

***COMMISSION  
MEETING***

*June 21, 2017*

*9:30 a.m. – 11:30 a.m.*

***MONTGOMERY REGIONAL  
OFFICE AUDITORIUM  
SILVER SPRING, MD***

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MEETING

Wednesday, June 21, 2017, 9:30 a.m. – 11:30 a.m.

Montgomery Regional Office Auditorium

		ACTION	
		Motion	Second
1.	<b>Approval of Commission Agenda (9:30)</b>	(+*) Page 1	_____
2.	<b>Approval of Commission Minutes</b>		
	a) Open Session – May 17, 2017	(+*) Page 3	_____
	b) Closed Session – May 17, 2017	(+*)	_____
3.	<b>General Announcements (9:35)</b>		
	a) National Caribbean American Heritage Month - Celebration, June 9, 2017, 10:00 a.m. to 1:00 p.m. Laurel Beltsville Senior Activity Center, <a href="http://www.pgparcs.com">www.pgparcs.com</a>		
	b) Juneteenth Celebration – June 17, 2017, 12:00 p.m. – 5:00 p.m. Walker Mill Regional Park		
	c) Lesbian, Gay, Bisexual and Transgender Pride (LGBT) Month		
	d) Recognition Ceremony for Literacy Program Participants to be held in September, following Commission meeting at Brookside Gardens		
	e) The “M-NCPPC 90 <sup>th</sup> Birthday Celebration” at Central Administrative Services, July 19, 2017, 12:00 p.m.		
4.	<b>Committee Minutes/Board Reports (For Information Only):</b>		
	a) Executive Committee Meeting – June 7, 2017	(+) Page 11	
	b) Executive Committee Meeting – Closed Session – June 7, 2017	(LD)	
	c) Minutes – Employees’ Retirement System Regular Board of Trustees Meeting – May 2, 2017	(+) Page 15	
5.	<b>Action and Presentation Items (9:40)</b>		
	<b>Closed Session: FOP Labor Negotiations</b> - Pursuant to Section 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to consult with counsel to conduct collective bargaining negotiations or consider matters that relate to negotiations.		
	<b>Open Session (9:45)</b>		
	a) Resolution #17-20, Bethesda Sector Plan (Kronenberg)	(+*) Page 19	_____
	b) Resolution #17-21, Prince George’s County Bond Sale (Zimmerman)	(+*) Page 79	_____
	c) Resolution #17-22, Approval of Fiscal Year 2018 Employer Contribution for Retiree Group Health Insurance (Kroll)	(+*) Page 119	_____
	d) Resolution #17-19, Adoption of the FY18 Commission Operating Budget and Capital Budget (Kroll)	(+*) Page 121	_____
	e) Resolution #17-26, Adoption of Amended Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30. (Barney/Spencer)	(H*)	_____
	f) Resolution 17-18, FY18 Merit Increase and Cost of Living Adjustment for Park Police Command Staff and Candidates (Barney/Spencer)	(+*) Page 149	_____
	g) Resolution #17-24, Appoint Commissioner Gerald Cichy to the ERS’ Board of Trustees for term ending June 30, 2020 (Barney/Zimmerman)	(+*) Page 151	_____

ACTION  
Motion      Second

- |   |   |      |      |      |     |  |  |  |      |      |     |  |  |  |      |      |     |  |  |  |      |      |     |  |  |  |     |      |     |  |  |  |     |      |     |  |  |  |     |      |     |  |  |  |     |      |     |  |  |  |     |      |     |  |  |
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| <ul style="list-style-type: none"> <li>h) Resolution #17-25, Refund to the Operating Departments for Over-payments related to Employer Paygo Retiree Medical Contributions (Barney)</li> <li>i) Request to Spend Salary Lapse for the: <i>(10:00)</i> <ul style="list-style-type: none"> <li>1. Office of Internal Audit (Kenney)</li> <li>2. Department of Human Resources and Management (Barney)</li> <li>3. Finance (Zimmerman)</li> </ul> </li> <li>j) Policy Amendment to Merit System Rules &amp; Regulations: Dispute Resolution Procedures (Bennett/Beckham) <i>(10:05)</i></li> <li>k) American Planning Association (APA) Award Presentation (Wright/Hanson) <i>(10:15)</i></li> <li>l) M-NCPPC Logo Project (Schwiesow, Davey &amp; M-NCPPC Logo Project Team) <i>(10:30 – 11:30)</i></li> </ul> <p><b>6. Officers' Reports</b></p> <ul style="list-style-type: none"> <li>a) Executive Director's Report (For Information Only)<br/>Employee Evaluations Not Completed by Due Date (May 2017)</li> <li>b) Secretary Treasurer (For Information Only)<br/>Investment Report (April 2017)</li> <li>c) General Counsel<br/>Litigation Report (May 2017) (For Information Only)</li> </ul> | <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%;">(+*)</td> <td style="width: 10%;">Page</td> <td style="width: 10%;">153</td> <td style="width: 10%; border-right: 1px solid black; border-bottom: 1px solid black;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td>(+*)</td> <td>Page</td> <td>155</td> <td style="border-right: 1px solid black; border-bottom: 1px solid black;"></td> <td></td> </tr> <tr> <td></td> <td>(+*)</td> <td>Page</td> <td>157</td> <td style="border-right: 1px solid black; border-bottom: 1px solid black;"></td> <td></td> </tr> <tr> <td></td> <td>(+*)</td> <td>Page</td> <td>159</td> <td style="border-right: 1px solid black; border-bottom: 1px solid black;"></td> <td></td> </tr> <tr> <td></td> <td>(+)</td> <td>Page</td> <td>161</td> <td style="border-right: 1px solid black;"></td> <td></td> </tr> <tr> <td></td> <td>(+)</td> <td>Page</td> <td>167</td> <td style="border-right: 1px solid black;"></td> <td></td> </tr> <tr> <td></td> <td>(+)</td> <td>Page</td> <td>189</td> <td style="border-right: 1px solid black;"></td> <td></td> </tr> <tr> <td></td> <td>(+)</td> <td>Page</td> <td>191</td> <td style="border-right: 1px solid black;"></td> <td></td> </tr> <tr> <td></td> <td>(+)</td> <td>Page</td> <td>197</td> <td style="border-right: 1px solid black;"></td> <td></td> </tr> </table> |      | (+*) | Page | 153 |  |  |  | (+*) | Page | 155 |  |  |  | (+*) | Page | 157 |  |  |  | (+*) | Page | 159 |  |  |  | (+) | Page | 161 |  |  |  | (+) | Page | 167 |  |  |  | (+) | Page | 189 |  |  |  | (+) | Page | 191 |  |  |  | (+) | Page | 197 |  |  |
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(+) Attachment      (++) Commissioners Only      (\*) Vote      (H) Handout      (LD) Late Delivery

# ITEM 2a



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

Commission Meeting  
Open Session Minutes  
May 17, 2017

The Maryland-National Capital Park and Planning Commission met in the Parks and Recreation Auditorium in Riverdale, Maryland.

PRESENT

Prince George's County Commissioners

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

Montgomery County Commissioners

Gerald Cichy  
Norman Dreyfuss  
Mary Wells-Harley  
Natali Fani-Gonzalez

ABSENT

Casey Anderson, Vice-Chair

Chair Hewlett convened the meeting at 9:40 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA WITH MODIFICATIONS

The Revised Commission Agenda was further modified. Resolution 17-18 under Item 5e was removed from the agenda. The Resolution will be presented at the June Commission meeting. The item was also noted as mislabeled on the agenda, as packet item was titled Fiscal year 2018 Merit Increase and Cost of Living Adjustment for Park Police Command Staff and Candidates.

A closed session was added to the agenda to discuss Fraternal Order of Police negotiations.

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

ITEM 2 APPROVAL OF COMMISSION MINUTES

- a) Open and Closed Session Meeting – April 19, 2017
- b) Open and Closed Session Conference Call – April 27, 2017

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

ITEM 3

GENERAL ANNOUNCEMENTS

Chair Hewlett made the following announcements:

- a) American Planning Association Conference and Awards Ceremony – The American Planning Association’s (APA) conference was held in New York City from May 6<sup>th</sup> through May 9<sup>th</sup>. Chair Hewlett, Vice-Chair Anderson, Montgomery County Planning Director Gwen Wright attended the event along with former Montgomery Planning Director Richard Tustian, and former Division Chief Perry Berman. Director Wright highlighted awards the M-NCPPC received at the ceremony:
- National Planning Excellence Award for Planning Landmark (Montgomery County’s Agricultural Reserve) – Gold
  - National Planning Achievement Award for Transportation Planning (Bicycle Master Plan Stress Map)

Chair Hewlett also highlighted accomplishments of Prince George’s County Planning. The Department received an award for its Plan 2035, (policy documents for the general plan for Prince George’s County) at an event held at New York University Law School. Prince George’s County Planning Director Andree Checkley acknowledged the Prince George’s County Planning staff for representing the M-NCPPC at this event as she was unable to attend.

- b) National Fitness Month (May) – Events have been scheduled throughout the week to promote employee health.
- c) Asian-Pacific American Heritage Month (May) – Several activities have taken place throughout the M-NCPPC this month.
- d) National Prevention Week (Mental Health and/or Substance Use Disorders) (May 14 – May 20) – The M-NCPPC offers valuable resources which are being well utilized by employees.
- e) Upcoming National Caribbean American Heritage Month (June)
- f) Upcoming National Lesbian, Gay, Bisexual and Transgender (LGBT) Pride Month (June)

Other Announcements Not Listed on Agenda:

- g) Chair Hewlett acknowledged the passing of Executive Director Patricia Barney’s mother and expressed sympathy on behalf of the agency. Other announcements shared by Chair Hewlett:
- Commissioner Fani-Gonzalez was named as one of Washingtonian magazine’s “40 Under 40” changemakers. She is the first millennial to serve on the M-NCPPC’s Planning Board and noted contributions in the region.
  - The Coalition for Smarter Growth of Washington, DC, will be awarding Vice-Chair Anderson with the Livable Communities Leadership Award for his work with the Montgomery County Planning Board and for advancing smart growth in Montgomery County. The award will be presented to Vice-Chair Anderson this evening at the Washington-National Airport, Historic Terminal A.
  - M-NCPPC is celebrating the agency’s 90<sup>th</sup> Anniversary. The Commission was created on May 16, 1927. The last known picture of the full Commission was taken in 1927; hence, a photo was taken of the 2017 Commission to commemorate the anniversary. Several events will take place to celebrate the agency’s 90<sup>th</sup> anniversary throughout the year.

- h) Executive Director Barney asked Corporate Human Resources Director William Spencer and Corporate Policy and Management Operations Division Chief Anju Bennett to introduce DHRM's new employees. Mr. Spencer introduced Mr. Steven Kawakami, Recruitment Selection Services Manager, and Ms. Bennett introduced Mr. Michael Beckham, Corporate Policy and Records Management Program Manager.
- i) Prince George's County Parks and Recreation Director Ronnie Gathers introduced Ms. Kasandra Gunter-Robinson, the newly appointed Chief for the department's, Public Affairs and Marketing Division.
- j) Chair Hewlett acknowledged the passing of former Prince George's County Commissioners Colonel John Squire, Commissioner Ray LaPlaca, and Commissioner John Burcham.

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

- a) Executive Committee Meeting – April 11, 2017
- b) Executive Committee Open and Closed Session Conference Call – May 3, 2017
- c) Minutes – Employees' Retirement System Regular Board of Trustees Meeting April 4, 2017
- d) 115 Trust (OPEB) Meeting Minutes – December 2016

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Resolution #17-08, Resolution of Adoption for the Greater Lyttonsville Sector Plan (Williams/Hanna-Jones)  
ACTION: Motion of Bailey  
          Seconded by Geraldo  
          9 approved the motion
- b) Resolution #17-11, Approval for conveyance of 1,308± square feet of Park Property to the SHA on Rt 197 in Bowie for a perpetual easement for Briarchip Street drainage. SHA has agreed to pay the Commission \$434.00 for compensation (Asan)  
ACTION: Motion of Geraldo  
          Seconded by Bailey  
          9 approved the motion
- c) Resolution #17-12, Approval for conveyance of 1.4± acres of Park Property to the Preserves at Piscataway is required to dedicate land to DPW&T. The developer has proffered a payment of \$6,100 to the Commission for the conveyance (Asan)  
ACTION: Motion of Geraldo  
          Seconded by Bailey  
          9 approved the motion

Resolution #17-13, Approval for conveyance of 9,027± square feet of Park Property to the Prince George's County DPIE/DPW&T for the widening of Missouri Avenue right-of-way as a requirement of approval for permits associated with the development of recreational facilities for SAARC (Asan)

ACTION: Motion of Geraldo  
          Seconded by Fani-Gonzalez  
          9 approved the motion

- d) Memorandum Explaining Proposed Resolutions (Barney/Spencer)
- Resolution #17-15: Fiscal Year 2018 Anniversary (Merit) Pay Increment Adjustment for Certain Non-Represented Merit System Employees  
ACTION: Motion of Geraldo  
          Seconded by Fani-Gonzalez  
          9 approved the motion
  - Resolution #17-16: Fiscal Year 2018 Cost of Living Adjustment for Certain Non-Represented Merit System and Certain Contract Employees  
ACTION: Motion of Geraldo  
          Seconded by Fani-Gonzalez  
          9 approved the motion
  - Resolution #17-17: Fiscal Year 2018 Pay Increment Adjustment for Seasonal/Intermittent and Term Contract Employees  
ACTION: Motion of Geraldo  
          Seconded by Fani-Gonzalez  
          9 approved the motion
- e) Approve the Appointment of Pamela F. Gogol as the Montgomery County Public Member to the ERS Board of Trustees for the Term Ending June 30, 2020 (A. Rose)  
ACTION: Motion of Bailey  
          Seconded by Geraldo  
          9 approved the motion
- f) Approve the Appointment of Sheila Morgan-Johnson as the Prince George's County Public Member to the ERS Board of Trustees for the Term Ending June 30, 2020 (A. Rose)  
ACTION: Motion of Geraldo  
          Seconded by Bailey  
          9 approved the motion
- g) Acknowledge the Reappointment of Barbara Walsh as the Bi-County Open Trustee to the ERS Board of Trustees for the term ending June 30, 2020 (A. Rose)  
ACTION: Motion of Geraldo  
          Seconded by Doerner  
          9 approved the motion
- h) Approve the ERS FY 2018 Operating Budget (A. Rose)  
ACTION: Motion of Bailey  
          Seconded by Fani-Gonzalez  
          9 approved the motion
- i) Proposed Amendment to FY18 Proposed PGC Park Fund Operating and Capital Budget (Kroll/Conforti)  
Corporate Budget Manager John Kroll presented a recommendation to approve the proposed budget amendment that has been requested by PGC Parks and Recreation to increase the Park Fund operating and capital budgets. Commissioners approved amendment.

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

l) Proposed Amendment to FY18 Proposed PGC Planning Fund Operating Budget (Kroll/Checkley/Johnson)

Corporate Budget Manager John Kroll presented a recommendation to approve the proposed budget adjustment that has been requested by PGC Planning to increase the Prince George's Administration Fund operating budget. Commissioners approved amendment.

ACTION: Motion of Geraldo  
Seconded by Doerner  
9 approved the motion

k) Personnel Management Review (Spencer/King)

Human Resources Director William Spencer introduced Classification and Compensation Manager Boni King. Ms. King presented the Personnel Management Review (PMR), Employee Demographic Report – for fiscal year 2016 covering July 1, 2015 through June 30, 2016. Ms. King explained the report is available on Insite, and on the Internet at [www.mncppc.org](http://www.mncppc.org). Ms. King highlighted the following:

- Trends – examined tendencies in the M-NCPPC workplace and how the agency compares to external sources.
- Selected Highlights – provided an overview on key information about the M-NCPPC workforce.
- Merit System – provided details on full- and part-time career employees.
- Department Demographics – provided composition, length of service, and salary range statistics.
- Non-Career – presented demographics on seasonal, intermittent, temporary, and term employees.
- Appendix – included a listing of race/ethnic identifications, job categories, current pay schedules, and medical plan enrollment costs.

In response to Ms. King's inquiry about any questions the Commission may have, Commissioner Fani-Gonzalez asked if research is available indicating employees' abilities to acquire promotions and new job opportunities by means of the training, such as the Literacy Program.

Mr. Spencer asked Corporate Policy and Management Operations Division Chief Anju Bennett to respond to the inquiry. Ms. Bennett briefed Commissioners on the program, and explained that a survey had been completed on participant experience and skill growth. Employees shared positive feedback on their enhanced skills and overall confidence in the workplace. Supervisors also acknowledged skill enhancements and employee development stemming from the Literacy Program. Supervisors shared notable improvement in several areas such as ability to carry out programs, safety instructions, and leadership. Ms. Bennett stated that research regarding employee development was shared at the Literacy Program awards banquet; however, that information will be disseminated again.



Commissioner Fani-Gonzalez requested that statistics be tracked demonstrating the Literacy Program participants who have applied for promotional opportunities, and those who have moved forward since completing the program. Ms. Bennett and Executive Director Barney indicated that this will be measured.

At 10:20 a.m., the Commission took a moment to commemorate the agency's 90<sup>th</sup> Anniversary.

The Commission meeting resumed at 10:33 a.m.

ITEM 6      OFFICER'S REPORTS

a) Executive Director's Report (For Information Only)  
Employee Evaluations Not Completed by Due Date (April 2017)

b) Secretary-Treasurer (For Information Only)  
Investment Report (March 2017)

c) General Counsel

1) Litigation Report (April 2017) (For Information Only)

2) Legislative Update

General Counsel Gardner distributed copies of a PowerPoint entitled "Annual Highlights 2017 Session of the Maryland General Assembly". The document accompanies the Legislative Report that was disseminated to the Commissioners last week. Mr. Gardner explained the legislative process, the timeline of the process, and the contributions of the agency's Legislative Management Team. He also provided the status of the following bills that specifically affect the M-NCPPC, as contained in the PowerPoint:

- Inspector General (96), HB 321, MC/PG 110-17 (Passed)
- Pr. Geo. Planning Bd. Appt. (77), HB 326, MC/PG 105-17 (Failed)
- Budget Operations Study (83), HB 322, MC/PG 108-17 (Failed)
- Bicycle Safety (185), HB 997, SB 997 (Passed)
- Wood Frame Construction, HB 1311, SB 722 (Failed)
- Open Meetings (179), HB 880, SB 450 (Passed) (\*\*)
- Large Redevelopment (27), HB 557, SB 440 (Passed)
- 2018 POS Funding (75-76), HB 150 House Budget Bill
- POS Apportionment (9), HB 105 (Failed)

(\*\*) General Counsel Gardner shared that new obligations have been created under the State Open Meetings Act (179), HB 880, SB 450. In September, he will present a plan to the Commission for complying with the new Open Meetings bill, which will take effect in October. One feature of the bill will require at least one member from each Planning Board to participate in State level training.

It was suggested training for the State Open Meetings Act (179) be added to both Planning Boards' or the Commission's meeting agendas. General Counsel Gardner explained that several training opportunities will be available, and he might explore the possibility of having a training session sanctioned for the M-NCPPC.

On another topic, General Counsel Gardner shared modifications have been made to the Ethics law that will not have a direct impact on the Commission. He will bring the Ethics Commission back in the fall to conduct a refresher course on the State ethics issues.


At 10:58 a.m., Chair Hewlett requested a motion to move to closed session, pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305 (b)(7) & (9), to consult with counsel for legal advice, conduct collective bargaining discussions, and consider matters that relate to negotiation.

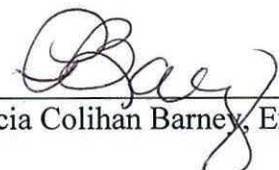
ACTION: Motion of Geraldo  
Seconded by Bailey  
9 approved the motion.

At 11:05 a.m., the closed session moved back to open session.

Chair Hewlett informed the Commissioners that the two County Councils adopted the Central Administrative Services operating budget.

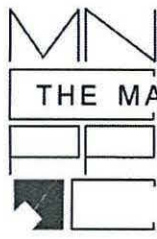
There being no further business to discuss, the meeting adjourned at 11:06 a.m.

  
\_\_\_\_\_  
Gayla Williams, Senior Management Analyst/  
Senior Technical Writer

  
\_\_\_\_\_  
Patricia Colihan Barney, Executive Director







## EXECUTIVE COMMITTEE MEETING

### Minutes

June 7, 2017

On June 7, 2017, the Maryland-National Capital Park and Planning Commission's Executive Committee met. Present were Chair Elizabeth Hewlett, Vice-Chair Casey Anderson, and Human Resources Director William Spencer, who was acting for Executive Director Barney. Also present were:

#### Officers/Department Heads

Adrian Gardner, General Counsel

Joe Zimmerman, Secretary-Treasurer

Andree Checkley, Director, Prince George's County Planning (via telephone)

Ronnie Gathers, Director, Prince George's County Parks and Recreation

Rose Krasnow, Deputy Director (for Gwen Wright, Director, Montgomery County Planning) (left at 11:01)

Mike Riley, Director, Montgomery County Parks

#### Deputies/Presenters/Staff

Anju Bennett, Chief, Corporate Policy and Management Operations (CPMO)

Mazen Chilet, Chief Information Officer

Renee Kenney, Chief, Office of Internal Audit

Jennifer McDonald, Health and Benefits Manager

Michael Beckham, Policy Manager, CPMO (left at 10:53)

Lisa Dupree, Senior Management Analyst, CPMO (left at 10:53)

Cynthia Henderson, Principal Benefits Specialist

The meeting convened at 10:10 a.m. Human Resources Director Spencer began the meeting by reviewing the agendas.

### ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	There were no changes made to the Executive Committee meeting agenda.
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### ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA

Discussion	<p>The following comments were made:</p> <p><u>ANNOUNCEMENTS</u></p> <ul style="list-style-type: none"> <li>Item 3b) <u>Lesbian, Gay, Bisexual and Transgender Pride Month</u> – At the June Commission meeting, Chair Hewlett will address the significance of the “Q” contained in the acronym for the locally-recognized LGBTQ community. The national month recognizes LGBT.</li> </ul> <p><u>ACTION AND PRESENTATION ITEMS</u></p> <ul style="list-style-type: none"> <li>Item 5d) <u>Resolution #17-22</u>, Approval of Employer Contribution for Retiree Group Health Insurance – Clarify that approval is for Fiscal Year 2018.</li> <li>Item 5m) <u>M-NCPPC Logo Project</u> – Chair Hewlett requested clarification of this item and the intended scope of the presentation. Deputy Director Krasnow offered that the workgroup is planning on presenting three examples of new logos for the Commission's consideration. She shared that public affairs staff in Montgomery County were under the impression that a decision would be made on one of the three logos. Chair Hewlett shared concerns about the process, and inquired whether each Board would get the opportunity to review all designs, rather than just the three selected by the workgroup for the presentation. Vice-Chair Anderson indicated that he did not recall the specifics. Chair Hewlett recalled that</li> </ul>
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	<p>in prior meetings of the Executive Committee, there was no agreement on moving to a new logo. Prince George’s was leaning to a “refresh” of the logo and would consider other designs. The item is listed as an Information Item on the Commission agenda, and the workgroup will make a presentation. After a discussion about the logo presentation, Chair Hewlett and Vice-Chair Anderson agreed that they should meet with Commissioners Fani-Gonzalez and Wells-Harley to discuss the logo project.</p> <p><u>Not Listed on the Agenda</u>  At the request of Chair Hewlett, Health and Benefits Manager Jennifer McDonald gave a brief overview of the Commission’s new Long-Term Care benefit program. Ms. McDonald explained that employees could enroll through August 24, 2017 without a need for extensive medical eligibility review. Webinars will be offered for employees who could not attend the information forums in-person.</p>
<b>ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS</b>	
Discussion	<p>The Executive Committee reviewed the Rolling Agenda for the upcoming four months. The following revisions were made to the agenda:</p> <p><u>July</u></p> <ul style="list-style-type: none"> <li>• No changes were recommended for July.</li> </ul> <p><u>Sept</u></p> <ul style="list-style-type: none"> <li>• Add Literacy Program Participants’ Ceremony</li> <li>• Move Legislative Update to “Place Holder” category.</li> </ul> <p><u>Oct</u></p> <ul style="list-style-type: none"> <li>• Move Legislative Update to “Place Holder” category.</li> </ul> <p><u>Nov</u></p> <ul style="list-style-type: none"> <li>• Move Legislative Update to “Place Holder” category.</li> </ul>
<b>ITEM 2 – MINUTES</b>	
	May 3, 2017, Executive Committee Minutes—accepted without any changes.
<b>ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS</b>	
	<p><b>a) Investment Report, April 2017 (Zimmerman)</b>  Secretary-Treasurer Zimmerman stated the rates continue to slowly increase and the agency continues to meet its investment policies.</p> <p><b>b) Policy: Recommended Amendments to the Merit System Rules and Regulations: Chapter 2000, Disputes (Bennett/Beckham)</b>  CPMO Chief Bennett provided a brief background on the proposed amendments to Chapter 2000 of the Merit System Rules and Regulations (Merit Rules), which addresses dispute resolution. She explained amendments to the Merit Rules must be presented for adoption by the Commission following input by the Merit System Board. The Merit System Board supports adoption of the amendments. The proposed amendments were also shared with Non-represented employees for a 30-day comment period, and received comments supporting the change.</p> <p>Chief Bennett introduced Policy Manager Michael Beckham, who briefed the Executive Committee on the proposed amendments. He explained the change stems from an EEOC Conciliation Agreement which was put in place for represented employees. Mr. Beckham also reviewed the effect of the change. During the presentation, Vice-Chair Anderson inquired whether the policy limited the agency’s</p>

ability to take action. To address his concerns, General Counsel Gardner recommended the topic be moved to closed session.

ACTION: Motion of Vice-Chair Anderson to move to closed session at 10:39 a.m., pursuant to Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland, to consult with counsel.  
Seconded by Chair Hewlett

The open session reconvened at 10:52 a.m. Following the discussion, the Executive Committee supported forwarding Item 3b) to the Commission for review/adoption.

**c) Defined Contribution Plan (Spencer/McDonald)**

In response to the Commission's request for information on other agencies' experiences with Defined Contribution Pension Plans, Health and Benefits Manager McDonald briefed the Executive Committee on a survey completed by the Benefits Office. She explained that her staff reached out to 42 agencies. Of these, 13 agencies responded as follows:

- 8 Respondents offered a primary defined benefit plan and a voluntary defined contribution plan.
- 2 Respondents (Montgomery County Government and Montgomery College) offered a choice between a primary defined benefit plan and a primary defined contribution plan. Both respondents indicated there was no financial impact on the original defined benefit plan that was offered prior to the alternative arrangement.
- 2 Respondents (Arlington Public Schools and Prince William County Government) offered a primary hybrid plan and 2 voluntary defined contribution plans.
- 1 Respondent (DC Water) offered a primary defined contribution plan and a voluntary defined contribution plan.

Ms. McDonald explained most respondents (85%) do not offer employees a choice between a primary defined benefit plan and a primary defined contribution plan. However, most offer a primary defined benefit plan and a voluntary defined contribution plan. Only two respondents offered new hires a choice of enrollment in a primary defined benefit plan or a primary defined contribution plan.

Principal Benefits Specialist Cynthia Henderson provided research in response to questions raised by Secretary-Treasurer Zimmerman about options offered by Montgomery County Government. Chair Anderson suggested that it would be helpful to have a chart that showed the financial impact of adding a defined contribution plan. The chart should show how the portability of contributions may affect pension plan funding. Mr. Zimmerman suggested the analysis should be completed by the pension actuary. CPMO Chief Bennett shared some analysis may have been completed during the larger pension project that was completed by Boomershine consulting in 2012.

Following further discussion about the M-NCPPC's pension plans, Chair Hewlett recommended Ms. McDonald request actuary Boomershine Consulting to attend the Commission briefing on defined contribution plans. The Executive Committee asked that Boomershine provide information on the financial impact of adding a defined contribution plan.

FOLLOW UP	
Commission Agenda	See above for modifications to the May Commission agenda and the Commission rolling agenda for listed follow-up items.
Defined Contribution Plan	Benefits Manager Jennifer McDonald will request Boomershine Consulting provide the financial impact and attend the Commission briefing on defined contribution plan.

There being no further business to discuss, the meeting adjourned at 11:23 a.m.

  
 Gayla Williams, Senior Management Analyst/  
 Senior Technical Writer

  
 William Spencer, Human Resources Director, Acting  
 for Executive Director Patricia C. Barney





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

**REGULAR BOARD OF TRUSTEES MEETING**

**MINUTES**

**Tuesday, May 2, 2017; 10:00 A.M.**

**ERS/Merit Board Conference Room**

**OR**

**Via Teleconference**

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, May 2, 2017 at 10:00 a.m. Voting members present were: Barbara Walsh and Joe Zimmerman, CPA. Voting members present via teleconference were: Khalid Afzal, Patricia Barney, CPA, Pamela F. Gogol, Elizabeth M. Hewlett, Amy Millar, Sheila Morgan-Johnson, and Marye Wells-Harley. Howard Brown and Alicia Hart were absent.

ERS staff present were: Andrea L. Rose, Administrator; Heather D. Brown, Senior Administrative Specialist; Sheila S. Joynes, Accounting Manager; and, Ann McCosby, IT Systems Manager.

Also present was M-NCPPC Legal Department - Tracy Harvin, Senior Counsel.

**1. CONSENT AGENDA**

The following items are to be approved or accepted by vote on one motion unless a Board member requests separate consideration:

- A. Approval of the May 2, 2017 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, April 4, 2017
- C. Disbursements Granted Reports – March 2017

VICE CHAIRMAN WELLS-HARLEY made a motion, seconded by MS. WALSH to approve the Consent Agenda. The motion PASSED unanimously (9-0). (Motion #17-26)

**2. CHAIRMAN'S ITEMS**

- A. Board of Trustees Conference Summary

Mid-Atlantic Plan Sponsors (MAPS) posted the Agenda for its June 7-9, 2017 Conference in Baltimore, Maryland. Andrea Rose noted the robust agenda and encouraged trustees to attend even for one-day.

**3. MISCELLANEOUS**

**4. COMMITTEE REPORTS/RECOMMENDATIONS**

- A. Investment Monitoring Group Committee  
Presentation by Andrea L. Rose, Administrator
  - i. Regular Report of April 18, 2017
  - ii. Confidential Report of April 18, 2017

Andrea Rose presented the Investment Monitoring Group's (IMG) regular report of April 18, 2017.

The IMG met with Principal Group's John Berg, Managing Director, Portfolio Management, and Paul Stover, CFA, Senior Relationship Manager, regarding the performance review for the Principal U.S. Property mandate.

Given policy and global uncertainty along with macro-economic factors, Principal advised of a strategy shift to de-risk the portfolio. The strategy shift includes a reduction in leverage; an increase in stabilized investments (greater than 90% by end of 2017); a reduction in development investments which carry more risk; and a reduction in the portfolio weight of the office sector. Wilshire Associates' Manager Review noted Principal's annual outperformance in 6 out of the last 7 years. Wilshire's Manager Review includes the NCREIF ODCE Index; however, Principal uses the NCREIF ODCE Equal Weight Index. Wilshire noted the change for the next report. Going forward, returns in the 7% range are expected. There are no concerns with Principal's performance.

B. Administration & Personnel Oversight Committee

Presentation by Committee Chairman, Barbara Walsh

i. Regular Report of April 18, 2017

- a. Recommendation to Award Boomershine Consulting Group a Contract for Three Years with the Option to Renew Two Additional One-Year Terms
- b. Recommendation to Nominate Pamela F. Gogol as the Montgomery County Public Member for the Term Ending June 30, 2020
- c. Recommendation to Nominate Sheila Morgan-Johnson as the Prince George's County Public Member for the Term Ending June 30, 2020
- d. Recommendation to Approve the FY2018 Operating Budget

ii. Confidential Report of April 18, 2017

MS. WALSH presented the Administration & Personnel Oversight Committee's ("Personnel Committee") regular report of April 18, 2017.

At the March Personnel meeting, the Personnel Committee unanimously agreed to recommend awarding Boomershine Consulting Group ("BCG") the Actuarial Consulting Services contract, contingent upon review of additional questions and clarifications related to BCG's RFP response. The Personnel Committee evaluated BCG's responses to questions at its April 18, 2017 meeting and were satisfied with the responses.

MS. BARNEY made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY to award Boomershine Consulting Group a contract for three years with the option to renew for two additional one-year terms. The motion PASSED unanimously (9-0). (Motion #17-27)

The terms for the Montgomery County Public Member and the Prince George's County Public Member on the Board of Trustees ("the Board") expire June 30, 2017. In March 2017, a Notice of Vacancy was placed in the *Update Newsletter*, on the ERS' and Commission's websites and was forwarded to the Washington Area Investment Forum for distribution requesting applications to fill the Montgomery County Public Member and the Prince George's County Public Member Seats on the Board.

Applications were due by close-of-business on March 31, 2017. Four (4) applications were received for the Montgomery County Public Member seat and two (2) applications were received for the Prince George's County Public Member seat and reviewed by the Personnel Committee.

The Personnel Committee recommends the Board nominate incumbent Pamela F. Gogol as the Montgomery County Public Member for the term ending June 30, 2020. Ms. Gogol is currently a Principal Examiner for the Federal Housing Finance Agency responsible for analysis and oversight of Fannie Mae's market risk exposure. Ms. Gogol was the former Assistant Treasurer of the Commission and served as the Bi-County Open Trustee on the ERS Board in 2008. Ms. Gogol has been serving as the Montgomery County Public Member on the ERS' Board of Trustees and a member of the Investment Monitoring Group since 2014.

MS. BARNEY made a motion, seconded by MS. WALSH to nominate Pamela F. Gogol as the Montgomery County Public Member for the term ending June 30, 2020. The motion PASSED unanimously (9-0). (Motion #17-28)

The Personnel Committee recommends the Board nominate incumbent Sheila Morgan-Johnson as the Prince George's County Public Member for the term ending June 30, 2020. Ms. Morgan-Johnson has been the Chief Investment Officer (CIO) and Chief Operations Officer for the District of Columbia Retirement Board since 1991. As CIO, Ms. Morgan-Johnson manages the \$7.3 billion defined benefit plan administered for the District of Columbia's police officers, firefighters and teachers. Ms. Morgan-Johnson has a Master of Business Administration and a Bachelor of Business Administration from Howard University. Ms. Morgan-Johnson has been serving as the Prince George's County Public Member on the ERS' Board of Trustees and a member of the Investment Monitoring Group since 2015.

MS. BARNEY made a motion, seconded by MS. WALSH to nominate Sheila Morgan-Johnson as the Prince George's County Public Member for the term ending June 30, 2020. The motion PASSED unanimously (9-0). (Motion #17-29)

The Commission makes the final appointment for the public member seats.

The Personnel Committee reviewed the proposed FY2018 Operating Budget of \$2,017,688 which is a 9.8% increase from the FY2017 Operating Budget. Ms. Rose advised that additional information regarding completion of the Commission's reclassification study was received. As a result, staff revised the reclassification assumptions which reduced the Operating Budget to \$2,001,968 which is an 8.9% increase from the FY2017 Operating Budget. The Personnel Committee recommends the Board approve the Operating Budget for FY2018.

MS. BARNEY made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY to Approve the FY2018 Operating Budget in the amount of \$2,001,968. The motion PASSED unanimously (9-0). (Motion #17-30)

## **5. REPORT OF THE ADMINISTRATOR**

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated April 21, 2017

- i. Recommendation to Acknowledge Barbara Walsh as the Bi-County Open Trustee for the term ending June 30, 2020.

Andrea Rose presented the Administrator's Report dated April 21, 2017.

The term for the Bi-County Open Trustee seat on the Board expires June 30, 2017. In March 2017, a Call for Nominations was placed in the *Update Newsletter*, and on the ERS' and Commission's websites. Bi-County Merit System employees were invited to apply. Incumbent Barbara Walsh was the only candidate to apply by the March 24, 2017 deadline and is determined to have won by acclamation.

Barbara is an Accounting Manager in the Commission's Finance Department where she has worked for 30 years. Barbara has been on the Board since June 2010 and is interested in preserving the integrity of the Employees' Retirement System.

VICE CHAIRMAN WELLS-HARLEY made a motion, seconded by MS. BARNEY to acknowledge MS. WALSH as the winner of the Bi-County Open Trustee election for the term ending June 30, 2020. The motion PASSED unanimously (9-0). (Motion #17-31)

Ms. Rose reported preparations for the year end audit are underway. Preliminary audit work is scheduled for early-June with final work wrapping up in mid-September. During July and August, staff prepares the Financial Statements, Comprehensive Financial Annual Report, and Popular Annual Financial Report.

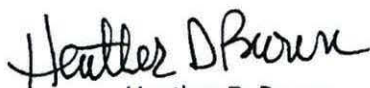
ERS staff are working with Northern Trust's transition management group to implement the Blackrock Minimum Volatility Index at an 8% target allocation and simultaneously decreasing the U.S. and non-U.S. equity allocations from 23% to 19% as authorized by the Board at its Special Meeting of January 3, 2017.

The upgrade to the pension software is proceeding slowly. The original developer of the software retired and new developers are working through the issues. Staff cannot address the interface issues with the Commission until the upgrade is complete.

Andrea Rose advised the Board of an update from fixed income manger Eaton Vance. An equity options trader and portfolio manager employed by its subsidiary Eaton Vance Management agreed to plead guilty of charges brought by the U.S. Attorney for the District of Massachusetts. The U.S. Securities and Exchange also announced charges. The ex-employee has agreed to forfeit \$2 million for directing trading profits to an undisclosed brokerage account over a period of approximately two years. Eaton Vance's Trevor Harlow confirmed this was a separate entity from the fixed income entity handling the ERS' mandate. Eaton Vance plans to make all affected funds whole. The Board wants to know what steps Eaton Vance is taking to prevent this from happening in the future.

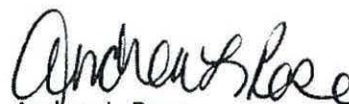
The Board of Trustees meeting of May 2, 2017 adjourned at 10:23 a.m.

Respectfully,



Heather D. Brown

Senior Administrative Specialist



Andrea L. Rose

Administrator



# ITEM 5a

M-NCPPC No. 17-020

MCPB No. 17-038

## RESOLUTION

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

WHEREAS, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, under the procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on Wednesday, June 24, 2015, on the Public Hearing Draft *Bethesda Downtown Sector Plan*, being also an amendment to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland Washington Regional District in Montgomery County and Prince George's Counties*, as amended; *the 1994 Bethesda Central Business District Sector Plan* as amended; *the 2006 Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD* as amended; *the Master Plan of Highways and Transitways within Montgomery County* as amended; *the Purple Line Functional Plan*, as amended; *the Bethesda Purple Line Station Plan Minor Master Plan Amendment*, as amended; *the Countywide Bikeways Functional Master Plan*, as amended; *the Master Plan for Historic Preservation*, as amended; *the Bethesda-Chevy Chase Master Plan*, as amended; and *The Legacy Open Space Functional Master Plan*, as amended; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on July 21, 2016, approved the Planning Board Draft *Bethesda Downtown Sector Plan*, recommended that it be approved by the District Council, and on September 1, 2016, forwarded it the County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Planning Board Draft *Bethesda Downtown Sector Plan* and forwarded those recommendations and analysis to the District Council, and

WHEREAS, the Montgomery County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on October 18, 19 and October 20, 2016, wherein testimony was received concerning the Planning Board Draft *Bethesda Downtown Sector Plan*; and

WHEREAS, the District Council, on May 25, 2017, approved the Planning Board Draft *Bethesda Downtown Sector Plan* subject to the modifications and revisions set forth in County Council Resolution No. 18-835; and

WHEREAS, the Montgomery County Planning Board, on June 19, 2017, recommended that The Maryland-National Capital Park and Planning Commission adopt the *Bethesda Downtown Sector Plan* as approved by the District Council.

NOW THEREFORE BE IT RESOLVED, that in accordance with Section 21-103 of the Maryland Land Use Article, The Maryland-National Capital Park and Planning Commission does hereby adopt said *Bethesda Downtown Sector Plan*, together with the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland Washington Regional District in Montgomery County and Prince George's Counties*, as amended; *the 1994 Bethesda CBD Sector Plan* as amended; *the 2006 Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD* as amended; *the Master Plan of Highways and Transitways within Montgomery County* as amended; *the Purple Line Functional Plan*, as amended; *the Bethesda Purple Line Station Plan Minor Master Plan Amendment*, as amended; *the Countywide Bikeways Functional Master Plan*, as amended; *the Master Plan for Historic Preservation*, as amended; *the Bethesda-Chevy Chase Master Plan*, as amended; and *The Legacy Open Space Functional Master Plan*, as amended; and as approved by the District Council in the attached Resolution No. 18-835; and

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

\*\*\*\*\*

### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission at its regular meeting held on June 1, 2017 in Silver Spring, Maryland, on motion of Commissioner Dreyfuss, seconded by Commissioner Wells-Harley, with a vote of 4 to 0, Commissioners Fani-Gonzalez, and Anderson- voting in favor of the motion.

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Casey Anderson, Chair  
Montgomery County Planning Board

CERTIFICATION OF APPROVAL AND ADOPTION  
BETHESDA DOWNTOWN SECTOR PLAN

This Comprehensive Amendment to the 1994 Bethesda Central Business District Sector Plan, the 2006 Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District, the General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George’s Counties, as amended; the Master Plan of Highways and Transitways within Montgomery County, as amended; the Purple Line Functional Plan, as amended; the Bethesda Purple Line Station Plan Minor Master Plan Amendment, as amended; the Countywide Bikeways Functional Master Plan, as amended; the Master Plan for Historic Preservation, as amended; and the Bethesda-Chevy Chase Master Plan, as amended; and the Legacy Open Space Functional Master Plan, as amended, has been approved by the Montgomery County Council, sitting as the District Council, by Resolution No. 18-835 on May 25, 2017, and has been adopted by The Maryland-National Capital Park and Planning Commission by Resolution No. 17-020 on June 19, 2017, after duly advertised public hearings pursuant to the Land Use Article – Division II, of the Annotated Code of Maryland.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING  
COMMISSION

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Elizabeth M. Hewlett  
Chair

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Casey Anderson  
Vice-Chair

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Joseph Zimmerman  
Secretary-Treasurer





Resolution No.: 18-835  
Introduced: May 25, 2017  
Adopted: May 25, 2017

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

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By: County Council

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SUBJECT: Approval of July 2016 Planning Board Draft Bethesda Downtown Sector Plan

1. On September 1, 2016, the Montgomery County Planning Board transmitted to the County Executive and the County Council the July 2016 Planning Board Draft Bethesda Downtown Sector Plan.
2. The July 2016 Planning Board Draft Bethesda Downtown Sector Plan contains the text and supporting maps for a comprehensive amendment to the approved and adopted 1994 Bethesda CBD Sector Plan and the 2006 Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD. It also amends the General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties, as amended; the Master Plan of Highways and Transitways within Montgomery County as amended; the Purple Line Functional Plan, as amended; the Bethesda Purple Line Station Plan Minor Master Plan Amendment, as amended; the Countywide Bikeways Functional Master Plan, as amended; the Master Plan for Historic Preservation, as amended; and the Bethesda-Chevy Chase Master Plan.
3. On October 18, 19 and 2, 2016, the County Council held a public hearing on the July 2016 Planning Board Draft Bethesda Downtown Sector Plan. The Sector Plan was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.
4. On December 9, 2016, the Director of the Montgomery County Office of Management and Budget transmitted to the County Council the Fiscal Impact Statement for the July 2016 Planning Board Draft Bethesda Downtown Sector Plan.
5. On January 23, February 6, 13, 27, March 2, 13, 20 and 27, 2017, the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the July 2016 Planning Board Draft Bethesda Downtown Sector Plan.
6. On April 18 and April 25, 2017, the County Council reviewed the Planning Board Draft Bethesda Downtown Sector Plan and the recommendations of the Planning, Housing, and Economic Development Committee.

Action

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

The Planning Board Draft Bethesda Downtown Sector Plan, dated July 2016, is approved with revisions. County Council revisions to the Planning Board Draft Bethesda Downtown Sector Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring. All page references are to the July 2016 Planning Board Draft Plan.

Page 6: Modify language for C. New Approaches, 1. Bethesda Overlay Zone as follows:

1. Bethesda Overlay Zone: This Plan recommends a new overlay zone to provide a planning and zoning strategy that implements the recommendations outlined in the Plan while providing a comprehensive zoning scheme that does not exceed the densities recommended in the land use vision. The Bethesda Overlay Zone is intended to [establish a funding mechanism for] appropriately allocate density within Downtown Bethesda that will protect existing residential neighborhoods, provide additional opportunities for parks and open space, expand the County's affordable housing inventory and ensure high quality design through the use of a Design Review Advisory Panel. Contributions to a park impact fund will help implement the Plan's recommendation for new parks.

[The overlay zone will modify the density averaging rules for certain priority sites in the Plan area. The Sector Plan designates Open Space Priority Sending Sites, Historic/Community Resources Priority Sending Sites and Affordable Housing Sending Sites. Density transfers from these sites are encouraged to facilitate, respectively, the creation or enlargement of urban parks, protection of significant landmarks and retention of affordable housing.]

The Overlay Zone sets a cap on development to ensure that total density in the Plan Area, including existing, [mapped CR density] approved, and new development (including affordable housing), does not exceed 32.4 million square feet of gross floor area. Since heights recommended by this Sector Plan would allow significantly more development than 32.4 million square feet, many properties will be unable to develop to the full amount that may have been allowed by their height.

Page 11: Modify Table 1.01: Sustainability Performance Area Metrics for Bethesda to include the following updated information and corrections:

	Existing	[Proposed] Potential Additional*	Percent Change
Multi-Unit Rental Units	<u>5,124</u>	8,456	[81] <u>165%</u> increase
Market-Rate Rental Affordable Housing Units	<u>1,915</u>	[7,187] <u>Will depend on market conditions and use of public benefit points</u>	[260% increase] <u>TBD</u>
[Rent] <u>Income Restricted</u>	<u>892</u>	[Minimum 892, Maximum 1269] <u>1269</u>	[54] <u>142%</u> increase

\* Estimate of new units indicates maximum possible residential units if there is no commercial development.

Page 13: Update and Edit Figure 1.01: Concept Framework, removing street classifications from Legend because they will be included in the Urban Design Guidelines, and update graphic to remove asterisks for new parks between Highland and West Virginia Avenue and on Chevy Chase Drive and for the expansion of Chase Avenue Urban Park.

Page 14: Modify the first and third bullets under A. Land Use Recommendations as follows:

- [Coordinate and align] Explore the potential to achieve the goal of common boundaries by coordinating and aligning the Central Business District (CBD), Urban District (UD), Parking Lot District (PLD) and the Transportation Management District (TMD) boundaries.
- Preserve and enhance the community’s existing affordable housing throughout the Sector Plan area by leveraging proximity to transit stations and supporting flexible zoning, density incentives and expanded economic programs.
- Make increasing the provision for moderately priced dwelling units (MPDUs) from 12.5 percent to 15 percent a [priority amenity in] requirement for all optional method projects in Downtown Bethesda.

Pages 14-15: Modify bullets under B. Zoning Recommendations as follows:

- Zone individual properties Commercial Residential (CR) with the currently mapped density limit and recommended heights as documented in this Plan.
- Properties rezoned to a CR or CRT from an R-10, R-60, EOF and PD zone will be translated to an equivalent density specified in the District recommendations that follow.
- Cover all properties within the Sector Plan boundary with the Bethesda Overlay Zone (BOZ).
- [Identify and prioritize key density averaging sending sites to achieve desired parks and open space, facilitate landmark preservation and preservation of existing market-rate affordable housing. Implement through the use of an Overlay Zone. Priority Sending Sites will be mapped CR or CRT with additional density as shown in Chapter Three: Districts.]
- For development sites less than 20,000 square feet, encourage a fee-in-lieu of the required public open space as part of the property’s public benefits.

- Update the existing streetscape guidelines and allow for improvements and flexibility within the pavement and public right-of-way.
- [Introduce a floating zone designation for the Bethesda Fire Station (Tax Map HN341) at the corner of Bradley Boulevard and Wisconsin Avenue.]

Page 15: Revise the third bullet under A. Roadway Recommendations as follows:

- Propose [new streets] the Pearl District Connector, as discussed in Chapter Two.

Page 15: Add a fifth bullet under C. Bicycle and Pedestrian Recommendations as follows:

- Evaluate concurrent exclusive pedestrian phase (i.e. a “Barnes Dance”) at the intersection of Woodmont Avenue/ Bethesda Avenue

Page 15: Modify bullet under D. Transportation Demand Management Recommendations as follows:

- Expand the existing Non-Auto Driver Mode Share (NADMS) to include residents and increase [both goals] the average combined NADMS goal to [50] 55 percent.

Page 17: Modify the second full bullet as follows:

- Design buildings [with operable windows for cross-ventilation.] to utilize passive means of heating, cooling and ventilation.

Page 17: Modify the sixth and seventh full bullets as follows:

- Exceed minimum County requirements for energy efficiency [minimum LEED certification or equivalent standards].
- [Utilize district energy (central heating/cooling) if two or more buildings are being constructed adjacent to each other.]

Page 17: Modify the bullet under 1.3.4 High Performance Area as follows:

- In the High Performance Area, buildings must meet the public benefits category for CR Energy Conservation and Generation 59-C-15.856 (b). An optional method building over 4 stories must exceed the current ASHRAE 90.1 requirement by at least 15 percent. Should the County approve alternative or additional standards, similar improvements in efficiency should be required [the International Green Construction Code (IgCC), building energy performance must rank two points lower (more efficient) than the Zero Energy Performance Index (zEPI) score listed in the most recent International Green Building Code (IGCC) as locally amended].

Page 17: Modify the first bullet under B. Urban Form as follows:

- Design signature [tall] buildings that integrate design and sustainability innovation to occupy the symbolic center and surround civic gathering spaces.

Page 18: Modify the third bullet under C. Placemaking as follows:

- Create gateways at [the] transit [and street] entrances [to the Downtown] that integrate elements such as wayfinding, landscape and building form unique to Bethesda.

Page 18: Add a fifth bullet under 1.3.6 Parks and Open Space as follows:

- Convert county owned surface parking lots to parkland/neighborhood greens to the maximum extent feasible.

Page 24: Modify the second sentence of the third paragraph as follows:

The Plan estimates [an ultimate build-out over the next 20 years of approximately] a maximum of 8,456 additional multi-unit residential units if limited commercial development occurs [, a 81 percent increase above current levels].

Page 25: Modify the first bullet under A. General as follows:

- [Coordinate and align] Explore the potential to achieve the goal of common boundaries by coordinating and aligning the Central Business District (CBD), Urban District (UD), Parking Lot District (PLD) and the Transportation Management District (TMD) boundaries.

Page 25: Modify the second bullet under B. Land Use as follows:

- Make increasing the provision for Moderately Priced Dwelling Units (MPDUs) from 12.5 percent to 15 percent a [priority amenity in] requirement for all optional method projects in Downtown Bethesda.

Page 25: Delete the third bullet under 2.2.2 Recommendations: A. Zoning as follows:

- [Identify and prioritize key density averaging sending sites to achieve desired parks and open space, and to facilitate historic/community resources preservation and implement through the use of an Overlay Zone (see Figure 4.01). Priority Sending Sites will be mapped CR or CRT with additional density as shown in Chapter Three: Districts.]

Page 27: Edit Figure 2.03: Recommended Land Use to include updated land uses.

Page 29: Edit Figure 2.05: Recommended Zoning to include updated zoning.

Page 30: Edit Figure 2.06: Bethesda Boundaries to include the following note:

This map illustrates one option for aligning the boundaries. Other options may be considered.

Page 31: Modify language in the third and fourth paragraphs as follows:

Along with high housing costs, Downtown Bethesda also continues to have a shortage of committed affordable housing. Of the [4,669] 5,124 multi-unit rental apartments in the Bethesda Downtown Study Area, only 826 (17.69%) are [rent] income-restricted as defined by MPDU requirements, Low-Income Housing Tax Credits or public subsidies. The Sector Plan increases the requirement for MPDUs for all new optional method development.

There also [exists] exist about [1,992] 1,915 “market-affordable”<sup>4</sup> rental apartments in Bethesda-apartments [who] with market rents that fall within affordable income levels due to their age or limited amenities. [-but given] Given Bethesda’s high land values and overall desirability, these rents have the potential to increase considerably. This Plan includes new strategies to encourage the preservation of market-rate affordable units by offering public benefit points in exchange for a specified amount of preservation of rent-restricted units in existing and/or replacement units within the Sector Plan area. Figure 2.07 illustrates the current distribution of affordable market-rate and rent-restricted rental units in Downtown Bethesda. [Thus, absent special efforts, there will be a continuing] Even with these new strategies, there could still be a shortfall of existing and new units to meet the needs of moderate-to-lower income households that require the services of, or are employed by retail establishments in Bethesda.

Page 32: Under Recommendations, modify the first and third bullets and add three bullets before the fourth bullet as follows:

- Add more units to the marketplace by [providing] requiring a minimum 15 percent MPDUs for optional method residential development within Downtown Bethesda.
- Provide 15 percent MPDUs on-site as a first priority.
- [Preserve existing market-rate affordable housing by identifying some sites as Priority Sending Sites for density averaging. Affordable Housing Sending Sites that choose to transfer their density must enter into a rental agreement to retain 30 percent of their existing affordable housing units, defined as 65 percent of area median income (AMI) or below, for 20 years.]
- Provide an incentive to encourage 25% or more MPDUs (by allowing an increase in FAR without additional payments otherwise required for increases in FAR).
- Create a new category of public benefit points related to the retention of existing market-rate affordable housing in existing and/or replacement units within the Sector Plan area using rental agreements with the Department of Housing and Community Affairs (DHCA).
- In the South Bethesda and Battery Lane Districts, preservation of market-rate affordable housing and/or additional MPDUs beyond 15 percent is the top priority for public benefit points.

Page 32: Modify footnote 4 as follows:

<sup>4</sup> *[Market-rate rentals are defined as affordable if their rent price plus expected tenant-paid utility costs are not more 30 percent of household income (not rent restricted).] Market-rate affordable rental housing is defined as a rental housing unit where the rent plus the expected tenant-paid utility costs must not exceed the median rent for the planning area and is affordable to a household earning 80% of area median income, adjusted as MPDUs for household and unit size. There is no income restriction on a household renting a market-rate affordable unit.*

Page 33: Update Figure 2.07: 2014 Affordable Market-Rate and Rent-Restricted Rental Units to include 2017 data.

Page 36: Delete sections B. Strathmore Street Extended (B-2) and D. Arlington Road Realignment and revise section C. Woodmont Avenue/Bethesda Avenue Intersection Improvements as follows, and change E. Further Evaluation to C. Further Evaluation:

[B. Strathmore Street Extended (B-2)

60-foot right-of-way; Bradley Boulevard to Chevy Chase Drive:

This street would improve connectivity between the residential area north of Bradley Boulevard and Norwood Park by extending the existing Strathmore Street. This improvement could improve access from Downtown Bethesda and activate Norwood Local Park. Public/Private ownership and specific horizontal alignment should be determined at the time adjacent properties are reviewed for regulatory approval.]

[C] B. Woodmont Avenue/Bethesda Avenue Intersection Improvements

Reconfigure the intersection of Woodmont Avenue/Bethesda Avenue to shorten or otherwise improve the pedestrian crossing distance and expand the plaza located on the northwest side of the intersection. Future evaluation of this intersection should specifically evaluate a concurrent exclusive pedestrian phase (i.e., a pedestrian scramble or Barnes Dance) for all crossings during periods of peak pedestrian demand. This intersection is an important crossing for pedestrians on Woodmont Avenue, Bethesda Avenue and the Capital Crescent Trail. Additional demand is anticipated in the future with the implementation of the Bethesda South Station and future park on the east side of Woodmont Avenue. Further analysis is necessary to determine the extent to which this reconfiguration can occur, given the angle of intersection between Woodmont Avenue and Bethesda Avenue.

[D. Arlington Road Realignment

This Plan carries forward an element of the 1994 Plan that recommends improving safety on Arlington Road, south of Bethesda Avenue. This segment of Arlington Road combines poor sight distance, caused by a sharp curve, with a number of driveways accessing the road from adjacent development and increasing numbers of pedestrians. The Plan



recommends realigning Arlington Road to reduce the curve and provide better sight distance. This improvement may require more right-of-way than the minimum recommended in Table 2.01 of this Plan.]

[E] C. Further Evaluation

Page 37: Modify Figure 2.08: Roadway Classification as follows:

1. Reclassify as minor arterial roadways:
  - a. Hillandale Road, between Bradley Boulevard and the S. Sector Plan Boundary
  - b. Battery Lane, between Wisconsin Avenue and Old Georgetown Road
2. Reclassify Offutt Lane and Wellington Drive as secondary residential streets.
3. Remove “B-2” [from the table. This should be a pedestrian/bicycle connection, as approved by Council].

Page 38: Modify Table 2.01: Street Classification and Right-of-Way Recommendations as follows:

1. Add a new footnote (#1) to the table heading that states, “all streets within the Downtown Sector Plan Boundary have a target speed no greater than 25 mph [target speed].”

Page 39: Modify Table 2.01: Street Classification and Right-of-Way Recommendations as follows:

1. Reclassify Hillandale Road, between Bradley Boulevard and the S. Sector Plan Boundary, as a minor arterial.
2. Reclassify Battery Lane, between Wisconsin Avenue and Old Georgetown Road, as a minor arterial.
3. Add primary residential streets shown in Figure 2.08 (p.37) to Table 2.01.
4. Add a footnote for Pearl Street that states, “This Plan anticipates future abandonment of Pearl Street between Montgomery Avenue and the Capital Crescent Trail (CCT), as long as there is sufficient width for pedestrian/ bicycle access between the CCT and Montgomery Avenue and that access for the abutting private properties is provided.”
5. Add a footnote for Hampden Lane that states, “The County should consider a proposed abandonment of street right-of-way for a development that uses the abandoned right-of-way to provide a significant public benefit.”
6. Remove “B-2” [from the table. This should be a pedestrian/ bicycle connection, as approved by Council].
7. Add a Primary Residential Street category, including:
  - Strathmore Street from Woodmont Avenue to Bradley Boulevard, 60’ right-of-way;
  - Chevy Chase Drive from Hillandale Road to Bradley Boulevard, 60’ right-of-way;
  - Avondale Street, 60’ right-of-way;
  - Tilbury Street, 60’ right-of-way;
  - Chestnut Street, Wisconsin Avenue to Tilbury Street, 60’ right-of-way;
  - Pearl Street, Middleton Lane to Sleaford Road, 60’ right-of-way;
  - Chelton Road, East-West Highway to Sleaford Road, 60’ right-of-way;
  - Keystone Avenue, Battery Lane to North Brook Lane, 60’ right-of-way;

North Brook Lane, Keystone Avenue to northern terminus, 60' right-of-way.

Page 40: Revise language under F. Capacity as follows, including shifting the last paragraph to below the deleted second paragraph:

[Policy Area] Roadway Network Adequacy Test

In support of the [2012] 2016 Subdivision Staging Policy (SSP), key intersections were evaluated using the Highway Capacity Manual (HCM) methodology, which estimates seconds of delay per vehicle during the morning and evening peak periods. Intersections within the Sector Plan limits were tested against a policy area standard of 120 seconds/vehicle delay while intersections outside the Sector Plan limits were tested against a policy area standard of 80 seconds/vehicle delay. As a result of this analysis, all intersections within the Sector Plan limits were found to be within the policy area standard; however, three intersections immediately outside the Sector Plan limits are estimated to exceed the policy area standard: [a Transportation Policy Area Review (TPAR) analysis was performed for each policy area in the County to test the roadway network's adequacy in 2040. The year 2040 TPAR analysis took into account build-out of all the adopted County Master Plans by the year 2040 in combination with the implementation of all the unbuilt master planned projects anticipated to be constructed by 2040. It should be noted that this study differs from TPAR analysis for year 2024 that is currently used in the context of the regulatory review process.]

[In the 2012 SSP year 2040 TPAR analysis, the Bethesda Chevy Chase Policy Area is shown to be adequate for the roadway test. Given that the Bethesda Downtown Sector Plan area is a small subset of a much larger policy area, the transportation network is considered in balance with the land use and densities proposed by the Sector Plan.]

[Immediately outside the Sector Plan area, four intersections are forecast to exceed the Bethesda/Chevy Chase Policy Area congestion standard of 1,600 CLV. Those intersections are listed below:]

- East-West Highway and Connecticut Avenue
- [Rockville Pike and Cedar Lane
- Bradley Boulevard and Huntington Parkway]
- Connecticut Avenue and Bradley Lane
- Rockville Pike and Jones Bridge Road

The Council will consider capacity improvements to resolve or mitigate future congestion at these intersections to be included in the Bethesda Downtown Sector Plan's Unified Mobility Program (BUMP) and in subsequent revisions to the BUMP. For the intersection improvement at Connecticut Avenue and Bradley Lane, the Council will also consider historic preservation, environmental, and other community impacts.

Methodology

Plan Vision with Existing Street Network Scenario: Traffic analysis of the Plan Vision 2040 land use determined that all intersections within the Bethesda Downtown Sector Plan area are

projected to operate within the current [1,800 Critical Lane Volume (CLV)] 120 seconds/vehicle delay threshold. That analysis assumed maintenance of the existing street network, including funded improvements, and traffic flow pattern (without reconfiguration of any one-way streets). [The most congested intersection within the limits of the sector plan is at Bradley Boulevard and Wisconsin Avenue, which is projected to operate at 1,533 CLV in the evening peak hour – an eight percent increase over the existing CLV at this location.]

Plan Vision with Two-Way Street Conversion Scenario: When considering the proposed two-way street conversion scenario, the traffic analysis indicates that [the intersection of Montgomery Lane and Wisconsin Avenue] Sector Plan intersections would approach, but remain within, the congestion standard [with a forecast CLV of 1,765 in the evening peak hour. Under the same scenario, the analysis indicates that the intersection of Wisconsin Avenue and Old Georgetown Road/East-West Highway would remain within the congestion standard with a forecast CLV of 1,427 in the evening peak hour].

This analysis suggests that the conversion of one-way streets in Bethesda may not significantly impact traffic circulation within the Sector Plan area; however, the introduction of a two-way street pattern should be subject to a more detailed examination following this Sector Plan.

Page 41: Modify language under A. Bethesda Circulator Expansion as follows:

A more robust Circulator Bus route should be considered to serve an expanded Downtown Bethesda. That route should include service to the Battery Lane and Pearl Districts<sub>1</sub>. Potential new stops should include the following locations (see Figure 2.10: Proposed Circulator Route Revisions):] new Bethesda South Metrorail station/Purple Line station on Elm Street, the Pearl District, and Medical Center Metrorail station.

[1. Battery Lane:

- Battery Lane Urban Park
- Old Georgetown Road
- Woodmont Avenue

2. Pearl District:

- Waverly Street Parking Garage

3. Bethesda South

- Woodmont Avenue at Wisconsin Avenue
- Bradley Boulevard at Wisconsin Avenue
- Bradley Boulevard at Leland Street
- Arlington Road between Bradley Boulevard and Bethesda Avenue The proposed expansion would require elimination of service to the following existing stations:
- Arlington Road north of Elm Street
- Arlington Road/Montgomery Lane
- Edgemoor Lane near Woodmont Avenue (two stops)

4. Auburn Avenue at:

- Old Georgetown Road
- Norfolk Avenue

- Rugby Avenue Phasing of the proposed Circulator Bus expansion should be considered at the time of implementation to account for anticipated ridership and impacts on overall service. At the time this Sector Plan was drafted, the Bethesda South and Battery Lane districts seemed to be the first logical expansion areas. Expansion into the Pearl District should be timed to coincide with that district's development in the future.]

Page 45: Delete Figure 2.10: Proposed Circulator Route Revisions.

Page 46: Modify Figure 2.11: Bikeway Classification as follows:

1. Reclassify the portion of LB-6, "Strathmore Street Extended," south of Bradley Boulevard, to a proposed shared use path.
2. Add a proposed separated bike lane, "CT-8" to Old Georgetown Road, between Woodmont and Wisconsin Avenue, and East-West Highway, between Wisconsin Avenue and Montgomery Avenue.
3. Add a proposed separated bike lane, "CT-9" to Montgomery Avenue, between Wisconsin Avenue and East-West Highway.
4. Add separated bike lanes to Edgemoor Lane, between Arlington Road and Bethesda Metrorail Station
  - a. Add "SR-7" label to the section of Edgemoor Lane between Exeter Road and Arlington Road
5. Delete "LB-4" label and revise to reflect an extension of bike lane "BL-44," Norfolk Avenue/Cheltenham Drive, to Tilbury Street.
6. Revise Pearl Street, "LB-7," to bike lane, "LB-3" (blue line)
7. Add bike lane "LB-7" to Chelton Road, between Sleaford Road and East-West Highway.
8. Add bike lane "LB-4" to Waverly Street, between East-West Highway and Montgomery Avenue.

Page 47: Modify Table 2.02: Bicycle Network Recommendations as follows:

1. Add a proposed separated bike lane, "CT-8," to Old Georgetown Road between Woodmont and Wisconsin Avenue, and East-West Highway between Wisconsin Avenue and Montgomery Avenue.
2. Add a proposed separated bike lane, "CT-9," to Montgomery Avenue between Wisconsin Avenue and East-West Highway.
3. Add a new line under the "Shared Use Path" subheading to classify the portion of LB-6, "Strathmore Street Extended," south of Bradley Boulevard, to a proposed shared use path. Retain "LB-6" designation.
4. Add a footnote corresponding to "LB-3," Pearl Street south of Montgomery Avenue, that states, "This bikeway may be implemented as a shared use path if the County Council abandons Pearl Street south of Montgomery Avenue."
5. Add separated bike lanes to Edgemoor Lane, between Arlington Road and Bethesda Metrorail Station.
  - a. Revise SR-8 to eliminate "Edgemoor Lane" and revise limits to "Edgemoor Lane to Avondale Street."
  - b. Add "SR-7" as the section of Edgemoor Lane between Exeter Road and Arlington Road.

6. Delete shared roadway line “LB-4” and revise bike lane “BL-44,” Norfolk Avenue, to include Cheltenham Drive and extend to Tilbury Street.
7. Delete shared roadway line “LB-7,” and revise Bike Lane “LB-3,” Pearl Street limits to reflect the following: “Sleaford Road to Montgomery Avenue.”
8. Add bike lane “LB-7” to Chelton Road, between Sleaford Road and East-West Highway.
9. Add bike lane “LB-4” to Waverly Street, between East-West Highway and Montgomery Avenue.
10. Revise the designation of proposed bike lanes on Arlington Road between Old Georgetown Road and Bradley Boulevard as separated bike lanes.
11. Revise the limits of the Woodmont Avenue separated bike lanes to between Wisconsin Avenue and the North Sector Plan boundary.

Page 48: Add a sentence under A. New Bikeway Proposals and modify the first full paragraph under 1. Woodmont Avenue (CT-4) as follows:

A. New Bikeway Proposals

Any section of bikeway proposed in this plan that requires a road diet will require a more detailed interagency operational analysis before it is implemented.

1. Woodmont Avenue (CT-4)

Separated Bike Lanes (ultimate); Bike Lanes (interim); Battery Lane to Bethesda Avenue

This bikeway would improve north-south connectivity within the Sector Plan area and would serve as the primary alternative to Wisconsin Avenue for bicyclists. Due to potential parking and operational impacts resulting from lane reallocation required as part of this recommendation, the following alternatives have been identified for further analysis and the implemented bikeway may contain a combination of configurations; however, there is a strong preference for separated bike lanes along Woodmont Avenue (see also Table 2.02: Bicycle Network Recommendations):

Pages 48-51: Modify language for section 3. Norfolk Avenue (BL-44) as follows:

Bike Lanes/Shared Street; Battery Lane Urban Park to [Wisconsin Avenue] Tilbury Street

This bikeway would improve north-south connectivity within the Sector Plan area and would serve as the primary alternative to Old Georgetown Road for bicyclists. Due to the recommendation that a portion of Norfolk Avenue be reconfigured as a shared street, the following alternatives have been identified for further analysis:

- a. Bike Lanes Alternative: This alternative is recommended for the near-term, prior to any implementation of the shared street concept. The primary advantage to this alternative is the relative ease with which it can be implemented. Norfolk Avenue is currently 48 feet wide with two travel (16 feet wide) lanes and two on-street parking lanes. As a result, two

6-foot wide bike lanes and two 10-foot wide travel lanes can be implemented without any additional reallocation of the existing roadway or loss of parking.

- b. Shared Street Alternative: This alternative reflects the Sector Plan recommendation that a portion of Norfolk Avenue, within the Woodmont Triangle, be improved as a shared street with alternative paving materials and flush curbs. Once implemented, the shared street concept is anticipated to have a traffic calming effect and will support relatively low-speed mixed traffic. Under such a scenario, separated bike lanes are unnecessary for bicyclists' comfort.

Page 51: Modify language for sections 4. Arlington Road (LB-2) and 5. Cheltenham Drive (LB-4), and the first part of section 6. Edgemoor Lane/Commerce Lane/Avondale Street (SR-8) as follows:

4. Arlington Road (LB-2)

[Buffered or] Separated Bike Lanes; Old Georgetown Road to Bradley Boulevard

This bikeway would improve north-south connectivity on the west side of the Sector Plan area and would provide a direct connection between the Woodmont Triangle and proposed Bradley Boulevard bikeway via Bethesda Row. [The following alternatives have been identified for further analysis (see also Table 2.02: Bicycle Network Recommendations):

- a. Buffered Bike Lanes: Implementation of this option would require converting Arlington Road from a four-lane road to a three-lane road, including a center-turn lane.
- b. Separated Bike Lanes: As with buffered bike lanes, this] This [option] configuration would require a road diet that [converting] converts Arlington Road from a four-lane road to a three-lane road, including a center-turn lane. [The main difference between buffered bike lanes and separated bike lanes is the presence of vertical separation between traffic lanes and bike lanes.]

5. [Cheltenham Drive] (LB-4)

Shared Roadway; Wisconsin Avenue to Tilbury Street

This bikeway would improve east-west connectivity across Wisconsin Avenue, between the proposed Norfolk Avenue bike lanes in the Woodmont Triangle, and single-unit residential neighborhoods east of Wisconsin Avenue. Additionally, this connection would provide an alternative connection to the Capital Crescent Trail via the existing Sleaford Road connection. This bikeway should have clear way-finding signs and markings to encourage its use as an important connection within Downtown Bethesda.]

6. [Edgemoor Lane/] Commerce Lane/Avondale Street (SR-8)

Shared Roadway; [Exeter Road] Edgemoor Lane to Avondale Street

Page 54: Modify language for section 9. Pearl Street (LB-7) as follows:

## 9. Pearl Street (LB-[7] 3)

Bike Lane; Montgomery Avenue [and Avondale Street] to Sleaford Road.

Shared Roadway; North of [Avondale Street] Sleaford Road to Sector Plan Boundary

This bikeway would improve north-south connectivity on the east side of the Sector Plan and would provide a direct connection between the emerging Pearl District and single-unit residential neighborhood to the north and east of the Sector Plan area. This Plan recommends bike lanes on the block between [East-West Highway] Sleaford Road and Montgomery Avenue, given the anticipated level of activity in that area of the Pearl District. North of [East-West Highway] Sleaford Road, this bikeway should be implemented as a shared roadway. This bikeway should have clear wayfinding signs and markings to encourage its use as an important connection within Downtown Bethesda.

Pages 54-55: Add a third bullet before the last paragraph of section 4. Intersection Improvements as follows:

- Future evaluation should specifically evaluate a concurrent exclusive pedestrian phase (i.e., a pedestrian scramble or Barnes Dance) for all crossings of the Woodmont Avenue/Bethesda Avenue intersection during periods of peak pedestrian demand, especially weekends when traffic congestion is less of a concern.

Page 56: In Figure 2.14: Arlington Road Existing and Proposed Street Sections, delete “Proposed Section Opt. 1: Buffered Bike Lanes.”

Page 57: Revise heading as follows:

Arlington Rd (Old Georgetown Road to Bradley Boulevard, Looking North)  
Proposed Section [Opt. 2]: Separated Bike Lanes (one-way)

Page 59: Modify the third sentence of the second paragraph under 2.3.5 Transportation Demand Management as follows:

Success in implementing TDM strategies is determined by establishing and monitoring Non-Auto Driver Mode Share (NADMS). The current NADMS in Bethesda indicates that approximately 42 percent of commuters arrive at work by means other than single occupancy vehicles. This Sector Plan recommends that the NADMS goal be expanded to apply to both commuters and residents and increased to a combined average of [50] 55 percent for both groups.

Pages 64-65: Modify the first bullet under 2.4.3 Energy, Recommendations as follows:

- In the High Performance Area, buildings must meet the public benefit category for CR Energy Conservation and Generation 59-C-15.856 (b). An optional method building over 4 stories must exceed the current ASHRAE 90.1 requirement by at least 15 percent. Should the County approve alternative or additional standards, similar improvements in efficiency

should be required [the International Green Construction Code (IgCC), building energy performance must rank two points lower (more efficient) than the Zero Energy Performance Index (zEPI) score listed in the most recent International Green Building Code (IGCC) as locally amended].

Page 65: Modify the fifth full bullet on the page as follows:

- Design buildings [with operable windows for cross-ventilation] to utilize passive means of heating, cooling and ventilation.

Page 65: Modify the 9<sup>th</sup> and 10<sup>th</sup> full bullets as follows:

- Exceed minimum County requirements for energy efficiency [minimum LEED certification or equivalent standards].
- [Utilize district energy (central heating/cooling) if two or more buildings are being constructed adjacent to each other.]

Page 67: Revise the map of the High Performance Area to exclude all properties zoned R-60.

Page 68: Delete the fourth sentence of the bullet under A. Energy as follows:

- [For example, if the County approves the International Green Construction Code (IgCC), building energy performance should rank two points lower (more efficient) than the Zero Energy Performance Index (zEPI) score listed in the most recent International Green Building Code as locally amended.]

Page 71: Edit Figure 2.19: Public Space Network to remove the potential open space asterisks between Highland and West Virginia Avenues and Chevy Chase Drive, and remove recommended/enhanced open space next to Chase Ave Urban Park.

Page 72: Modify the first bullet under 2.6.2 Urban Form, Recommendations as follows:

- Symbolic Center and Civic Gathering Spaces: Design signature [tall] buildings that integrate design and sustainability innovation to occupy the symbolic center and surround civic gathering spaces.

Page 73: Edit Figure 2.20: Recommended Maximum Building Heights to include updated building height decisions.

Page 75: Modify language for the “Base” in Figure 2.21: Building Form Recommendations as follows:

Base: [Provide a low to mid-rise building base that frames the street with fine grain façade articulation]. Articulate large building bases to ensure that facades are not exceedingly long, uninterrupted and rigidly uniform.



Page 75: Modify the first paragraph under Intent as follows:

With the increases to allowable building heights recommended for Downtown Bethesda and the flexibility to transfer and allocate additional density in the overlay zone, building form recommendations are critical to create clear expectations to guide the development review process. Design Guidelines will be developed with specific recommendations to achieve these objectives and elaborate on the general guidance and illustrative diagrams presented on this page.

Page 76: Modify the third bullet as follows:

- Create gateways at [the] transit [and street] entrances [to the Downtown] that integrate elements such as wayfinding, landscape and building form unique to Bethesda.

Page 80: Modify the second bullet as follows:

- One or more [A] central “civic green” urban [park] parks (Chapter 3), ranging in size from ½ to 2 acres, depending on projected densities, located in close proximity to a public transit hub, next to activating uses, with a mixture of hard and soft surfaces, including a central lawn area for events.

Page 81: Edit Figure 2.23: Urban Parks Hierarchy to update and include key to parks recommendations on pages 82-87.

Page 83: Modify 1. Veteran’s Park Civic Green, Vision to include the following language:

VISION: Veteran’s Park Civic Green is envisioned as a green extension of the existing successful public open space called Veteran’s Park at the intersections of Woodmont Avenue, Wisconsin Avenue and [Cheltenham Drive] Norfolk Avenue. This new park would expand the existing limited public space across the street and could serve as a linkage between the established center of the Woodmont Triangle District and Wisconsin Avenue Corridor District. Figure 2.23 on page 81 and Figure 3.02 on page 103 depict the general location for the expansion of Veteran’s Park as a community benefit under the CR zone. Other potential locations may also be explored through the development process.

Page 83: Modify 2. The Farm Women’s Market Civic Green, Vision and Recommended Size as follows:

VISION: This Civic Green is envisioned as a green open space next to the Farm Women’s Cooperative Market, which is a longstanding community institution in the historic heart of Bethesda. This space would act as both a destination and a local gathering spot, providing a space for market customers to eat and relax. It serves as an extension of Elm Street Park and the proposed Eastern Greenway. To create a prominent civic space, it is recommended that this new civic green be integrated with the potential new park on Lot 24. The open space at the famous Weaver Street Market in Carrboro, North Carolina, serves as an example of the type of space envisioned here.

Recommended size: [0.6] 1.6 acres (including market building and the proposed park for Lot 24).

Page 85: Remove Fire Station 6 Urban Buffer Park as follows, since it was linked to potential redevelopment of the site, which is no longer recommended.

[1. Fire Station 6 Urban Buffer Park

Vision: A walk to green space for the residents of the South Bethesda and Wisconsin Avenue Districts, this space will also provide a needed trail connection into the Norwood Local Park (See Section 3.3.3.2.B for zoning recommendations).

Recommended size: 0.85 acres.

Purpose: Fire Station 6 Urban Buffer Park will allow for needed walk-to facilities, such as community open space, dog parks, skate parks or community gardens.]

Page 86: Remove the Implementation language under 4. Bethesda-Chevy Chase East Neighborhood Green as follows:

[Implementation: This park space would be acquired through the Montgomery County Department of Parks Capital Improvements Program, developed through private sector contributions and coordinated with Montgomery County Public Schools.]

Page 86: Modify 5. Eastern Greenway Neighborhood Greens language by adding the following text before a. North End:

4. Eastern Greenway Neighborhood Greens

Convert county owned surface parking lots 25, 44, 24 and 10 to parkland/neighborhood greens to the maximum extent feasible. The conversion of Lot 24 (adjacent to the Farm Women’s Market) to parkland could help create a larger civic green and regional park. The parking needs of neighborhood businesses that rely on these lots should be addressed and parking replaced where necessary.

Page 87: Remove 2. Chase Avenue Neighborhood Green Expansion as follows:

[2. Chase Avenue Neighborhood Green Expansion

Vision: This extension is envisioned as an addition to the existing small Neighborhood Green (formerly classified as an urban park) and to the proposed Eastern greenway along the eastern edge of the Bethesda Downtown Sector Plan boundary.

Recommended size: 0.8 acres

Purpose: These parcels will add to the small-scale neighborhood recreational opportunities and act as green buffers for the community on the eastern side of the Bethesda Downtown Sector Plan boundary.]

Pages 91-92: Modify the fourth paragraph (including bullets) under 2.8.3 Public Security, B. Fire and Rescue Stations as follows:

A. Fire and Rescue Stations

Fire Station 6 was built in 1969 and has aged considerably. The fire department is determining the best way to provide a modernized fire station that will meet the constantly increasing community needs for the next 40-50 years. [by considering the following options:]

- [Maintain Fire Station 6.
- Renovate the existing Fire Station 6.
- Build a new stand-alone Fire Station 6.
- Work with an outside developer to redevelop the property as a residential building, including a new Fire Station 6.
- Determine the possibility of obtaining density rights that could be sold to other properties in Bethesda to fund a renovation or a new Fire Station 6.]

Page 92: Modify 2.8.3 Public Security, B. Fire and Rescue Stations, Recommendations as follows:

This Plan recommends that the rescue squad site located at the intersection of Battery Lane and Old Georgetown Road change from its current R-60 zone to a Commercial Residential (CR) zone and the Fire Station 6 site at the corner of Bradley Boulevard and Wisconsin Avenue retain its R-10 base zone. The new rescue squad building and any residential development should be located to optimize functionality of the rescue squad building and maximize compatibility with the surrounding residential community [A floating zone is recommended with a Commercial Residential (CR) designation to permit some additional uses consistent with the surrounding neighborhood and renovation of the facilities to improve safety and services] (see *Figure 2.05: Recommended Zoning*).

Page 92: Revise the first and second sentences of the second paragraph under B. Public Schools as follows:

In addition, the Sector Plan provides for up to 8,456 new multi-unit high-rise housing units (assuming limited commercial development). Based on student generation for this area of the County, Montgomery County Public Schools (MCPS) estimates at full build-out, the new housing would result in approximately [355] 430 elementary school students, [145] 177 middle school students and [195] 236 high school students.

Page 92: Revise the first sentence of the fifth paragraph under 2.8.4 Educational Facilities, B. Public Schools as follows:

At the elementary school level, Bethesda Elementary School completed a [has a] building addition [scheduled for completion] in August 2015 to address increased enrollment.

Page 93: Update language for the second paragraph from the bottom of the page as follows:

At the middle school level, Westland Middle School is projected to be over capacity by more than 800 students in the coming years. A second middle school for the B-CC cluster is scheduled to open in August 2017, called Silver Creek Middle School. [The temporary name for this school is Bethesda- Chevy Chase Middle School #2. The boundaries for the new middle school, and changes to the Westland Middle School service area, have been are not yet determined.]

Page 94: Add bullet at the beginning of the second set of bullets on page to include options for B-CC High School expansion as follows:

- Explore options for expansion of the B-CC High School and/or its fields, including the possibility of acquiring parcels directly adjacent to the school.

Page 94: Modify the first two sentences under A. Bethesda-Chevy Chase Regional Services Center as follows:

[Bethesda is not an incorporated municipality, but it provides a local government office to strengthen communication between the community and various agencies of County government.] The Bethesda-Chevy Chase Regional Services Center is one of four regional services centers in the County that [functions] function as [a] local town [hall] halls, offering problem-solving and information, and referral services to residents.

Page 95: Under the Recommendation for A. Bethesda-Chevy Chase Regional Services Center, modify the text as follows:

Support the priorities of the Bethesda-Chevy Chase Regional Services Center and rezone the property to allow potential redevelopment with an improved center, additional civic uses, and possibly a recreation center.

Page 95: Add language to 2.8.5 Other Public Facilities to include a Recreational Facility as follows:

#### D. New Recreation Center

To support the additional growth in the Bethesda-Chevy Chase regional area, downtown Bethesda will need to accommodate recreational services and facilities for all ages and abilities. The Sector Plan calls for the study and implementation of a new County Recreation Center in Downtown Bethesda.

Recommendation

Explore the viability of providing a new County recreation facility in Downtown Bethesda, taking advantage of under-utilized sites near the Metro Station and/or colocation with the existing B-CC Regional Services Center at 4805 Edgemoor. Other viable sites should also be explored as part of this study.

Page 99: Modify the first bullet under 1. Goals as follows:

- Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.

Page 100: Modify and add bullets under b. Zoning as follows:

b. Zoning

- See Figure 2.20: Recommended Maximum Building Heights for maximum building heights in the Wisconsin Avenue District and Figure 3.01: Wisconsin Avenue District Zoning for the following recommendations.
- [Establish nine Priority Sending Sites for density averaging (Farm Women's Cooperative Market, Union Hardware site, the old post office, Brooks Photographer's Building at 7349 Wisconsin Avenue, St. John's Episcopal Church, lots 14, 15, 16 on the south side of Avondale Street and the Metropolitan Apartments) to create, enhance and/or preserve key parks and historic and community resources (see figure 3.01 Recommended Zoning and 4.01 Proposed Priority Sending Sites).]
- Rezone Map #53 from its current zone to increase the commercial density from 1.0 FAR to 3.0 FAR to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #54 from its current zone to increase the commercial density from 1.0 FAR to 3.0 FAR and increase height to 120 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #55 and #59 from their current zones to increase the commercial FAR from 1.0 to 3.0 FAR and increase the maximum allowable building heights to 145 feet.
- Rezone Map #56 from its current zone to increase the commercial density from 1.0 FAR to 3.0 FAR and height to 110 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #57 from its current zone to increase the commercial density from 1.0 FAR to 3.0 FAR and height to 145 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #58 from its current zone to increase the commercial density from 1.0 FAR to 3.0 FAR and height to 110 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #60 from its current zone to increase the commercial density from 1.0 FAR to 3.0 FAR and height to 175 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.

- Rezone Map #61 from its current zone to increase the commercial density from 1.0 FAR to 5.0 FAR and height to 175 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #62 from its current zone to increase the commercial density from 1.0 FAR to 5.0 FAR and increase the maximum allowed building height from 145T to 200 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #63 from its current zone to increase the commercial density from 1.0 FAR to 3.0 FAR and increase the maximum allowable building height from 120T to 290 feet if the project includes 25 percent MPDUs. If only 15 percent MPDUs are included in the project, then the height is limited to 225 feet.
- Rezone Map #64 from its current zone to increase the commercial density from 1.0 FAR to 3.0 FAR and increase the maximum allowable building height from 120T to 290 feet if the project includes 25 percent MPDUs. If only 15 percent MPDUs are included in the project, then the height is limited to 225 feet.
- Rezone Map #65 and #66 from their current zones to increase the commercial density from a 1.0 FAR to a 3.0 FAR to provide flexible development opportunities and allow future development to better adapt to market conditions and increase the maximum allowable building height from 120T to 225 feet.
- Rezone Map #67 from its current zone to increase maximum allowable building height from 145T to 300 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #68 from its current zone to increase maximum allowable building height from 145T to 165 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #69 from its current zone to increase the commercial density from 4.0 FAR to 5.0 FAR to provide flexible development opportunities and allow future development to better adapt to market conditions and increase the maximum allowable building height from 145T to 175 feet.
- Rezone Map #70 from its current zone to increase the commercial density from 4.0 FAR to 5.0 FAR to provide flexible development opportunities and allow future development to better adapt to market conditions and increase the maximum allowable building height from 145T to 225 feet.
- Rezone Map #71 from its current zone to increase the maximum allowable building height from 145T to 175 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #72 to increase the commercial density from 1.0 FAR to 5.0 FAR and increase the maximum allowable building height to 225 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #73 from its current zone to increase the commercial density from 6.0 FAR to 8.0 FAR and increase the maximum allowable building height from 200T to 290 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #74 from its current zone to increase the commercial density from 4.0 FAR to 5.0 FAR and increase the maximum allowable building height from 145T to

- 175 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #75 from its current zone to increase the commercial density from 4.0 FAR to 5.0 FAR and increase the maximum allowable building height from 145T to 290 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
  - Rezone Map #76 from its current zone to increase the maximum allowable building height from 200T to 290 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
  - Rezone Map #77 from its current zone to increase the maximum allowable building height from 200T to 240 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
  - Rezone Map #78 and #79 from their current R-10 zone to CR 1.5, C-0.25, R-1.5, H-70 to provide flexible development opportunities near the core of Downtown Bethesda and still maintain compatibility with its surrounding neighborhood.
  - Rezone Map #80, #82, #83 and #86 from their current zones to increase the maximum allowable building height from 90T to 110 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
  - Rezone Map #81 from its current zone of R-10 to a CRN zone to reflect the existing development and ensure compatibility with adjacent single family detached units. Rezone to CRN 0.75, C-0, R-0.75, H-45.
  - Rezone Map #84 and #85 from their current zones to increase the maximum allowable building height from 60T to 70 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
  - Rezone Map #87 from its current zone to increase the commercial density from 4.0 FAR to 5.0 FAR and increase the maximum allowable building height from 90T to 145 feet to provide flexible development opportunities and to address the proximity to both the commercial core on Wisconsin Avenue and the adjacent single family unit neighborhood of East Bethesda.
  - Rezone Map #88, #89, #90, #91, #92, #93, #94, and #95 to increase the maximum allowable building heights to 90 feet to provide for an appropriate transition to the adjacent single family unit neighborhoods of East Bethesda. Increase the commercial FAR on Map #90, #91, and #92 from 2.0 to 3.0 and the residential FAR on Map #91 from 2.75 FAR to 3.0 FAR to provide flexible development opportunities and allow future development to better adapt to market conditions.
  - Rezone Map #96 to reduce the maximum allowable building height to 70 feet to provide for an appropriate transition to the adjacent single family unit neighborhoods of East Bethesda and Glenbrook Village.
  - Rezone Map #97 to increase the maximum allowable building heights to 70 feet to provide for an appropriate transition to the adjacent single family unit neighborhoods of East Bethesda.
  - Rezone Map #98 from its current zone to increase the commercial density from 6.0 FAR to 8.0 FAR and increase the maximum allowable building height from 175T to 210 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.

- Rezone Map #99 from its current zone to increase the commercial density from 6.0 FAR to 8.0 FAR and increase the maximum allowable height from 175T to 290 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #100 from its current zone to increase the commercial density from 6.0 FAR to 8.0 FAR, increase residential FAR from 7.5 to 7.75, and increase the maximum allowable building height from 145T to 290 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #101 from its current zone to increase the commercial density from 6.0 FAR to 8.0 FAR, the residential density from 7.5 to 7.75, and increase the maximum allowable building height from 200T to 250 to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #102 from its current zone to increase the commercial density from 4.0 FAR to 5.0 FAR and increase the maximum allowable building height to 200 feet on the east side of the property closest to the Bethesda Metro, tapering down to a compatible building height as it gets closer to Woodmont Avenue.
- Rezone Map #103 and #104 from their current zones to increase the commercial density from 4.0 FAR to 5.0 FAR and increase the maximum allowable building height to 250 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #105 from its current zone to increase the maximum allowable building height to 290 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #106 from its current zone to increase the maximum allowable building height to 250 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #107 from its current zone to increase the commercial density from 2.0 FAR to 3.0 FAR and increase the maximum allowable building height to 200 feet to provide flexible development opportunities and allow future development to better adapt to market conditions. Allow an increase in the maximum allowable building height to 225 feet if the property redevelops in a manner that benefits the Farm Women's Cooperative Market to the east.
- Rezone Map #108 from its current zone to increase the commercial density from 1.0 FAR to 3.0 FAR and increase the maximum allowable building height to 145 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #109 from its current zone to increase the commercial density from 2.0 FAR to 3.0 FAR and increase the maximum allowable building height to 120 feet to provide flexible development opportunities and allow future development, including a movie theater. If the project does not include a movie theater, the height should be limited to 110 feet.
- Rezone Map #110 from its current zone to increase the commercial density from 2.0 FAR to 3.0 FAR and increase the maximum allowable building height to 90 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.



- Rezone Map #111 from its current zone to increase the maximum allowable building height from 75T to 90 feet to be compatible with the surrounding single family neighborhoods to the east and the low to mid-rise commercial along Wisconsin Avenue.
- Rezone Map #112 from its current zone to a uniform zone of CR 2.25, C-2.25, R-2.25, H-90 across the entire property from Wisconsin Avenue to West Avenue, increasing the maximum allowable building height from 75T to 90 feet to be compatible with the surrounding single family neighborhoods to the east and the low to mid-rise commercial along Wisconsin Avenue. If neighboring properties redevelop, consider compatibility with the St. John's Episcopal Church property, and specifically the unique use made of the northern edge of that property as a columbarium, through the site design process.
- Rezone Map #113 and #114 from their current zones to increase the commercial density from 2.0 FAR to 3.0 FAR and increase the maximum allowable building height from 75T to 90 feet to be compatible with the surrounding single family neighborhoods to the east and the low to mid-rise commercial along Wisconsin Avenue.
- Rezone Map #115 and Map #116 from their current zones to increase the commercial density from 2.0 FAR to 3.0 FAR and increase the maximum allowable building heights to 90 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Revise Map #117 to increase the commercial FAR from 2.0 to 3.0 and correct the maximum allowable building height from 75T to 145 feet to prevent the building from becoming non-conforming.
- Rezone Map #118 from its current zone to increase the commercial density from 2.0 FAR to 3.0 FAR and increase the maximum allowable building height from 75T to 150 feet and allow an increase in the maximum allowable building height to 175 feet if the property redevelops as a joint development with the Farm Women's Cooperative Market to the north.
- Rezone Map #119 from its current zone to increase the commercial density from 2.0 FAR to 3.0 FAR to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #120 from its current zone to increase the commercial density from 4.0 FAR to 5.0 FAR and increase the maximum allowable building height to 250 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #121, #122 and #124 from their current zones to increase the commercial density from 4.0 FAR to 5.0 FAR and increase the maximum allowable building height to 250 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #123 from its current zone to increase the commercial density from 4.0 FAR to 5.0 FAR and increase the maximum allowable building height to 290 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #125 from its current zone to increase the commercial density from 4.0 FAR to 5.0 FAR and increase the maximum allowable building height to 175 feet to

provide flexible development opportunities and allow future development to better adapt to market conditions.

Page 100: Under 1. Public Realm, after b. Goal, add c. Goal as follows:

c. Goal: Retain a significant private open space at Metro Center

Recommendations:

- In conjunction with construction of one or more new buildings at Metro Center, redesign and reconfigure the existing open space to make it more usable, more programmable, and more inviting.
- Accommodate new plaza-level retail to further activate the open space.
- Provide a welcoming and accessible central gathering area, with appropriate surface and design features to accommodate the broader community as well as adjacent employees and residents.
- Improve the connections between the below-grade Metro bus area and the Plaza to encourage Metro riders to use the open space and visit the retail.
- Improve the Metro bus area with lighting, art, and other features to make it a more inviting area.

Page 100: Under 2. Building Form, a. Goal, remove the third bullet as follows:

- [Step down development at the southeast corner of Wisconsin Avenue and Cheltenham Drive on Block 2 lots 2, 7 and 8 from 250 feet along Wisconsin Avenue to 110 feet at the rear of the lots.]

Page 102: Revise bullets under b. Goal, Recommendations as follows:

- Provide increased height at [the gateways at the north and south boundaries of the Sector Plan area, as well as at] the transit gateways to the Metrorail and Purple Line stations.
- Mark the Veteran's Park Civic Green as a major civic gathering space through [taller] signature buildings at this location.

Page 102: Revise bullets under c. Goal, Recommendations as follows:

- [Allow a maximum height of up to 200 feet along Wisconsin Avenue on the properties at the northeast corner of Wisconsin Avenue and Chase Avenue on Block 9, including lot 27, PT 4 and PT 5 if lots 21 and 22 are dedicated as an extension of Chase Avenue Urban Park. If the park land is not provided, limit building height to 145 feet.]
- Allow a maximum height of up to 225 [290] feet at the northwest corner of Wisconsin Avenue and Norfolk Avenue on Map #65 and #66 [lots 613 and 621] [if a park is dedicated as an extension of Veterans Park and the block is assembled. If a park is not provided, limit building height to 250 feet].
- Allow a maximum height of up to 290 feet at the southwest corner of Wisconsin Avenue and Fairmont Avenue on Map #63 and #64 [lot 655] if 25 [15] percent MPDUs [and 10

percent workforce housing] are provided and the block is assembled. If the affordable housing is not provided, limit building height to 225 [250] feet.

Page 103: Figure 3.02: Wisconsin Avenue Corridor District Public Realm Improvements, revise illustrative graphic by removing the potential development at the Bethesda Metro Center and remove Recommended Gateway symbols at the northern and southern ends of the corridor.

Page 104: Modify language under 2. Recommendations as follows:

a. *Land Use*

Create a new civic gathering space in the form of a civic green across from the [Barnes and Noble store] plaza at the intersection of Bethesda Avenue and Woodmont Avenue.

b. *Zoning*

- See Figure 2.20: Recommended Maximum Building Heights for maximum building heights in the Bethesda Row District and Figure 3.03 Bethesda Row District Recommended Zoning for the following recommendations.
- [Designate the empty lot owned by Federal Realty Investment Trust across from the Barnes and Noble plaza as a Priority Sending Site for density averaging to create a new central gathering space for the Bethesda Row district (see Figure 3.03 Recommended Zoning and Figure 4.01 Proposed Priority Sending Sites).]
- [Designate Lot 10, 4913 Hampden Lane as a Priority Sending Site for density averaging to preserve existing market-rate affordable housing (See Figure 3.03 Recommended Zoning and Figure 4.01 Proposed Priority Sending Sites).]
- Rezone Map #146 to increase maximum allowable building height to 60 feet, as all previously "T" designated heights are being increased by 20 percent to provide flexible development opportunities, and increase the FAR from 1.75 to 2.75 so that the existing building does not become non-conforming. Rezone the property to CR 2.75, C-0.25, R-2.75, H-60 so that the existing building does not become non-conforming.
- Rezone Map #147 to increase maximum allowable building height to 90 feet, as all previously "T" designated heights are being increased by 20 percent to provide flexible development opportunities.
- Rezone Map #149 to increase maximum allowable building height to 70 feet to provide flexible development opportunities.
- Rezone Map #151 to increase maximum allowable building height to 175 feet, as all previously "T" designated heights are being increased by 20 percent to provide flexible development opportunities.
- Rezone Map #152 to increase maximum allowable building height to 250 feet closest to the Purple Line Station and retain maximum allowable building height of 145 feet along Woodmont Avenue.
- Rezone Map #154 to increase maximum allowable building height to 170 feet to provide flexible development opportunities.
- Rezone Map #155 from its current zone to increase the commercial density from 1.5 FAR to 2.25 FAR and increase the maximum allowable building height to 90 feet to

provide flexible development opportunities and allow future development to better adapt to market conditions.

- Rezone Map #156 from its current zone to increase the commercial density from 1.5 FAR to 2.25 FAR to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Modify Map #160 to include Map #160a to allow maximum allowable building heights of 90 feet at the corner of Bethesda and Arlington Road and on the interior of the block to accommodate potential housing behind the existing retail, transitioning to a maximum height of 70 feet along Bethesda Avenue, and increase the commercial and residential FAR to 2.25.
- Rezone Map #161 to increase maximum allowable building height to 65 feet, as all previously “T” designated heights are being increased by 20 percent to provide flexible development opportunities.
- Rezone Map #162 to increase maximum allowable building height to 110 feet as all previously “T” designated heights are being increased by 20 percent to provide flexible development opportunities.
- Rezone Map #163 from its current zone to increase the commercial FAR from 2.0 to 3.0 FAR and increase maximum allowable building height to 200 feet, to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #164 to increase maximum allowable building height to 90 feet, as all previously “T” designated heights are being increased by 20 percent to provide flexible development opportunities.

Page 106: Modify second bullet under 1. Public Realm, Recommendations as follows:

- Reconfigure the intersection of Woodmont Avenue/Bethesda Avenue to shorten or otherwise improve the pedestrian crossing distance and expand the plaza located on the northwest side of the intersection. Future evaluation of this intersection should specifically evaluate a concurrent exclusive pedestrian phase (i.e., a pedestrian scramble or Barnes Dance) for all crossings during periods of peak pedestrian demand. [Reduce the size of the intersection of Woodmont Avenue and Bethesda Avenue to enhance the pedestrian experience by extending the Barnes and Noble plaza.]

Pages 108-110: Modify language under 2. Recommendations, a. Zoning as follows:

a. Zoning

- See *Figure 2.20: Recommended Maximum Building Heights* for maximum building heights in the Woodmont Triangle District and *Figure 3.05: Woodmont Triangle District Recommended Zoning* for the following recommendations.
- Recommend small-scale standard method infill development along Norfolk Avenue and the southern portion of the Triangle through step back regulations.
- Make existing buildings more useful and attractive with very small additions.

- [Designate properties that front Norfolk Avenue as Priority Sending Sites in order to preserve the pedestrian-scale main street atmosphere (see Figure 3.05 for Recommended Zoning and Figure 4.01 for *Proposed Priority Sending Sites*).]
- Eliminate the Woodmont Triangle Density Transfer Area to facilitate the CR zone density averaging initiatives.
- Eliminate the 2006 Woodmont Triangle Amendment FAR 1.0 limit on nonresidential development.
- Rezone Map #19 from its current zone to increase the commercial density from 0.75 FAR to 3.0 FAR and increase height to 175 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #20 from its current zone to increase the commercial density from 1.0 FAR to 3.0 FAR and increase height to 120 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #21 from its current zone to increase the commercial density from 1.0 FAR to 3.0 FAR and increase height to 110 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #22 from its current zone to increase the commercial FAR from 1.0 to 3.0 and increase the residential FAR from 2.75 to 3.0 FAR.
- Rezone Map #23, #24, #25, #26, and #27 from their current zones to increase the commercial density from 1.0 FAR to 5.0 FAR and increase the maximum allowable building heights to 175 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #28 from its current zone to increase the commercial density from 1.0 FAR to 5.0 FAR and reduce the residential density from 5.0 FAR to a 4.75 FAR to allow for some ground floor retail uses, and increase height to 175 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #29 from its current zone to reduce the residential density from 5.0 FAR to 4.75 FAR to allow for some ground floor retail uses and increase commercial FAR from 1.0 to 5.0 to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #30 from its current zone to increase the commercial density from 1.0 FAR to 5.0 FAR and increase the maximum allowable building heights to 250 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #31 and #33 from their current zones to increase the commercial density from 1.0 FAR to 5.0 FAR and increase the maximum allowable building height to 175 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #32 from its current zone to increase the commercial density from 1.0 FAR to 5.0 FAR and increase the residential density from 4.75 to 5.0 FAR and increase the maximum allowable building height to 250 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #34 and #35 from their current zones to increase the commercial density from 2.0 FAR to 3.0 FAR and increase the maximum allowable building height to 110

feet to provide flexible development opportunities and allow future development to better adapt to market conditions.

- Rezone Map #36 and #38 from their current zones to increase the commercial density from 1.0 FAR to 5.0 FAR and increase the maximum allowable building height to 175 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #37 from its current zone to increase the commercial density from 1.0 FAR to 5.0 FAR and the residential density from 4.75 FAR to 5.0 FAR and increase the maximum allowable building height to 225 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #39 from its current zone to increase the commercial density from 1.0 FAR to 5.0 FAR and increase the maximum allowable building height to 250 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #40, #41 and #42 from their current zones to increase the commercial density from 1.0 FAR to 3.0 FAR and increase the maximum allowable building heights to 110 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #43 from its current zone to increase the commercial density from 0.75 FAR to 3.0 FAR and increase the maximum allowable building height to 175 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #44, #45, #46 and #47 from their current zones to increase the commercial density from 1.0 FAR to 3.0 FAR and increase the maximum allowable building heights to 110 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #48 from its current zone to increase the commercial and residential density from 0.5 FAR to 1.0 FAR and increase the maximum allowable building heights to 50 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.

Page 110: Revise the first bullet under 2. Building Form, Recommendations as follows:

- Consider the effects of sunlight and shadow on Norfolk Avenue and its small retail character by designing new development to step back from Norfolk Avenue. For new development or redevelopment, the recommended step-back is a minimum of 15 feet above a low to mid-rise base of no higher than 50 feet. The upper floor step-back should be retained across at least 70 percent of the building façade.

Page 116: Modify the third through the sixth bullets and add new bullets as follows:

- See *Figure 2.20: Recommended Maximum Building Heights* for maximum building heights in the Pearl District and *Figure 3.07 Pearl District Recommended Zoning* for the following recommendations.
- Since the 1976 Bethesda Central Business District Sector Plan, the houses along the south side of Montgomery Avenue have been converted to commercial uses. This Sector Plan

recommends redevelopment of [the] Map #202 CRN zoned lots to an equivalent CRT zone to allow for a new recreational park in the future that connects to the Capital Crescent Trail and expands the network of public open spaces in this district. [The Plan recommends designating the CRN zoned lots 4 – 12 as Priority Sending Sites for density averaging to create a new recreational park (*see figure 3.07: Pearl District Recommended Zoning and Figure 4.01 Proposed Priority Sending Sites*).]

- [Designate the Waverly House apartments as a Priority Sending Site for density averaging to preserve existing affordable housing (*see figure 3.07: Pearl District Recommended Zoning and Figure 4.01 Proposed Priority Sending Sites*).]
- Rezone [the 4400, 4340 and 4338 Montgomery Avenue properties] Map #203 from [their] its current CRN zone to a comparable CR zone, CR 1.5, C-1.5, R-1.5, H-120, reflective of the surrounding density east of Pearl Street and to provide flexible development opportunities in the future.
- [Rezone 4425 and 4343 Montgomery Avenue properties from their current CRN zone to a comparable CR zone reflective of the surrounding density east of Pearl Street (*see Figure 3.07 Pearl District Recommended Zoning and Figure 2.20 Recommended Maximum Building Heights for maximum building heights*).]
- Rezone Map #189 to increase the maximum allowable building height to 175 feet, as all previously “T” designated heights are being increased by 20 percent to provide flexible development opportunities.
- Rezone Map #190 from its current zone to increase the commercial and residential FAR to 5.0 FAR and increase the maximum allowable building height to 175 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #191 from its current zone to increase the commercial and residential FAR to 5.0 FAR and increase the maximum allowable building height from 100T to 125 feet to provide compatibility with the surrounding area.
- Rezone Map #192 from its current zone to increase the commercial and residential density from 3.0 FAR to 4.0 FAR and height from 145T to 175 feet to make sure the existing development is not made non-conforming.
- Rezone Map #194 from its current zone to CRT 0.25, C-0.25, R-0.25, H-50 to provide opportunities for shared parking and/or potential open space.
- Rezone Map #195 from its current zone to CR 1.5, C-1.5, R-1.5, H-100, increasing the maximum allowable building height from 50 feet to 100 feet to promote infill redevelopment with a mix of uses.
- Rezone Map #196 from its current EOF zone to CR 1.5, C-1.5, R-1.5, H-145, increasing the maximum allowable building height to 145 feet to promote infill redevelopment with a mix of uses.
- Revise Map #197 into three separate zoned areas designated as Map #197, Map #197a and Map #197b so that existing structures do not become non-conforming as follows: Map #197 (East West Towers) – CR 6.25, C-6.25, R-6.25, H-145, Map #197a (Topaz House) – CR 5.25, C-5.25, R-5.25, H-120 and Map #197b (East West Garage) – CR 3.0, C-3.0, R-3.0, H-120.
- Rezone Map #198 and #199 from their current EOF zone to CR 1.5, C-1.5, R-1.5, H-120, increasing the maximum allowable building height to 120 feet to promote infill redevelopment with a mix of uses.

- Rezone Map #200 from its current zone to an equivalent CR zone with the same density and building height (CR 3.0, C-3.0, R-3.0, H-100) to promote infill redevelopment with a mix of uses.
- Rezone Map #201 from its current EOF zone to an equivalent CR zone with the same density and building height (CR 1.5, C-1.5, R-1.5, H-60) to promote infill redevelopment with a mix of uses.
- Rezone Map #204 from its current EOF zone to an equivalent CR zone with the same density (CR-1.5) and increase the maximum allowable building height to 145 feet to promote infill redevelopment with a mix of uses.
- Rezone Map #205 from its current EOF zone to an equivalent CR zone with the same density (CR 3.0) and increase the maximum allowable building height to 145 feet to promote infill redevelopment with a mix of uses.

Page 118: Under 1. Public Realm, add a new Goal and Recommendation as follows:

- d. Goal: Consider opportunities to expand B-CC High School

Recommendation:

- Montgomery County Public Schools (MCPS) should evaluate the need to expand Bethesda-Chevy Chase (B-CC) High School through the expansion or acquisition of neighboring properties.

Page 118: Modify second bullet and add a third bullet under 2. Building Form, Recommendation as follows:

- Step down development to the west of B-CC High School on parcel P224 from 100 [120] feet along East-West Highway to 50 feet at the rear of the lots.
- Development along the Capital Crescent Trail (CCT) should enhance the trail experience for users and minimize negative impacts. The façade of new development along the CCT should orient towards the trail with ground floor activating uses or provide an appropriate transition with setback and landscape buffer.

Page 120: Modify fourth and fifth bullets under 3.2.2 Arlington South District, A. Land Use and Zoning, 1. Goals as follows:

- Promote mixed-use redevelopment along Arlington Road [through increased building heights and density].
- Create enhanced [gateway,] access and connections for pedestrians and cyclists to Capital Crescent Trail.

Page 120: Under 2. Recommendations, a. Zoning, revise the first bullet and add a third bullet as follows:

- The Sector Plan recommends rezoning [the old post office site] Map #165, which is currently a Planned Unit Development (PD)-44 zone. The site has been recently



redeveloped as a mixed-use residential project. Rezoning the property as Commercial Residential Town (CRT) zone, CRT 1.75, C-0.5, R-1.75, H-70, would reflect the current redevelopment project, while promoting a mixed-use redevelopment compatible with the land uses in the area and character of Bethesda Row. The addition of the residential use will provide a transition from commercial uses to the Sacks subdivision of single-unit houses to the east, helping to maintain the vitality of the neighborhood (See *Figure 3.09: Arlington South District Recommended Zoning* and *Figure 2.20 Recommended Maximum Building Heights*).

- Eliminate the Chevy Chase Neighborhood Retail (CCNR) Overlay Zone.
- Rezone Map #166 and #167 from their current zones to increase the commercial and residential FAR to 2.25 and increase the maximum allowable building height to 90 feet to provide compatibility with the surrounding area (see *Figure 3.09: Arlington South District Recommended Zoning* and *Figure 2.20 Recommended Maximum Building Heights*).

Page 122: Revise the first and third bullets as follows:

- Allow increased heights on the east side of Arlington Road in the district to encourage retail and mixed-use redevelopment.
- Transition heights beyond the Arlington South district down to current allowable zoning to provide compatibility with single-unit residential neighborhoods to the east of the Sector Plan area.
- Step down heights on the property along Bradley Boulevard between Arlington Road and the Capital Crescent Trail from 90 [120] feet along Arlington Road to 70 feet on parcel P881 along the Capital Crescent Trail.

Page 124: Under 2. Recommendations, a. Zoning, modify and add zoning recommendations as follows:

- See *Figure 2.20: Recommended Maximum Building Heights* for maximum building heights in the Battery Lane District and *Figure 3.11: Battery Lane District Recommended Zoning* for the following recommendations.
- Rezone all PD-zoned properties in the Battery Lane District (Map #7, #8, #9, and #17) to a comparable Commercial Residential (CR) zone to promote infill redevelopment with high density residential.
- [Allow redevelopment of Lot 23, Block 2 and Lot 26, Block 2 currently zoned R-10. Rezone these properties to a comparable CR zone, allowing for redevelopment of residential apartments at a higher intensity and increased lot coverage.]
- [Allow redevelopment of Lot 8, Block 1 and Lot 43 Block 1 on the south side of Battery Lane currently zoned R-10. Rezone these properties to a comparable CR zone, allowing for redevelopment of residential apartments at a higher density and increased lot coverage.]
- Most of the existing market-rate affordable housing in the district should be [preserved] retained to ensure a variety of housing types and allow retention of lower-cost housing. The Sector Plan recommends that the retention of market-rate affordable housing in existing or replacement units in the Sector Plan area be the highest priority for public benefit points and endorses application of County programs to ensure that housing remains affordable.

- Facilitate several possible scenarios for [Lot 633] Map #12 located at 8101 Glenbrook Road, which is identified as an expansion area for Battery Lane Urban Park in Chapter 2.7 of this Plan, including park acquisition, partial redevelopment combined with park dedication, or redevelopment. Rezone Map #12 from its current CR and CRN split zoning to CR 3.0, C-3.0, R-3.0, H-120. Any redevelopment should be accessed from Rugby Avenue in order to facilitate park expansion with land from both the lot and the Glenbrook Road right-of-way and maximize visibility of the park from Woodmont Triangle. [Additionally, designate Lot 633 as a Priority Sending Site for density averaging to facilitate park expansion (see Figure 3.11: Recommended Zoning and Figure 4.01 Proposed Priority Sending Sites)].
- Rezone the townhouse development on North Brook Lane from its current RT-12.5 zone to the Townhouse High Density (THD) zone. With the adoption of the new County Zoning Ordinance in October 2014, RT zones are being phased out and the new townhouse zones implemented through the master planning process.
- Rezone Map #16 [Lot 56], the Chevy Chase Rescue Squad site located at Old Georgetown Road and Battery Lane currently zoned R-60, to [a comparable CR zone] CR 2.5, C-2.5, R-2.5, H-90 to [redevelop the Rescue Squad facility so the new construction includes high density residential uses] provide flexible redevelopment opportunities for the rescue squad that would preserve its ability to provide services while also allowing for some residential development.
- Rezone Map #4 and #6 from their current zones to CR 1.5, C-0.5, R-1.5, H-120 to promote enhanced redevelopment opportunities to foster a quality mix of housing options.
- Rezone Map #10 from its current zone to increase the maximum allowable building height to 120 feet to promote enhanced redevelopment opportunities to foster a quality mix of housing options.
- Rezone Map #11 and #14 from their current zones to CR 1.5, C-0.5, R-1.5, H-120 to promote enhanced redevelopment opportunities to foster a quality mix of housing options.

Page 126: Under 2. Building Form, remove a. Goal and Recommendations as follows:

[a. *Goal: Provide an architectural gateway to Downtown Bethesda along Old Georgetown Road.*

*Recommendations:*

Allow increased heights at the two community facilities, Bethesda Rescue Squad and Christ Lutheran Church, to provide a gateway to Downtown Bethesda along Old Georgetown Road.]

Page 127: Figure 3.13: Battery Lane District Public Realm Improvements – remove recommended gateway symbol from Old Georgetown Road and Battery Lane Intersection.

Page 128: Under A. Land Use and Zoning, 1. Goals, modify the third bullet identifying that PLD lots 10, 24, 25 and 44 should be converted to Parks as follows:

- Make the best use of land near the Bethesda Metrorail Station and future Purple Line station by promoting redevelopment of under-utilized properties and [County] private surface

parking lots. Parking Lot District (PLD) lots 10, 24, 25 and 44 should be converted to parks to the maximum extent feasible. The parking needs of neighborhood businesses that rely on these lots should be addressed and parking replaced where necessary.

Page 130: Remove the first bullet and add zoning recommendations as follows:

- See Figure 2.20: Recommended Maximum Building Heights for maximum building heights in the Eastern Greenway Districts and Figure 3.14 Eastern Greenway Districts Recommended Zoning for the following recommendations.
- [Designate PLD Lot 10 as a Priority Sending Site and rezone from R-60 to a CRT zone with additional density to allow density averaging and to facilitate potential expansion of the Eastern Greenway (see Figure 3.14 Recommended Zoning and Figure 2.20 Proposed Building Heights).]
- Eliminate the Transferable Development Rights (TDR) designation.
- Rezone Map #206 to increase the maximum allowable building height from 60T to 70 feet with the goal of converting this parking lot to parkland.
- Rezone Map #207 to increase the maximum allowable building height from 60 feet to 70 feet with the goal of converting this parking lot to parkland.
- Rezone Map #208 to increase the maximum allowable building height from 60T to 90 feet to provide an appropriate step up transition from the properties along Tilbury Street to Wisconsin Avenue and to allow for flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #209 from its current zone to CR 0.5, C-0.5, R-0.5, H-70 to allow for flexible development opportunities and allow future development to better adapt to market conditions and to provide an appropriate step up transition from the properties along Tilbury Street to Wisconsin Avenue.
- Rezone Map #210 from its current zone to CRT 0.5, C-0.25, R-0.5, H-70 to facilitate eastern greenway if the property redevelops.
- Rezone Map #211 to increase the maximum allowable building height from 60T to 70 feet with the goal of converting this parking lot to parkland.
- Rezone Map #212 from its current zone to CRT 0.5, C-0.25, R-0.5, H-70 to facilitate eastern greenway if the property redevelops.
- Rezone Map #213, the portion that is not parkland, from its current zone of R-60 to CRT 0.5, C-0.25, R-0.5, H-70 to allow for flexible development opportunities and allow future development to better adapt to market conditions.
- Rezone Map #214 to increase the maximum allowable building height from 60T to 70 feet to provide an appropriate step up transition from the properties along Tilbury Street to Wisconsin Avenue.
- Rezone Map #215 from its current zone R-10 to a comparable CR zone, CR 1.5, C-0.25, R-1.5, H-70, to facilitate the greenway if the property redevelops in the future.
- Rezone Map #217 from its current zone (PD-35) to a comparable CRT 1.25, C-0.25, R-1.25, H-35 zone to promote infill redevelopment.
- Rezone Map #218 to increase the maximum allowable building height from 35T to 70 feet to provide an appropriate step up transition from Elm Street Park to Wisconsin Avenue.
- Rezone Map #219 (PLD Lot 24) from its current R-60 zone to CRT 0.5, C-0.25, R-0.5, H-70 to facilitate the eastern greenway and additional parkland.

- Rezone Map #220 to increase the maximum allowable building height from 35T to 90 feet to provide flexibility with the goal of converting this parking lot to parkland.
- Rezone Map #221 to increase the maximum allowable building height from 75T to 90 feet to provide an appropriate step up transition from 46<sup>th</sup> Street to Wisconsin Avenue.
- Rezone Map #222 (PLD Lot 10) from its current R-60 zone to CRT 0.5, C-0.25, R-0.5, H-70 to facilitate the eastern greenway and additional parkland.
- Rezone Map #223 from its current R-60 zone to CR 1.5, C-1.5, R-0.5, H-70 to allow for flexible development opportunities and allow future development to better adapt to market conditions. This is currently a County owned property and is being used as the Writer's Center for the downtown Bethesda area.
- Rezone Map #224 to increase the maximum allowable building height from 45 feet to 70 feet to provide an appropriate step up transition from West Avenue to Wisconsin Avenue.
- Rezone Map #225 from its current R-60 zone to CRT 0.5, C-0.25, R-0.5, H-70 to facilitate the eastern greenway if the property redevelops in the future.
- Rezone Map #226 to increase the maximum allowable building height from 35 feet to 70 feet to provide an appropriate step up transition from West Avenue to Wisconsin Avenue.
- Rezone Map #227 to increase the maximum allowable building height from 35T to 70 feet to provide an appropriate step up transition from West Avenue to Wisconsin Avenue.
- Rezone Map #228 and #229 from their current R-60 zone to CRT 1.5, C-0.25, R-1.5, H-70 to facilitate the eastern greenway if the property redevelops in the future.
- Rezone Map #230 to increase the maximum allowable building height from 35 feet to 45 feet to provide compatibility with the surrounding single family unit neighborhood.

Page 130: Modify greenway language in section 1. Public Realm and Building Form, Recommendations as follows:

- [Tier building heights based on the amount and type of green space provided (*see Section 4.4 Implementation*).
  - Tier 1 Green Street: The green street should be designed to accommodate elements such as tree canopy, wide sidewalks and stormwater management.
  - Tier 2 Greenway: The greenway should be designed to accommodate elements such as tree canopy and vegetation; wide pathways; seating; stormwater management; and activity space, such as small play areas, exercise stations and community gardens.
  - Tier 3 Neighborhood Green: The neighborhood green should be designed to accommodate space for informal recreation and activities, tree canopy and vegetation, wide pathways, seating and stormwater management.]
- The greenway should be designed to accommodate elements such as tree canopy and vegetation; wide pathways; seating; stormwater management; and activity space, such as small play areas, exercise stations and community gardens.
- In order to enhance compatibility with the adjacent residential neighborhood, the required building setback is equal to the amount of building height proposed. For example, a building proposed to have a maximum height of 50 feet must provide a minimum 50-foot setback from the existing curb. All sites should provide at minimum a 35-foot greenway. If this is not feasible because of site constraints, the Planning Board may approve a reduced setback of no less than 20 feet, with a maximum height of 35 feet if the proposed

development otherwise achieves the Eastern Greenway District vision and is compatible with the surrounding community.

- Activate ground floors of buildings facing onto the greenway, provide entries, articulate/step back upper floors and encourage balconies to ensure that the greenway-facing façade is compatible with adjacent neighborhoods and is not designed as the back of the building.
- Encourage [provision of a Tier 3 Neighborhood Green or] a larger destination park adjacent to the Farm Women's Cooperative Market on Parking Lot 24 to provide green space and programming within a short walk of the future Metrorail station entrance and Purple Line station.
- Allow structured parking to be built underneath the greenway or neighborhood green with sufficient soil depth for tree planting.
- [On blocks with existing single-unit homes, the greenway only occurs if the entire block is redeveloped.]

Page 132: Revise Figure 3.15: Eastern Greenway Districts Public Realm Improvements to illustrate the new Greenway language recommended above.

Page 133: Revise Figure 3.16: Eastern Greenway Districts Tiered Allowable Heights to reflect changes to building setbacks and building heights based on amount of park space provided as described in the language above.

Page 134: Under Land Use and Zoning, 1. Goals, remove third and last [bullet] bullets and add a bullet as follows:

- Retain [Preserve] the existing market-rate affordable multi-unit housing.
- Promote enhanced redevelopment opportunities to foster a quality mix of housing options.
- [Confirm R-60 zoning for the Sacks neighborhood.]
- For properties recommended to retain their R-10 and R-30 zoning, confirm the 35-foot height limit from the 1994 Bethesda CBD Sector Plan.
- Enhance pedestrian connectivity to Norwood Local Park.
- Improve pedestrian and bike safety along Bradley Boulevard.
- [Extend Strathmore Street to Chevy Chase Drive.]

Page 134: Under a. Land Use, delete the first bullet as follows:

[Extend Strathmore Street south across Bradley Boulevard to Chevy Chase Drive to provide additional access and mobility from Downtown Bethesda to south of Bradley and Norwood Local Park (*see Transportation Section in Chapter Two*).]

Page 134: Under b. Zoning, modify the first and third bullets and add a fourth bullet as follows (retain the remaining bullets):

- Confirm the existing R-60 zoning in the Sacks subdivision to retain the single-unit detached houses along Leland Street and Wellington Drive. [The Plan supports efforts to preserve the viability and residential integrity of the neighborhood as an alternative to multi-unit

living in the Sector Plan area.] The Plan also recommends a Residential Floating Zone to allow for residential development at higher densities in appropriate circumstances. Whether a Townhouse or Apartment Floating zone is appropriate, and maximum allowable height and density, should be based on the size of tract and whether only a limited portion of the neighborhood requests rezoning or the entire neighborhood is rezoned. Should only part of the neighborhood be rezoned, then the compatibility of new development with the remaining single-family homes will be important.

- Rezone all Employment Office (EOF) properties in the South Bethesda District to a comparable Commercial Residential (CR) zone to promote infill redevelopment (*see Figure 3.17 Recommended Zoning and Figure 2.20 Proposed Building Heights*).
- Extend a pedestrian pathway along the east edge of the Cokinos property, Map #186 [Lot 6, Block 1], to allow for a more formalized public access to Norwood Local Park from Downtown Bethesda.
- Confirm the R-10 zoning for the Bethesda Fire Station 6.

Page 136: Remove the first and second bullets and add zoning recommendations as follows:

- See *Figure 2.20: Recommended Maximum Building Heights* for maximum building heights in the South Bethesda District and *Figure 3.17 South Bethesda District Recommended Zoning* for the following recommendations.
- [Provide redevelopment opportunities for the Barclay Apartments (HOC/Chevy Chase Development Corporation) located on Bradley Boulevard and Chevy Chase Drive, that are currently zoned R-10, by rezoning the property to a CR zone. Designate the property as a Priority Sending Site for density transfer to preserve existing market-rate affordable housing and to provide opportunities for some redevelopment (*see Figure 3.17 Recommended Zoning, Figure 2.20 Recommended Maximum Building Heights and Figure 4.01 Proposed Priority Sending Sites*).]
- [Allow redevelopment potential of the Bethesda Fire Department site located at the corner of Bradley Boulevard and Wisconsin Avenue that is currently zoned R-10 by recommending a CR floating zone that would allow for replacement of the fire station in order to maintain service to the community and to allow additional uses on the property. The Bethesda Fire Department property would retain the base zone of R-10 with a maximum height of 35 feet until the floating zone of CR 1.5, C-1.5, R-1.5, H-70 is applied for and approved by the County Council through the process outlined in the Montgomery County Zoning Ordinance (*see Figure 2.20 Recommended Maximum Building Heights*). For the undeveloped portion of the property to the west of the Fire Station facility, which is identified as a potential open space in Chapter 2.7 and on *Figure 2.19 Public Open Space*, facilitate several possible scenarios, including park acquisition and partial redevelopment combined with park dedication.]
- Rezone Map #172 from its current zone of R-10 to a comparable CR zone, CR 1.5, C-0.25, R-1.5, H-70 to allow the Condominium ownership the ability to redevelop in the future. Any redevelopment should be compatible with the surrounding Sacks Neighborhood and heights may be limited to less than 70 feet to ensure compatibility.
- Rezone Map #174 and #175 from their current zones of R-10 to a comparable CR zone, CR 1.5, C-0.5, R-1.5, H-70 to promote infill redevelopment of residential apartments and increased lot coverage.

- Rezone Map #176 from its current zone of R-10 to a comparable CR zone, CR 1.5, C-0.5, R-1.5, H-90 to promote infill redevelopment of residential apartments and increased lot coverage.
- Rezone Map #177 from its current zone of R-10 to a comparable CR zone, CR 1.5, C-0.25, R-1.5, H-70 to promote infill redevelopment of residential apartments and increased lot coverage.
- Rezone Map #178 from its current zone of R-10 to a comparable CR zone, CR 1.5, C-0.25, R-1.5, H-90 to promote infill redevelopment of residential apartments and increased lot coverage.
- Rezone Map #179 from its current zone R-10 to a comparable CR zone, CR 1.5, C-0.25, R-1.5, H-70 to promote infill redevelopment of residential apartments and increased lot coverage.
- Rezone Map #180 from its current zone of R-10 to a comparable CR zone, CR 1.75, C-0.25, R-1.75, H-70 to promote infill redevelopment of residential apartments and increased lot coverage.
- Rezone Map #185 and #187 from their current zones R-10 to a comparable CR zone, CR 1.5, C-0.25, R-1.5, H-70 to promote infill redevelopment of residential apartments and increased lot coverage.

Page 138: Under b. Zoning, modify second bullet and add zoning recommendations as follows:

- See *Figure 2.20: Recommended Maximum Building Heights* for maximum building heights in the Arlington North District and *Figure 3.19 Arlington North District Recommended Zoning* for the following recommendations.
- Rezone the five R-60 properties in this District to a comparable CR zone reflective of the surrounding density [(see *Figure 3.19 Recommended Zoning* and *Figure 2.20 Recommended Maximum Building Heights*)].
- Rezone [Lot 16] (Map #126) on Moorland Lane currently zoned CRN 0.5, C-0.5, R-0.25, H-35 to a [comparable] CR zone [reflective of the surrounding densities] with an increased maximum allowable building height of 120 feet, reflective of the building heights in the surrounding area.
- Limit height of new development along Arlington Road to a maximum of 60 feet.
- Rezone Map #127 to increase the maximum allowable building height from 125T to 150 feet, reflective of the building heights in the surrounding area.
- Rezone Map #128 to increase the maximum allowable building height from 35T to 60 feet, reflective of the building heights in the surrounding area.
- Rezone Map #129 from its current R-60 zone to CR 2.0, C-0.25, R-2.0, H-60, reflective of the density and building heights in the surrounding area.
- Rezone Map #130 to increase the maximum allowable building height from 40T to 60 feet, reflective of the building heights in the surrounding area.
- Rezone Map #131 to increase the maximum allowable building height from 75T to 90 feet, reflective of the building heights in the surrounding area.
- Rezone Map #132 from its current R-60 zone to CR 2.5, C-0.5, R-2.5, H-150, reflective of the density and building heights near the core of downtown along Woodmont Avenue.
- Rezone Map #133 from its current R-60 zone to CR 2.5, C-0.5, R-2.5, H-120, reflective of the density and building heights near the core of downtown along Woodmont Avenue.

- Rezone Map #134 to increase the maximum allowable building height to 155 feet, reflective of the building heights along Woodmont Avenue.
- Rezone Map #135 from its current R-60 zone to CR 2.5, C-0.25, R-2.5, H-70, reflective of the density and building heights in the surrounding area.
- Rezone Map #136 to increase the maximum allowable building height from 40T to 50 feet, reflective of the building heights in the surrounding area.
- Rezone Map #137 to increase the maximum allowable building height from 50T to 60 feet, reflective of the building heights in the surrounding area.
- Rezone Map #138 to increase the maximum allowable building height from 70T to 85 feet, reflective of the building heights in the surrounding area.
- Rezone Map #139 from its current R-60 zone to CR 2.5, C-0.25, R-2.5, H-70, reflective of the density and building heights in the surrounding area.
- Rezone Map #140 to increase the maximum allowable building height from 70T to 85 feet, reflective of the building heights in the surrounding area.
- Rezone Map #141 to increase the maximum allowable building height from 50T to 60 feet, reflective of the building heights in the surrounding area.
- Rezone Map #142 to increase the maximum allowable building height from 45T to 55 feet, reflective of the building heights in the surrounding area.
- Rezone Map #143 to increase the maximum allowable building height from 40T to 50 feet, reflective of the building heights in the surrounding area.
- Rezone Map #144 to increase the maximum allowable building height from 75T to 90 feet, reflective of the building heights in the surrounding area.

Page 144: Modify the first two paragraphs under 4.1.2 Bethesda Overlay Zone (BOZ) as follows:

In general, an overlay zone is a mapped district placed over the standard, underlying zone that modifies the uses or development requirements of the zone. An overlay zone imposes requirements or restrictions in addition to, or in place of, those of the underlying zoning classification. [In theory, an] An overlay zone can be either more restrictive or less restrictive than the standards and requirements of the underlying zoning classification.

Overlay zones are appropriate where there is a special public policy interest that cannot be met by either the standards of the underlying zone or by rezoning to a different zone. [The intent of an overlay zone is to provide requirements and standards that are necessary to achieve the planning goals and objectives for development or redevelopment of an area.] Overlay zones are created in areas of critical public interest and provide uniform, comprehensive development regulations for an area. An overlay zone can only be applied when it has been recommended by a Master Plan and must be implemented by a Sectional Map Amendment.

Page 145: Modify the second and fourth paragraphs (including bullets) as follows:

The Bethesda Overlay Zone is also intended to [appropriately allocate density within Downtown Bethesda that will protect existing residential neighborhoods, provide additional land for parks and open space critical to support additional development, expand the County's affordable housing inventory, ensure high quality design through the use of a Design Review Advisory Panel and for the purpose of modifying the density averaging rules] implement the



recommendations of the Bethesda Downtown Plan as it relates to density, building heights, affordable housing goals, parks, and design.

In order to accomplish these objectives, this Plan recommends zoning individual properties CR with the currently mapped density limit and the building heights recommended in this Sector Plan along with the Bethesda Overlay Zone.

More specifically, the Bethesda Overlay Zone will:

- Cover all properties within the Sector Plan boundary.
- Set a cap on development to ensure that total density in the Plan Area, including existing, [mapped CR density] approved, and new development (including affordable housing), does not exceed [approximately] 32.4 million square feet of gross floor area.
- Allow development to exceed the mapped CR density limit on a property [if overlay zone density is available and the proposed development meets certain requirements] under certain circumstances.
- Establish the requirements for additional density received through the Bethesda Overlay Zone, including a requirement to [proportionally] provide [a Park Impact Payment, provide 15 percent MPDUs and participate in a Design Review Advisory Panel at the Concept Plan and/or Sketch Plan application phase] for park needs.
- [No additional building height will be given with MPDUs outside of the High Performance Area] Increase the minimum MPDU requirement from 12.5% to 15% MPDUs for all residential optional method projects and remove height and density bonus for providing up to 15% MPDUs. The Overlay zone should determine whether there are circumstances under which additional height should be allowed for properties that provide more than 15% MPDUs.
- Establish the ability for projects that provide 25% MPDUs to exceed the CR density limit on such properties without additional payments or proportionate costs.
- Establish [the] a process for obtaining approval of a development [with overlay zone density and using it in a timely manner] so that building design is given enhanced consideration, the provision of market rate affordable housing is rewarded, and unused density is not hoarded.
- Modify the density averaging rules [to encourage transfers of density from the Priority Sending Sites identified in this Sector Plan].

Page 145: Add new section 4.1.3 Annual Monitoring and Reporting as follows:

#### 4.1.3 Annual Monitoring and Reporting

The Bethesda Downtown Sector Plan is comprised of many complex elements, each of which depends upon the success of other Plan elements. In recognition of this complexity, this Sector Plan recommends annual monitoring of schools, parks, and transportation. The annual report will be presented to the Planning Board each year and transmitted to the County Council for review. If any of the elements included in the annual report demonstrate issues, staff will specifically identify issues and potential solutions for discussion during the annual presentation to the Board.

Once total development—including approvals—reaches 30.4 million square feet, the County Council may require certain actions before additional development is permitted. Depending on the Planning Board’s recommendations, such actions would address needed infrastructure and/or achieving of the NADMS goal as outlined in 2.3.5 Transportation Demand Management and progress toward the acquisition of half of the recommended new urban parks as discussed in 2.7 Parks and Open Space. This would not apply to projects providing or preserving at least 25 percent MPDUs.

Page 145: Change section numbering as follows:

[4.1.3] 4.1.4 Public Amenities and Benefits

Pages 145-146: Change section numbering for 4.1.4 Public Benefits in the CR Zone and modify language before 2. Public Open Space as follows:

[4.1.4] 4.1.5 Public Benefits in the CR Zone

This Sector Plan recommends modifying the public benefits points allowed in Bethesda via the Bethesda Overlay Zone. Potential changes include eliminating points for transit proximity and points for formerly optional actions that are otherwise required by the Overlay Zone (e.g., 15 percent Moderately Priced Dwelling Units (MPDUs)).

#### A. Top Priority Benefits

The following public benefits are of highest priority in all optional method projects:

##### 1. Affordable Housing

Since the Overlay Zone requires that all optional method projects provide 15 percent MPDUs, public benefit points should not be provided for projects that comply with the required 15 percent, but should be allowed for projects providing more than 15 percent MPDUs. [This Plan recommends that optional method development in the Sector Plan Area should be allowed only if it delivers certain affordable housing benefits. An optional method project that includes residential dwellings should provide a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs).] See Bethesda Overlay Zone for specific requirements and building heights restrictions.

- Create a new category of public benefit points related to the retention of existing market-rate affordable housing in existing and/or replacement units within the Sector Plan using rental agreements with the Department of Housing and Community Affairs (DHCA).
- In the South Bethesda and Battery Lane Districts, preservation of market-rate affordable housing and/or additional MPDUs beyond 15 percent is the top priority for public benefit points.

Pages 147-149: Remove Section 4.2 Priority Sending Sites.

Page 147: Add Section 4.2 Density Averaging as follows:

#### 4.2 Density Averaging

Transfers of density between properties have occurred in Bethesda under existing provisions in the Zoning Ordinance and were an important recommendation in the 2006 Woodmont Triangle Amendment to the 1994 Bethesda CBD Sector Plan as a means of preserving the existing small businesses in the area, to provide more opportunities for multi-unit residential development and to retain the eclectic character of the neighborhood that was unique to Woodmont Triangle.

In the past there has been no limit on the ability of a future master plan to increase density, regardless of whether a transfer occurred in the past.

This Sector Plan recommends providing additional clarity regarding the policy on density averaging in Downtown Bethesda.

#### Recommendation

A new master plan can increase height and/or density on a site that has transferred density (particularly for properties near transit); however, the transferred density should be deducted from the new allowable total development.

Page 152: Under section 4.5 Greenway, modify language in the second and third paragraphs, including bullets, as follows:

On a site identified as a greenway, this Plan recommends that building heights be reduced below the maximum height allowed in the applicable zone based on the setback from the street and the land be dedicated for the greenway. This reduction in height applies to the entire [parcel] portion of the property zoned 70 feet (35 feet) in the Eastern Greenway Districts, as shown in Figure 2.20 Recommended Maximum Building Heights.

In order to enhance compatibility with the [abutting] adjacent residential neighborhood, [the greater the setback, the lesser the reduction in the allowed building height, as follows:] the required building setback is equal to the amount of building height proposed. For example, a building proposed to have a maximum height of 50 feet must provide a minimum 50-foot setback from the existing curb. All sites should provide at minimum a 35-foot greenway. If this is not feasible because of site constraints, the Planning Board may approve a reduced setback of no less than 20 feet with a maximum height of 35 feet if the proposed development otherwise achieves the Eastern Greenway District vision and is compatible with the surrounding community.

- [Tier 1 Green Street: For a building set back 20 feet to 35 feet from the curb, the maximum building height is 35 feet.
- Tier 2 Greenway: For a building set back 36 feet to 75 feet from the curb, the maximum building height is 50 feet.

- Tier 3 Neighborhood Green: For a building set back at a distance greater than 75 feet from the curb, the maximum building height is 70 feet.]

Similar to compatibility requirements in the zoning code, the maximum building height measurement [for each tier] is taken from the average grade along the building facing the greenway.

Page 153: Change the heading and add new sub-heading as follows:

#### 4.6 Capital Improvements Program and New Financing Mechanisms

##### 4.6.1 Capital Improvements Program

Page 153: Revise second sentence as follows:

Some projects may be completed using the Amenity Fund and with private sector participation[, including:].

Pages 153-154: Revise Table 4.01 as follows:

1. Delete “Strathmore Street Extension.” line.
2. Revise eighth line as follows: “Reconfigure East-West Hwy, Montgomery Lane, Old Georgetown Road and Woodmont Avenue [into two-way street systems] with separated bike lanes”.
3. Add “Capital Crescent Trail tunnel/surface route beneath Wisconsin Avenue and Elm Street, via Elm Street Park.” Category: Transportation. Lead Agency: MCDOT. Coordinating Agencies: SHA, M-NCPPC, Town of Chevy Chase.
4. Revise project name for the last project on page 153 as follows: “New separated [Bikeway] bikeway lanes on Woodmont Avenue, Bradley Boulevard, [Norfolk Avenue,] Arlington Road, and Bethesda Avenue/Willow Lane between Woodmont Avenue and 47<sup>th</sup> Street.” Category: Transportation. Lead Agency: MCDOT. Coordinating Agencies: SHA, M-NCPPC.
5. On page 153, add a new line, “New bike lanes on Chelton Road, Pearl Street, Norfolk Avenue, Cheltenham Drive, Elm Street, Battery Lane, and Wilson Lane.” Category: Transportation. Lead Agencies: MCDOT, SHA. Coordinating Agency: M-NCPPC.
6. Revise top line on page 154 as follows: “Shared Roadway on [Cheltenham Road, Edgemoor Lane,] Commerce Lane, Avondale Street, Rosedale Avenue, Tilbury [street] Street, [Pearl Street], St. Elmo Avenue, Cordell Avenue, Bethesda Avenue.”

Page 154: Add the following new section at the end of the page:

##### 4.6.2 New Financing Mechanisms

One of the four overarching goals of the Sector Plan is to increase parks and open space in Bethesda. The Sector Plan identifies several projects in the Capital Improvements Program (CIP) to achieve this goal, but the capacity of the current CIP to fund these projects is limited and the cost of acquiring and developing new parks in a developed area will be significant.

This Plan recommends the exploration of new financing mechanisms that could help pay for new parks. This includes the park impact payment recommended for the Overlay zone, as well as other potential alternative financing mechanisms (such as a special taxing district) that could provide a more stable source of funding not linked to new development and therefore available in the near term.

Page 156: Under 4.7.4 Woodmont Triangle Action Group (WTAG), revise the fourth paragraph as follows:

This Sector Plan supports the creation of a standing committee or an advisory group to address implementation of this Sector Plan. The formation of any new standing committee or advisory group should be staffed [initiated] by the Planning Department in close coordination with the Board of the Bethesda Urban Partnership.

General

All illustrations and tables included in the Plan will be revised to reflect the District Council changes to the Planning Board Draft Bethesda Downtown Sector Plan (July 2016). The text and graphics will be revised as necessary to achieve and improve clarity and consistency, to update factual information, and to convey the actions of the District Council. Graphics and tables will be revised to be consistent with the text.

A strategic plan for achieving the plan's NADMS goal should be prepared by the Department of Transportation—in collaboration with the Planning Department and Bethesda Transportation Solutions—within one year of the adoption of the plan. The strategic plan should consist of a Transportation Demand Management Plan specific to Bethesda, a Bethesda Unified Mobility Program (BUMP), and any other element needed to help achieve the NADMS goal.

This is a correct copy of Council action.

  
Linda M. Lauer, Clerk of the Council



# Wilmington South District

165

168

167

166

169

191

Blvd

Kenwood Forest Ln

Wilmington Rd

Hillandale Rd

Bradl

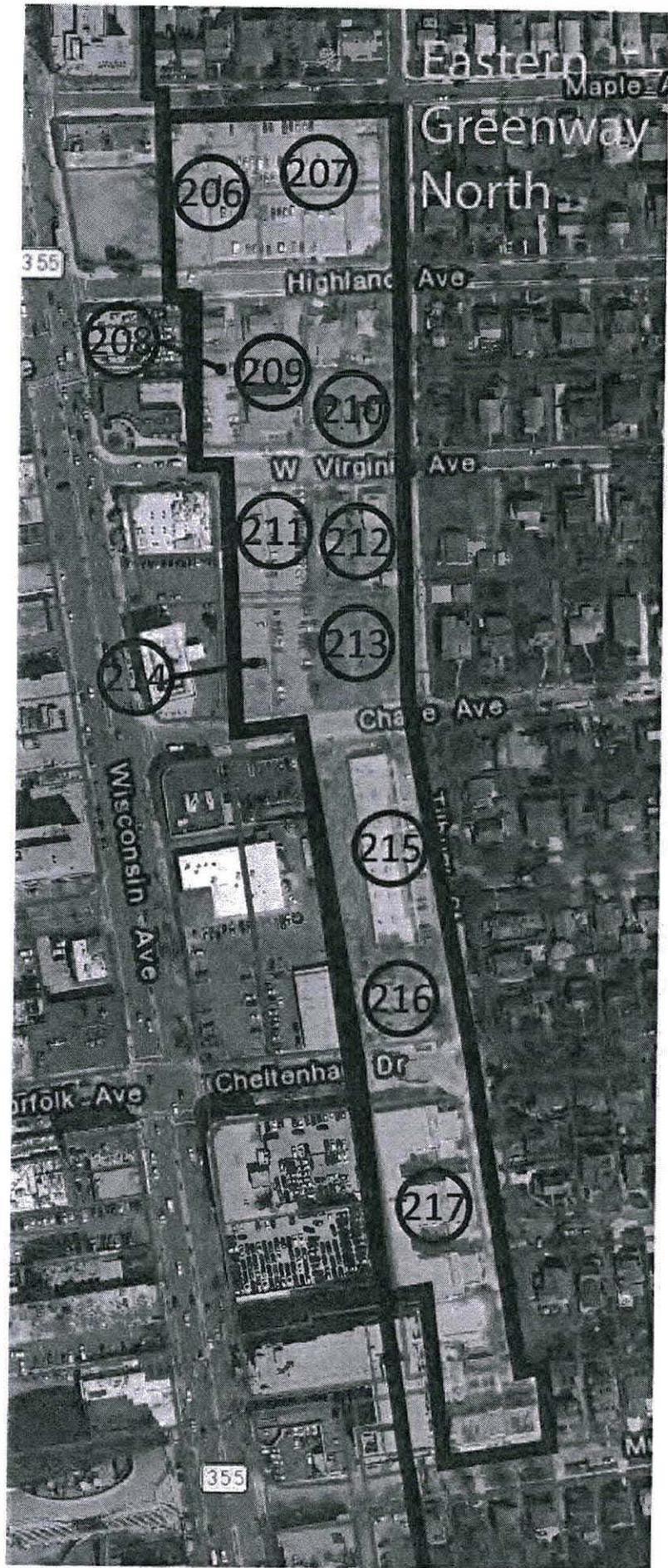
Lela

Battery Lane District

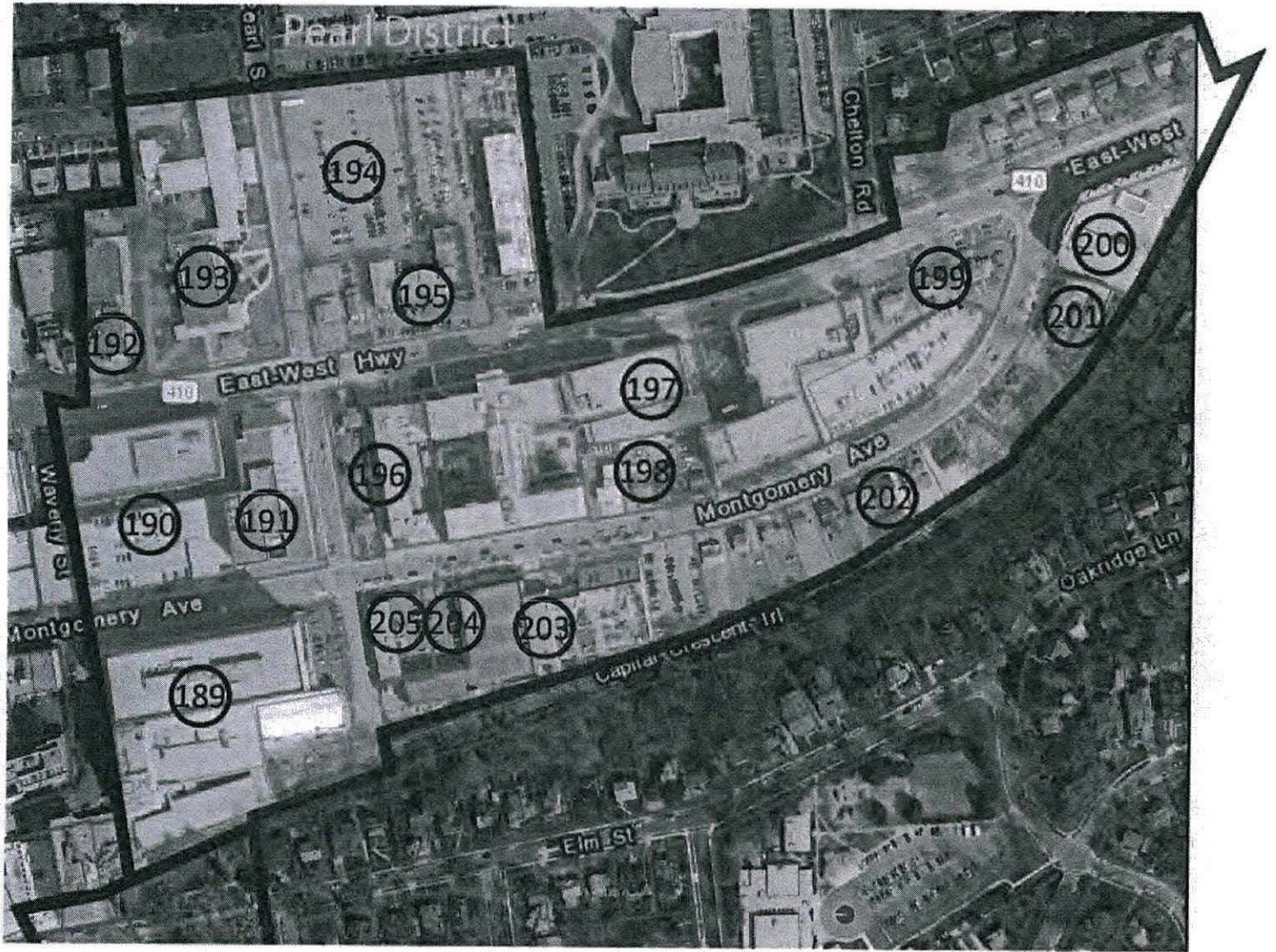








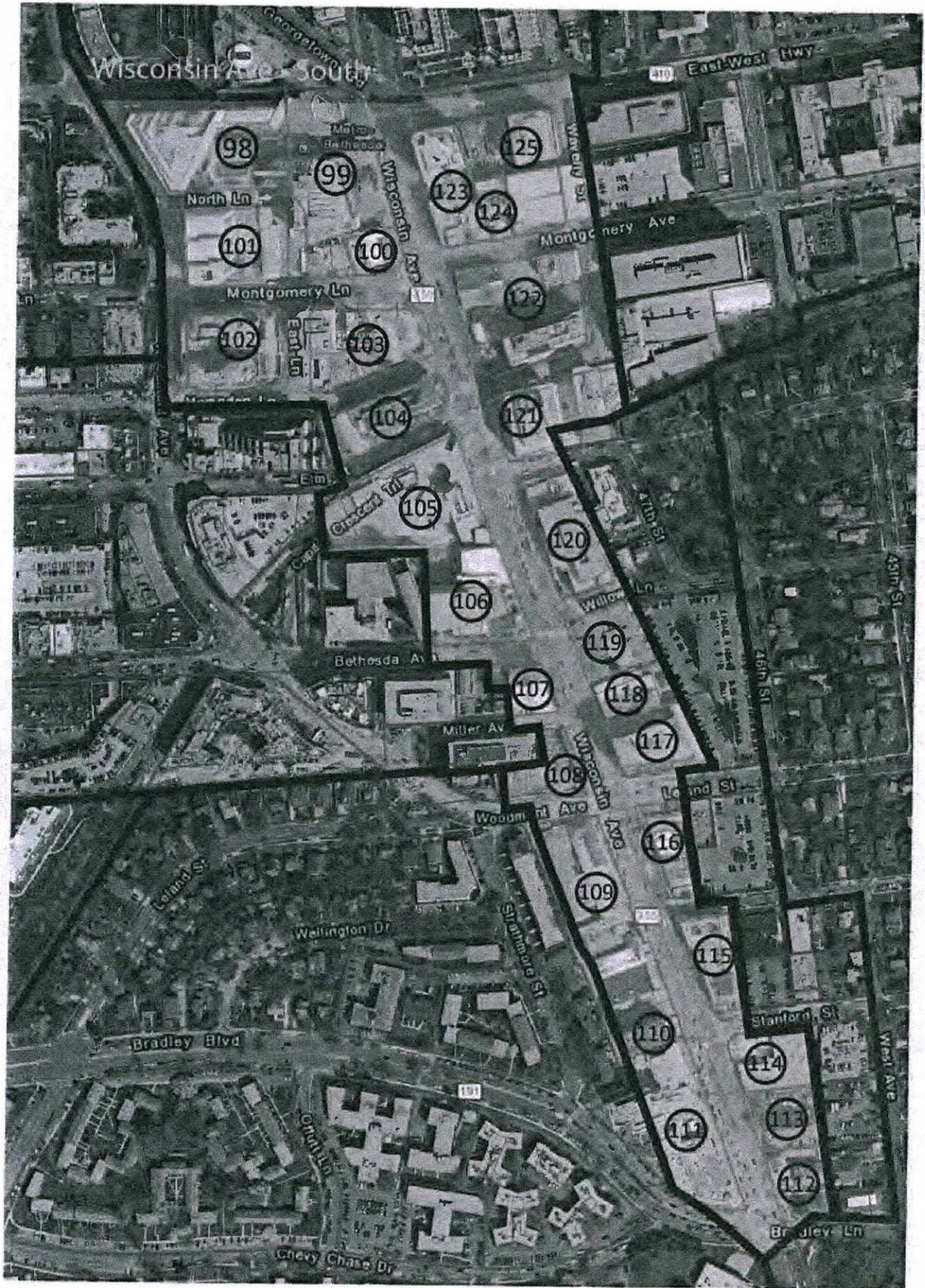






Wisconsin Ave - North





# Woodmont Triangle District







## RESOLUTION NO. 17-21

\$33,000,000  
Prince George's County  
General Obligation  
Park Acquisition and Development Project Bonds,  
Series PGC-2017A

### 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-2017A in an aggregate amount not to exceed \$33,000,000 (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 2016 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 cost 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 \$33,000,000 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-2017A”, 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 cost 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 Chairman or Vice Chairman 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 Chairman or Vice Chairman 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 Guarantee. 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.

(d) Interest Provisions. The Chairman or Vice Chairman 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 Chairman or Vice Chairman 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 Chairman or Vice

Chairman 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 Chairman 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 any Bond shall cease to be such officer before the delivery of such Bond, or in the case that any such officer shall take office subsequent to the date of issue of any such Bond, 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 any 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 on the face of 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 Bond 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 Chairman or Vice Chairman 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, such publication to be at least five days before the date for the receipt of bids. 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 and is approved by bond counsel to the Commission or 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; Guaranty.**

(a) The Secretary-Treasurer may prepare a private placement memorandum, a preliminary official statement, a final official statement or another form of offering memorandum (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, Prince George’s County and Prince George’s County, Maryland 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.

(c) 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.

**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 this issue of 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 levy 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 levy 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 Chairman or the Vice Chairman 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 Chairman or the Vice Chairman 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 Chairman or Vice Chairman 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 Chairman or Vice Chairman 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 Chairman or the Vice Chairman 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 Chairman or Vice Chairman is hereby authorized to execute and deliver, as appropriate, such Transaction Documents. The Chairman, Vice Chairman, 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 Chairman or the Vice Chairman 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 the 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.

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. 17-\_\_, adopted by said Commission at a regular meeting thereof duly called and held on June 8, 2017.

I do further certify that Commissioners Anderson, Bailey, Cichy, Doerner, Dreyfuss, Fani-Gonzalez, Geraldo, Hewlett, Washington and Wells-Harley 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 16th day of March, 2017.

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Secretary-Treasurer

This is to certify that the foregoing is a true and correct copy of Resolution No. 17-\_\_ adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner \_\_\_\_\_ seconded by Commissioner \_\_\_\_\_, with Commissioners Anderson, Bailey, Cichy, Doerner, Dreyfuss, Fani-Gonzalez, Geraldo, Hewlett, Washington and Wells-Harley voting in favor of the motion, and Commissioners \_\_\_\_\_ absent during the vote, at its meeting held on Thursday, June 8, 2017, in \_\_\_\_\_, Maryland.

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Patricia Colihan Barney  
Executive Director



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-2017A

<u>Dated Date</u>	<u>Interest Rate</u>	<u>Maturity Date</u>	<u>CUSIP</u>
[ _____ ], 2017	___% 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 his 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 [January 15] and [July 15] each year, beginning [January 15, 2018] (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 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 [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.

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 2016 Supplement) (the “Land Use Article”) to levy 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 levy 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-2017A”. Unless previously redeemed as herein provided, the Bonds mature and are payable in consecutive annual installments on [January 15] in each of the years [2018] through [2037], and bear interest payable on each [January 15] and [July 15], commencing [January 15, 2018], 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. 17-\_\_ of the Commission duly adopted on June 8, 2017 (the “Resolution”).

The Bonds which mature on or after [January 15, 2028], 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 [January 15, 2027], 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 Chairman 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: \_\_\_\_\_  
Chairman

(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.





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-2017A

Electronic Bids only will be received until 11:00 a.m.,  
 Local Baltimore, Maryland Time, on \_\_\_\_\_, 2017

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 2016 Supplement) (the “Land Use Article”) and a Resolution of the Commission adopted on June 8, 2017. The Bonds will bear interest from the date of their delivery payable semi-annually on each [January 15] and [July 15], commencing [January 15, 2018] 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 [January 15] in the years and amounts set forth in the following table:

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

**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 [January 15, 2028], are subject to redemption prior to their respective maturities at any time on or after [January 15, 2027], 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 11:00 a.m., local Baltimore, Maryland time, on \_\_\_\_\_, 2017.

Bids may be submitted electronically pursuant to this Notice until 11:00 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 11:00 a.m. local Baltimore, Maryland time, on [\_\_\_\_\_], 2017. 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 11:00 a.m., local Baltimore, Maryland time on [\_\_\_\_\_], 2017. Bidders must pay not less than par and not more than [105]% 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 [5.50]%. The difference between the highest and lowest interest rates may not exceed [three] percent ([3]%).

**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. on the sale date. All bids shall remain firm until an award is made.

As promptly as reasonably possible after the bids are received, the Chairman, the Vice Chairman or Secretary-Treasurer of the Commission will notify the bidder to whom the Bonds will be awarded, if and when such award is made, and such bidder, upon such notice, shall advise the Chairman, the Vice Chairman or the Secretary-Treasurer of the Commission of the initial reoffering prices to the public of each maturity of the Bonds (the "Initial Reoffering Prices").

**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.

**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.

If the Commission advises the bidders that the bid for the Bonds constitutes a Qualified Competitive Bid, the winning bidder shall be required to provide to the Commission information to establish the initial expected offering prices for each maturity of the Bonds for federal income tax purposes by completing a certificate acceptable to Bond Counsel in substantially the form set forth in [Exhibit A-1 to this Notice of Sale], with appropriate completions, amendments and attachments.

If the Commission advises the bidders that the bid for the Bonds constitutes a Nonqualified Competitive Bid, the winning bidder shall be required to provide to the Commission information and assurances to establish the initial sale prices or the initial offering prices, as applicable, for each maturity of the Bonds for federal income tax purposes by completing a certification acceptable to Bond Counsel in substantially the form set forth in [Exhibit A-2 to this Notice of Sale], with appropriate completions, omissions and attachments.

Delivery of the Bonds, at the Commission's expense, will be made by the Commission to the purchaser on \_\_\_\_\_, 2017, 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, Suite 324, 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: \_\_\_\_\_  
Chairman

\$33,000,000  
Prince George's County  
General Obligation  
Park Acquisition and Development Project Bonds,  
Series PGC-2017A

ISSUE PRICE CERTIFICATE

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 obligation (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 bid to purchase the Bonds.

2. *Defined Terms.*

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

(b) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than a Underwriter or a related party to a 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.

(c) *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).



(d) *Sale Date* means the first day on which there is a binding contract in writing for the sale or exchange the Bonds. The Sale Date of the Bonds is \_\_\_\_\_, 2017.

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 Tax and Section 148 Certificate and with respect to compliance with the federal income tax rules affecting the Bonds, and by McGuireWoods LLP, as bond counsel, 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: \_\_\_\_\_, 2017

SCHEDULE A  
Expected Initial Offering Prices of the Bonds

SCHEDULE B  
Bid

\$33,000,000  
Prince George's County  
General Obligation  
Park Acquisition and Development Project Bonds,  
Series PGC-2017A

ISSUE PRICE CERTIFICATE

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) The Purchaser 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, the Purchaser has agreed in writing that, 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. Pursuant to such agreement, Purchaser has neither offered nor 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 ([\_\_\_\_\_, 2017]), 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 a Underwriter or a related party to a 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) *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).

(g) *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 \_\_\_\_\_, 2017.

(h) *Substantial Amount* means ten percent.

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

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 Tax and Section 148 Certificate 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: \_\_\_\_\_, 2017

SCHEDULE A  
Sale Prices of the Actually Sold Maturities

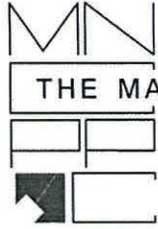
SCHEDULE B  
Sale Prices of the Undersold Maturities

SCHEDULE C  
Pricing Wire

89724125\_1.docx







THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

## M-NCPPC RESOLUTION NO. 17-22

### APPROVAL OF FISCAL YEAR 2018 EMPLOYER CONTRIBUTION FOR RETIREE GROUP HEALTH INSURANCE

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

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

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

WHEREAS, the Plan Sponsor engaged Boomershine Consulting Group, L.L.C. (“the Actuary”) to prepare a Retiree Healthcare Programs Actuarial Valuation as of July 1, 2016; and


WHEREAS, the Retiree Healthcare Programs Actuarial Valuation as of July 1, 2016 projected a Fiscal Year 2018 Plan Sponsor contribution totaling \$15,956,000 consisting of \$10,830,000 for current retiree healthcare and \$5,126,000 for prefunding the Section 115 Trust Fund; and

WHEREAS, funding of the current portion will come from the Commission and the Maryland-National Capital Park and Planning Commission Employees’ Retirement System in the amounts of \$10,797,644 and \$32,356, respectively; and for the prefunding in the amounts of \$5,110,688 and \$15,312, respectively.

NOW THEREFORE, BE IT RESOLVED, that the Commission as Plan Sponsor approves a \$10,797,644 payment to the Group Insurance Fund for current retiree healthcare and a \$5,110,688 payment to the Section 115 Trust Fund; and

BE IT FURTHER RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby authorize the Executive Director and other officers to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date


6/7/17


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

6611 Kenilworth Avenue Riverdale, Maryland 20730

June 21, 2017

To: The Maryland-National Capital Park and Planning Commission

 Via: Patricia C. Barney, Executive Director 

 From: John Kroll, Corporate Budget Manager 
**Subject: Resolution 17-19 - Adoption of the Commission's FY 2018 Operating and Capital Budgets**
**Recommendation:**

Approve Resolution No. 17-19 "Adoption of the FY 2018 Commission Operating and Capital Budgets"

**Background:**

Pursuant to the Land Use Article, of the Annotated Code of Maryland, the Commission submitted its Proposed Budget to the County Executives of Prince George's County and Montgomery County on January 15<sup>th</sup>. In accordance with the Land Use Article, each County Council has approved that portion of the Commission budget allocated to its county. On May 25, 2017, Montgomery County Council adopted resolutions 18-817 and 18-826. On May 25, 2017, the Prince George's County Council approved bill CB-054-2017. Further, both Councils on May 11, 2017 approved those portions of the Commission budget allocable to both counties.

Resolution No. 17-19, "Adoption of the FY 2018 Commission Operating and Capital Budgets" adopts the budget for FY18 including the additions, deletions, increases, and decreases from the submitted Proposed Budget as approved by the respective County Councils of Montgomery County and Prince George's County.

The Adopted Budget totals \$545.8 million excluding reserves, ALARF, and Internal Service Funds. Compared to the FY17 Adopted Budget, the FY18 Budget is about \$23.7 million higher.

In Prince George's County, the budget is increasing by 8.1 percent for FY18. This reflects the opening of new facilities – the Southern Area Aquatic and Recreation Complex, two new community centers - and rightsizing staffing at existing facilities to accommodate increased usage. Property tax rates remain the same as those set in FY16.

In Montgomery County, the budget is decreasing by 2.0 percent for FY18. This net decrease is due to the Capital Projects Fund which decreased 20.0%. Tax supported funds increased by 5.0 percent. As part of the final balancing, the County decreased the Park Fund's proposed property tax rate,

transferred \$500,000 from the Administration Fund to the Park Fund, and increased the use of fund balance. The following chart provides a comparative summary of the FY18 Adopted Budget for each county.

Summary of FY18 Adopted Budget Expenditures  
(net reserves, ALARF, and Internal Service Funds)

	FY17 Adopted	FY18 Adopted	\$ Change	% Change
<b>Prince George's Funds</b>				
Administration (1)	\$ 48,815,896	\$ 50,612,147	\$ 1,796,251	3.7%
Park (2)	135,162,782	145,623,321	10,460,539	7.7%
Recreation (3)	71,795,500	77,823,883	6,028,383	8.4%
ALA Debt	-	-	-	-
<b>Subtotal Tax Supported</b>	<b>255,774,178</b>	<b>274,059,351</b>	<b>18,285,173</b>	<b>7.1%</b>
Park Debt Service	11,539,571	11,053,742	(485,829)	-4.2%
Capital Projects	39,882,000	49,015,701	9,133,701	22.9%
Enterprise	19,391,147	19,829,221	438,074	2.3%
Special Revenue (1)	9,167,644	9,144,545	(23,099)	-0.3%
<b>Total Prince George's</b>	<b>\$ 335,754,540</b>	<b>\$ 363,102,560</b>	<b>\$ 27,348,020</b>	<b>8.1%</b>
<b>Montgomery Funds</b>				
Administration (4)	\$ 30,464,202	\$ 31,728,741	\$ 1,264,539	4.2%
Park (2)	96,367,494	101,362,780	4,995,286	5.2%
ALA Debt	77,529	155,550	78,021	100.6%
<b>Subtotal Tax Supported</b>	<b>126,909,225</b>	<b>133,247,071</b>	<b>6,337,846</b>	<b>5.0%</b>
Park Debt Service	4,846,969	5,511,210	664,241	13.7%
Capital Projects	37,503,000	26,632,000	(10,871,000)	-29.0%
Enterprise (1)	10,012,147	10,347,797	335,650	3.4%
Property Management	1,319,000	1,311,100	(7,900)	-0.6%
Special Revenue	5,751,622	5,634,625	(116,997)	-2.0%
<b>Total Montgomery</b>	<b>\$ 186,341,963</b>	<b>\$ 182,683,803</b>	<b>\$ (3,658,160)</b>	<b>-2.0%</b>
<b>Combined Total</b>	<b>\$ 522,096,503</b>	<b>\$ 545,786,363</b>	<b>\$ 23,689,860</b>	<b>4.5%</b>

- (1) Includes transfer to Capital Projects Fund
- (2) Includes transfer to Debt Service and Capital Projects Fund
- (3) Includes transfer to Enterprise Fund
- (4) Includes transfer to Park Fund and Special Revenue Fund

### **Summary of Adjustments in the FY18 Adopted Budget**

The FY18 budgets, as approved by the respective County Councils, included the following adjustments from the Proposed Budget.

#### ***Montgomery County Adjustments from Proposed Administration Fund***

- ✓ Within the Planning Department,
  - \$50,000 in Research and Special Projects, budgeted for contractual support for the Missing Middle study, was not approved.
  - \$22,573 in Support Services for CIO/CWIT chargebacks was not approved.
  - The proposed subsidy to the Development Review Special Revenue Fund was reduced by \$200,000.
- ✓ Within the Department of Human Resources and Management,
  - Salary lapse of \$11,010 was increased.
  - \$4,766 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Finance Department,
  - \$18,019 of professional IT services was not approved.
  - \$5,616 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Legal Department,
  - Non-personnel budget was reduced by \$5,390.
  - \$4,311 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Internal Audit Department,
  - Seasonal budget was increased by \$1,646.
  - \$3,462 for CIO/CWIT chargebacks was not approved.
- ✓ Within CAS Support Services, \$4,663 for copier maintenance was not approved.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Reduced the reclassification marker by \$86,666.
- ✓ Property tax revenues have been adjusted to reflect the March 2017 assessable base estimates issued by Montgomery OMB. Tax rate remained as proposed.
- ✓ To provide further balance between the Administration and Park Funds, \$500,000 of fund balance is transferred to the Park Fund.
- ✓ To balance the Administration Fund, use of fund balance was increased by \$144,310.

#### **Park Fund**

- ✓ \$100,000 was added to Information Technology & Innovation to fund a Wi-Fi in the Parks initiative.
- ✓ Reduction in Finance Department chargeback (\$6,760).
- ✓ Reduction in CIO/CWIT chargebacks (\$56,096).

- ✓ NNI/Meadows/Reforestation Maintenance was not funded (\$193,806).
- ✓ Stormwater/Bio-retention Management vehicles were not funded (\$100,000).
- ✓ Volunteer Coordinator was not funded (\$81,112).
- ✓ Delayed hiring of new positions resulted in a \$191,454 reduction.
- ✓ Debt service on Capital Equipment ISF was not funded (\$513,000).
- ✓ Risk Management ISF chargeback was reduced by \$100,000.
- ✓ Non-personnel items were prepaid with FY17 savings, resulting in \$697,246 of reductions.
- ✓ Mini excavator was not funded (\$60,000).
- ✓ Reduction in capital outlay funding (\$55,000).
- ✓ ADA Assistant position and Quality Assurance Officer positions will be charged to the CIP, resulting in a reduction of \$74,704.
- ✓ Contractual increases were not funded (\$235,150).
- ✓ Internship program was not funded (\$75,000).
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Reduced the reclassification marker by \$321,541.
- ✓ Property tax revenues have been adjusted to reflect the March 2017 assessable base estimates issued by Montgomery OMB; and the tax rate contemplated in the Proposed Budget was reduced by a 9/100<sup>th</sup> of a cent to 5.54 cents.
- ✓ To provide further balance between the Administration and Park Funds, \$500,000 of fund balance is transferred from the Administration Fund.
- ✓ To balance the Park Fund, use of fund balance was increased by \$1,342,828.

#### Advance Land Acquisition Debt Service Fund

- ✓ Property tax revenues have been adjusted to reflect the March 2017 assessable base estimates issued by Montgomery OMB; the tax rate remained unchanged.
- ✓ Decreased the contribution to the Advance Land Acquisition Revolving Fund by \$8,260, reflecting slightly lower property tax revenues.

#### Advance Land Acquisition Revolving Fund

- ✓ Decreased the contribution from the Advance Land Acquisition Debt Service Fund by \$8,260.
- ✓ Decreased capital outlay by the same amount, \$8,260.

#### Capital Projects Fund

- ✓ Capital project expenditures were reduced by \$300,000, reflecting reductions of \$155,000 in acquisition and \$145,000 in park development.

CIO/CWIT Fund

- ✓ An IT Initiative project was eliminated, and one proposed position was eliminated, resulting in \$96,824 reduction.

***Prince George's County Adjustments from Proposed Administration Fund***

- ✓ Proposed project charge reductions of \$889,245 were restored.
- ✓ Two new positions were funded in the Planning Director's Office for a total of \$186,200 to provide the necessary resources for the Surcharge Exemptions for Projects Near Transit Properties Workgroup.
- ✓ Within the Planning Department, \$19,426 for CIO/CWIT chargebacks were not approved.
- ✓ Within the Department of Human Resources and Management,
  - Salary lapse of \$16,037 was increased.
  - \$4,370 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Finance Department,
  - \$25,850 of professional IT services was not approved.
  - \$4,974 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Legal Department,
  - Non-personnel budget was reduced by \$5,500.
  - \$4,047 for CIO/CWIT chargebacks was not approved.
- ✓ Within the Internal Audit Department,
  - Seasonal budget was increased by \$12.
  - \$3,443 for CIO/CWIT chargebacks was not approved.
- ✓ Within CAS Support Services, \$5,792 for copier maintenance was not approved.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Reduced the reclassification marker by \$108,305.
- ✓ Property tax revenues have been adjusted to reflect the March 2017 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the November 2016 County OMB estimates used in the Proposed Budget.

Park Fund

- ✓ Proposed project charge reductions of \$105,205 were restored.
- ✓ Reduced CIO/CWIT and Finance Department chargebacks (\$45,850).



- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Reduced the reclassification marker by \$331,765.
- ✓ Increased the transfer to Capital Projects Fund by \$4,600,000.
- ✓ Property tax revenues have been adjusted to reflect the March 2017 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the November 2016 County OMB estimates used in the Proposed Budget.

#### Recreation Fund

- ✓ Proposed project charge reductions were further reduced by \$454,016 to partially make up for the restorations in the Administration and Park Funds.
- ✓ Eleven individual agency project charges were either increased or decreased for a total net increase of \$20,000.
- ✓ Reduced CIO/CWIT chargebacks (\$32,800).
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Reduced the reclassification marker by \$57,419.
- ✓ Property tax revenues have been adjusted to reflect the March 2017 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the November 2016 County OMB estimates used in the Proposed Budget.

#### Capital Projects Fund

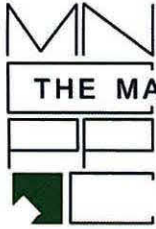
- ✓ Capital project expenditures were increased by \$29,233,000, funded by the increased transfer from the Park Fund \$4,600,000, increased bond financing of \$13,950,000, increased POS and other state funding of \$1,683,000, and \$9,000,000 of insurance proceeds. Projects funded by these sources are Tucker Road Ice Skating Center, Southern Technical Regional Complex – aquatic facility, Langley Park Trail Lighting, Glassmanor Community Center, and Consolidated Headquarters Building.

#### CIO/CWIT Fund

- ✓ An IT Initiative project was eliminated, and one proposed position was eliminated, resulting in a reduction of \$108,110.

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





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC  
RESOLUTION NO. 17-19  
**June 21, 2017**

**ADOPTION OF THE FY 2018 COMMISSION OPERATING BUDGET  
AND FY 2018 CAPITAL BUDGET**

WHEREAS, the Maryland-National Capital Park and Planning Commission (the “Commission”) has prepared and submitted its proposed FY 2018 operating budget (“the Proposed Operating Budget”) and its proposed FY 2018 capital budget (“Proposed Capital Budget”) to the County Executives of Montgomery and Prince George’s Counties in compliance with the § 18-104 of the Land Use Article of the Annotated Code of Maryland (“Land Use Article”), as amended and to the County Councils of Montgomery and Prince George’s Counties in compliance with § 18-105 of the Land Use Article; and

WHEREAS, the respective County Councils have established work programs and made certain deletions and additions to the Proposed Operating Budget, which actions are set forth in the Montgomery County Resolution 18-826, and Prince George’s County Bill CB-054-2017; and

WHEREAS, the Montgomery County Council made certain revisions to the Proposed Capital Budget, which action is set forth in Montgomery County Resolution 18-817; and

WHEREAS, the Prince George’s County Council made certain revisions to the Proposed Capital Budget, which action is set forth in the Prince George’s County Bill CB-054-2017; and

WHEREAS, the County Councils on May 11, 2017 have reviewed and together acted to approve the Bi-County budget items allocable to both counties; and

WHEREAS, the respective County Councils have acted to appropriate as the Commission’s FY 2018 operating budget (“the Operating Budget”) and FY 2018 Capital Budget certain expenditures, including those funded by grants, together totaling in the aggregate \$182,683,803 allocable to the various sources derived in Montgomery County as set forth in Exhibit A hereto and \$363,102,560 allocable to the various sources derived in Prince George’s County as set forth in Exhibit B hereto; and

WHEREAS, the Operating Budget includes the Executive Office Building and Group Health Insurance Funds as set forth in Exhibit C, which are Commission-wide Internal Service Funds funded through the operating department appropriations made by the respective County Councils for Montgomery County and Prince George's County; and

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

NOW, THEREFORE BE IT RESOLVED that the Commission does hereby approve and adopt the FY 2018 Operating Budget and the FY 2018 Capital Budget as set forth in Exhibit A, Exhibit B, and Exhibit C hereto; and

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

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

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

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

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

BE IT FURTHER RESOLVED that the Executive Director shall direct the Budget Office to provide to all members of the Commission and each administrator listed above a summary of a semi–annual budget adjustment report with cumulative adjustments for each controlling account as of the reporting date; and

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

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

APPROVED AS TO LEGAL SUFFICIENCY  
M-NOBPC Legal Department  
Date June 13, 2017



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY18 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY18 Proposed Budget	Council Adjustments	FY18 Adopted Budget	Positions	Workyears
<b>ADMINISTRATION FUND</b>					
<b>REVENUES</b>					
Tax Revenue (Tax rates: Real = 1.72 Cents, Personal = 4.30 Cents) Assessable Base in Billions (Real/Personal): 161.431 / 3.136	29,010,300	(65,540)	28,944,760		
Taxes - Interest and Penalties	100,000	-	100,000		
Intergovernmental	570,300	-	570,300		
Charges for Service	163,400	-	163,400		
Interest Income	70,000	-	70,000		
<b>Current Revenue</b>	<b>29,914,000</b>	<b>(65,540)</b>	<b>29,848,460</b>		
Use of Fund Balance	2,663,871	144,310	2,808,181		
<b>Total Sources</b>	<b>32,577,871</b>	<b>78,770</b>	<b>32,656,641</b>		
<b>EXPENDITURES</b>					
Commissioners' Office	1,176,198	28,390	1,204,588	12.00	9.50
Planning Department					
Planning Director's Office	1,115,698	19,986	1,135,684		
Management Services	2,303,760	40,753	2,344,513		
Functional Planning & Policy	2,987,840	51,655	3,039,495		
Area 1	1,219,902	37,556	1,257,458		
Area 2	2,142,478	41,267	2,183,745		
Area 3	1,742,020	53,506	1,795,526		
Dev. Applications & Regulatory Coordination	931,062	41,095	972,157		
Information Technology and Innovation	3,477,395	47,401	3,524,796		
Research and Special Projects	1,468,927	(30,444)	1,438,483		
Grants	150,000	-	150,000		
Support Services	2,239,863	(22,573)	2,217,290		
<b>Planning Total</b>	<b>19,778,945</b>	<b>280,202</b>	<b>20,059,147</b>	<b>151.00</b>	<b>116.69</b>
Department of Human Resources and Management	2,225,575	26,446	2,252,021	17.50	16.26
Department of Finance	3,334,279	41,377	3,375,656	26.40	25.19
Legal Department	1,368,467	32,377	1,400,844	13.70	13.70
Merit System Board	83,121	2,186	85,307	0.50	0.25
Office of Internal Audit	256,084	5,253	261,337	2.00	2.20
Support Services	657,844	(4,663)	653,181	0.00	0.00
<b>CAS Total</b>	<b>7,925,370</b>	<b>102,976</b>	<b>8,028,346</b>	<b>60.10</b>	<b>57.60</b>
Non-Departmental	2,263,058	(626,398)	1,636,660		
<b>Total Expenditures</b>	<b>31,143,571</b>	<b>(214,830)</b>	<b>30,928,741</b>	<b>223.10</b>	<b>183.79</b>
Transfer to Special Revenue Fund	500,000	(200,000)	300,000		
Transfer to Park Fund	-	500,000	500,000		
Contingency Reserve @ 3%	934,300	(6,400)	927,900		
<b>Total Expenditures and Uses</b>	<b>32,577,871</b>	<b>78,770</b>	<b>32,656,641</b>		



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY18 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY18 Proposed Budget	Council Adjustments	FY18 Adopted Budget	Positions	Workyears
<b><u>PARK FUND</u></b>					
<b>REVENUES</b>					
Tax Revenue (Tax Rate: Real = 5.54 cents, Personal = 13.85 cents) Assessable Base in Billions (Real/Personal): 161.431/3.136	94,908,000	(1,678,946)	93,229,054		
Taxes - Interest and Penalties	300,000	-	300,000		
Intergovernmental	3,803,636	(218,995)	3,584,641		
Charges for Service	2,047,368	-	2,047,368		
Rentals/Concessions	753,275	-	753,275		
Interest Income	5,000	-	5,000		
Miscellaneous Revenues	120,900	-	120,900		
<b>Current Revenue</b>	<b>101,938,179</b>	<b>(1,897,941)</b>	<b>100,040,238</b>		
Transfer from CIP	15,000	-	15,000		
Transfer from Capital Equipment Fund	-	-	-		
Transfer from Administration Fund	-	500,000	500,000		
Use of Fund Balance	5,015,370	(1,342,828)	3,672,542		
<b>Total Sources</b>	<b>106,968,549</b>	<b>(2,740,769)</b>	<b>104,227,780</b>		
<b>EXPENDITURES</b>					
Operating Divisions					
Director of Parks	1,691,035	41,050	1,732,085		
Public Affairs & Community Partnerships	2,906,278	(29,853)	2,876,425		
Management Services	1,884,536	147,157	2,031,693		
Information Technology and Innovation	2,319,436	118,180	2,437,616		
Park Planning and Stewardship	5,186,457	(14,006)	5,172,451		
Park Development	3,395,134	16,184	3,411,318		
Park Police	14,699,032	229,959	14,928,991		
Horticulture, Forestry & Environmental Education	9,851,020	169,195	10,020,215		
Facilities Management	12,270,870	195,453	12,466,323		
Northern Parks	10,540,405	(49,320)	10,491,085		
Southern Parks	13,966,954	(102,850)	13,864,104		
Support Services	12,128,270	(1,625,142)	10,503,128		
Grants	400,000	-	400,000		
Non-Departmental	6,923,012	(1,756,876)	5,166,136		
<b>Total Expenditures</b>	<b>98,162,439</b>	<b>(2,660,869)</b>	<b>95,501,570</b>		
Transfer to Debt Service	5,511,210	-	5,511,210		
Transfer to CIP	350,000	-	350,000		
Contingency Reserve @ 3%	2,944,900	(79,900)	2,865,000		
<b>Total Expenditures and Uses</b>	<b>106,968,549</b>	<b>(2,740,769)</b>	<b>104,227,780</b>	746.00	725.30
<b><u>ADVANCE LAND ACQUISITION DEBT SERVICE FUND</u></b>					
<b>REVENUES</b>					
Tax Revenue (Tax Rate: Real = 0.10 cents, Personal = 0.25 cents) Assessable Base in Billions (Real/Personal): 185.671 / 3.862	1,950,000	(8,260)	1,941,740		
<b>Current Revenue</b>	<b>1,950,000</b>	<b>(8,260)</b>	<b>1,941,740</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>1,950,000</b>	<b>(8,260)</b>	<b>1,941,740</b>		
<b>EXPENDITURES</b>					
Debt Service	155,550	-	155,550		
<b>Total Expenditures</b>	<b>155,550</b>	<b>-</b>	<b>155,550</b>		
Transfer to ALA Revolving Fund	1,794,450	(8,260)	1,786,190		
<b>Total Expenditures and Uses</b>	<b>1,950,000</b>	<b>(8,260)</b>	<b>1,941,740</b>		
<b>TOTAL TAX-SUPPORTED FUNDS, LESS RESERVES &amp; ALA TRANSFER</b>	<b>135,822,770</b>	<b>(2,575,699)</b>	<b>133,247,071</b>	<b>969.10</b>	<b>909.09</b>

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY18 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY18 Proposed Budget	Council Adjustments	FY18 Adopted Budget	Positions	Workyears
<b><u>ADVANCE LAND ACQUISITION REVOLVING FUND</u></b>					
<b>REVENUES</b>					
Interest Income	30,000	-	30,000		
<b>Current Revenue</b>	<b>30,000</b>	<b>-</b>	<b>30,000</b>		
Transfer from ALA Debt Service Fund	1,794,450	(8,260)	1,786,190		
Use of Fund Balance	1,029,686	-	1,029,686		
<b>Total Sources</b>	<b>2,854,136</b>	<b>(8,260)</b>	<b>2,845,876</b>		
<b>EXPENDITURES</b>					
Land	2,854,136	(8,260)	2,845,876		
<b>Total Expenditures</b>	<b>2,854,136</b>	<b>(8,260)</b>	<b>2,845,876</b>		
<b><u>PARK DEBT SERVICE FUND</u></b>					
<b>REVENUES</b>					
Transfer from Park Fund	5,511,210	-	5,511,210		
<b>Total Sources</b>	<b>5,511,210</b>	<b>-</b>	<b>5,511,210</b>		
<b>EXPENDITURES</b>					
Debt Service	5,511,210	-	5,511,210		
<b>Total Expenditures</b>	<b>5,511,210</b>	<b>-</b>	<b>5,511,210</b>		
<b><u>CAPITAL PROJECTS FUND</u></b>					
<b>REVENUES</b>					
Intergovernmental	19,320,000	(300,000)	19,020,000		
Interest	15,000	-	15,000		
Bond Proceeds	5,597,000	-	5,597,000		
Contributions	600,000	-	600,000		
Miscellaneous	-	-	-		
<b>Current Revenue</b>	<b>25,532,000</b>	<b>(300,000)</b>	<b>25,232,000</b>		
Transfer from Park Fund	350,000	-	350,000		
Transfer from Enterprise Fund	1,050,000	-	1,050,000		
<b>Total Sources</b>	<b>26,932,000</b>	<b>(300,000)</b>	<b>26,632,000</b>		
<b>EXPENDITURES</b>					
Park Acquisition & Development	26,917,000	(300,000)	26,617,000		
<b>Total Expenditures</b>	<b>26,917,000</b>	<b>(300,000)</b>	<b>26,617,000</b>		
Transfer to Park Fund	15,000	-	15,000		
<b>Total Expenditures and Uses</b>	<b>26,932,000</b>	<b>(300,000)</b>	<b>26,632,000</b>		
<b><u>ENTERPRISE FUND</u></b>					
<b>REVENUES</b>					
Charges for Service	10,655,981	-	10,655,981		
Interest Income	60,000	-	60,000		
<b>Current Revenue</b>	<b>10,715,981</b>	<b>-</b>	<b>10,715,981</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>10,715,981</b>	<b>-</b>	<b>10,715,981</b>		
<b>EXPENDITURES</b>					
Operations	9,297,797	-	9,297,797		
<b>Total Expenditures</b>	<b>9,297,797</b>	<b>-</b>	<b>9,297,797</b>		
Transfer to CIP	1,050,000	-	1,050,000		
<b>Total Expenditures and Uses</b>	<b>10,347,797</b>	<b>-</b>	<b>10,347,797</b>	36.00	126.70
Revenues Over/(Under) Expenditures	368,184	-	368,184		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY18 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY18 Proposed Budget	Council Adjustments	FY18 Adopted Budget	Positions	Workyears
<b>PROPERTY MANAGEMENT FUND</b>					
<b>REVENUES</b>					
Rental Revenue	1,306,600	-	1,306,600		
Interest Income	4,500	-	4,500		
<b>Current Revenue</b>	<b>1,311,100</b>	<b>-</b>	<b>1,311,100</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>1,311,100</b>	<b>-</b>	<b>1,311,100</b>		
<b>EXPENDITURES</b>					
Operating Expenditures	1,311,100	-	1,311,100	4.00	7.00
<b>Total Expenditures</b>	<b>1,311,100</b>	<b>-</b>	<b>1,311,100</b>		
<b>SPECIAL REVENUE FUND</b>					
<b>REVENUES</b>					
Intergovernmental	1,035,700	-	1,035,700		
Charges for Service	2,744,570	-	2,744,570		
Interest Income	16,500	-	16,500		
<b>Current Revenue</b>	<b>3,796,770</b>	<b>-</b>	<b>3,796,770</b>		
Transfer from Administration Fund	500,000	(200,000)	300,000		
Use of Fund Balance	1,337,855	200,000	1,537,855		
<b>Total Sources</b>	<b>5,634,625</b>	<b>-</b>	<b>5,634,625</b>		
<b>EXPENDITURES</b>					
Operations	5,634,625	-	5,634,625	0.00	32.05
<b>Total Expenditures</b>	<b>5,634,625</b>	<b>-</b>	<b>5,634,625</b>		
Revenues Over/(Under) Expenditures	-	-	-		
<b>TOTAL OPERATING BUDGET LESS RESERVES AND ALARF</b>	<b>185,559,502</b>	<b>(2,875,699)</b>	<b>182,683,803</b>	<b>1,009.10</b>	<b>1,074.84</b>

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY18 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY18 Proposed Budget	Council Adjustments	FY18 Adopted Budget	Positions	Workyears
<b><u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Charges for Service	2,706,500	-	2,706,500		
Debt Proceeds	6,150,000	-	6,150,000		
Interest Income	3,000	-	3,000		
<b>Current Revenue</b>	<b>8,859,500</b>	<b>-</b>	<b>8,859,500</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>8,859,500</b>	<b>-</b>	<b>8,859,500</b>		
<b>EXPENDITURES</b>					
Operations	6,190,951	-	6,190,951		
Debt Service	1,909,200	-	1,909,200		
<b>Total Expenditures</b>	<b>8,100,151</b>	<b>-</b>	<b>8,100,151</b>		
Transfer to Park Fund	-	-	-		
<b>Total Expenditures and Uses</b>	<b>8,100,151</b>	<b>-</b>	<b>8,100,151</b>		
Revenues Over/(Under) Expenditures	759,349	-	759,349		
Capital Equipment - Financed for the Parks & Planning Depts	5,900,000	-	5,900,000		
Capital Equipment - Financed for the Finance Dept	250,000	-	250,000		
<b><u>CIO/CWIT INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Charges for Service	994,247	(96,824)	897,423		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
<b>Current Revenue</b>	<b>994,247</b>	<b>(96,824)</b>	<b>897,423</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>994,247</b>	<b>(96,824)</b>	<b>897,423</b>		
<b>EXPENDITURES</b>					
Operations	950,816	(96,824)	853,992		
Debt Service	38,103	-	38,103		
<b>Total Expenditures</b>	<b>988,919</b>	<b>(96,824)</b>	<b>892,095</b>	2.50	2.50
Transfer to Park Fund	-	-	-		
<b>Total Expenditures and Uses</b>	<b>988,919</b>	<b>(96,824)</b>	<b>892,095</b>		
Revenues Over/(Under) Expenditures	5,328	-	5,328		
Capital Equipment - Financed for IT Initiatives	-	-	-		
<b><u>RISK MANAGEMENT INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Charges for Service	2,741,500	(100,000)	2,641,500		
Interest Income	45,000	-	45,000		
<b>Current Revenue</b>	<b>2,786,500</b>	<b>(100,000)</b>	<b>2,686,500</b>		
Use of Fund Balance	573,440	100,000	673,440		
<b>Total Sources</b>	<b>3,359,940</b>	<b>-</b>	<b>3,359,940</b>		
<b>EXPENDITURES</b>					
Operations	3,359,940	-	3,359,940	3.00	3.40
<b>Total Expenditures</b>	<b>3,359,940</b>	<b>-</b>	<b>3,359,940</b>		
Revenues Over/(Under) Expenditures	-	-	-		
<b>Total Montgomery County (including reserves, transfers)</b>	<b>206,536,298</b>	<b>(3,075,343)</b>	<b>203,460,955</b>	<b>1,014.60</b>	<b>1,080.74</b>



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY18 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY18 Proposed Budget	Council Adjustments	FY18 Adopted Budget	Positions	Workyears
<b>ADMINISTRATION FUND</b>					
<b>REVENUES</b>					
Tax Revenue (Tax rates: Real = 5.660 Cents, Personal = 14.150 Cents)	49,109,600	1,697,100	50,806,700		
Assessable Base in Billions (Real/Personal): 84.040 / 2.992					
Taxes - Interest and Penalties	150,000	-	150,000		
Intergovernmental	202,500	-	202,500		
Service Charges	623,000	-	623,000		
Interest Income	160,000	-	160,000		
Miscellaneous Revenue	-	-	-		
<b>Current Revenue</b>	<b>50,245,100</b>	<b>1,697,100</b>	<b>51,942,200</b>		
Use of Fund Balance	1,974,534	(775,487)	1,199,047		
<b>Total Sources</b>	<b>52,219,634</b>	<b>921,613</b>	<b>53,141,247</b>		
<b>EXPENDITURES</b>					
Commissioners' Office	3,150,884	40,595	3,191,479	15.50	13.50
Planning Department					
Director's Office	4,302,379	249,362	4,551,741		
Development Review	6,150,807	99,948	6,250,755		
Community Planning	3,711,528	50,686	3,762,214		
Information Management	5,263,149	51,646	5,314,795		
Countywide Planning	6,683,172	97,276	6,780,448		
Support Services	8,608,021	869,819	9,477,840		
Grants	147,500	-	147,500		
<b>Planning Total</b>	<b>34,866,556</b>	<b>1,418,737</b>	<b>36,285,293</b>	<b>176.50</b>	<b>172.25</b>
Department of Human Resources and Management	2,795,510	34,215	2,829,725	23.50	23.24
Department of Finance	3,805,531	53,951	3,859,482	34.60	32.81
Legal Department	1,172,266	31,870	1,204,136	10.30	10.30
Merit System Board	83,121	2,186	85,307	0.50	0.25
Office of Internal Audit	355,611	9,924	365,535	3.00	3.30
Support Services	820,788	(5,792)	814,996	0.00	0.00
<b>CAS Total</b>	<b>9,032,827</b>	<b>126,354</b>	<b>9,159,181</b>	<b>71.90</b>	<b>69.90</b>
NonDepartmental	2,654,167	(707,973)	1,946,194		
<b>Total Expenditures</b>	<b>49,704,434</b>	<b>877,713</b>	<b>50,582,147</b>	<b>263.90</b>	<b>255.65</b>
Transfer to Capital Projects Fund	30,000	-	30,000		
Contingency Reserve @ 5%	2,485,200	43,900	2,529,100		
<b>Total Expenditures and Uses</b>	<b>52,219,634</b>	<b>921,613</b>	<b>53,141,247</b>		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY18 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY18 Proposed Budget	Council Adjustments	FY18 Adopted Budget	Positions	Workyears
<b><u>PARK FUND</u></b>					
<b>REVENUES</b>					
Tax Revenue (Tax Rate: Real = 15.940 cents, Personal = 39.850 cents)	133,540,300	4,614,900	138,155,200		
Assessable Base in Billions (Real/Personal): 81.254 / 2.892					
Taxes - Interest and Penalties	450,000	-	450,000		
Service Charges	148,500	-	148,500		
Interest Income	325,000	-	325,000		
Rentals/Concessions	2,627,600	-	2,627,600		
Miscellaneous Revenues	656,000	-	656,000		
<b>Current Revenue</b>	<b>137,747,400</b>	<b>4,614,900</b>	<b>142,362,300</b>		
Transfer from CIP	250,000	-	250,000		
Use of Fund Balance	9,460,431	(300,910)	9,159,521		
<b>Total Sources</b>	<b>147,457,831</b>	<b>4,313,990</b>	<b>151,771,821</b>		
<b>EXPENDITURES</b>					
Operating Divisions					
Office of the Director	22,193,956	333,365	22,527,321		
Administration and Development	34,374,226	204,902	34,579,128		
Facility Operations	39,133,981	488,316	39,622,297		
Area Operations	19,734,424	344,676	20,079,100		
NonDepartmental	7,805,402	(1,643,669)	6,161,733		
<b>Total Expenditures</b>	<b>123,241,989</b>	<b>(272,410)</b>	<b>122,969,579</b>		
Transfer to Debt Service	11,053,742	-	11,053,742		
Transfer to CIP	7,000,000	4,600,000	11,600,000		
Contingency Reserve @ 5%	6,162,100	(13,600)	6,148,500		
<b>Total Expenditures and Uses</b>	<b>147,457,831</b>	<b>4,313,990</b>	<b>151,771,821</b>	770.00	947.45

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY18 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY18 Proposed Budget	Council Adjustments	FY18 Adopted Budget	Positions	Workyears
<b>RECREATION FUND</b>					
<b>REVENUES</b>					
Tax Revenue (Tax Rate: Real = 7.800 cents, Personal = 19.500 cents)	70,014,600	2,419,600	72,434,200		
Assessable Base in Billions (Real/Personal): 86.880 / 3.093					
Taxes - Interest and Penalties	200,000	-	200,000		
Intergovernmental	-	-	-		
Service Charges	8,372,775	-	8,372,775		
Rentals/Concessions	1,083,700	-	1,083,700		
Interest Income	160,000	-	160,000		
Miscellaneous Revenues	82,800	-	82,800		
<b>Current Revenue</b>	<b>79,913,875</b>	<b>2,419,600</b>	<b>82,333,475</b>		
Use of Fund Balance	2,351,643	(2,970,035)	(618,392)		
<b>Total Sources</b>	<b>82,265,518</b>	<b>(550,435)</b>	<b>81,715,083</b>		
<b>EXPENDITURES</b>					
Operating Divisions					
Administration and Development	9,733,107	(32,800)	9,700,307		
Facility Operations	18,549,848	175,743	18,725,591		
Area Operations	33,597,515	396,670	33,994,185		
Non-Departmental	7,719,227	(1,063,848)	6,655,379		
<b>Total Expenditures</b>	<b>69,599,697</b>	<b>(524,235)</b>	<b>69,075,462</b>		
Transfer to Enterprise Fund	8,748,421	-	8,748,421		
Contingency Reserve @ 5%	3,917,400	(26,200)	3,891,200		
<b>Total Expenditures and Uses</b>	<b>82,265,518</b>	<b>(550,435)</b>	<b>81,715,083</b>	284.00	915.63
<b>ADVANCE LAND ACQUISITION DEBT SERVICE FUND</b>					
<b>REVENUES</b>					
Tax Revenue (Tax Rate: Real = 0.00 cents, Personal = 0.00 cents)	-	-	-		
Assessable Base in Billions (Real/Personal): 86.880 / 3.093					
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>-</b>	<b>-</b>	<b>-</b>		
<b>EXPENDITURES</b>					
Debt Service	-	-	-		
<b>Total Expenditures</b>	<b>-</b>	<b>-</b>	<b>-</b>		
Transfer to ALA Revolving Fund	-	-	-		
<b>Total Expenditures and Uses</b>	<b>-</b>	<b>-</b>	<b>-</b>		
<b>TOTAL TAX-SUPPORTED FUNDS, LESS RESERVES &amp; ALA TRANSFER</b>	<b>269,378,283</b>	<b>4,681,068</b>	<b>274,059,351</b>	<b>1,317.90</b>	<b>2,118.73</b>



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY18 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY18 Proposed Budget	Council Adjustments	FY18 Adopted Budget	Positions	Workyears
<b><u>ADVANCE LAND ACQUISITION REVOLVING FUND</u></b>					
<b>REVENUES</b>					
Interest Income	-	-	-		
<b>Current Revenue</b>	-	-	-		
Transfer from ALA Debt Service Fund	-	-	-		
Use of Fund Balance	226,791	-	226,791		
<b>Total Sources</b>	<b>226,791</b>	<b>-</b>	<b>226,791</b>		
<b>EXPENDITURES</b>					
Land	226,791	-	226,791		
<b>Total Expenditures and Uses</b>	<b>226,791</b>	<b>-</b>	<b>226,791</b>		
<b><u>PARK DEBT SERVICE FUND</u></b>					
<b>REVENUES</b>					
Transfer from Park Fund	11,053,742	-	11,053,742		
<b>Total Sources</b>	<b>11,053,742</b>	<b>-</b>	<b>11,053,742</b>		
<b>EXPENDITURES</b>					
Debt Service	11,053,742	-	11,053,742		
<b>Total Expenditures</b>	<b>11,053,742</b>	<b>-</b>	<b>11,053,742</b>		
<b><u>CAPITAL PROJECTS FUND</u></b>					
<b>REVENUES</b>					
Intergovernmental	3,350,000	1,683,000	5,033,000		
Interest/Contribution	4,625,000	-	4,625,000		
Bond Proceeds	4,775,000	13,950,000	18,725,000		
Miscellaneous	-	9,000,000	9,000,000		
<b>Current Revenue</b>	<b>12,750,000</b>	<b>24,633,000</b>	<b>37,383,000</b>		
Transfer from Park Fund	7,000,000	4,600,000	11,600,000		
Transfer from Special Revenue Fund	2,701	-	2,701		
Transfer from Administration Fund	30,000	-	30,000		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>19,782,701</b>	<b>29,233,000</b>	<b>49,015,701</b>		
<b>EXPENDITURES</b>					
Park Acquisition & Development	19,532,701	29,233,000	48,765,701		
<b>Total Expenditures</b>	<b>19,532,701</b>	<b>29,233,000</b>	<b>48,765,701</b>		
Transfer to Park Fund	250,000	-	250,000		
<b>Total Expenditures and Uses</b>	<b>19,782,701</b>	<b>29,233,000</b>	<b>49,015,701</b>		
<b><u>ENTERPRISE FUND</u></b>					
<b>REVENUES</b>					
Charges for Service	11,040,800	-	11,040,800		
Interest Income	40,000	-	40,000		
<b>Current Revenue</b>	<b>11,080,800</b>	<b>-</b>	<b>11,080,800</b>		
Transfers from Recreation Fund	8,748,421	-	8,748,421		
<b>Total Sources</b>	<b>19,829,221</b>	<b>-</b>	<b>19,829,221</b>		
<b>EXPENDITURES</b>					
Operations	19,829,221	-	19,829,221		
<b>Total Expenditures and Uses</b>	<b>19,829,221</b>	<b>-</b>	<b>19,829,221</b>	68.00	203.00
Revenues Over/(Under) Expenditures	-	-	-		
<b><u>SPECIAL REVENUE FUND</u></b>					
<b>REVENUES</b>					
Intergovernmental	950,000	-	950,000		
Charges for Service	7,261,493	-	7,261,493		
Interest Income	30,000	-	30,000		
Miscellaneous	157,722	-	157,722		
<b>Current Revenue</b>	<b>8,399,215</b>	<b>-</b>	<b>8,399,215</b>		
Transfer from Administration Fund	-	-	-		
Use of Fund Balance	745,330	-	745,330		
<b>Total Sources</b>	<b>9,144,545</b>	<b>-</b>	<b>9,144,545</b>		
<b>EXPENDITURES</b>					
Operations	9,141,844	-	9,141,844		
<b>Total Expenditures</b>	<b>9,141,844</b>	<b>-</b>	<b>9,141,844</b>		
Transfer to CIP	2,701	-	2,701		
<b>Total Expenditures and Uses</b>	<b>9,144,545</b>	<b>-</b>	<b>9,144,545</b>	0.00	263.50
Revenues Over/(Under) Expenditures	-	-	-		
<b>TOTAL OPERATING BUDGET LESS RESERVES AND ALARF</b>	<b>329,188,492</b>	<b>33,914,068</b>	<b>363,102,560</b>	<b>1,385.90</b>	<b>2,585.23</b>

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY18 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY18 Proposed Budget	Council Adjustments	FY18 Adopted Budget	Positions	Workyears
<b><u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Charges for Service	1,937,627	-	1,937,627		
Debt Proceeds	1,783,300	-	1,783,300		
Interest Income	3,000	-	3,000		
<b>Current Revenue</b>	<b>3,723,927</b>	<b>-</b>	<b>3,723,927</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>3,723,927</b>	<b>-</b>	<b>3,723,927</b>		
<b>EXPENDITURES</b>					
Operations	1,815,242	-	1,815,242		
Debt Service	648,600	-	648,600		
<b>Total Expenditures</b>	<b>2,463,842</b>	<b>-</b>	<b>2,463,842</b>		
Revenues Over/(Under) Expenditures	1,260,085	-	1,260,085		
Capital Equipment - Financed for Park & Rec	1,533,300	-	1,533,300		
Capital Equipment - Financed for Finance Dept.	250,000	-	250,000		
<b><u>CIO/CWIT INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Charges for Service	1,698,175	(108,110)	1,590,065		
Debt Proceeds	-	-	-		
Interest Income	-	-	-		
<b>Current Revenue</b>	<b>1,698,175</b>	<b>(108,110)</b>	<b>1,590,065</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>1,698,175</b>	<b>(108,110)</b>	<b>1,590,065</b>		
<b>EXPENDITURES</b>					
Operations	1,531,317	(108,110)	1,423,207		
Debt Service	157,297	-	157,297		
<b>Total Expenditures</b>	<b>1,688,614</b>	<b>(108,110)</b>	<b>1,580,504</b>	2.50	2.50
Revenues Over/(Under) Expenditures	9,561	-	9,561		
Capital Equipment - Financed for IT Initiatives	-	-	-		
<b><u>RISK MANAGEMENT INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Charges for Service	3,752,200	-	3,752,200		
Claims Recovery	-	-	-		
Interest Income	75,000	-	75,000		
<b>Current Revenue</b>	<b>3,827,200</b>	<b>-</b>	<b>3,827,200</b>		
Use of Fund Balance	1,171,344	-	1,171,344		
<b>Total Sources</b>	<b>4,998,544</b>	<b>-</b>	<b>4,998,544</b>		
<b>EXPENDITURES</b>					
Operations	4,998,544	-	4,998,544	3.00	3.40
<b>Total Expenditures</b>	<b>4,998,544</b>	<b>-</b>	<b>4,998,544</b>		
Revenues Over/(Under) Expenditures	-	-	-		
<b>Total Prince George's County (including reserves, transfers)</b>	<b>351,130,983</b>	<b>33,810,058</b>	<b>384,941,041</b>	<b>1,391.40</b>	<b>2,591.13</b>



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY18 ADOPTED BUDGET

COMMISSION-WIDE FUNDS

	FY18 Proposed Budget	Council Adjustments	FY18 Adopted Budget	Positions	Workyears
<b>EXECUTIVE OFFICE INTERNAL SERVICE FUND</b>					
<b>REVENUES</b>					
Charges For Service	1,352,000	-	1,352,000		
Interest Income	5,000	-	5,000		
<b>Current Revenue</b>	<b>1,357,000</b>	<b>-</b>	<b>1,357,000</b>		
Use of Fund Balance	220,000	-	220,000		
<b>Total Sources</b>	<b>1,577,000</b>	<b>-</b>	<b>1,577,000</b>		
<b>EXPENDITURES</b>					
Operating Expenses	1,577,000	-	1,577,000	2.00	2.00
Revenues Over/(Under) Expenditures	-	-	-		
<b>GROUP HEALTH INSURANCE FUND</b>					
<b>REVENUES</b>					
Intergovernmental	1,769,000	-	1,769,000		
Charges For Service	57,549,006	-	57,549,006		
Interest Income	60,000	-	60,000		
<b>Total Sources</b>	<b>59,378,006</b>	<b>-</b>	<b>59,378,006</b>		
<b>EXPENDITURES</b>					
Operating Expenditures	60,035,927	-	60,035,927		
<b>Total Expenditure</b>	<b>60,035,927</b>	<b>-</b>	<b>60,035,927</b>	6.00	6.20
Transfer to OPEB Trust Fund	-	-	-		
<b>Total Expenditure and Uses</b>	<b>60,035,927</b>	<b>-</b>	<b>60,035,927</b>		
Revenues Over/(Under) Expenditures	(657,921)	-	(657,921)		
<b>Total Commission-wide Funds</b>	<b>61,612,927</b>	<b>-</b>	<b>61,612,927</b>	<b>8.00</b>	<b>8.20</b>
Montgomery County Funds	206,536,298	(3,075,343)	203,460,955	1,014.60	1,080.74
Prince George's County Funds	351,130,983	33,810,058	384,941,041	1,391.40	2,591.13
Commission-wide Funds	61,612,927	-	61,612,927	8.00	8.20
<b>TOTAL ALL FUNDS (includes reserves)</b>	<b>619,280,208</b>	<b>30,734,715</b>	<b>650,014,923</b>	<b>2,414.00</b>	<b>3,680.07</b>



# HANDOUT – ITEM 5e

## **RESOLUTION #17-26 ADOPTION OF AMENDED COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE LODGE NO. 30**



M-NCPPC RESOLUTION NO. 17- 18 AMENDED

## FISCAL YEAR 2018 MERIT INCREASE AND COST OF LIVING ADJUSTMENTS FOR PARK POLICE COMMAND STAFF AND CANDIDATES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2018 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 11, 2017, 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, §16-302 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;

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

WHEREAS, the Commission ratified the tentative Collective Bargaining Agreement with the FOP, adopted by Resolution 17-26 on June 21, 2017, *Adoption of the Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30*, which is effective February 1, 2017 through January 31, 2020 ("Agreement") that includes certain adjustments to FY 18 compensation for its represented Park Police Officers and authorizes the Executive Director to take actions to effectuate its decision to approve and ratify the Agreement which includes revising the pay schedule;

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

WHEREAS, the Commission's Merit System Rules and Regulations Chapter 1200, Employee Compensation, awards an anniversary (merit) pay increment, not to exceed a 3.5% increase in base pay, for successful job performance to non-represented, Merit System employees; and



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

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts FY 18 compensation adjustments for Park Police Command Staff and Park Police Candidates as follows:

- 1) Maintain regularly scheduled 3.5% anniversary (merit) pay increments to be effective the first pay period after an employee's anniversary date; and
- 2) Adopt a 1.5% Cost of Living Adjustment ("COLA") to be effective the first full pay period after July 1, 2017; and

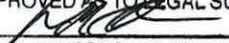
BE IT FURTHER RESOLVED that effective on the first day of the first pay period following July 1, 2017, the Park Police Command / Candidate Pay Schedule shall be revised to reflect the increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that Park Police Candidates are only eligible for an anniversary merit increase after meeting the requirements for graduation from the academy in accordance with revised Section 14.15 of the recently approved FOP collective bargaining agreement; and

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

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

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date

6/13/17

M-NCPPC  
RESOLUTION NO. 17-24

APPOINTMENT OF TRUSTEE TO THE BOARD OF TRUSTEES  
OF THE EMPLOYEES' RETIREMENT SYSTEM

WHEREAS, the Commission is Plan Sponsor of the Employees' Retirement System Trust and

WHEREAS, section 2.1.1 of Employees' Retirement System Plan provides that the Commission shall appoint one Trustee from the Montgomery County Planning Board; and


WHEREAS, a vacancy will exist on the Board of Trustees for a Montgomery County Planning Board representative as of July 1, 2017; and

WHEREAS, section 2.1.1 of the Plan provides that the respective Planning Board shall appoint a successor from the appropriate County Planning Board; and

WHEREAS, the Montgomery County Planning Board has nominated and approved Gerald Cichy to serve as a member of the ERS Board of Trustees;

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission, as Plan Sponsor for the ERS Trust, does hereby appoint Commissioner Gerald Cichy to the Board of Trustees as the Appointed Trustee from the Montgomery County Planning Board, effective July 1, 2017, for the three-year term commencing that date.

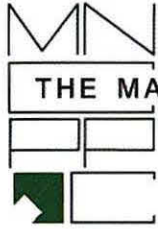
APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date

6/1/17





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

M-NCPPC  
RESOLUTION NO. 17-25

**REFUNDS TO COMMISSION'S APPROPRIATE NON-DEPARTMENTAL ACCOUNTS  
FOR  
FISCAL YEAR 14 AND 15 OVERPAYMENTS  
TO THE COMMISSION'S GROUP INSURANCE FUND**

WHEREAS, the Maryland-National Capital Park and Planning Commission (the "Commission") each fiscal year transfers amounts to the Commission's Group Insurance Fund to pay the employer's share of the cost of providing retiree medical insurance and benefits ("Retiree Coverage") for each fiscal year based on an actuarial projection; and

WHEREAS, the actuarial projections reported in this regard for providing the Retiree Coverage with respect to the Commission's Adopted Budgets for Fiscal Year 2014 (FY14) and Fiscal Year 2015 (FY15), respectively, were stated in error; and

WHEREAS, the amount transferred to the Group Insurance Fund for FY14 ultimately overfunded the Commission's Retiree Coverage amount by \$1,106,384; and

WHEREAS, the amount transferred to the Group Insurance Fund for FY15 ultimately overfunded the Commission Retiree Coverage amount by \$2,712,407; and

WHEREAS, the Commission determines that the amount of the FY14 and FY15 overpayments should be divested from the Group Insurance Fund, transferred and credited accordingly to the respective Commission Non-Departmental Accounts to the extent each Non-Departmental Account contributed to the overpayments, respectively; and

WHEREAS, the Commission finds it prudent and appropriate for this purpose to transfer the overpayments to offset and be applied as a credit to the corresponding Non-Departmental Accounts maintained by the Commission for providing Retiree Coverage.

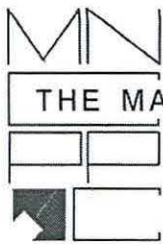
NOW, THEREFORE BE IT RESOLVED that the Commission's Secretary-Treasurer and other officers are authorized to transfer and return the above-stated amounts overpaid previously to the Group Insurance Fund for Commission Retiree for FY14 and FY15, and to apply those amounts as a credit to the corresponding Non-Departmental Accounts maintained by the Commission for providing Retiree Coverage.

APPROVED AS TO LEGAL SUFFICIENCY

*William Dickerson/dw*  
M-NCPPC Legal Department

Date 6/14/17





# ITEM 5i1

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Office of Internal Audit • 7833 Walker Drive, Suite 425 • Greenbelt, Maryland 20770

June 21, 2017

To: The Commission

From: Renee Kenney, Chief Internal Auditor

Re: Request to Spend Salary Lapse for the Office of Internal Audit

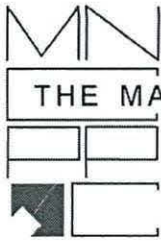
## Action

For FY17, the Office of Internal Audit's general operating budget is projected to have some salary savings, primarily from salary lapse due to an unexpected vacancy. We are requesting approval to spend of \$14,000 of salary lapse to cover general operating expenses.

## Proposed Use of Lapse/Salary

Planned Peer Review (FY15-FY17)	\$6,500
Engagement Software Renewal	\$3,000
Compliance and Ethics Hotline Renewal	<u>\$4,500</u>
TOTAL	\$14,000

We appreciate your consideration of our request.



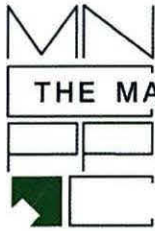
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Office of Internal Audit • 7833 Walker Drive, Suite 425 • Greenbelt, Maryland 20770

Cc: P. Barney

A. Bennett

J. Kroll



# ITEM 5i2

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

PCB17-09

May 24, 2017

To: The Commission

Via: Patricia C. Barney, Executive Director 

From: Anju Bennett, Corporate Policy and Management Operations Division Chief  
Shelley Gaylord, DHRM Budget Manager 

Re: Use of Salary Lapse for the Department of Human Resources and Management

### Action

For FY17, the Administration Fund for the Department of Human Resources and Management (DHRM) is projected to have savings in personnel costs from unanticipated salary lapse and benefits savings due to position turnover and hard to fill positions. We are requesting approval of a budget transfer in the amount of \$290,000 to enable us to address critical needs as indicated below.

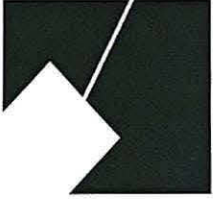
### Proposed Use of Lapse/Savings

- Employee Records Support \$150,000  
Funds will be used for consulting services to improve the processing/handling of the large volume of employment actions/records that must be managed by the human resources. Challenges have arisen due to staff turnover and need to fine tune Enterprise Resource Planning platform which handles employment actions.
- Support Critical Repairs to Executive Office Building/Feasibility Work \$140,000  
We are requesting to use a portion of the salary lapse to carry out critical updates to the EOB as identified in the facility operations assessment conducted by consultant EMG, and to continue moving forward with feasibility recommendations from the EOB workgroup.

We appreciate your consideration of our request.







# MEMO

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

TO: Maryland-National Capital Park and Planning Commission

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

SUBJECT: Request to spend FY 2017 Personnel Services savings.

DATE: June 12, 2017

ACTION REQUESTED: Board approval to spend salary lapse

The Department of Finance expects to realize savings of approximately \$358,000 in its Personnel Services budget due to delay in filling critical positions. Approval is requested to allocate savings in this budget category to fund needed IT infrastructure needs to support Enterprise Wide efforts.

Thank you for your consideration of this proposal. I look forward to discussing this with you next week.





# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

## ITEM 5j

June 9, 2017

To: The Commission

VIA: Patricia Barney, Executive Director  
Anju Bennett, Policy and Management Operations Division Chief

From: Michael Beckham, Policy Manager  
Policy and Management Operations Division

Subject: Recommended Amendments to the Merit System Rules & Regulations: Chapter 2000, Disputes

### Requested Action:

The Commission is asked to consider proposed revisions to Chapter 2000 (Disputes) of the Merit System Rules and Regulations (Merit Rules). The proposed amendments are being recommended with the review and support of the agency's Merit System Board<sup>1</sup>. The proposal was also reviewed with the Executive Committee at its June 7, 2017 meeting.

The drafted amendments are provided as Attachment A. A letter from the Merit System Board supporting the drafted amendments is provided as Attachment B. The Merit System Board's review included consideration of employee input submitted during a 30-day comment period. Two comments, which were submitted during the review period, generally support the change and are provided as Attachment C.

### Explanation of Proposed Amendments

The Merit Rules serve as the umbrella employment policies for all non-represented Merit System employees. Chapter 2000 outlines permissible options for filing complaints on administrative concerns, adverse actions, and discrimination. Presently, Section 2030 restricts employees from filing duplicate complaints through the M-NCPPC internal resolution process when the complaint also is being filed with an outside agency/tribunal. The policy is being amended to remove this restriction. The proposed amendments comport with an EEOC Conciliation Agreement that was put in place for *represented* Non-Merit System employees.

The Conciliation Agreement requires represented employees to have the option of filing complaints through the agency's internal process even when complaints have been filed externally. By amending Section 2030, *non-represented* Merit System employees will have the same option.

The policy amendment also affords the M-NCPPC (management) and the Merit System Board the choice of:

1. Staying the internal proceedings pending resolution of the matter with an external agency/tribunal; or
2. Proceeding with an internal investigation when it is prudent to pursue collaborative resolution with the external review body.

The amended language is summarized on the next page:

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<sup>1</sup> *The Merit System Board oversees the Commission's Merit System, recommends Merit System policies to the Commission for adoption, upholds employee rights guaranteed under the Merit System, and serves as the final administrative appellate body for employment matters pertaining to non-represented Merit System employees.*

Current Policy: When an employee initially files a grievance or discrimination complaint with an outside agency, he/she subsequently may not duplicate that complaint using the M-NCPPC internal resolution procedure. If an employee has initiated the complaint internally with the M-NCPPC and subsequently files the complaint with an external agency, he/she waives the right to have the matter reviewed by the MNCPPC/Merit System Board.

Proposed Amendments: Section 2030 is being amended to remove the restriction on filing duplicate complaints. Employees may elect to file with an outside agency/tribunal either concurrently or subsequent to filing the complaint using the M-NCPPC's internal process. The drafted portion of policy is indicated below:

**2032 Concurrent Internal and External Complaints**

~~An employee who initially files a grievance or complaint with an outside agency may not duplicate that complaint using an internal resolution procedure and is deemed to have waived the right to have the same matter reviewed by~~ In any matter where the employee elects to file with an outside agency or tribunal either concurrently or subsequent to the internal complaint with the agency, the M-NCPPC or the Merit System Board may stay any other internal review/investigation relating to the same matter until such time as all outside proceedings have been exhausted with legal finality.

Attachments:

- A. Proposed Amendments to Merit System Rules and Regulations, Chapter 2000, Disputes, Section 2030, Prohibition Against Grievance or Complaint Duplication
- B. Letter from the Merit System Board Supporting Drafted Amendments to Section 2030, dated June 1, 2017
- C. Comments Received Regarding Proposed Amendments to the Merit Rules, Section 2030, During the Mandatory Review Period

**Proposed Amendments to Merit System Rules & Regulations,  
Chapter 2000, Disputes; Section 2030, Duplication of Grievances or Complaints**

**Key to Proposed Policy Amendments**

**Highlighted:** Proposed amendments

**Strikeout:** Recommended deletions

2010 Basic Concepts

The Commission shall make a good faith effort to seek an equitable resolution for all parties concerned when a dispute arises. The Commission desires to resolve a dispute at the lowest possible Commission management level and encourages respect for all parties involved in the dispute. Employees and supervisors shall make every effort to resolve disputes informally. Commission resources shall be made available to assist management and employees in this endeavor. Employees are responsible for seeking redress for their disputes. Department Heads are responsible for insuring that employee disputes are given fair and prompt consideration. Employees shall be free from restraint, interference, harassment, coercion, discrimination, or reprisals in the pursuit of a resolution to their dispute. Procedures shall be made available for the processing of employee disputes as identified and referenced in these Rules.

Merit System employees covered by collective bargaining shall refer to their respective collective bargaining agreements for applicable dispute resolution mechanisms.

2020 Types of Disputes

2021 **Adverse Action**

An adverse action is any of the following personnel actions taken by a Department Head: dismissal, change to a lower grade as a result of disciplinary action, loss of accrued leave, suspension and separation not in good standing or as a result of a dismissal for abandonment of position.

2021.1 Filing an Adverse Action Appeal: A career employee who is the subject of an adverse action may appeal directly to the Merit System Board under the procedures identified in Chapter 2100, Appeals and Hearings, of these Rules. Employees in Probationary Merit System status have no appeal rights to the Merit System Board (see Chapter 500, Merit System Employees: Probationary and Career Status).

2022 **Administrative Grievance**

A grievance is a formal complaint arising out of a disagreement between an employee and management concerning the terms and conditions of employment or an alleged misinterpretation, misapplication, or violation of any Commission policy, procedure, or practice.

2022.1 The following actions may not be the subject of a grievance:

2022.1. a Position classification decisions (see Chapter 900, Classification, for appeal rights);

2022.1.b Performance evaluation ratings, except in cases of a failure to follow established procedures;

2022.1.c Placement on a Performance Improvement Plan (PIP);

1 2022.1.d Any employment action that is considered an adverse action, complaint, or  
2 other action as identified in these Rules as appealable directly to the Merit  
3 System Board (see Section 2023, Complaints of Alleged Discrimination).  
4

5 2022.2 Filing an Administrative Grievance: A Merit employee, serving in career or new hire  
6 probationary status, may file an administrative grievance within thirty (30) calendar days  
7 from the date when the employee knew or should have known of the event giving rise  
8 to the grievance. Merit employees should consult Commission Practice 2-25,  
9 Administrative Grievance Procedure.  
10

11 A career Merit employee should exhaust administrative remedies before filing an appeal  
12 with the Merit System Board. Merit employees serving new hire probationary status do  
13 not have appeal rights to the Merit System Board (see also Chapter 500, Merit System  
14 Employees: Probationary and Career Status).  
15

### 16 2023 **Complaints of Alleged Discrimination**

17 A complaint is a formal allegation against a party(parties) because of discrimination based on race,  
18 color, religion, ethnic/national origin, age, gender, sexual preference, disability, or any other non-  
19 merit factor in accordance with applicable federal/state/local laws.  
20

21 2023.1 Filing a Complaint of Alleged Discrimination: An employee may file a complaint using the  
22 procedures for filing complaints of discrimination as outlined in the Commission's Equal  
23 Employment Opportunity/ Diversity Management Policy.  
24

### 25 2030 Prohibition Against Grievance or Complaint Duplication

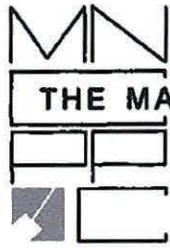
#### 26 2031 **Duplicate Internal Complaints**

27 An employee who files a grievance or complaint of alleged discrimination using an internal resolution  
28 procedure may not be entitled to duplicate the complaint using another internal resolution  
29 procedure.  
30  
31

32 **Note to Draft Reviewer:** Amended language removes the restriction which prevents employees from filing a  
33 complaint with external agencies, concurrent or subsequent to filing a complaint using the M-NCPPC's  
34 internal process.

#### 35 2032 **Concurrent Internal and External Complaints**

36 ~~An employee who initially files a grievance or complaint with an outside agency may not duplicate~~  
37 ~~that complaint using an internal resolution procedure and is deemed to have waived the right to~~  
38 ~~have the same matter reviewed by~~ In any matter where the employee elects to file with an outside  
39 agency or tribunal either concurrently or subsequent to the internal complaint with the agency, the  
40 M-NCPPC or the Merit System Board may stay any other internal review/investigation relating to the  
41 same matter until such time as all outside proceedings have been exhausted with legal finality.  
42



MERIT SYSTEM BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue, Suite 101B  
Riverdale, Maryland 20737  
(301) 454-1427

June 1, 2017

To: The Commission

From: Steven R. Cohen, Chair  
Merit System Board

Re: Merit System Rules and Regulations Chapter Revision – Chapter 2000, Disputes; Section 2030, Prohibition Against Grievance or Complaint Duplication

Under the expert direction of Anju Bennett, Division Chief, Corporate Policy and Management Operations, the Merit System Board has conducted a review of proposed amendments to Chapter 2000 of the Merit System Rules and Regulations. More specifically, changes are recommended to Section 2030 to permit employees the option of filing discrimination complaints using the M-NCPPC's internal resolution process, even if a concurrent claim has been filed with an external compliance agency.

This review considered policy proposals, recommendations made by the Policy Office, Department Heads, and comments submitted by employees and management during the mandatory policy review period.

The Merit System Board has reviewed and approved the proposed amendments to Chapter 2000, Disputes; Section 2030 of the MSR&R.

cc: Patricia Barney, Executive Director  
Anju Bennett, Division Chief, Corporate Policy and Management Operations



**Comments Received Regarding Proposed Amendments to the Merit Rules,  
Section 2030,  
During the Mandatory Review Period**

Proposed amendments on the agency's policy regarding permissible options for filing administrative concerns, adverse actions, and complaints of discrimination were released for a mandatory 30-day review by non-represented Merit System employees/managers. This document outlines submitted comments by the relevant policy section, along with corresponding staff research and recommendations.

**1. Comment/Question Submitted by Prince Georges Parks and Recreation:**

"Personally, I like the way it stands not without any changes. I believe this would encourage individuals to solve an issue internally, or at least try to find a solution, before seeking other recourse. From what I see, the Commission offers many avenues for solving difficulties. Because I'm part time I don't really research all that's offered because I don't qualify."

**Policy Staff Response:** *Comment has been noted and will be shared with the Merit System Board and Commissioners.*

**2. Comment/Question Submitted by Montgomery County Parks:**

"To Whom It May Concern, I am a non-represented Merit System employee, and would like to share my feedback. I received the NOTICE No. 17-01 issued on 04/25/17 this morning (04/26/17) upon my return to work. I recently filed a grievance and/or discrimination complaint internally upon reviewing the current policy. The remedy I initially chose was strongly affected by the current policy. I did not contact an outside agency initially because of the restriction placed on filing duplicate complaints. I did not wish to waive any of my rights. I followed 2022.2 upon timely filing my administrative grievance. Thank you for the opportunity to voice a comment on this matter."

**Policy Staff Response:** *Comment has been noted and will be shared with the Merit System Board and Commissioners.*

## MEMORANDUM

TO: M-NCPPC Commissioners

FROM: M-NCPPC Logo Project Team

DATE: May 31, 2017

SUBJECT: M-NCPPC Logo Project Presentation for June 21 Full Commission Meeting

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### Requested Action

The M-NCPPC Logo Team is seeking direction from the full Commission on the next steps for the M-NCPPC Logo Project.

### Background

During the Commission meeting on March 15, 2017, Commissioners Fani-Gonzalez and Wells-Harley presented a memorandum on moving forward with a review of the M-NCPPC logo. The memo was presented for Commission approval of a team to create a new M-NCPPC logo that could be presented during the 90-year anniversary of the Commission in 2017.

Commissioners endorsed assembling a team, consisting of two members from each of the four operating department's Communications staff, and one member from bi-county offices. The goal for the team was to design up to three logos for review by the Commission during the June 21, 2017 meeting. Additional guidance was given in that, if the Commission adopts a new logo, branding would be rolled out within a reasonable time frame.

The Logo Team worked with M-NCPPC designers to generate potential new designs for the agency's logo. In doing so, industry standard best practices were utilized, to present the best possible product to Commissioners within the abbreviated time frame.

The following information encapsulates a brief history of the agency's previous market research on the logo, the process used and more detailed information in appendices.

### History

Existing audience research as well as leadership and staff experience suggest that there is currently low brand awareness for M-NCPPC and lack of recognition of the important roles and services provided by its departments. While there may be recognition by specific audiences for certain departments, parks, plans or other programs, often this recognition is not linked to M-NCPPC.

There are several possible reasons for this disconnect:

- With seven departments operating across two counties, M-NCPPC has many outreach priorities and messages, and few are coordinated across the agency. This diffused effort is confusing to audiences.

- Confusion exists over the role of the M-NCPPC organization and its structure as a state-chartered, bi-county agency. In other words, there is confusion over M-NCPPC as an agency separate from county governments.
- While M-NCPPC and its departments are good at what they do, they do not always have the time or resources to promote what they are doing. Staff does not always translate its work into simple messages and actions that are relatable to its varied audiences.
- Human and budgetary resources for outreach are limited, especially given the array of audiences M-NCPPC and its departments are trying to reach.

**Project Scope**

M-NCPPC Commissioners charged communications professionals from across the Commission to work together to develop three new possible M-NCPPC logos. The Commissioners will review the drafts. If M-NCPPC decides to select one of them, branding implementation will be rolled out within a reasonable timeframe.

The scope of this project was to create a new logo and mark. This is not a *branding* project, but rather a *logo* project.

It is important to note that a brand is much more than a logo. A brand is intangible. It is everything we do and say, every day, and what others think and say about us. It is the impression our audiences have of us and what they think when they hear our name.

Therefore, this logo should be just one piece of a larger effort to develop a consistent, recognizable brand for M-NCPPC.

**Methodology**

The M-NCPPC Logo Project Team performed the following work for this project:

- *Delivered via Survey Monkey an online questionnaire to the full Commission on April 6, 2017*– The questionnaire sought feedback and direction from each of the Commissioners to guide in-house graphic designers. Eight of the 10 Commissioners responded to questions regarding the desired personality, tone, look and feel for the M-NCPPC logo. A brief overview of questions requesting consensus/majority input, a brief breakdown analyzing responses is below. It is important to note that the questionnaire is not a scientifically valid data point, but rather a pulse-check of the Boardmembers to seek direction and guidance for the creative brief.
  - o Possible Colors: Green had the majority of votes.
  - o Logo Design Considerations (refresh or change completely):

<u>Response</u>	<u>% of Total</u>	<u># of Responses</u>
Keep the current logo with a refresh	37.50%	3
Change it completely	62.50%	5 *

\* NOTE: One Commissioner selected “change” but clarified in the comments they wouldn’t mind “tweak”. From the questionnaire: “An option on the earlier page asked about doing it completely new or refreshing. There wasn't a choice for "indifferent" or "tweak it to add in other things" so I chose "new" but don't feel strongly about that choice.”

- o Preferred “working” / informal name:

<u>Response</u>	<u>% of Total</u>	<u># of Responses</u>
Parks and Planning	62.50%	5
Park and Planning	37.50%	3

- o Adjectives that best describe the Commission:

- Of the seven respondents, the top terms are:

<u>Answer Choices</u>	<u># of Responses</u>	<u>Per Cent</u>
Energetic	7	100.00%
Innovative	6	85.71%
Progressive	5	71.43%
Modern	4	57.14%
Unique	4	57.14%

- Of those adjectives, the top three in terms of importance were:

<b>Choice 1. 8 Responses; 100.00%</b>	<b>Choice 2. 8 Responses; 100.00%</b>	<b>Choice 3. 7 Responses; 87.50%</b>
<ul style="list-style-type: none"> <li>• Four (4) Innovative</li> <li>• One (1) each for:               <ul style="list-style-type: none"> <li>- Classic</li> <li>- Connectivity</li> <li>- Modern</li> <li>- N/A</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Three (3) Energetic</li> <li>• Two (2) Innovative</li> <li>• One (1) each for:               <ul style="list-style-type: none"> <li>- Fun</li> <li>- Progressive</li> <li>- N/A</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Three (3) Unique</li> <li>• Two (2) Progressive</li> <li>• One (1) each for:               <ul style="list-style-type: none"> <li>- Fresh</li> <li>- Energetic</li> </ul> </li> </ul>

- *Developed a creative brief document based on questionnaire responses from the Commissioners and with research from past iterations of this logo project – This creative brief, used to guide the in-house graphic designers, captures the scope, research, tone and specifications needed for the new logo. The draft of the creative brief was sent to the Full Commission on April 17. See creative brief in Appendix 1.*

**Timeline**

- Online questionnaire was delivered to the 10 Commissioners on April 6, 2017.
- The draft of the creative brief was sent to the 10 Commissioners on April 17.
- The creative brief was sent to the in-house graphic designers on May 1.
- Logo options were submitted by each of the four operating departments on May 16.
- Voting via email to narrow down the top three options occurred on May 24.

**Budget and Implementation**

At the March 15, 2017 meeting, the full Commission requested that the Logo Team also develop an analysis of the costs involved in implementing the use of a new logo on all Commission-wide assets, signage, etc. Although the logo is still being developed, budgetary costs for this conversion are expected to be substantial, based on the partial list of assets (park and building signs, vehicles, and uniforms) collected to date. Preliminary rough estimates include the following below. More work will need to be accomplished to achieve a full inventory of all assets, including items such as employee badges, tents, payroll and AP checks, unique signs (historic sites, Park Rules signs, embedded displays (e.g., masonry, wall elements), etc.

Item	Prince George's	Montgomery	CAS	Estimated # of Units
Park Signs	2,700	500		3,200
Building Signs	160	150	15	325
Vehicles	804	677	9	1490
Uniforms	17,000	4,653	20	21,673
	20,664	5,980	44	26,688

Further discussion and planning are needed to determine a realistic schedule for phasing in the use/conversion/education/marketing of a new Commission logo and departmental treatments, along with incremental costs and staff time for accompanying tasks, including development of a universal brand standards manual, scheduling of potential community focus groups and testing, etc.

The Logo Team will include a proposed phased-in implementation plan, including estimated costs, in its presentation at the full Commission meeting on June 21, 2017.

If the Commission adopts a new logo, branding would be rolled out within a reasonable time frame. Commission websites, social media, business cards and stationary would be updated immediately, while vehicles, uniforms and signs would be phased in.

This logo project is only the first step of a needed larger agency-wide branding campaign. The logo is a mark, and just a small part of an overall brand building effort. This campaign would involve focus groups, further research and intensive amount of resources with budgetary implications.

Brand building takes time and clear direction and leadership. It takes clarity, consistency and alignment - it needs to be infused throughout the organization at every level. That integration often starts with the communications department, but it is not the sole responsibility of the communications staff. Everyone in the organization needs to feel some responsibility as a brand ambassador.

*Research:* Additional research and market analysis is needed to create a successful branding campaign for M-NCPPC. It is a best practice to begin a branding project with focus groups with a representative sample of M-NCPPC audiences.

*Inventory:* An inventory of signage and other assets has been compiled to give an accurate assessment of the list of elements that will need to be converted as part of a logo branding roll-out. Additional details need to be discussed at the time of presentation to show the full scope of the roll-out.

### **Reveal**

With the background and history now provided, the Logo Committee will submit three logos for consideration on June 21, 2017. These three have been winnowed from a pool of 49 submissions, and have been selected based on the Logo Team's belief that they most effectively met the guidance provided by Commissioners during this process.

### **Next Steps in the Process**

- Selected logos presented to Commissioners – June 21
- Refinements as required by Commissioners – TBD
- Revised logos presented to Commissioners – TBD
- Selection of logo by Commissioners – TBD

See the following appendices for additional detail and information:

Appendix 1: CREATIVE BRIEF

Appendix 2: ESTABLISHED M-NCPPC VISION AND MISSION

Appendix 3: AVAILABLE RESEARCH

Appendix 4: ADDITIONAL RESEARCH FINDINGS

Appendix 5: CURRENT BRANDING

Appendix 6: M-NCPPC LOGO MEMO FROM MONTGOMERY PLANNING BOARD MEMBERS



## Appendix 1: CREATIVE BRIEF

M-NCPPC Logo Project  
CREATIVE BRIEF  
May 2, 2017

*This creative brief summarizes the desired positioning and personality for the M-NCPPC logo development. It also outlines target audiences, potential applications and requirements. Once approved, this document will guide the creative direction and serve as a decision-making tool for logo development.*

### SITUATION

Existing audience research as well as leadership and staff experience suggest that there is currently low brand awareness for M-NCPPC and lack of recognition of the role that some of its departments provide. There may be recognition by specific audiences for certain departments, parks, plans or other programs, but often this recognition is not tied back to M-NCPPC.

There are several possible reasons for this disconnect:

- With several departments operating across two counties, there are many outreach priorities and messages, and few are coordinated across the Commission. This diffuse effort is confusing to audiences.
- Confusion over the role of the M-NCPPC organization and structure as a state-chartered, bi-county agency. In other words - there is confusion over M-NCPPC as an agency separate from county government.
- While M-NCPPC and departments' staff are good at what they do, there is not always time or resources to dedicate to promotion of what they are doing. Staff does not always translate its work into simple messages and actions that are relatable to its varied audiences.
- Human and budgetary resources for outreach are limited, especially given the array of audiences M-NCPPC and its departments are trying to reach.

### PROJECT SCOPE

M-NCPPC Commissioners charged communications professionals from across the Commission to work together to develop three new possible M-NCPPC logos. The Commissioners will review the drafts. If M-NCPPC decides to select one of them, branding implementation will be rolled out within a reasonable timeframe.

It's worth noting here that a brand is much more than a logo and tagline. A brand is intangible. It is everything we do and say and what others think and say about us. It is the impression our audiences have of us and what they think when they hear our name.



A brand is reinforced by everything we do and say, every day. Therefore, this logo should be just one piece of a larger effort to develop a consistent, recognizable brand to aid M-NCPPC as we communicate. We can shape what the M-NCPPC brand means to our audiences and how they experience our brand.

This is not a branding project, but rather a logo project.

## GOALS AND OBJECTIVES

The Maryland-National Capital Park and Planning Commission (M-NCPPC) leadership wants a consistent, recognizable brand to aid them as they communicate. That brand should:

1. Help audiences to understand M-NCPPC's role and functions.
2. More effectively communicate the services provided by Parks & Planning and the links between the topics of parks, planning and recreation.
3. Encourage audiences and businesses to engage with in M-NCPPC facilities, plans and programs.
4. Earn recognition for M-NCPPC efforts with elected officials, the media and the community.

The logo, which is the focus of this project, will serve as the first step toward this overall brand for the agency. Specifically, the goals of the logo are to:

1. Provide the basis for a unified look.
2. Give M-NCPPC the beginning of a common message to share about its departments and its work.

## TARGET AUDIENCE

### *Primary audiences*

These audiences enjoy the benefits of M-NCPPC's (and related departments') work, but are unfamiliar with the Commission's role and structure and, in some cases, are unaware of M-NCPPC's existence.

- Residents of Montgomery and Prince George's Counties.
- Business owners in Montgomery and Prince George's Counties.
- Land owners in Montgomery and Prince George's Counties.
- Residents of surrounding counties.

### *Secondary audiences*

- Visitors
- Media
- Other regional and national jurisdictions.

### *Advocates and allies for the brand*

- County leaders and stakeholders
- All M-NCPPC staff
- State officials

## POSITIONING

Positioning is the image or impression we want to create in our audience's minds when they think of M-NCPPC and what we have to offer.

### *Main Message*

M-NCPPC is a highly respected, integral resource and steward of smart growth, land use, parks and natural, cultural and historic preservation, dedicated to enhancing quality of life for people in Montgomery and Prince George's Counties.

### *Contextual Background*

For nearly a century, M-NCPPC strategically integrates land use planning, parks and recreation services to positively impact the health, well-being and economic growth of our communities and to guarantee a high quality of life for current and future generations.

We achieve our work through transparent, open engagement with all stakeholders and by combining the expertise of a highly dedicated, professional workforce across two counties.

We:

- Plan for and ensure responsible growth and development.
- Preserve and enhance valuable green space.
- Safeguard and manage our natural, cultural, and historical resources.
- Offer opportunities for all as we connect residents of all ages, abilities, ethnicities and interests to a wide variety of safe, fun and affordable activities.

### PERSONALITY AND TONE

*Personality represents the unique style and attitude that M-NCPPC wants to convey. For internal use only, these words explain the overall feeling M-NCPPC wants to create as audiences think about our work and communication. Brand personality can be reflected in messages, fonts, colors and other parts of our communication in print, online and in-person.*

The core of M-NCPPC'S personality is:

- Bold and innovative.
- Forward thinking and progressive.
- Committed to excellence.
- Community-centered.
- Engaging and energetic.
- Fresh and modern.

The tone for M-NCPPC'S communications should be upbeat and engaging, inviting all residents in Montgomery and Prince George's Counties to be part of our parks, planning activities, programs and services. It should relay M-NCPPC'S credibility and expertise, but in a simple, relatable manner.

Except when targeted at in-house experts, communications should avoid jargon, acronyms and other "inside speak."

### LOGO REQUIREMENTS

Whether the logo will consist of a mark and typography, or by typographic treatment only, will be determined by the selected design. Regardless, the name should include:

- Parks & Planning - note the plural of Parks.
- The title, "M-NCPPC" (it is important that a mark work with this title.)
- Unless the logo is typographic only, the graphics or symbols used in the logo mark should represent both Parks and Planning, and Parks and Recreation.

- Finally, the designers should be allowed to also consider conveying emotion and action with the mark. The imagery should not be limited to iconic imagery that typically surrounds Parks, Planning and Recreation. (Think: Nike Swoosh rather than a photo of a Nike shoe.)
- Must be able to meet ADA compliance criteria.

The logo must:

- Reproduce and scale well.
- Work in color and black and white.
- Be designed to accommodate a tagline so that the logo lockup with tagline works on a variety of materials and in a variety of media.

Other considerations:

- The logo will need to be versatile, as they will be used across the agency in a variety of ways. The logo will be used internally to reinforce the connection of the various departments, but mostly for outreach to target audiences. This outreach takes a wide variety of forms, including, but not limited to, online, printed materials, signage, advertising, video and physical objects (e.g., shirts, vehicles).
- The logo (and possibly tagline) may also be used with other marks, including outside agency seals and individual project, plan and program logos.
- Eventually, the logo may be extended to include department sub-branding, so this communication should be taken into consideration in the design of the overall M-NCPPC logo.
- Designers can include a “re-freshed”, or updated version of our current logo in the presentation.



## Appendix 2: ESTABLISHED M-NCPPC VISION AND MISSION

### Our Vision

The Maryland-National Capital Park and Planning Commission (M-NCPPC) is a bi-county agency empowered by the State of Maryland in 1927 to acquire, develop, maintain and administer a regional system of parks within Montgomery and Prince George's Counties, and to provide land use planning for the physical development of Prince George's and Montgomery Counties.

The Maryland-National Capital Park and Planning Commission (M-NCPPC) embodies the vision of forward-looking community leaders who saw the need to plan for orderly development and protection of the natural resources in the two suburban counties bordering the District of Columbia. In addition, the agency gained responsibility for the public recreation program in Prince George's County in 1970.

The governing body of M-NCPPC consists of 10 members, five appointed by Montgomery County and five by Prince George's County. The Commission coordinates and acts on matters of interest to both counties and meets at least once a month. The members of the Commission from each county serve as separate Planning Boards to facilitate, review and administer the matters affecting their respective counties.

M-NCPPC administers a park system of more than 52,000 acres. It is composed of stream valley parks, large regional parks, neighborhood parks and park-school recreation areas. Its staff of career employees includes planners, park and recreation administrators, park police and administration staff. In addition, seasonal workers staff numerous park and recreation programs.

M-NCPPC's facilities, programs and responsibilities have constantly evolved and expanded to keep pace with the needs of this vibrant community. From assuming responsibility for the entire public recreation program in Prince George's County in the 1970s, to building and strengthening ongoing regional business partnerships, M-NCPPC has continued to plan, fund and deliver quality, innovative programs, facilities and services for 90 years.

### Our Mission

Throughout 90 years of service, The Maryland-National Capital Park and Planning Commission (M-NCPPC) has endeavored to improve the quality of life for all the citizens of the bi-county area it serves and of the communities in which these citizens live, work and raise their families. This mission is embodied in three major program areas responding to the vision of our founders that are incorporated into our charter.

M-NCPPC's mission is to:

- Manage physical growth and plan communities.
- Protect and steward natural, cultural and historic resources.
- Provide leisure and recreational experiences.



### Appendix 3: AVAILABLE RESEARCH

The last bi-county focus group research was conducted in 2005. The executive summary of this study stated:

"The results of this focus group research indicate that while overall awareness and impressions of *specific* M-NCPPC facilities, programs and services are generally quite positive among both Montgomery and Prince George's County residents, awareness of the overarching organization and its role in developing and operating these facilities, programs and services is limited."

The researchers reported: "At the close of the focus group, the respondents were asked to look again at the M-NCPPC logo and say if they think the logo does a good job of representing what the organization is about.

The respondents overwhelmingly agreed that the current logo does not tell them anything about M-NCPPC's facilities, programs or services, as it simply conveys the geography that the organization covers, but not what the organization does.

Many respondents feel the logo should be park-oriented, incorporating images such as trees and flowers. And, some respondents feel that one-half of the logo should show park images, while the other half could show images that relate to the planning services of M-NCPPC.

Other respondents also feel that there should be many different images as part of the logo, including the variety of activities that M-NCPPC offers" (pg. 18, WBA's report, *Results of Focus Group Research Conducted as Part of M-NCPPC's One Commission Branding Research*)."





## Appendix 4: ADDITIONAL RESEARCH FINDINGS

### *Audience perceptions*

Given the bi-county and independent nature of M-NCPPC, audience perception of the agency as a whole -- or of a department in particular -- can vary widely depending on experience with M-NCPPC and its departments.

While original audience research was not performed for this project, previous research provides some insight into residents' knowledge and perceptions of M-NCPPC. Key themes from this research show:

- While awareness of specific M-NCPPC facilities, programs and services are generally positive, awareness of M-NCPPC and its role as an organization is limited.
- Residents in both counties do not connect how the planning arm is connected to parks and natural, cultural and historic preservation within the two counties; or associated with smart and deliberate growth and land use.
- Montgomery County residents consider Park and Planning's services as expected, although somewhat expensive, whereas Prince George's County residents consider these services to be affordable and interwoven into their lifestyles and family traditions. Note that Prince George's County has Park and Recreation under the same department. Montgomery County only has Parks, as the Recreation Department is controlled by the County Executive. (This section from March 6, 2017 original memorandum.)
- The current M-NCPPC logo is not meaningful to audiences, nor is it perceived to represent what M-NCPPC does.

In 2014, focus group research with a limited sample of residents from both Counties indicated that:

- Participants from both counties feel positively about Parks and Planning and instinctively TRUST that [Parks and Planning] will "do the right thing" when it comes to planning, zoning and development decisions.
- Both counties' primary interaction and familiarity with Parks and Planning is through the park system's side of the organization and the activities associated within. On the planning side, both counties recognize the benefits provided regarding the preservation of green space and historic sites and structures.
- Equally, both counties recognize that Parks and Planning positively impact their quality of life, and in their absence, that quality of life would be negatively impacted.



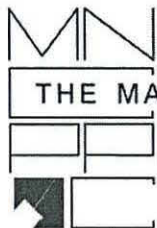
Appendix 5: CURRENT BRANDING



Appendix

6: M-NCPPC LOGO MEMO FROM MONTGOMERY

*live more, play more*



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





## PLANNING BOARD MEMBERS

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### MEMORANDUM

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**TO:** MONTGOMERY COUNTY PLANNING BOARD CHAIR CASEY ANDERSON  
**FROM:** MONTGOMERY COUNTY PLANNING BOARD VICE CHAIR MARYE WELLS-HARLEY AND PLANNING BOARD MEMBER NATALI FANI-GONZALEZ  
**SUBJECT:** M-NCPPC LOGO  
**DATE:** MARCH 6, 2017  
**CC:** JOYCE PETTIGREW GARCIA

---

*MWH/MFG/jos*

Montgomery County Planning Board Vice Chair Marye Wells-Harley and Planning Board Member Natali Fani-González would like to request an item be placed on the upcoming Full Commission agenda for the Wednesday, March 15, 2017 meeting. The reason for the request: to discuss the logo of the M-NCPPC.

**Background:** In recent years, M-NCPPC has conducted research on branding for a stronger M-NCPPC logo. The research, conducted by professional marketers, highlight:

- Park and Planning is a highly respected, integral resource and steward of smart growth, land use, parks and natural, cultural and historic preservation, dedicated to enhancing quality of life for residents in Montgomery and Prince George's Counties.
- **The Big Disconnect:** Both Counties lack a clear understanding of how Park and Planning's planning arm is associated with smart and deliberate growth and land use, and its connection to parks and natural, cultural, and historic preservation within the two Counties.
- **The Big Divide:** Montgomery County residents consider Park and Planning's services as expected, although somewhat expensive, whereas Prince George's County residents consider these services to be affordable and interwoven into their lifestyles and family traditions. Note that Prince George's County has Parks and Recreation under the same department. Montgomery County only has Parks, as the Recreation department is controlled by the County Executive.

**Suggested direction:** One of our greatest strengths as a Commission is to have highly talented and passionate staff who care about the present and future of M-NCPPC. We are proposing the following:

- Form a team consisting of 2 members from each Department's communications staff (four members from each County), as follows:
  - Montgomery Parks
  - Montgomery Planning
  - Prince George's Parks and Recreation
  - Prince George's Planning

Memorandum to Casey Anderson, Chair, MCPB  
March 6, 2017  
Page Two

The team would meet to develop the new logo of M-NCPPC to be presented during the 90 Year Anniversary of the Commission.

- Our communications staff have shown to be forward-thinking and dynamic professionals. No one knows the Maryland-National Capital Park and Planning Commission better than our communications staff. Let's have our logo come from our own people. Let's give them the opportunity to present their vision and passion to develop a logo that reflects our values and mission to move Montgomery and Prince George's Counties forward, together.
- We would like to request each of the Departments to come together for working meetings. The goal is for them to come up with up to 3 logos for the review of M-NCPPC Commissioners.
  - Up to 4 communication professionals from Montgomery County and up to 4 communication professionals from Prince George's County must work together to design the logos. They must review the research already conducted on this effort as guidance. These professionals must have complete independence without the interruption of Commissioners and Department Heads. We must allow marketing professionals to lead us on this task.
  - This team must present its draft logos by May 17, 2017 at a Full Commission meeting.
- If M-NCPPC decides to adopt a new logo, we will roll out the new branding within a reasonable timeframe to avoid confusing the target audience by using multiple versions of the brand in the marketplace. The target date to present the new logo is during the 90 Year Anniversary of the M-NCPPC. We will update our websites and social media. Business cards and stationary must be updated immediately. Vehicles, uniforms, and signs throughout the two Counties could roll out in the long term, perhaps within the 5-year time frame.

Let's please discuss this issue on March 15, 2017, with all M-NCPPC Commissioners.





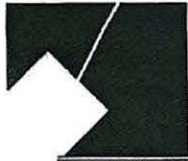
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
BY DEPARTMENT AS OF MAY 2017

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	04/16	05/17	04/17	05/17	04/16	05/17	04/16	05/17
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	1	1	1	1
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	1	0	0	0	0	0	1	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	0	0	0	0	0	0	0
LEGAL DEPARTMENT	1	0	2	0	1	0	4	0
FINANCE DEPARTMENT	1	2	1	0	0	0	2	2
PRINCE GEORGE'S PLANNING	1	0	0	0	0	0	1	0
PRINCE GEORGE'S PARKS & RECREATION	3	4	0	2	0	0	3	6
MONTGOMERY COUNTY PARKS	1	3	0	0	0	1	1	4
MONTGOMERY COUNTY PLANNING	1	3	0	2	0	0	1	5
**DEPARTMENT TOTAL BY DAYS LATE**	9	12	3	4	2	2	14	18
COMMISSION WIDE TOTAL:							14	18

\*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.





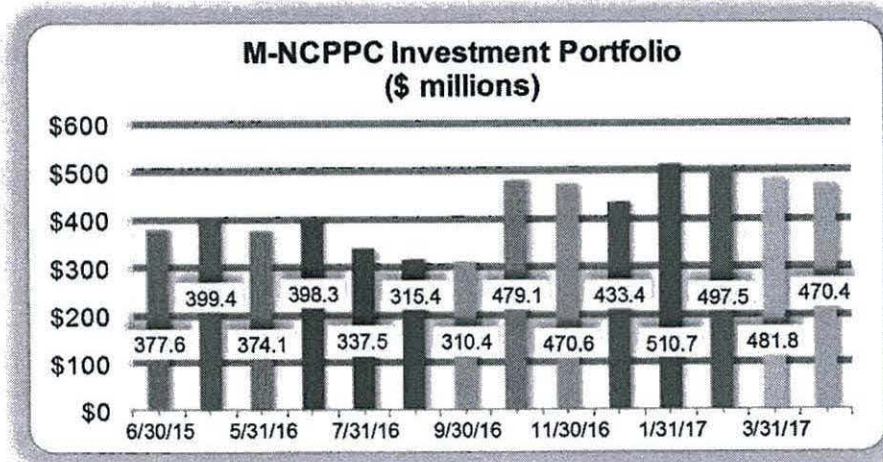


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**TREASURY OPERATIONS, FINANCE DEPARTMENT**  
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737  
 Telephone (301) 454-1541 / Fax (301) 209-0413

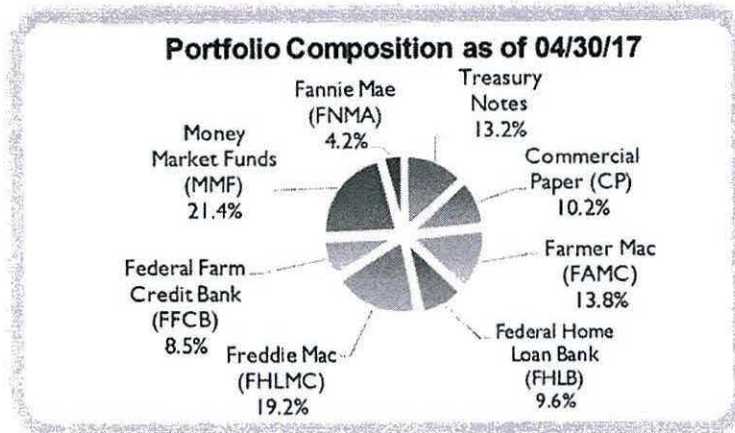
**MEMO**

**TO:** Commissioners  
**VIA:** Joseph Zimmerman, Secretary-Treasurer  
**FROM:** Abbey Rodman, Investment & Treasury Operations Manager  
**DATE:** 5/9/2017  
**SUBJECT:** Investment Report – April 2017

The Commission’s pooled cash investment portfolio totaled \$470.4 million as of April 30, 2017, with a 2.4% decrease from March 31, 2017. Details are as follows:

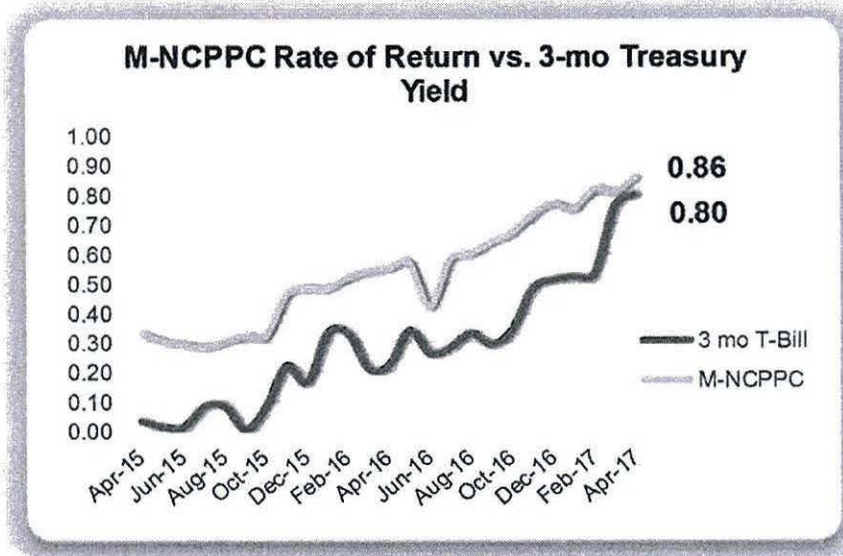


The composition of the pooled cash portfolio as of April 30, 2017 is summarized below:

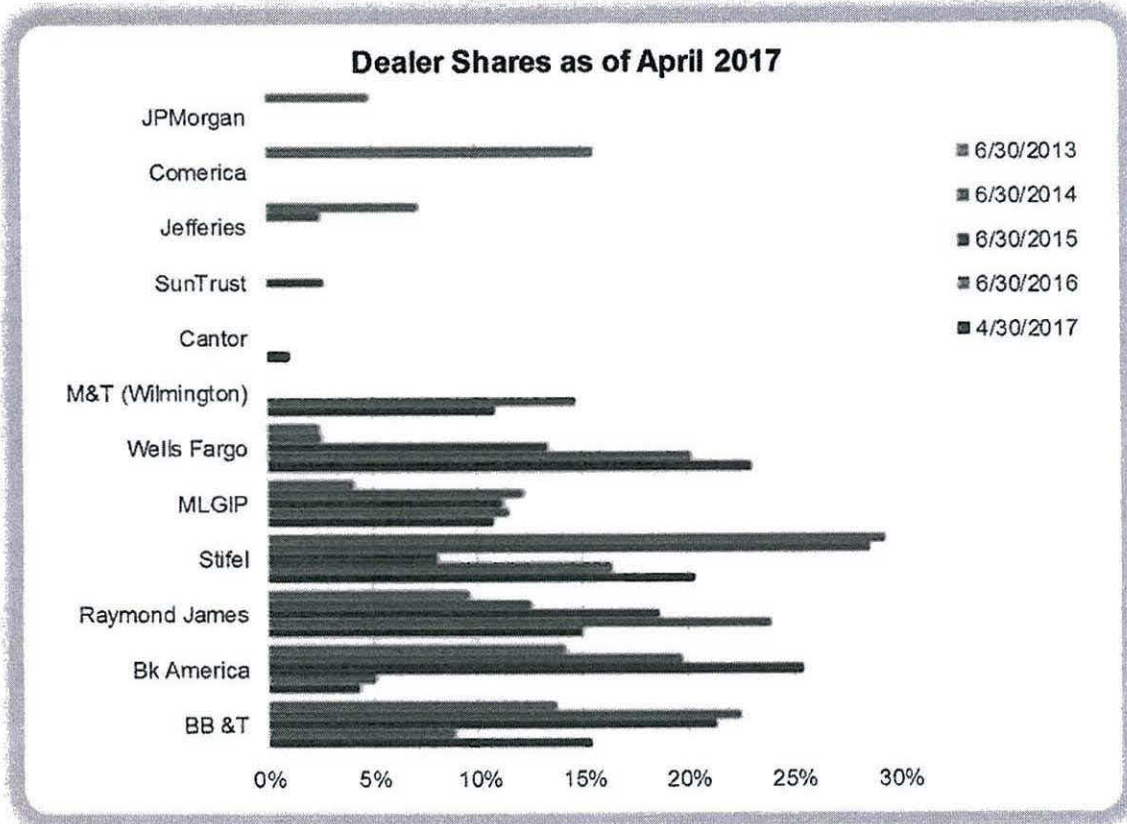


Current Investment Portfolio - April 2017				
Instrument	Policy		Par Value	Wtd. Avg.
	Limit	Actual		Return
				(B/E)
Money Funds	25%	21%	\$ 100,372,616	n/a
Freddie Mac	20%	19%	90,000,000	0.89%
Famer Mac	20%	14%	65,000,000	0.74%
Treasury Notes	100%	13%	62,000,000	0.82%
Commercial Paper	10%	10%	48,000,000	1.47%
Federal Home Loan Banks	20%	10%	45,000,000	0.90%
Federal Farm Credit Bureau	20%	9%	40,000,000	0.81%
Fannie Mae	20%	4%	20,000,000	0.65%
Certificates of Deposit	50%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			<b>\$ 470,372,616</b>	<b>0.86%</b>

The pooled cash portfolio complied with all policy limits with regard 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:

<b>Market Value- 04/30/17</b>	
Montgomery County (MC-2016A) \$	3,630,531
	\$ 3,630,531

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of April 30, 2017 appear below:

<b>Debt Balances - April 2017</b>					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
<b>Bi-County</b>					
<b>Total Bi-County</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>		
<b>Prince George's County</b>					
KK-2 (Refunded AA-2)	17,300,000	3,683,126	21%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	6,865,000	49%	Mar-10	May-21
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	6,135,000	54%	Jun-12	Jun-24
PGC-2014A	26,565,000	23,385,000	88%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	24,220,000	98%	Oct-15	Jan-25
<b>Total Prince George's County</b>	<b>\$ 94,185,000</b>	<b>\$ 64,288,126</b>	<b>68%</b>		
<b>Montgomery County</b>					
LL-2	8,405,000	2,625,000	31%	May-09	Nov-20
MM-2	5,250,000	735,000	14%	Nov-16	Nov-19
MC-2012A (Refunded CC-2, FF-2)	12,505,000	10,045,000	80%	Apr-12	Dec-32
MC-2012B	3,000,000	2,505,000	84%	Apr-12	Dec-32
MC-2014A	14,000,000	12,495,000	89%	Jun-14	Jun-34
MC-2016A	12,000,000	11,580,000	97%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	6,120,000	100%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004 )	1,075,000	1,020,000	95%	Apr-16	Nov-24
<b>Total Montgomery County</b>	<b>\$ 62,355,000</b>	<b>\$ 47,125,000</b>	<b>76%</b>		
<b>Total</b>	<b>\$ 156,540,000</b>	<b>\$ 111,413,126</b>	<b>71%</b>		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012  
 FISCAL YEAR 2017 - April 30, 2017

OBJECTIVES			Met Objective	Within Limits	Comments
<b>Protection of principal</b>			Yes		
<b>Limiting types and amounts of securities</b>	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:				Yes	T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities					
Highly-rated money market mutual funds (Max. 10% in lower-rated funds)					
<b>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</b>				Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
<b>Ensure competition among participants</b>	30%			Yes	No dealer share exceeded 30%
<b>Competitive Bidding</b>				Yes	All purchases awarded competitively.
<b>Diversification of Maturities</b>				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.					
<b>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</b>				Yes	M&T Investments serves as custodian, monitoring compliance daily
<b>Maintain sufficient liquidity</b>			Yes		Sufficient funds available for all cash requirements during period
<b>Attain a market rate of return</b>			Yes		Exceeded by 6 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.86% and 0.80%, respectively.					









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

*Reply To*

June 12, 2017

**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 May, 2017

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Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, June 21, 2017. 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.

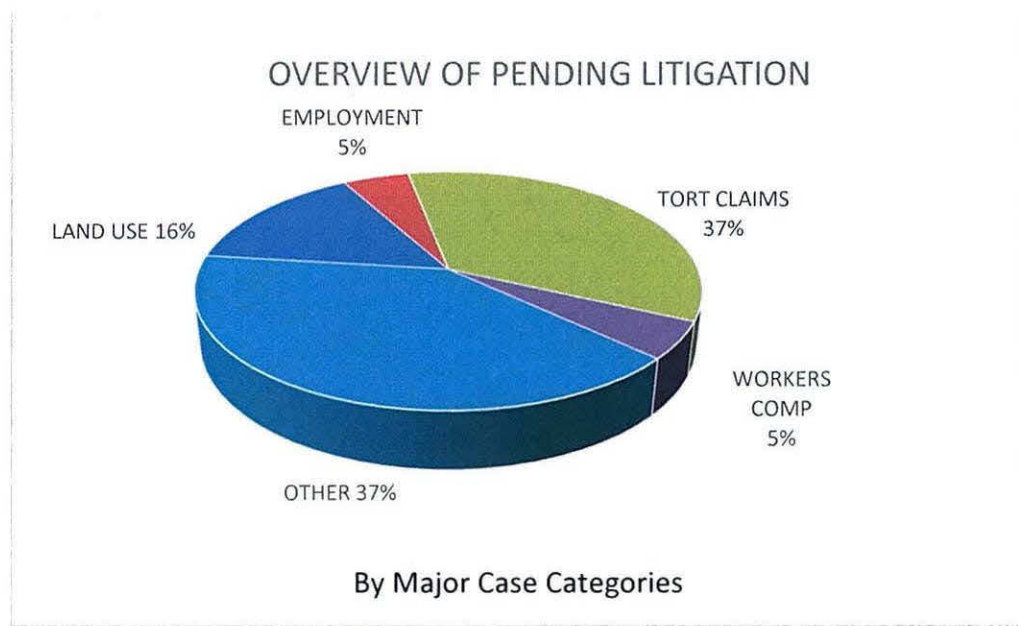
**Table of Contents – May 2017 Report**

Composition of Pending Litigation ..... Page 01  
Overview of Pending Litigation (Chart)..... Page 01  
Litigation Activity Summary..... Page 02  
Index of New YTD Cases (FY17) ..... Page 03  
Index of Resolved YTD Cases (FY17) ..... Page 04  
Disposition of FY17 Closed Cases Sorted by Department ..... Page 05  
Index of Reported Cases Sorted by Jurisdiction..... Page 10  
Litigation Report Ordered By Court Jurisdiction..... Page 11

## May 2017 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use			1				1
Admin Appeal: Other							0
Land Use Dispute		1					1
Tort Claim	7						7
Employment Dispute	1						1
Contract Dispute	2						2
Property Dispute			1				1
Civil Enforcement							0
Workers' Compensation	1						1
Debt Collection							0
Bankruptcy							0
Miscellaneous	3		1		1		5
<b>Per Forum Totals</b>	<b>14</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>19</b>



## May 2017 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2017			
	Pending In Apr/17	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	1			2		1	1
Admin Appeal: Other (AAO)	0			0			0
Land Use Disputes (LD)	1			3		3	1
Tort Claims (T)	8		1	10	9	10	7
Employment Disputes (ED)	1			1	1	1	1
Contract Disputes (CD)	2	1	1	3	2	3	2
Property Disputes (PD)	1			1	2	2	1
Civil Enforcement (CE)	1		1	1		1	0
Workers' Compensation (WC)	4		3	12	2	13	1
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	5			4	3	3	5
<b>Totals</b>	24	1	6	37	19	37	19

**INDEX OF YTD NEW CASES  
(7/1/2016 TO 6/30/17)**

<b>A. <u>New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Brooks v. PG County Planning Board, et al	PG	LD	July 16
Green v. Commission	PG	Tort	July 16
Commission v. Town of Forest Heights	PG	Misc	Sep 16
Commission v. Edwards	MC	WC	Sep 16
North Point Builders v. Commission	PG	Tort	Sep 16
Burnette v. Commission	PG	ED	Sep 16
Swain v. Seay, et al	PG	Tort	Oct 16
State Farm/Lee v. Commission	MC	Tort	Oct 16
Commission v. Ayoub	MC	PD	Nov 16
Milam v. John Doe, et al	PG	Tort	Feb 17
O'Brien v. Sports & Learning Center	PG	Tort	Feb 17
Parker v. Commission	PG	WC	Mar 17
Napier v. Sewell	PG	Tort	Mar 17
Rounds v. Commission	MC	Tort	April 17
Price v. PG County, et al	PG	Tort	April 17
Sauer v. Commission	PG	CD	May 17

<b>B. <u>New Appellate Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Commission v. Fort Myer Construction Corp.	MC	CD	Aug 16
Cohn v. Commission	MC	Misc	Sep 16
Rounds v. Montgomery County, MD, et al	MC	PD	Mar 17

**INDEX OF YTD RESOLVED CASES  
(7/1/2016 TO 6/30/17)**

<b><u>C. Trial Court Cases Resolved.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Leeks v. Commission	PG	WCC	July 2016
Newell v. Commission	PG	Tort	July 2016
Commission v. 2005 Toyota Camry	MC	MISC	July 2016
Commission v. Morgan	MC	WCC	July 2016
Progressive Specialty Insurance Co. v. Davis, et al	MC	Tort	Sept 2016
Prince George's County, Md. v. Commission	PGPR	LD	Sept 2016
Commission v. Landover Polk Street Property, LLC	PGPR	PD	Sept 2016
Town of Riverdale Park, et al v. Commission	PGPB	AALU	Sept 2016
Cohn, et al v. Commission	MCPR	Misc	Sept 2016
Smith v. Commission	MC	WCC	Sept 2016
Merlos-Montoya v. Commission	MC	Tort	Oct 2016
Richardson v. Arnette	MC	Tort	Oct 2016
Beatty v. Commission	PGPR	Tort	Oct 2016
Burnette v. Commission	PG	WCC	Oct 2016
Starks v. Kellogg, et al	MC	Tort	Oct 2016
Belt v. Commission	MC	WCC	Nov 2016
Harford Casualty Insurance Co. v. Commission	PG	CD	Nov 2016
Commission v. Ayoub	MC	PD	Jan 2017
Brooks v. Prince George's County Planning Board	PGPB	LD	Jan 2017
Berry v. Lopez, et al	MC	Tort	Jan 2017
Sutton v. Commission	PG	Tort	Feb 2017
North Point Builders v. Commission	PG	Tort	Feb 2017
Dixon v. Commission	MC	WCC	Feb 2017
Dixon v. Commission	MC	WCC	Feb 2017
Trevan, et al v. Cannizzio, et al	MC	LD	Feb 2017
Commission v. Ford	PG	WCC	April 2017
Commission v. Atwell	MC	WCC	April 2017
Commission v. Edwards	MC	WCC	April 2017
Commission v. Fulwood	PG	WCC	May 2017
Napier v. Sewell	PG	Tort	May 2017
Watkins v. Commission	PG	WCC	May 2017
Watkins v. Commission	PG	WCC	May 2017
Commission v. Johnson	MC	CE	May 2017

**D. Appellate Court Cases Resolved.**

Fort Myer Construction Co. v. Commission	MC	CD	Sept 2016
The Town of Forest Heights v. Commission	PG	M	Jan 2017
Commission v. Hill	PG	ED	Feb 2017
URS Corp. v. Fort Myer Construction Co., et al	MC	CD	May 2017

### Disposition of FY17 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
<b>Employees Retirement System</b>		
<b>Finance Department</b>		
<b>Department of Human Resources &amp; Management</b>		
<b>Montgomery County Department of Planning</b>		
Trehan, et al v. Cannizzio, et al	Claim related to transferable development rights associated with private party transaction relating to a parcel of land in Montgomery County.	01/24/17-Court grants Commission's Motion for Summary Judgment
Commission v. Johnson	Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.	04/19/17-Collection attempts unsuccessful.
<b>Montgomery County Department of Parks</b>		
Cohn, et al v. Commission	Plaintiff filed complaint attempting to restrain Commission from implementing Archery Managed Deer Hunting Program in Montgomery County.	08/25/16-Court grants Commission's Motion for Summary Judgment.
Commission v. 2005 Toyota Camry	Commission filed motor vehicle forfeiture incident to drug related arrest	06/14/16-Commission withdraws complaint.
Commission v. Atwell	Commission seeks judicial review of WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.	03/28/17-Joint Motion to Remand and Stipulation of Dismissal filed
Commission v. Ayoub	Complaint for tenant holding over on Commission property located in Montgomery County.	12/14/16- Default judgment and right of possession
Commission v. Edwards	Commission seeks judicial review of WCC Order entitling Claimant to 25% loss of body use under other cases.	03/15/17-Case remanded to WCC.



Commission v. Morgan	Commission appealed WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.	06/28/16- Dismissal filed with Court; to be remanded back to Workers' Compensation Commission
Dixon v. Commission	Claimant/employee is appealing WCC Order denying that employee sustained an accidental injury arising out of and in the course of employment.	01/10/17-Case settled and dismissed.
Dixon v. Commission	Claimant/employee is appealing WCC Order denying that further medical treatment and total temporary disability.	01/10/17-Case settled and dismissed.
Fort Myer Construction Corporation v. Commission Commission v. URS Corporation	Fort Myer Construction Corporation appeals award of sanctions against it. Commission notes cross appeal, as does URS Corporation.	08/19/16-Court of Appeals grants Petition for Certiorari of Commission and URS
Merlos-Montoya v. Commission	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	09/07/16-Case dismissed
Progressive Specialty Insurance Co. v. Davis, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	07/08/16-Case dismissed by Plaintiff.
Richardson v. Arnette	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	09/21/16-Case dismissed.
Smith v. Commission	Claimant/employee is appealing the WCC's award of permanent partial disability under "other cases".	08/09/16-Trial; verdict in favor of Plaintiff; remanded to Worker's Compensation.
Starks v. Kellogg, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	09/26/16-Case settled and dismissed.
URS Corporation v. Fort Myer Construction Company, et al	Commission seeks review of reversal of award of sanctions against Fort Myers and other related procedural issues.	04/24/17-Court of Appeals affirms lower court decision

<b>Montgomery County Park Police</b>			
Berry v. Lopez, et al	Defense of police liability claim for alleged false imprisonment and wrongful detention arising from an incident in Montgomery County	12/12/16- Court grants Commission's Motion for Summary Judgment, case dismissed	
<b>Montgomery County Planning Board</b>			
<b>Prince George's County Department of Parks and Recreation</b>			
Beatty v. Commission	Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.	9/30/16-Case settled and dismissed.	
Belt v. Commission	Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.	10/25/16-Case remanded to WCC	
Burnette v. Commission	Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.	09/08/16-Case remanded to WCC.	
Commission v. Ford	Commission is appealing the WCC's decision regarding determination that injury occurred during course of employment.	03/02/17- Appeal dismissed; remanded to WCC.	
Commission v. Fulwood	Commission is appealing the WCC's finding that claimant had an occupational disease.	04/19/17-Case remanded to WCC	
Commission v. Hill	Commission appealed Circuit Court ruling reversing and remanding employee termination to Merit Board System.	01/18/17- Court reverses Circuit Court and upholds Merit Board's dismissal of employee's appeal.	
Commission v. Landover Polk Street Property, LLC	Commission filed a condemnation action to acquire property for use by the Department of Parks and Recreation.	08/02/16-Stipulation of Dismissal filed.	
Leeks v. Commission	Claimant/employee is appealing the WCC's decision denying occupational hypertension disease as causally related to his course of employment.	06/27/16-Case remanded to WCC.	

Napier v. Sewell	Defense of claim for personal injury involving automobile accident.	04/26/17 - Court grants Commission's Motion to Dismiss
Newell v. Commission	Defense of claim for trip and fall on alleged wire hanging from the light display at Watkins Regional Park	06/07/16-Case settled and dismissed.
North Point Builders v. Commission	Plaintiff filed complaint for alleged delays and damages associated with the construction of College Park Airport Operations Building in College Park, Maryland.	02/15/17—Case settled and dismissed.
Prince George's County, Md. v. Commission	Defense of claim for injunctive relief issued by Prince George's County for unlicensed dog kennel on Commission property which is actually owned by person in neighborhood encroaching on Commission property.	08/11/16-Case dismissed.
Watkins v. Commission (CAL15-40296)	Claimant/employee is seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.	04/19/17-Case dismissed and remanded to WCC
Watkins v. Commission (CAL16-07583)	Claimant/employee is seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.	04/19/17-Case dismissed and remanded to WCC
<b>Prince George's County Planning Department</b>		
Hartford Casualty Insurance Company v. Commission	Plaintiff bonding company filed complaint seeking alleged damages associated with surety work after taking over Fort Washington Forest Park and the North Forestville Projects in Prince George's County.	09/09/16 Case settled.
<b>Prince George's County Planning Board</b>		
Brooks v. Prince George's County Planning Board, et al	Declaratory judgment action challenging Planning Board approval of an application pertaining to a parcel neighboring that of the Plaintiffs	12/19/16- Court order- Commission's Motion to Dismiss granted, case dismissed.

<p>The Town of Forest Heights v. Commission</p>	<p>Commission filed lawsuit to stop the unlawful attempt by the Town of Forest Heights, Maryland to expand its geographical boundaries by annexing properties without the required consent of any affected property owner or popular vote. Appellant files appeal after Circuit Court declares 6<sup>th</sup> and 7<sup>th</sup> annexation null and void</p>	<p>11/28/16- Appeal dismissed by Plaintiff/Appellant.</p>
<p>Town of Riverdale Park, et al v. Commission</p>	<p>Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-150003 in 7-Eleven, Inc.</p>	<p>07/13/16-Court affirms decision by Planning Board.</p>
<p><b>Prince George's Park Police</b> Sutton v. Commission</p>	<p>Defense of police liability claim</p>	<p>01/13/17-Commission's Motion for Summary Judgment granted, case dismissed.</p>
<p><b>Office of Internal Audit</b></p>		

## INDEX OF CASES

<b>DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND.....</b>	<b>11</b>
State Farm & Lee v. Commission .....	11
<b>DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND .....</b>	<b>12</b>
Milam v. Doe, et al.....	12
<b>CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND.....</b>	<b>13</b>
Shipe v. Louketis, et al .....	13
Tugwell v. Louketis, et al .....	13
<b>CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND .....</b>	<b>15</b>
Burnette v. Commission .....	15
Commission v. The Town of Forest Heights .....	15
Green, et al v. Commission .....	15
O'Brien v. Sports & Learning Complex. ....	16
Parker v. Commission .....	16
Price, et al v. Prince George’s County, et al .....	17
Sauer, Inc. v. Commission .....	17
Swain v. Seay, et al.....	17
<b>CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND.....</b>	<b>19</b>
Fort Myer Construction Corporation v. Commission .....	19
Rounds v. Commission, et al .....	19
<b>MARYLAND COURT OF SPECIAL APPEALS .....</b>	<b>21</b>
Cohhn v. Commission .....	21
Friends of Croom Civic Association, et al v. Commission .....	21
Rounds v. Montgomery County, MD, et al .....	22
<b>MARYLAND COURT OF APPEALS .....</b>	<b>22</b>
<b>U.S. DISTRICT COURT OF MARYLAND .....</b>	<b>23</b>
Pulte Home Corp, et al v. Montgomery County, et al.....	23
<b>U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT .....</b>	<b>25</b>
American Humanists Association, et al v. Commission .....	25

**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**State Farm & Lee v. Commission**

Case No. 0602-00138102016(Tort)

Lead Counsel: Harvin  
Other Counsel: Outside Counsel

Abstract: Defense of claim for property damage involving fallen tree on insured's property.

Status: Lawsuit dismissed.

Docket:

10/14/16	Complaint filed
11/10/16	Notice of Intention to Defend filed by Commission
05/31/17	Case dismissed by Court

**DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**Milam v. Doe and Commission**

Case No. 0502-0034226-2016(Tort)

Lead Counsel: Harvin

Other Counsel:

Abstract: Defense of claim for personal injury involving vehicle owned by Commission.

Status: Complaint filed.

Docket:

12/27/16	Complaint filed
02/03/17	Subpoena served on Commission
03/22/17	Court issues notice of service on Commission
05/01/17	Commission requests re-issue for dormant service
05/19/17	Motion to Quash Service filed by Commission

**CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND**

**Shipe v. Louketis, et al**

Case No. 06-C-15-070021 (Tort)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: In discovery.

Docket:

10/26/15	Complaint filed
11/20/15	Commission served
12/18/15	Motion to Dismiss and Memorandum filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Opposition to Motion to Dismiss & Request for Hearing filed
03/07/16	Court grants & denies portions of Commission Motion to Dismiss
06/20/16	Counter-claim filed by Defendant Louketis
08/30/16	Order consolidating case with 06-C-15-069996
12/02/16	Pre-trial conference
05/10/17	Commission files Motion for Summary Judgment and Memorandum
09/11/17	Trial

**Tugwell v. Louketis, et al**

Case No. 06-C-15-069996 (Tort)

Lead Counsel: Adams  
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: In discovery.

Docket:

10/21/15	Complaint filed
11/20/15	Commission served
12/16/15	Motion to Dismiss and supporting Memorandum, Motion for



	Protective Order filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Amended Complaint filed by Plaintiff
01/27/16	Second Amended Complaint filed by Plaintiff
02/17/16	Line filed by Commission responsive to Second Amended Complaint and renewing previous Motion to Dismiss
04/15/16	Motions hearing
05/31/16	Motion to Dismiss denied. Court orders Commission to produce documents with 30 days for in-camera inspection.
06/09/16	Court order modifying scheduling order for discovery and expert identification
08/30/16	Order consolidating case with 06-C-15-070021
12/02/16	Pre-trial hearing
05/10/17	Commission files Motion for Summary Judgment with Memorandum
09/11/17	Trial

**CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**Burnette v. Commission**

CAL16-35180 (ED)

Lead Counsel: Adams  
Other Counsel: Dickerson

Abstract: Former park police officer seeks judicial review of termination.

Status: Pending oral argument.

Docket:

09/08/16	Petition filed
09/23/16	Response to Petition filed by Commission
02/07/17	Pre-trial conference
03/24/17	Commission Memorandum of Law filed
07/25/17	Oral Argument

**Commission, et al v. The Town of Forest Heights**

CAL 16-29110 (M)

Lead Counsel: Mills  
Other Counsel:

Abstract: Commission filed a declaratory judgment action against the Town of Forest Heights.

Status: Complaint filed.

Docket:

07/20/16	Complaint filed
08/31/16	Defendant filed Answer
09/20/16	Court returns Defendant's Answer failure to pay filing fees
09/27/16	Defendant files Answer
02/08/17	Pretrial conference
04/10/17	Defendant files Motion to Dismiss and/or Motion for Summary Judgment
04/19/17	Joint Response by Plaintiffs to Defendant's Motion to Dismiss and/or for Summary Judgment
06/21/17	Motions hearing

**Green, et al v. Commission**

CAL16-26277 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injury involving fall by minor child from playground equipment at Peppermill Recreation Center.

Status: In discovery.

Docket:

06/14/16	Complaint filed.
08/22/16	Commission files answer.
02/28/16	Pre-trial conference
06/30/17	ADR Conference
08/30/17	Trial date

**O'Brien v. Sports & Learning Complex**  
CAL17-00241(Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injury involving slip and fall at swimming pool.

Status: In discovery.

Docket:

01/11/17	Complaint filed
03/03/17	Service of complaint on Commission
03/31/17	Amended Complaint filed
08/09/17	Pre-trial conference

**Parker v. Commission**  
CAL16-07506 (WC W071945)

Lead Counsel: Foster  
Other Counsel:

Abstract: Claimant/employee is seeking de novo judicial review of the WCC's decision denying she has an occupational disease.

Status: Pending trial.

Docket:

03/11/16	Petition for Judicial Review filed
03/21/16	Response to Petition filed
05/30/17	ADR hearing date
07/31/17	Trial date

**Price, et al v. Prince George's County, et al**  
CAE16-37806 (M)

Lead Counsel: Gardner  
Other Counsel: Dickerson

Abstract: Plaintiffs file lawsuit for injunctive relief questioning validity of certain personal tax enactments involving the Commission and Prince George's County.

Status: Complaint filed.  
Docket:

09/30/16	Complaint filed
01/03/17	Motion to Dismiss or in the alternative, Motion for Summary Judgment filed by Defendant, P. G. County
01/06/17	Status Conference
01/31/17	Plaintiff's Opposition to Defendant, PG County's Motion to Dismiss
03/08/17	Defendant, PG County files answer to Complaint
04/24/17	Amended Complaint filed
05/03/17	Commission served with amended complaint
05/24/17	Commission files entry of appearance
06/30/17	Pretrial conference

**Sauer, Inc. v. Commission**  
CAL17-05868 (CD)

Lead Counsel: Dickerson  
Other Counsel: Adams

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the renovation and expansion of the Palmer Park Community Center in Prince George's County.

Status: Complaint filed.  
Docket:

02/28/17	Complaint filed but improperly served; awaiting proper re-service
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**Swain v. Seay, et al**  
CAEF16-10315 (M)

Lead Counsel: Dickerson  
Other Counsel:

Abstract: Plaintiff files to foreclose a statutory attorney's lien on property with a Historic Agriculture Resource Preservation Program Deed of Easement.

Status:  
Docket:

Complaint filed.

04/01/16	Complaint filed
09/23/16	Motion to Dismiss filed
10/06/16	Opposition to Motion to Dismiss filed
11/18/16	Answer to Petition filed by Commission
12/08/16	Motion to Dismiss filed by North Arundel Savings Bank
12/27/16	Opposition to Motion to Dismiss and request for hearing filed by Plaintiff

**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Fort Myer Construction Corporation v. Commission**

Case No. 399804-V (CD)

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

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Status: Pending scheduling conference.  
Docket:

01/23/15	Complaint filed
04/27/15	Motion for Appropriate Relief (Motion to Stay) filed by Commission
05/19/15	Plaintiff's Response to Commission's Motion for Appropriate Relief
10/27/15	Court grants Commission's Motion to Stay pending decisions from Court of Special Appeals
10/27/15	Commission's Motion for Stay granted
10/28/16	Notice of 2-507 Letter issued
11/23/16	Plaintiff's Motion to Defer Entry of Md. Rule 2-507
12/05/16	Commission's response to Plaintiff's Motion to Defer Entry of Dismissal or in alternative Motion to Compel Answer
12/23/16	Court orders case to stay on the docket, to be set in for status hearing
3/16/17	Status Hearing; Court orders continuation of stay; to remain on docket
06/08/17	Court sets case for scheduling conference
7/28/17	Scheduling conference

**Rounds v. Commission, et al**

Case No. 430530-V (Tort)

Lead Counsel: Gardner  
Other Counsel: Dickerson  
Harvin

Abstract: Defense of claim for alleged slander of title regarding Farm Road easement.

Status: Complaint filed.

Docket:

02/28/17	Complaint filed
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03/07/17	Amended Complaint filed
04/18/17	Motion to Dismiss filed by Maryland State Treasurer; Affidavit of Service on Commission filed
04/28/17	Defendant, Montgomery County filed Motion to Extend Deadline for Motion to Dismiss 06/02/17
05/30/17	Commission files Motion to Dismiss for failure to state a claim
06/02/17	Scheduling conference held
06/02/17	Court orders discovery stay pending Motions hearing
08/21/17	Motions hearing
12/14/17	Pretrial and settlement conference

**MARYLAND COURT OF SPECIAL APPEALS**

**Cohhn v. Commisison**

September Term 2016, No. 1577 (M)  
(Originally filed under 409148-V in Montgomery County)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Plaintiff appealed Circuit Court ruling granting the judgment in favor of the Commission and denying Plaintiff's request to restrain Commission's Archery Managed Deer Hunting Program in Montgomery County.

Status: Appeal filed.

Docket:

09/30/16	Notice of Appeal filed
01/26/17	Brief filed by Appellant
03/31/17	Commission Brief filed
05/01/17	Appellant's Reply Brief filed
10/2017	Oral Argument

**Friends of Croom Civic Association, et al. v. Commission**

Case No. 02177, September Term 2015 (AALU)  
(Originally filed under CAL14-32333)

Lead Counsel: Mills  
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.

Status: Awaiting decision.

Docket:

12/07/15	Notice of Appeal
05/27/16	Commission Brief due
12/06/16	Oral Argument held



**Rounds v. Montgomery County, MD, et al**  
September Term, 2016, No. 02501(PD)  
(Originally filed under #350954-V in Montgomery County)

Lead Counsel: Gardner  
Other Counsel: Dickerson  
Harvin

Abstract: Appeal from dismissal of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Appeal filed.

Docket:

02/03/17	Notice of Appeal filed
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**MARYLAND COURT OF APPEALS**

No Pending Cases

**U.S. DISTRICT COURT OF MARYLAND**

**Pulte Home Corporation, et al v. Montgomery County, et al**

Case No. 8:14-cv-03955 (LD)  
(Originally filed under Case No. 397601V-Mont. Cty)

Lead Counsel: Outside Counsel-Whiteford Taylor and Preston  
Other Counsel: Gardner/Dickerson/Adams

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status: In discovery.

Docket:

12/18/14	Notice of Removal and Complaint filed
01/02/15	Commission files Motion to Dismiss or in the Alternative for Summary Judgment and Supporting Memorandum
01/09/15	Plaintiffs file Motion to Remand.
02/05/15	Defendant Montgomery County's Opposition to Motion to Remand
02/06/15	Commission's Opposition to Plaintiff's Motion to Remand
02/06/15	Plaintiff's Opposition to Defendant M-NCPPC's Motion to Dismiss
02/23/15	Plaintiff's Reply in Support of Motion to Remand
02/23/15	Commission's Reply to Opposition to Motion to Dismiss
07/17/15	Order denying Pulte's Motion to Remand; Order denying MNCPPC's Motion to Dismiss with leave to respond to complaint with 14 days
07/31/15	Commission's Answer to Complaint
07/31/15	Commission's Motion for Reconsideration
08/26/15	Plaintiffs' Opposition to Commission's Motion for Reconsideration filed
09/24/15	Commission's Reply to Plaintiff's Opposition to Reconsideration of the Court's Denial of the Commission's Motion to Dismiss filed
12/29/15	Court denies Commission Motion for Reconsideration of Denial of Motion to Dismiss
01/07/16	Chambers Conference Call
02/19/16	E-Discovery Conference
04/01/16	E-Discovery Conference
05/27/16	County's Motion for Protective Order filed
05/27/16	Commission's Motion for Protective Order filed
06/16/16	Protective Order Motions denied without prejudice
05/14/17	Dispositive pretrial motions
09/17/16	Joint Defense Agreement executed between Commission and Montgomery County, Maryland
09/29/16 & 10/3/16	Outside counsel enters appearance
01/12/17	Motions hearing on discovery related matters

01/25/17	Rulings entered on various discovery matters
03/06/17	Telephone Conference
03/10/17	Court ordered discovery by Pulte & Commission to be completed by 4/10/17
04/13/17	Motion for Judgment on the pleadings filed
08/08/17	Motions Hearing
01/25/18	Discovery deadline; status report due

**U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT**

**American Humanist Association, et al v. Commission**

No. 15-2597 Case #8:14-cv550-DKC (M)

Lead Counsel: Dickerson  
Other Counsel: Gardner  
Adams

Abstract: Defense of claim alleging violation of establishment clause of Constitution.

Status: Awaiting decision.

Docket:

12/30/15	Notice of Appeal filed
02/29/16	Appellant's brief filed
04/04/16	Response brief by Appellees filed
03/07/16	Brief Amici Curiae filed by Freedom from Religion Foundation and Center for Inquiry in Support of Appellants
04/11/16	Brief Amici Curiae of The Becket Fund for Religious Liberty in Support of Appellees
04/11/16	Brief Amici Curiae Senator Joe Machin and Representatives Doug Collins, Vicky Hartzler, Jody Hice, Evan Jenkins, Jim Jordan, Mark Meadows and Alex Mooney in Support of Appellees
04/11/16	Brief Amici Curiae State of West Virginia and 24 Other States supporting Appellees
04/18/16	Appellant's Reply brief filed
12/07/16	Oral Argument held

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