:

04/06/2021	Petition for Judicial Review filed
04/06/2021	Response to Petition
09/10/2021	Pretrial hearing

Izadjoo v. Maryland-National Park and Planning Commission

Case No. 485175-V (ED)

Lead Counsel: Harvin
Other Counsel:

Abstract: Izadjoo filed an appeal of the Merit Board decision of February 25, 2021 denying his appeal of the Montgomery County Department of Parks' denial of grievance 20-14 regarding his 2020 Annual Performance Evaluation.

Status: Decision of Merit Board Affirmed.

Docket:

03/22/2021	Petition for Judicial Review filed
04/19/2021	Response to Petition
06/21/2021	Plaintiff's Memorandum in Support of Judicial Review
07/21/2021	Commission's Memorandum in Opposition to Judicial Review
08/20/2021	Oral Argument held
08/23/2021	Order of Court – Decision of Merit Board affirmed.

Izadjoo v. Maryland-National Park and Planning Commission

Case No. 486280-V (ED)

Lead Counsel: Dickerson
Other Counsel: Johnson

Abstract: Izadjoo filed an appeal of the Merit Board decision of June 7, 2021 denying his appeal of the Montgomery County Department of Parks' denial of grievance 20-06 regarding his Request for Reclassification.

Status: Petition filed.

Docket:

07/01/2021	Petition for Judicial Review filed
07/30/2021	Response to Petition
12/01/2021	Oral Argument

Kosary v. Montgomery County Planning Board

Case No. 476283-V (AALU)

Lead Counsel: Mills
Other Counsel:

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

Status: Motion pending.

Docket:

12/06/2019	Petition for Judicial Review filed
12/11/2019	Planning Board's Motion to Dismiss filed
12/12/2019	Response to Petition for Judicial Review filed
12/19/2019	Petitioner's Supplemental Petition for Judicial Review filed
12/23/2019	Petitioner's Response to Motion to Dismiss filed.
01/21/2020	Motion to Dismiss denied as moot.
01/22/2020	Petitioner's Motion for Stay and Request for Hearing.
02/06/2020	Primrose School Opposition to Motion to Stay.
02/28/2020	Motion for Stay Granted
03/03/2020	Case stayed pending resolution from County Hearing Examiner
03/26/2020	Petitioner's interim report on status of administrative proceedings
03/24/2021	Petitioner's second interim report on status of administrative proceedings.
03/24/2021	Petitioner's Motion to Defer entry of dismissal
03/26/2021	Order of Court. Motion to Defer dismissal granted.
08/09/2021	Plaintiff's Final Report on Status of Administrative Proceeding
08/13/2021	Plaintiff's Motion for Summary Judgment and Request for Hearing

Snoots v. Commission

Case No. 485170-V (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Petition for Judicial Review of Workers' Compensation Commission determination that not permanently totally disabled.

Status: Case settled.

Docket:

03/19/2021	Petition for Judicial Review filed.
03/23/2021	Response to Petition and Cross- Petition
08/13/2021	Joint Motion for Remand to Workers' Compensation Commission for approval of settlement.

Structural Engineering Group Inc. v. Maryland-National Capital Park and Planning Commission

Case No. 483234-V (CD)

Lead Counsel: Dickerson
Other Counsel: Adams; Johnson

Abstract: Construction change order dispute and time delay claim related to greenhouse at Brookside Gardens.

Status: In discovery.

Docket:

08/21/2020	Complaint filed.
08/31/2020	Commission served.
09/29/2020	Motion to Dismiss or in the Alternative for Summary Judgment filed.
10/09/2020	Opposition to Motion to Dismiss filed.
12/09/2020	Motions hearing held.
12/09/2020	Motion to Dismiss or in the alternative for Summary Judgment denied.
12/28/2020	Answer to Complaint filed.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

6525 Belcrest Road, LLC v. Dewey, L.C., et al.

Case No. CAE 20-11589 (AALU)

Lead Counsel: Dickerson
Other Counsel: Harvin

Abstract: Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contends that Defendants have misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff seeks to enjoin the Planning Board from approving a Detailed Site Plan.

Status: In Arbitration.

Docket:

04/14/2020	Complaint filed
06/05/2020	Commission served
07/06/2020	Answer filed by Commission
07/21/2020	Motion to Dismiss filed by Defendant Dewey, L.C.
07/23/2020	Motion to Dismiss filed by BE UTC Dewey Parcel, LLC
08/20/2020	Opposition to Motion to Dismiss
09/14/2020	Defendant, Dewey, L.C.'s Reply Response in Support of its Motion to Dismiss or Stay and Request for hearing
09/16/2020	Defendant, BE UTC Dewey Parcel, LLC's Reply in Support of Motion to Dismiss and Request for hearing
10/22/2020	Motions Hearing continued
10/26/2020	Defendants Dewey L.C. and Bald Eagle Partners, Inc. Line Requesting Judicial Notice of Arbitrator's Decision
12/23/2020	Motions hearing held. Court takes under advisement.
01/11/2021	Order of Court - case is stayed pending resolution of the current arbitration proceedings; further ordered that a status hearing in this matter be scheduled.
02/17/2021	Arbitrator's decision filed.
04/02/2021	Status hearing.
05/20/2021	Suggestion of Bankruptcy filed.
05/24/2021	Case stayed.
06/28/2021	Defendants Dewey L.C. and Bald Eagle Partners, Inc.'s Request to Lift Stay.
07/26/2021	Order of Court – Stay Lifted
09/27/2021	Status Hearing

Alexander v. Proctor
Case No. CAL19-37187 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Officer Proctor deployed his Commission issued pepper spray when an unknown individual was observed wearing police-type gear and approaching our police substation. The individual failed/refused to stop leading to the Officer deploying his pepper spray to stop and subsequently arrest the individual. Mr. Alexander (the individual) asserts that the stop was without Reasonable Articulate Suspicion/Probable Cause and therefore was unlawful and the amount of force used was excessive.

Status: In discovery.

Docket:

11/20/2019	Complaint filed
12/06/2019	Proctor served
12/09/2019	Commission served
01/03/2020	Commission's Motion to Dismiss filed
01/23/2020	Motion to Dismiss denied. Plaintiff to file Amended Complaint on or before 02/07/2020.
02/08/2020	Amended Complaint filed
02/21/2020	Motion to Strike Amended Complaint or in the alternative to Dismiss
03/09/2020	Opposition to Motion to Strike
03/27/2020	Court orders matter to be set in for hearing on Motion
05/06/2020	Motion to Quash and for Protective Order
05/06/2020	Plaintiff's Opposition to Motion to Quash and for Protective Order
05/22/2020	Order of Court – Motion to Quash and for Protective Order held in abeyance
09/16/2020	Motions Hearing held.
9/23/2020	Order of Court – Motion to Strike or in the alternative Motion to Dismiss denied. Motion to Quash and for Protective Order moot. Case to continue to due course.
9/30/2020	Answer to Amended Complaint filed.

Frederick-Bey v Dick, et al.
Case No. CAL20-04013 (Tort)

Lead Counsel: Dickerson
Other Counsel: Johnson

Abstract: Plaintiff claims injury in the course of using weight room at Allentown Splash and Fitness Center allegedly due a defect in the equipment as a result of negligence on the part of Commission staff and has sued a Commission employee who has not been properly served.

Status: Case dismissed.

Docket:

02/03/2020	Complaint filed
03/20/2020	Affidavit of Service – claims served Romekia Dick on 3/12/20 by certified mail –was only mailed to a facility address where she no longer worked and was never served.
03/30/2021	Notice to Parties of Contemplated Dismissal of Case
04/21/2021	Motion for Show Cause Order of Default filed
05/24/2021	Order of Court, Plaintiff's Motion granted. Plaintiff to file a Request for Order of Default within 30 days if the Defendant does not file an answer beforehand.
06/01/2021	Request for Default Judgment
06/15/2021	Commission's Motion to Dismiss filed
07/28/2021	Order of Court - Case Dismissed with Prejudice on grounds barred by statute of limitations.

Brown v. City of Bowie, et al.
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. Defendants include the individual who discharged a weapon, a volunteer assigned to the group that day and Shooting Stars Shotgun Sports, LLC, an entity that provides shooting instructors at that location.

Status: In discovery.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daughtery's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed

05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied. Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
12/08/2020	Answer to complaint by Defendant Knode
02/16/2022	Trial

Coakley & Williams Construction v. Commission

Case No. CAL 20-13593 (CD)

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Breach of contract regarding work done at the Southern Area Aquatics Recreation Center.

Status: In discovery.

Docket:

07/15/2020	Complaint filed
09/15/2020	Commission served
10/08/2020	Motion to Dismiss filed
10/27/2020	Opposition to Motion to Dismiss
01/11/2021	Motion to Quash and for Protective Order
04/02/2021	Order of Court. Motion to Quash denied.
04/02/2021	Order of Court. Motion to Dismiss Granted in part. Plaintiff to amend complaint within 15 days to correct the legal name of Defendant. The remaining issues in the Motion to Dismiss are denied.
04/14/2021	First Amended Complaint filed
05/04/2021	Commission Answer to First Amended Complaint and Jury Demand
07/25/2021	Pretrial Conference held
07/29/2021	Withdrawal of Request for Jury Trial.
01/23/2023	Trial

Deutsche Bank National Trust Company v Commission

Case No. CAE21-03810 (Misc.)

Lead Counsel: Dickerson
Other Counsel: Johnson

Abstract: Action seeking to quiet title as to alleged encroachment on Commission land.

Status: Case dismissed.

Docket:

04/08/2021	Complaint filed
05/07/2021	Commission served
06/21/2021	Commission's Motion to Dismiss filed
07/08/2021	Amended Complaint filed that no longer included the Commission as no encroachment on Commission land.

Getnet v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-13268(Tort)

Lead Counsel: Harvin
Other Counsel: Johnson

Abstract: Tort suit for injuries allegedly sustained when visitor fell through decking at a historic property not owned by the Commission.

Status: In discovery.

Docket:

07/06/2020	Complaint filed
07/29/2020	Commission served
08/20/2020	Motion to Dismiss filed
09/10/2020	Amended Complaint
09/11/2020	Opposition to Motion to Dismiss
09/22/2020	Amended Complaint
10/09/2020	Answer filed.
11/02/2020	2 nd Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 nd Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only
03/04/2021	3 rd Amended Complaint filed
04/19/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's Crossclaim against Defendants/Cross-Defendants filed
05/19/2021	Robert Stillman Associates Answer to 3 rd Amended Complaint and Crossclaim
05/19/2021	Bell Architects Answer to 3 rd Amended Complaint and Crossclaim
07/19/2021	Plaintiff's Motion to Compel Discovery filed
02/22/2022	Trial

Heard v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-14095(AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.

Status: Petition for Judicial Review filed.

Docket:

07/30/2020	Petition filed
08/16/2020	Commission notified by Court.
08/31/2020	Response to Petition for Judicial Review filed.
03/02/2021	Notice of Partial Voluntary Dismissal (MPIA claim) against Commission
09/24/2021	Oral Argument

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

Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: In discovery.

Docket:

07/15/2019	Complaint filed
01/22/2020	Commission accepted service
01/27/2020	Complaint to be amended to reflect Commission as party.
02/04/2020	Amended Complaint filed
03/18/2020	Commission served
04/08/2020	Commission's answer filed.
09/02/2022	Trial

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: Awaiting trial.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed Response to Petition.
04/7/2022	Trial

McGill v. Commission

Case No. CAL 21-08946 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Commission dated July 19, 2021 which determined he had not sustained an increase in permanent partial disability and denied further treatment.

Status: Awaiting hearing.

Docket:

08/03/2021	Petition for Judicial Review filed
08/16/2021	Commission filed Response to Petition

Melito v Commission

Case No. CAL 21-03760 (ED)

Lead Counsel: Dickerson
Other Counsel:

Abstract: Plaintiff seeks to secure administrative meeting or hearing on termination, former employee claims were denied.

Status: Motions pending.

Docket:

04/01/2021	Complaint filed
04/22/2021	Commission served
05/20/2021	Motion to Dismiss filed
06/04/2021	Plaintiff's Opposition to Motion to Dismiss filed.

Montague v. Newton White Mansion

Case No. CAL 20-05753 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Claim related to slip and fall on ice at Newton White Mansion.

Status: In discovery.

Docket:

02/13/2020	Complaint filed.
06/19/2020	Amended Complaint filed.
07/21/2020	Answer filed.
08/24/2021	Status conference held
06/21/2022	Alternative Dispute Resolution
08/29/2022	Trial

Murray v. Commission

Case No. CAL 20-16372 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission that held claimant is not permanently and totally disabled.

Status: Awaiting Dismissal and Order of Remand to Workers' Compensation Commission.

Docket:

09/18/2020	Petition for Judicial Review filed
10/05/2020	Response to Petition for Judicial Review and Expert Designation
10/13/2020	Subsequent Injury Fund's Response to Petition for Judicial Review
10/13/2020	Subsequent Injury Fund's Cross-Petition for Judicial Review
10/21/2020	Claimant's Response to Cross-Petition
10/27/2020	Commission's Response to Cross-Petition
10/27/2020	Notice of Cross-Appeal
08/10/2021	Joint Motion to Dismiss Appeal and Remand to Workers' Compensation Commission

Nuzback, Kathryn A., Revocable Trust v. Commission

Case No. CAL 20-13248 (Misc.)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Action filed against the Commission and Prince George's County to obtain documents pertaining to a Maryland Public Information Act request.

Status: Awaiting Trial.

Docket:

07/01/2020	Complaint filed.
10/09/2020	Commission Answer filed
01/14/2021	Line Requesting Order of Default against Prince George's County Department of Permitting Inspection Enforcement
05/25/2021	Order of Default against Defendant Prince George's County Department of Permitting Inspection Enforcement
05/27/2021	Certified Judgment Notice as to Prince George's County Department of Permitting Inspection and Enforcement
06/28/2021	Hearing held on Motion to Vacate Order of Default
06/30/2021	Order – Motion to Vacate Granted.
09/20/2021	Trial

Troublefield v. Commission, et al.

Case No. CAL 21-02943 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: Motions pending.

Docket:

03/12/2021	Complaint filed
07/21/2021	Commission served
08/20/2021	Motion to Dismiss filed by Commission

Snyder v. State of Maryland, et al.
Case No. CAL 20-13024 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained when tennis player allegedly tripped in hole of divider net and broke clavicle.

Status: In discovery.

Docket:

06/19/2020	Complaint filed.
07/27/2020	Commission's Motion to Dismiss
07/27/2020	Motion to Transfer Venue
08/11/2020	Opposition to Motion to Dismiss
08/25/2020	State of Maryland's Motion to Dismiss
09/10/2020	Amended Complaint.
10/30/2020	2 nd Amended Complaint filed
10/14/2020	Order of Court – Motion to Dismiss and Motion to Transfer Venue Moot.
04/21/2021	Order of Court. Consent Motion Granted; and the Defendants, M-NCPPC and L. Gertzog, shall have until 5/5/2021 to file a response to the second Amended Complaint.
05/04/2021	Commission and L. Gertzog's Answer to 2 nd Amended Complaint
08/22/2022	Trial

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

Case No. CAL20-14895 (AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

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

Status: Awaiting decision on Motions.
Docket:

08/19/2020	Petition for Judicial Review filed.
09/29/2020	Notice of Intent to Participate
09/29/2020	Motion to Dismiss filed by Werrlein WSSC, LLC
10/13/2020	City of Hyattsville's Notice of Intent to Participate
10/19/2020	Response to Petition for Judicial Review
10/19/2020	Planning Board's Motion to Dismiss filed
10/27/2020	City of Hyattsville's Opposition to Motion to Dismiss filed
11/30/2020	Motion to Consolidate with cases CAL19-21492, City of Hyattsville v. Prince George's County District Council and CAL19-22819 Eisen v. Prince George's County District Council
12/28/2020	Opposition to Motion to Dismiss
03/03/2021	Motions hearing held. Taken under advisement.

MARYLAND COURT OF SPECIAL APPEALS

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-0707-2020 (AALU)

(Originally filed under CAL20-13237 in Prince George's County)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board on Preliminary Plan of Subdivision 4-18007, Woodmore Overlook Commercial. Before the parties filed legal memoranda, in the Circuit Court and before the court held oral argument, and before the Planning Board had a chance to transmit the agency record, the developer's attorney filed a motion to dismiss based on, among other things, lack of standing. The Circuit Court granted the motion to dismiss. Benton appealed.

Status: Affirmed-Motion for Reconsideration pending.

Docket:

09/09/2020	Appeal filed
10/27/2020	Motion to Dismiss
11/18/2020	Motion to Dismiss denied
07/08/2021	Unreported Opinion of Court – Judgment of Circuit Court Affirmed
07/19/2021	Motion for Reconsideration filed
08/03/2021	Motion for Reconsideration filed

Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board

CSA-REG-0620-2021 (AALU)

(Originally file under 483411-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Appeal from Circuit Court decision affirming Montgomery County Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040

Status: Appeal filed.

Docket:

07/02/2021	Appeal filed
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Stewart, et al. v. Prince George's Planning Board, et al.

Case No. CSA-REG-0038-2021 (AALU)

(Originally filed as CAL20-11215 in Prince George's County)

Lead Counsel: Goldsmith
Other Counsel:

Abstract: Appeal from Circuit decision affirming Prince George's County Planning Board's approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No.4-19023

Status: Appeal filed.

Docket:

03/08/2021	Appeal filed
06/07/2021	Mediation held

MARYLAND COURT OF APPEALS

Benton v. Woodmore Overlook Commercial, LLC

COA-PET-0113-2021(AALU)

(Petition from CSA-REG-2118-2019, originally filed under CAL19-14488 in Prince George's County)

Lead Counsel: Borden
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration.

Status: Petition for Cert. filed.

Docket:

05/21/2021	Petition for Writ of Cert.
06/08/2021	Joint Motion to Dismiss filed
08/11/2021	Opposition to Motion to Dismiss

U.S. DISTRICT COURT OF MARYLAND

Beck v. Montgomery County Department of Parks, et al.

8:20-cv-03305 PX (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Plaintiff alleges discrimination on the basis of disability under the ADA and FMLA.

Status: In discovery.

Docket:

11/14/2020	Complaint filed
01/13/2021	Commission served
02/02/2021	Answer filed

Evans v. Commission, et al.
8:19-cv-02651 TJS (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: In discovery.
Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.
12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants
03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.
05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages
07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.

11/13/2020	Defendants' Motion to Dismiss granted in part. Counts 4, 5, part of 6 and 7 -10, part of 11, and 12 dismissed. Counts, 1 -3, part of 6 and 11, 13 -15 will proceed at this stage. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.
01/11/2021	Order – Case referred to Magistrate Judge Timothy J. Sullivan generally and to Magistrate Judge Jillyn K. Schulze for mediation
01/15/2021	Joint Consent to Proceed before Magistrate
01/28/2021	Order of Court re mediation week of May 17, 2021.