

# *COMMISSION MEETING*

*March 15, 2017  
9:30 a.m. – 11:30 a.m.*

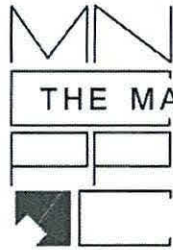
*Prince George's County  
Parks and Recreation Auditorium  
6600 Kenilworth Avenue  
Riverdale, MD 20737*

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MEETING**  
*Wednesday, March 15, 2017*  
**Parks and Recreation Auditorium**  
**9:30 a.m. – 11:30 a.m.**

		<u>ACTION</u>	
		Motion	Second
1.	<b>Approval of Commission Agenda (9:30)</b>	(+*) Page	1
2.	<b>Approval of Commission Minutes</b> Open Session and Closed Session – February 15, 2017	(+*) Page	3
3.	<b>General Announcements (9:30)</b> a) Women’s History Month Events b) Upcoming One-Commission Diversity Event (May 3, 2017)		
4.	<b>Committee Minutes/Board Reports (For Information Only):</b> Minutes – Regular Employees’ Retirement System Board of Trustees Meeting – February 7, 2017	(+) Page	5
5.	<b>Action and Presentation Items (9:35)</b> a) Resolution #17-02, Healthy Vending Requirements (McDonald) b) Resolution # 17-04, Montgomery Bond Resolution (Zimmerman) c) Resolution #17-05, Proposed Bowie Annexation of Commission-Owned Property (Johnson) d) Readopt the Debt Policy to reflect the new citations under the Land Use Article as opposed to Article 28 (Zimmerman) e) Adoption of Park Rules (Gardner) f) M-NCPPC Logo (Wells-Harley/Fani-Gonzalez)	(+*) Page (+*) Page (+*) Page (+*) Page (+*) Page (+) Page	9 17 49 53 65 111
6.	<b>Officers’ Reports</b> a) Executive Director’s Report (For Information Only) Employee Evaluations Not Completed by Due Date (February 2017) b) Secretary-Treasurer (For Information Only) Investment Report (January 2017) c) General Counsel 1) Litigation Report (February) (For Information Only) 2) Legislative Update	(+) (+) (+)	113 115 121 (H)
7.	<b>Closed Session – Collective Bargaining (Barney)</b>		

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





## THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
February 15, 2017

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

### PRESENT

#### Montgomery County Commissioners

Casey Anderson, Vice-Chair  
Norman Dreyfuss  
Natali Fani-Gonzalez

#### Prince George's County Commissioners

Elizabeth M. Hewlett, Chair arrived at 9:39 a.m.  
Dorothy Bailey  
William Doerner  
Manuel Geraldo  
A. Shuanise Washington

### ABSENT

Gerald Cichy  
Marye Wells-Harley

Vice-Chair Anderson convened the meeting at 9:25 a.m., and requested a vote on the topics presented for the Commissioners' approval, prior to Chair Hewlett's arrival.

#### ITEM 1 APPROVAL OF COMMISSION AGENDA

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

#### ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – October 19, 2016  
Special Commission Conference Call – Open Session – January 12, 2017  
Open Session – January 18, 2017  
ACTION: Motion of Fani-Gonzalez  
Seconded by Washington  
7 approved the motion

#### ITEM 3 GENERAL ANNOUNCEMENTS

Vice-Chair Anderson mentioned the following announcements:

- a) Women's History Month takes place in March.
- b) Black History Month  
Black History month is being commemorated through various events.
  - Last week, Commission employees attended a fantastic play, Voices in the Dark.
  - The Nannie Helen Burroughs event took place at the Montgomery Regional Office this week.

- Executive Director Barney noted employees should view the M-NCPPC Prince George's County Black History Month Celebration Brochure and the online listing of M-NCPPC Black History Programs for information on other planned events.

c) Financial Disclosure Filings Requirement Briefing (Barney)

The Financial Disclosure Filing letters will be disseminated today. Directions for Commissioners, Directors and others are outlined in the respective letters. Commissions are to file Financial Disclosures online with the State with copies to the Executive Director so they may be filed with the respective County; Directors and staff will fill out their documents and send copies to the Executive Director's office by April 15<sup>th</sup>.

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

- a) Regular Board of Trustees Meeting – December 6, 2016
- b) Special Board of Trustees Meeting – January 3, 2017
- c) Executive Committee Meeting Open Session – February 1, 2017

ITEM 5 ACTION AND PRESENTATION ITEMS

There were no action items presented for discussion.

ITEM 6 OPEN SESSION – OFFICERS' REPORTS

a) **Executive Director**

Employees' Evaluations Not Completed by Due Date – (January 2017)

Executive Director Barney thanked the Directors for submitting the performance evaluations. The final ten pending evaluations are forthcoming.

b) **Secretary-Treasurer**

Investment Report (December 2016) – For Information Only

The meeting suspended at 9:35 a.m., in anticipation of Chair Hewlett's arrival. It reconvened at 9:40 a.m.

c) **General Counsel**

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

2) Legislative Update – Presented in closed session.

There being no further business to discuss in open session, Chair Hewlett requested a motion to move to closed session at 9:42 a.m., pursuant to Section 3-305(b)(7), (b)(8), and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, for consultation with counsel and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

ACTION: Motion of Washington

Seconded by Fani-Gonzalez

8 approved the motion

At 11:39 a.m., the Commission moved back to open session and the meeting adjourned.



Gayla L. Williams, Senior Management Analyst/  
Senior Technical Writer



Patricia Colihan Barney, Executive Director





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

**REGULAR BOARD OF TRUSTEES MEETING  
MINUTES**

**Tuesday, February 7, 2017; 10:00 A.M.**  
**ERS/Merit Board Conference Room**

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, February 7, 2017 at 10:00 a.m. Voting members present were: Howard Brown, Alicia Hart, Elizabeth M. Hewlett, Marye Wells-Harley and Joseph C. Zimmerman, CPA. Sheila Morgan-Johnson joined the meeting via conference call. Khalid Afzal and Amy Millar arrived at 10:03 a.m. Pamela F. Gogol arrived at 10:07 a.m. Barbara Walsh and Patricia Barney, CPA were absent.

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

Presentation via teleconference by the Groom Law Group - Alexander Ryan, Legal Counsel. Presentation in-person by the M-NCPPC Legal Department – William Dickerson, Principal Counsel.

The ERS' Investment Consultant from Wilshire Associates, Bradley A. Baker, and Senior Counsel from the M-NCPPC Legal Department, LaTonya Reynolds, joined the meeting via conference call.

**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 February 7, 2017 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, December 6, 2016
- C. Closed Session Minutes of Regular Meeting, December 6, 2016
- D. Minutes of Special Meeting, January 3, 2017
- E. Closed Session Minutes of Special Meeting, January 3, 2017
- F. Disbursements Granted Reports – October and November 2016

VICE CHAIRMAN WELLS-HARLEY made a motion, seconded by MS. HART to approve the Consent Agenda. The motion PASSED unanimously (6-0). (Motion #17-6)

**2. CHAIRMAN'S ITEMS**

- A. Board of Trustees Conference Summary
- B. Principal Summit Series Forums Conference Report by Chairman Hewlett (Handout)
- C. Opal's Alternative Investment Summit Conference Report by Patricia Barney, CPA (Handout)

MR. AFZAL and MS. MILLAR arrived at 10:03 a.m.

CHAIRMAN HEWLETT handed out her report on the Principal Summit Series Forums Conference and discussed the highlights.

In MS. BARNEY's absence, Andrea Rose handed out the conference report on the Opal Alternative Investment Summit.

**3. MISCELLANEOUS**

No miscellaneous reported.

**4. COMMITTEE REPORTS/RECOMMENDATIONS**

A. Investment Monitoring Group Committee

Presentation by Committee Chairman, Patricia Barney, CPA

- i. Regular Report of December 20, 2016
- ii. Regular Report of January 17, 2017

MS. GOGOL arrived at 10:07 a.m.

In MS. BARNEY's absence, Andrea Rose presented the Investment Monitoring Group's (IMG) Regular Reports of December 20, 2016 and January 17, 2017.

Ms. Rose noted the action items from the December 20, 2016 IMG report were covered at the January 3, 2017 Special Board Meeting. The December 20, 2016 report was included for documentation purposes.

At its January 17, 2017 meeting, the IMG met with Chicago Equity Partners' ("Chicago") Michael L. Nairne, Director and Patricia A. Halper, CFA, Co-Chief Investment Officer regarding Chicago's small cap value equity mandate and reviewed Wilshire Associates' Manager Review of the strategy, as of November 30, 2016, which showed a slight outperformance since inception and ranked in the 22<sup>nd</sup> percentile versus Wilshire's Universe results. Wilshire's Brad Baker noted Chicago's performance for the quarter, YTD, one-year and since inception has been top quartile performance. Wilshire is comfortable with the succession plan following Dave Coughenour's retirement, but will continue to monitor the Co-CIOs, Robert Kramer and Patricia Halper.

B. Administration & Personnel Oversight Committee

Presentation by Committee Chairman, Barbara Walsh

- i. Regular Report of December 20, 2016

In MS. WALSH's absence, Andrea Rose presented the Administration & Personnel Oversight Committee's ("Personnel Committee") Regular Report of December 20, 2016 and noted that Item 1 was covered at the January 3, 2017 Special Board Meeting.

The Personnel Committee reviewed its 2017 Work Program and added a review of the ERS' Travel Policy. The Personnel Committee reviewed the Budget vs. Actual for the quarter ending September 30, 2016. Ms. Rose encouraged trustees to take advantage of training opportunities which are budgeted for each year.



The Personnel Committee reviewed the Trustee Attendance Record for 2016 and the Board's Attendance Policy. Ms. Rose explained trustees are required to attend 75% of the Board's annual meetings. Excused absences do not count in the requirement. Trustees may attend up to two (2) Board meetings via conference call per year with notification to the Administrator via email at least 24-hours prior to the meeting. If less than 24-hours, trustees should call the Administrator.

There is currently no attendance requirement for committee meetings. Trustees may attend up to three (3) committee meetings per year via conference call with notification to the Administrator via email at least 24-hours prior to the meeting. If less than 24-hours, trustees should call the Administrator. The Personnel Committee noted this provision is for conflicts or emergencies and trustees should make every effort to attend Board and Committee meetings in person. All trustees are encouraged to serve on at least one (1) committee.

The Personnel Committee agreed attendance was important to fulfilling a trustee's fiduciary responsibilities and trustees should make every effort to attend in-person most of the yearly meetings.

The Personnel Committee met in Closed Session for further discussions, see the Personnel Committee's Confidential Report of January 17, 2017.

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

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated January 25, 2017

Andrea Rose reported an Investment Consulting Services Request for Proposal (RFP) was issued in December 2016 and nine (9) responses were received. The Investment Monitoring Group is scheduled to review the responses at its February 21, 2017 meeting. Finalists are scheduled to present to the Board at its April 4, 2017 meeting.

A joint RFP for Actuarial Services between the ERS and the Commission was issued on January 24, 2017. Responses will be reviewed by the Administration & Personnel Oversight Committee. Finalists are scheduled to present at the Board's May 2, 2017 meeting.

Trustee terms expire June 30, 2017 as follows: the Montgomery County Commissioner seat, Prince George's County Public Member seat, the Montgomery County Public Member seat, and the Bi-County Open Trustee seat.

## **6. CLOSED SESSION**

The Board will meet in Closed Session, pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(1)(ii), 3-305(b)(5) and 3-305(b)(7) to discuss personnel matters, for investment of public funds and to consult with legal counsel.

MS. GOGOL made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY to go in to Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(1)(ii), 3-305(b)(5) and 3-305(b)(7) to discuss personnel matters, for investment of public funds and to consult with legal counsel. The motion PASSED unanimously (9-0). (Motion #17-8)

VICE CHAIRMAN WELLS-HARLEY made a motion, seconded by MS. HART to ratify the actions taken in Closed Session. The motion PASSED unanimously (9-0). (Motion #17-14)

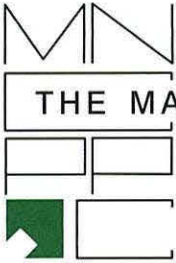
The Board of Trustees meeting of February 7, 2017 adjourned at 10:40 a.m.

Respectfully,

  
Heather D. Brown  
Senior Administrative Specialist

  
Andrea L. Rose  
Administrator

**Action & Presentation  
Items**






THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

March 10, 2017

TO: Executive Committee

VIA: Patricia C. Barney, Executive Director   
 William Spencer, Human Resources Director 

FROM: Jennifer McDonald, Benefits Manager 

SUBJECT: Resolution for Adoption of Healthy Vending Requirements

**Recommendations**

Support the adoption of a resolution for the purpose of requiring healthy food and beverage options in vending machines located on property of The Maryland-National Capital Park and Planning Commission. The resolution establishes healthy vending contract requirements to achieve specified nutritional standards. After discussion with the Department Heads, the recommendation was supported.

**Background**

Several public school systems in Maryland have implemented changes in their vending programs to promote healthier food and beverage choices. Prince George’s County also has adopted standards for government facilities and Montgomery County recently proposed same the standards in Bill 1-17 introduced February 7, 2017 as well.

A statewide coalition has organized to promote local health regulations. The coalition is made up of 300+ organizations dedicated to protecting Maryland children and their families from type 2 diabetes, heart disease and tooth decay so they can live long, healthy lives. The Coalition is led by a team of “lead partners” who devote the most time and talent to accomplishing their mission. Lead partners currently include MedChi, the Maryland State Medical Society, the Maryland Conference of the NAACP, the American Heart Association, the Horizon Foundation, and the Maryland Association of Student Councils. Their work is focused on both education and sustainable policy change that will make being healthy easier for generations to come.

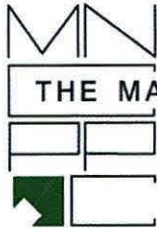
The coalition has been working with Prince George’s County government to improve the offerings in their vending machines by adding more healthy choices to the mix to ensure that

residents have better choices on the go. National health authorities recommend this change as one key step towards a healthier community. The County requested bids from vendors who can comply with the healthy vending requirements. The County's request for bids was written in a way that will allow M-NCPPC to "piggyback" on the contract with the same terms if desired.

After a local ordinance was proposed last year to mandate standards for the Commission in Prince George's County, the General Counsel and representatives of the Health and Benefits Office consulted with the coalition to discuss the potential for an appropriate Commission-wide policy that would obviate the need for local legislation.

Based on our research of various standards used in Maryland, and the information provided by members of the coalition, the Health & Benefits Office consulted with all the representatives from the Commission's Departments who manage current vending machine contracts. The vending managers were advised of the initiative and given the opportunity to voice concerns. All support the initiative.

The proposed resolution includes all the specifications for implementing the healthy vending requirements. If the Resolution is adopted, current and new vending machine vendors' contracts will include the new healthy requirements upon award and/or renewal. The respective Departments will execute the contracts and ensure that the vendors are in compliance with the healthy requirements. The Health & Benefits office will periodically monitor compliance. A review of the requirements will be conducted once every five years.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 17-02

## ADOPTION OF HEALTHY VENDING MACHINE POLICY

WHEREAS, According to the Centers for Disease Control and Prevention, 112,000 Americans die each year due to diseases such as heart disease, cancer, stroke and diabetes – diseases linked to poor nutrition, excess weight, and lack of physical activity; and

WHEREAS, One-third of all White children and half of all African-American and Latino children born today will likely develop type 2 diabetes in their lifetimes, according to the Centers for Disease Control and Prevention. Undiagnosed or uncontrolled diabetes can lead to debilitation, blindness, serious heart and kidney complications, amputations, and even death; and

WHEREAS, According to the American Academy of Pediatrics, the percentage of teenagers who were diagnosed with type 2 diabetes or pre-diabetes soared from 9% in 1999 to 23% in 2008; and

WHEREAS, Prevention and management of chronic disease is essential for improving the overall health, life expectancy, and quality of life for all patrons and employees of the Maryland-National Capital Park and Planning Commission (“M-NCPPC”); and

WHEREAS, M-NCPPC spends \$25 million each year to fund its employee health insurance program and invests additional dollars in its employee wellness program. Reducing chronic diseases through improvements to M-NCPPC’s food environment may help improve employee health and reduce taxpayer costs; and

WHEREAS, According to the Centers for Disease Control and Prevention and other health experts, small steps, like making healthier food and beverages more widely available in vending machines, can help reduce Type 2 diabetes, obesity, and other chronic diseases; and

WHEREAS, the Commission desires to adopt a policy that promotes healthy eating by requiring healthy choices be included in vending machines on M-NCPPC property.

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a policy setting goals and standards for the availability of healthy choices in vending machines on M-NCPPC property as reflected in ATTACHMENT 1 attached hereto; and

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



**HEALTHY VENDING MACHINE POLICY**

**I. Healthy Vending Standards**

- (a) Healthy Food Choices shall meet the following specifications:
  - (1) Individual healthy food choices offered in vending machines must meet the following criteria:
    - (A) No more than 200 calories per package;
    - (B) Less than 35% of total calories from fat except for foods containing 100% nuts or seeds with no added fats;
    - (C) Less than 10% of calories from saturated fat; and
    - (D) No more than 35% of calories from total sugars except for 1%, 2%, or non-fat dairy products, non-dairy milk products, fruits and vegetables.
  - (2) At least one healthy food choice offered must meet the Food and Drug Administration's definition of "low sodium" (<140 mg per serving).
  - (3) Sugarless chewing gum and mints also meet healthy food choices specifications.
- (b) Healthy Beverage Choices shall meet the following specifications:
  - (1) Individual Healthy Beverage Choices offered in vending machines must contain fewer than 40 calories per serving unless specified below.
  - (2) The following beverages also meet Healthy Beverage Choices nutritional standards even though they exceed 40 calories per serving: Fat-free milk; 1% low fat dairy milk; Calcium or vitamin D fortified soy milk with less than 200 calories per container; packages containing 12 ounces or less of 100% fruit juice, vegetable juice or fruit juice combined with water with no added caloric sweeteners and no more than 200 milligrams of sodium per container.
  - (3) Vegetable juice must contain <230 milligrams of sodium per serving.

**II. Healthy Vending Contract Requirements**

- (a) All new vending machine service contracts and all vending machine service contract renewals entered into after July 1, 2017 shall require that:
  - (1) At least 50% of the food and beverage items offered in vending machines meet the requirements listed in Section (I) above.
- (b) All new vending machine service contracts and all vending machine service contract renewals entered into after July 1, 2019 must require that:
  - (1) At least 65% of the food and beverage items offered in vending machines meet the requirements listed in Section (I) above.



**III. Product Placement**

- (a) Healthy Food or Beverage Choices shall:
  - (1) Be displayed in a way that is easily distinguishable from food and beverages that do not meet Healthy Vending Standards listed in Section (I) above; and
  - (2) Be stocked in positions with highest selling potential.
- (b) Water without added caloric sweeteners is required to be stocked in beverage machines.
- (c) Beverages that do not meet the Healthy Vending Standards listed in Section (I) above shall be placed in positions with the lowest selling potential.

**IV. Pricing and Labeling**

- (a) Food and beverage items that meet the Healthy Vending Standards in Section (I) must be comparatively priced or less expensive than products that do not meet the standards.
- (b) All vending machine shall display nutritional labeling that, at a minimum, complies with the standards for nutritional labeling set forth in 21 CFR, sections 101 and 109, as may be amended from time to time.

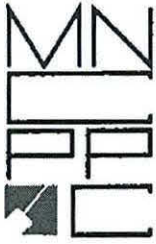
**V. Compliance**

- (a) To assist and oversee the implementation of the nutrition and procurement standards required by this policy, each Department Head shall designate a staff person within the Department to disseminate information and train M-NCPPC staff and vendors on the standards to support compliance.
- (b) Each Department shall monitor compliance and issue a report to the Commission at least once every other year post enactment on the status of implementation. The report shall include:
  - (1) An assessment of Department compliance with this policy; and
  - (2) Successes, challenges, and barriers experienced in implementation; and
  - (3) Recommendations for improvement of the standards and compliance.
- (c) Future requests for bids and contracts for the procurement or provision of covered food and beverages shall incorporate the requirements of this policy. To facilitate monitoring and compliance with the requirements of this policy, future requests for bids and contracts for covered food and beverages shall require accurate and timely financial reports from vendors, provide for periodic reviews or audits of financial records, and include specific breach of contract and enforcement provisions relating to the requirements of this policy.

## ATTACHMENT 1

(d) From time to time but at least once every five (5) years, the Health and Benefits Office shall review, and if necessary, update the Healthy Vending Standards in Section (I) to reflect advancements in nutrition science, dietary data, new product availability, and/or updates to the Dietary Guidelines for Americans.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MEMORANDUM

TO: M-NCPPC Commissioners

FROM: Joseph C Zimmerman CPA, Secretary-Treasurer

SUBJECT: Montgomery Bond issue

DATE: March 7, 2017

Included in your meeting packet for the March 15, 2017 meeting is resolution 17-04.

The purpose of the resolution is to authorize the issuance of up to \$8.0 million in Park Bonds for Montgomery County projects. This issuance is pursuant to the Capital Improvement Plan previously adopted by the Commission and Montgomery County Council.

Please let me know if you have any questions prior to the meeting.



# ITEM 5b

## RESOLUTION NO. 17-04

**\$8,000,000**  
**Montgomery County**  
**General Obligation**  
**Park Acquisition and Development Project Bonds,**  
**Series MC-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 Montgomery County General Obligation Park Acquisition and Development Project Bonds, Series MC-2017A in an aggregate amount not to exceed \$8,000,000 (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 Montgomery 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 \$8,000,000 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

“Montgomery County General Obligation Park Acquisition and Development Project Bonds, Series MC-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 Montgomery County, Maryland (“Montgomery County”), as required by Section 18-204(c) 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(c) 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 Montgomery 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, Montgomery County and Montgomery 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 Montgomery 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 Montgomery 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 Montgomery 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 Montgomery 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 Montgomery 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. 17-04, adopted by said Commission at a regular meeting thereof duly called and held on March 16, 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.

---

Secretary-Treasurer

This is to certify that the foregoing is a true and correct copy of Resolution No. 17-04 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, March 16, 2017, in Silver Spring, Maryland.

---

Patricia Colihan Barney  
Executive Director



UNITED STATES OF AMERICA

STATE OF MARYLAND

No. R- \_\_\_\_\_ \$ \_\_\_\_\_

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Montgomery County  
General Obligation  
Park Acquisition and Development Project Bond,  
Series MC-2017A

Dated Date                      Interest Rate                      Maturity Date                      CUSIP  
[ \_\_\_\_\_ ], 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 Montgomery 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 Montgomery County General Obligation Park Acquisition and Development Project Bonds, Series MC-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. 17-04 of the Commission duly adopted on March 16, 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 Montgomery County, Maryland.

ATTEST:

MONTGOMERY COUNTY,  
MARYLAND

\_\_\_\_\_  
Clerk

By: \_\_\_\_\_  
County Executive

(CORPORATE SEAL)

CERTIFICATE OF AUTHENTICATION

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

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Registrar

By: \_\_\_\_\_  
Authorized Officer

Date of Authentication: \_\_\_\_\_

ASSIGNMENT

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

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

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

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

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

PAYMENT GRID

Date of Payment	Principal Amount Paid	Principal Amount Outstanding	Holder Signature

NOTICE OF SALE

\$ \_\_\_\_\_  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 Montgomery County  
 General Obligation  
 Park Acquisition and Development Project Bonds,  
 Series MC-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 March 16, 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 Montgomery County, Maryland (the “County”).

**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.

**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>
	\$		\$

**The Maryland-National Capital Park and Planning Commission will act as Registrar  
and Paying Agent.**

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"). THE SUCCESSFUL BIDDER SHALL MAKE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL OFFERING PRICES AND SHALL PROVIDE THE RELATED CERTIFICATION DESCRIBED BELOW.

**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.

**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.

**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.

**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.

**SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE BONDS, THE SUCCESSFUL BIDDER SHALL FURNISH TO THE COMMISSION A CERTIFICATE ACCEPTABLE TO BOND COUNSEL TO THE EFFECT THAT (I) THE SUCCESSFUL BIDDER HAS MADE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL REOFFERING PRICES, (II) AS OF THE DATE OF THE SALE OF THE BONDS, THE SUCCESSFUL BIDDER REASONABLY EXPECTED TO SELL A SUBSTANTIAL AMOUNT OF EACH MATURITY OF THE BONDS AT THE APPLICABLE INITIAL REOFFERING PRICES, AND (III) A SUBSTANTIAL PORTION OF EACH MATURITY OF THE BONDS WERE SOLD TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT SUCH INITIAL REOFFERING PRICES. Bond Counsel advises that (i) such certifications shall be made based on actual facts known to the**

successful bidder as of the sale date and (ii) a substantial portion of the Bonds is at least 10% in par amount of each maturity of the Bonds. If the successful bidder cannot deliver the certificate as described above, the County's bond counsel will be required to evaluate the facts and circumstances of the offering and sale of the Bonds to confirm compliance with statutory requirements of avoiding the establishment of an artificial price for the Bonds.

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

PGCPB No. 17-26

M-NCPPC No. 17-05

RESOLUTION

WHEREAS, Titles 14 through 27 of the Land Use Article of the Annotated Code of Maryland (formerly Article 28 of the Annotated Code of Maryland) generally charge the Commission with regulating the land use planning, zoning, and development of the Maryland-Washington Regional District ("Regional District"); and

WHEREAS, pursuant to Titles 21 and 22 of the Land Use Article of the Annotated Code of Maryland (formerly Article 28, Section 7-108) the Commission has authority to initiate and adopt certain plans pertaining to the physical development of that portion of the Regional District located in Prince George's County; and

WHEREAS, pursuant to Titles 20 through 22 of the Land Use Article of the Annotated Code of Maryland (formerly Article 28, Section 7-111), the Commission has the responsibility for planning, platting, and zoning functions primarily local in scope, as distinguished from the regional planning functions of the Commission relating to or affecting the Regional District as a planning unit; and

WHEREAS, pursuant to Section 25-801 of the Land Use Article of the Annotated Code of Maryland (formerly Article 28, Section 5-201), the Commission, through the Prince George's County Planning Board, has the responsibility for providing an adequate and balanced program of recreation to serve the varied needs and interests of the several age groups among the residents of Prince George's County, and to coordinate this program with the Commission's park functions; and

WHEREAS, pursuant to Section 17-110 of the Land Use Article of the Annotated Code of Maryland (formerly Article 28, Section 5-101), the Commission has the authority to own, acquire, control, maintain and operate real property for the purposes authorized in this Article including parks, forests, roads, other public ways, grounds and spaces, public recreation buildings, community buildings and other public buildings; and

WHEREAS, pursuant to Section 4-104 (a) of the Local Government Article of the Annotated Code of Maryland, the Commission is defined as a special district, and in accordance with Section 4-104(b) a local government may not divest, exercise or duplicate any special power or duty conferred on a special district, except recreational facilities subject to the consent of the special district; and

WHEREAS, pursuant to Section 4-415(d) of the Local Government Article of the Annotated Code of Maryland, the annexation process begins by resolution of The City of Bowie; and

WHEREAS, Section 4-403(b)(2) of the Local Government Article of the Annotated Code of Maryland requires the consent of at least 25 percent of the assessed valuation of the real property in the area to be annexed and;

WHEREAS, the property known as Karington is the subject of a Planning Board approval for Preliminary Plan 4-04035, by Resolution No. 04-247(C)(A), which contains 47

Conditions, and several conditions call for the applicant to construct a trail, part of which may be situated on Commission properties.

NOW THEREFORE,

1. The City of Bowie, a municipal corporation situated in that portion of the Regional District located in Prince George's County, desires to proceed with two annexations into municipal boundaries real properties owned and operated for public use by the Commission and more fully described in Exhibit A (legal descriptions).
2. The first annexation area proposed by the City of Bowie includes an athletic stadium known as the Bowie Baysox Stadium, owned by the Commission.
3. The second annexation area proposed by the City of Bowie is located along Collington Branch, south of Central Avenue, adjacent to the "Karington" subdivision.
3. The Planning Board supports the City of Bowie's annexations of the proposed areas and hereby recommends that the Commission grant its consent.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the administrative action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Hewlett, Bailey, Doerner and Washington voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, February 16, 2017 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16<sup>th</sup> day of February, 2017.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:MF:arj

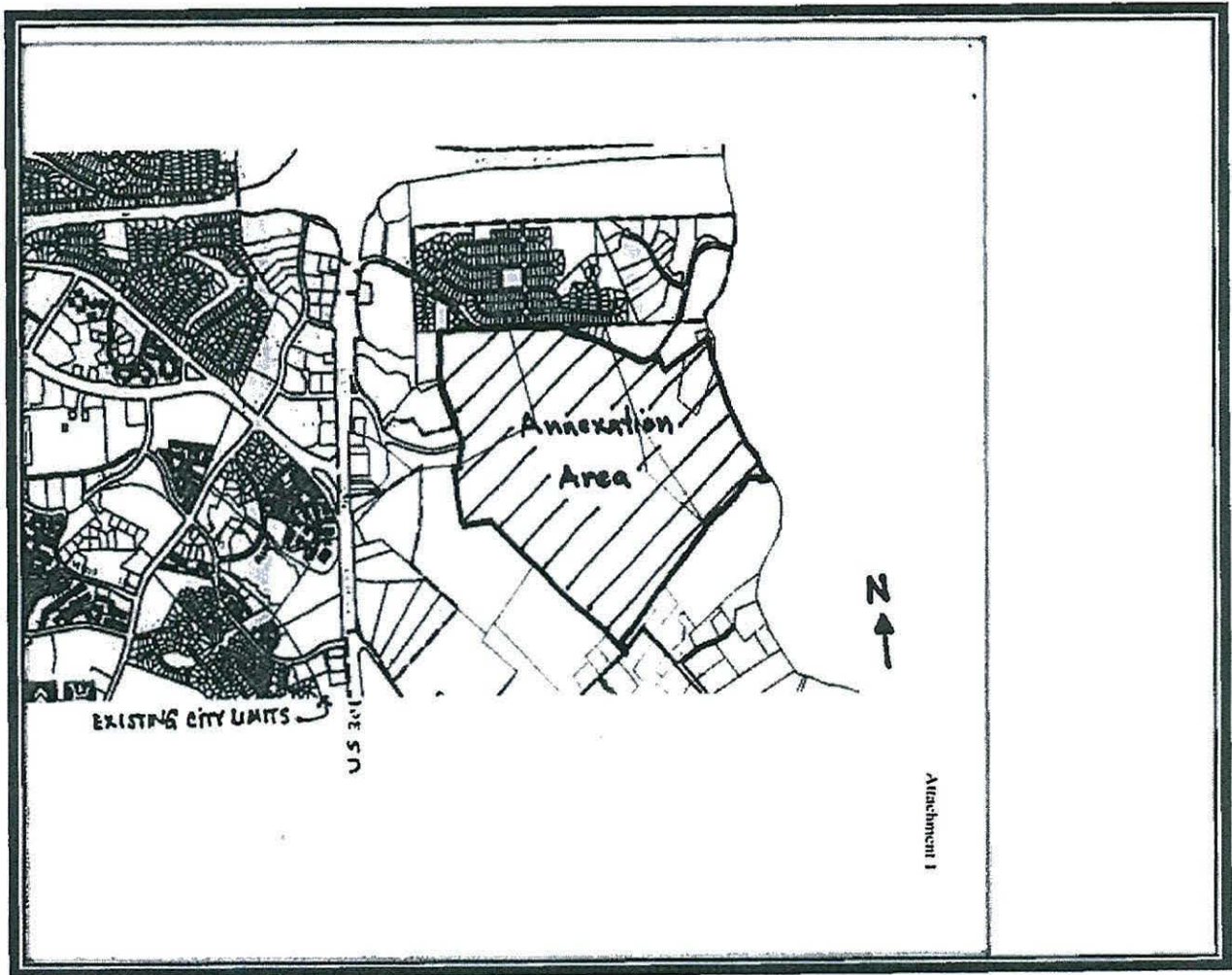
APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 2/17/17

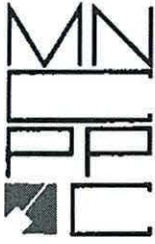
Exhibit "A"

Annexation 1 – Parcel A, Plat Book VJ166, Plat No. 56; approximately 61.9416 ac.; and Parcel 6, Map 56, Grid A3, Deed Reference L.14841, f. 197, approximately 25402 ac.; and Parcel 5, Map 56, Grid A3, Deed Reference L. 05557, f. 18, approximately 7.99 ac.; and Parcel 24, Map 56, Grid A2, Deed Reference L. 4071, f. 35, approximately 82.44 ac.; and Parcel 12, Map 56, Grid B2, Deed Reference – L. 6662, f. 887, approximately 10.02 ac.



Annexation 2 – Parcel 126, Map 0070, Grid 00B2, Deed reference – L. 9629, f. 19; approximately 29.08 ac.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MEMORANDUM

TO: M-NCPPC Commissioners

FROM: Joseph C Zimmerman CPA, Secretary-Treasurer

SUBJECT: Updates to Commission Debt Policy

DATE: March 7, 2017

Included in your meeting packet for the March 15, 2017 meeting is an updated version of the Commission debt policy for your consideration and adoption.

The policy, last updated in 2009, is being revised to show the legal authority under the Land Use Article instead of Article 28, which has been recodified. No other changes have been made.

Please let me know if you have any questions prior to the meeting.





The Maryland-National Capital Park and Planning Commission  
Debt Management Policy  
Effective March 15, 2017

## **Introduction**

The Debt Management Policy (“Policy”) of the Maryland-National Capital Park and Planning Commission (“Commission”) is intended to provide written guidelines and restrictions that affect the amount and type of debt permitted to be issued, the issuance process, and the management of the debt portfolio. This Policy should provide justification for the structure of the debt issuance, identify policy goals, and demonstrate a commitment to long-term financial planning, including a multi-year capital plan. This Policy is a critical aspect of our efforts to communicate to the Commissioners, County Officials, State Officials, the public, rating agencies, and capital markets that the Commission is well managed and capable of meeting financial obligations within its available resources and in a timely manner.

### **I. Responsibility**

The Commission’s Finance Department under the direction of the Secretary-Treasurer, with the advice of its Bond Counsel and Financial Advisor, will comply with this Policy and all applicable laws and regulations when carrying out its responsibility to issue and manage debt in a fiscally sound manner, and to achieve borrowing at the lowest possible reasonable cost to meet the funding needs of the Commission’s capital improvement program and capital equipment lease financing program.

### **II. Multi-year Capital Planning**

The Commission will prepare a six-year capital improvement program for the Commission’s projects in each County in accordance Section 18-112, of the Land Use Article of the Annotated Code of Maryland (“Land Use Article”). The capital program will include a statement of the objectives of the programs and the relationship of these programs to the Counties’ adopted long range development plans, the capital projects and construction schedules, estimated costs and funding sources. The capital program will include all programmed land and facility acquisition; all major parkland, recreational facility, and administrative office development and improvements; and all major acquisition of equipment. The Commission’s long-term fiscal operating projections will incorporate the projected operating budget impact of the capital improvement program.

### **III. Legal Authorization**

A. The Commission has legal authority to issue Park Acquisition and Development Bonds (“Park Bonds”), Advance Land Acquisition Bonds (“ALA Bonds”), Revenue

Bonds and Refunding Bonds for Park Bonds, ALA Bonds and Revenue Bonds authorized generally under Title 18, Subtitle 2 and Subtitle 4 of the Land Use Article.

**B.** Under the Commission's general powers, it is permitted to issue Certificates of Participation and to enter into master lease agreements to finance capital equipment.

**C.** The Commission has the legal authority to issue tax anticipation notes in accordance with Section 18-208 of the Land Use Article.

**D.** The Commission has the legal authority to issue bond anticipation notes in accordance with Title 8, Subtitle 2, Part III of the State Finance and Procurement Article of the Annotated Code of Maryland ("State Finance Article").

**E.** The Commission has additional legal authority to issue Refunding Bonds in accordance with Section 18-207 of the Land Use Article.

**F.** Bond and note issues are approved through the budget process in each county, and resolutions authorizing bond and note sales are adopted by the Commission.

**G.** The Commission determines the best form of debt and the most favorable debt structure based on the projects to be financed, market conditions and advice of the Commission's Secretary-Treasurer, in consultation with the Commission's Bond Counsel and Financial Advisor.

#### **IV. Types of Debt**

##### **A. Long-term Debt**

**1. General Obligation Bonds ("GO Bonds")** – Bonds that are secured by the full faith and credit of the Commission and the county in which the proceeds of the Bonds will be spent. The Commission issues two types of GO Bonds: Park Bonds and ALA Bonds.

**a. Park Bonds** – In accordance with Section 18-203 of the Land Use Article, the Commission may issue Park Bonds for the purpose of acquiring land or other property within the Metropolitan District for parks, parkways, forests, streets, roads, highways, boulevards, and other public ways, grounds, and spaces, and for the purposes of recreation or for the development or improvement thereof.

**b. ALA Bonds** – In accordance with Title 18, Subtitle 4 of the Land Use Article, the Commission may establish annual budgets and a land acquisition revolving fund for each county from which disbursements may be made for the acquisition of land in advance of the need for schools, highways, libraries, parks, and other public uses in Montgomery County and Prince George's County. Each county has specific regulations in Subtitle 4 to determine if the acquisition qualifies for funding by the Advance Land Acquisition Fund and the process by which the acquisitions are approved by each county. The

Commission may issue ALA Bonds for each county to finance the land to be acquired in each county.

If ALA Bond proceeds are still outstanding at the time an agency repays the Commission for the land acquisition, the amount representing the acquisition cost must be returned to the Bond Proceeds Fund.

**2. Revenue Bonds** – In accordance with Section 18-206 of the Land Use Article, the Commission may issue Revenue Bonds to finance the development or improvement of revenue producing facilities. The principal and interest on the Revenue Bonds are payable solely from the revenues of the Commission available from the use of any such facilities, including those other than the facilities being financed. If revenues are not sufficient to pay debt service, the Commission may include in its proposed budget support from the Montgomery County Park Fund or the Prince George's County Park or Recreation Funds. Revenue Bonds are not general obligations of the Commission or the County in which the facility is located.

**3. Refunding Bonds** – In accordance with Section 18-207 of Land Use Article, and Section 8-209 of the State Finance Article, the Commission may issue Park Refunding Bonds, ALA Refunding Bonds, and Revenue Refunding Bonds to refinance outstanding Park Bonds, ALA Bonds and Revenue Bonds. Park Bonds may be issued to refinance Revenue Bonds if so authorized by the Commission and the respective county. Refunding Park and ALA Bonds are GO Bonds. Refunding Revenue Bonds are not GO bonds and are secured by the facility revenues per the bond documents.

Refunding Bonds may be issued by the Commission for the following purposes:

- a. To reduce the interest rate and debt service cost on the issues refunded.
- b. To enable a change from tax exempt to taxable or vice versa due to a change in use of the projects financed by the bonds.
- c. For other purposes deemed to be in the best interest of the Commission upon advice of the Secretary-Treasurer, in consultation with the Commission's Bond Counsel and Financial Advisor.
- d. Refunding Bonds will maintain a maturity schedule similar to that of the bonds being refunded. Differences in maturity structure may be made to enable increased debt service savings without significantly increasing debt service costs in any future year.

**4. Certificates of Participation ("COPs")** – Based on the Commission's general powers, it may issue COPs to finance capital needs, such as office buildings and capital equipment. The financing provides certificate holders the right to installment payments pursuant to a lease or conditional purchase agreement. The Commission must certify that the project for which the COPs are issued is essential and must commit to including the COPs' debt service payments in its annual proposed budgets. COPs are not guaranteed by the full faith and credit of the Commission or the County in which the proceeds are spent, and the installment payments are subject to annual appropriation. This form of

lease financing may result in slightly higher interest costs than GO Bonds. COPs may be used when the purpose for which the debt is to be issued cannot be funded by GO Bonds or when it is determined to be in the best interest of the Commission upon advice of the Secretary-Treasurer, upon consultation with the Commission's Bond Counsel and Financial Advisor.

**5. Revenue Conduit Obligations** – Debt or other financing instruments may be issued on behalf of the Commission by other governmental entities as permitted by law. The Commission may be required to certify that the project for which the Revenue Conduit Obligations are issued are essential and must commit to including the lease or loan payments in the annual proposed budgets. Revenue Conduit Obligations are not general obligations of the Commission or the County in which the proceeds are spent. The lease or loan payments support the issuer's debt service and are subject to annual appropriation.

**6. Master Leases** – The Commission is authorized, through its general powers, to enter into Master Leases to finance equipment, software system projects and other assets with an estimated useful life at least as long as the term of the lease to support its operations. Lease payments are not general obligations of the Commission or either County and are subject to annual appropriation. The Secretary-Treasurer must certify that essential use and commit to including the lease payments in the annual proposed budgets.

## **B. Short-Term Debt**

**1. Tax Anticipation Notes ("TANs")** – The Commission may issue TANs in accordance with Section 18-208 of the Land Use Article to meet operating cash flow needs resulting from the timing of property tax collections. The total amount borrowed and outstanding in any fiscal year may not exceed 75% of the total proceeds received by the Commission from taxes levied and collected during the preceding fiscal year.

**2. Bond Anticipation Notes ("BANs")** – The Commission may issue BANs in advance of an authorized GO Bond issuance in accordance with Title 8, Subtitle 2, Part III of the State Finance Article to provide flexibility with regard to the timing of the permanent funding for the capital program such as in times of market volatility. The BANs are to be refunded through the issuance of long-term GO Bonds when the reason for deferring the GO Bond issuance no longer exists.

## **C. Variable Rate Debt**

Historically, variable rate debt has provided financing at interest rates on average below fixed rate debt. However, variable rate debt exposes the issuer to interest rate, liquidity, remarketing, and credit risks. In the event of a failed remarketing, potentially higher than anticipated interest rates and accelerated principal repayment may be required.

Although variable rate debt may hedge against interest rate movements affecting the Commission's earnings on its investment portfolio and may provide flexibility to call debt if required due to a change in use, in order to manage risk exposure and to meet rating agency guidelines, the amount variable rate debt outstanding will be limited to 15% of the outstanding debt of the Commission for each county. The Commission may issue variable rate debt upon advice of the Secretary-Treasurer in consultation with the Commission's Bond Counsel and Financial Advisor when market conditions or other conditions exist which indicate that the structure will benefit the Commission.

**1. Variable Rate Demand Obligations ("VRDOs")** – VRDOs are a form of variable rate debt which provide the holders the option to put the bonds back to the issuer in accordance with set terms. The interest rate resets at an agreed upon frequency usually daily or weekly through efforts of a remarketing agent. Typically, liquidity facility is required to fund the purchase of bonds put back to the issuer and not remarketed. In the event of a failed remarketing, the liquidity facility provider will become the holder of the VRDOs and receive interest at a rate specified in the liquidity facility agreement that is normally higher than that for remarketed VRDOs.

## **V. Debt Limits**

**A. Legal Debt Limits** – The Commission's legal debt limits are set forth in the Land Use Article for Park Bonds and ALA Bonds. The debt limits are inclusive of any Refunding Park or Refunding ALA Bonds.

**1. Park Bonds** - The Commission shall not issue Park Bonds for either Montgomery or Prince George's County in excess of the debt limits per Section 18-203(d) of the Land Use Article.

For Montgomery County, the total debt service for outstanding Park Bonds shall not exceed the revenues generated by the mandatory 3.6 cents tax on each \$100 assessed valuation of real property and the mandatory 9.0 cents tax on each \$100 assessed valuation of personal property in the Montgomery County portion of the Metropolitan District.

For Prince George's County, the total debt service for outstanding Park Bonds shall not exceed the revenues generated by the mandatory 4.0 cents tax on each \$100 assessed valuation of real property and the mandatory 10.0 cents tax on each \$100 assessed valuation of personal property in the Prince George's County portion of the Metropolitan District.

**2. ALA Bonds** – The Commission shall not issue ALA Bonds for either County in excess of the debt limits set forth in Section 18-401(j)(2) of the Land Use Article.

For Montgomery County and Prince George's County, the total debt service for outstanding Advance Land Bonds for each County shall not exceed taxes estimated to be

generated by 1.2 cents tax on each \$100 of assessed valuation of real property and 3.0 cents tax on each \$100 of assessed valuation of personal property.

When calculating the legal debt limits, the Commission may assume continued future levy of the taxes, 100% collection of the taxes in each fiscal year and the assessed value of property at the time the bonds are issued will remain constant.

**B. Debt Limit Targets** – The Commission has established the following additional debt limit targets to determine the affordable level of debt for each county. These targets should be used in conjunction with the long-term financial projections for the relevant funds supporting the debt to monitor the capability of the Commission to meet current and future debt obligations based on the six-year capital improvement programs for each county.

**If at any time the planned debt levels of the approved capital budget is projected to be unaffordable based on conservative financial assumptions, the Commission will slow down the implementation of the capital plan to a level that meets the affordability standards of this policy.**

**1. Debt Service as a Percentage of General Fund Expenditures (Montgomery County)** - Annual debt service including non GO Bond debt, lease and other obligation payments should not exceed 10% of the Commission's Administration and Park Fund expenditures for its Montgomery County operations.

**2. Debt Service as a Percentage of General Fund Expenditures (Prince George's County)** – Annual debt service including non GO Bond debt, lease and other obligation payments should not exceed 10% of the Commission's Administration Fund, Park Fund and Recreation Fund expenditures for its Prince George's County operations.

**Financing a major project critical to Commission business that will cause the debt service expense ratio to exceed the 10% target, may be permitted as a special exception by a vote of the Commission that specifically grants the exception; however the debt ratio will be brought back into conformance with the target within the six-year period.**

**3. Debt Payout Ratio** – The debt payout ratio represents the percentage of principal to be paid over the next ten years. The ratio should remain between 60% and 70% of the outstanding debt.

**C. County Debt Limits** - In addition to the above debt limits and targets, the Montgomery County Council provides spending affordability limits for the Commission's Montgomery County Park and ALA Bonds. The Prince George's County Spending Affordability Committee recommends spending levels inclusive of debt service on the Commission's Prince George's County Park and ALA Bonds to the Prince George's County Executive and County Council.

## VI. Debt Issuance Policies

- A. **Projects to be financed** - Long-term debt will be issued only for acquiring, constructing, or renovating capital assets and not to finance current operations or normal maintenance needs. Capital projects and capital equipment financed by debt will have an expected useful life equal to the term of the debt. **Capital assets will be financed only if the Commission's long-term projections based upon conservative financial and economic assumptions indicate the ability to support their operations and maintenance.**
- B. **Pay-as-you-go** - The Commission will strive to maintain and/or incorporate pay-as-you-go funding as a source of financing a portion of its capital program. In times of fiscal constraint, the amount will provide budgetary flexibility.
- C. **Sale Method** - The Commission uses the competitive bidding process when issuing debt unless it is in the best interest of the Commission to conduct a negotiated sale. A negotiated or private placement process may be utilized due to unusual or complex financing issues as advised by the Secretary-Treasurer after consultation with the Commission's Bond Counsel and Financial Advisor. The Commission will generally issue a request for proposals for its capital lease financings.
- D. **Investment of Bond Proceeds** - The Commission utilizes outside investment management services to invest its bond proceeds in accordance with investment agreements which comply with the Commission's Investment Policy.
- E. **Refunding** - Outstanding debt will be monitored to take advantage of refunding opportunities. Refunding will be considered economically favorable when the net present value savings is projected to be at least three percent of the amount of the bonds to be refunded. When advance refunding, State and Local Government Securities (SLGS) will be purchased to fund the escrow. In cases when SLGS are not available, the escrow may be funded by competitively bid US Treasury securities upon advice of the Secretary-Treasurer in consultation with the Commission's Bond Counsel and Financial Advisor.
- F. **BANs** - The Commission will not issue BANs unless formal authorization for the permanent bond issue has been approved by the Commission and market conditions exist which upon advice of the Secretary-Treasurer, Bond Counsel and Financial Advisor warrant their issuance.
- G. **Derivatives** - Currently, the Commission has no derivative contracts outstanding (including interest rate swap agreements). Prior to entering into any such agreement, a policy addressing how derivatives fit within the overall debt program; the conditions under which derivatives can be utilized; the types of derivatives allowed; approaches for managing derivative risk; and the methods for procuring derivatives shall be developed by the Secretary-Treasurer in



consultation with the Commission's Bond Counsel and Financial Advisor for incorporation into this Policy. No derivative contracts will be used for the purpose of interest rate speculation.

- H. Professional Services** – The Commission will select and utilize professionals to assist in the debt issuance process. When selecting firms, the Commission will comply with Practice 4-10 Purchasing. The Commission will take into account the benefit of maintaining continuity with regard to professional services such as Bond Counsel services.
- I. Other Services** – The Secretary-Treasurer shall procure other services required to complete debt issuances such as escrow agents, verification agents, paying agents, and printers. These services may also be acquired through the efforts of the Commission's Bond Counsel or Financial Advisor.
- J. Bond Rating Services** – The Secretary-Treasurer and the Chairman of the Commission will continue to communicate regularly with the rating agencies to keep them informed of the financial position of the Commission. The communication may be in the form of meetings and/or conference calls depending on the financial issues to be discussed. The Commission will generally seek three ratings for GO Bond issues and will consider the advice of the Commission's Financial Advisor as to the number of ratings if any required for other forms of debt to assure good market access and competitive interest rates.
- K. Measuring Results** – The Commission will utilize market indices and/or results from similar financings as a benchmark for negotiated transactions as well as to evaluate final bond pricing results.

## **VII. Debt Structure**

The Commission will structure its debt based on advice of its Secretary-Treasurer upon consultation with its Bond Counsel and Financial Advisor to enable issuance at the lowest possible cost considering benefits and risks associated with the recommended structure and compliance with the pay-out ratio target.

- A. Maximum Term** – Generally, the Commission will issue debt with a maximum term of 20 years; however, a term of up to 50 years is permitted by law if the useful life of the assets financed equals or exceeds that term.
- B. Principal Repayment** – Debt may be structured with level principal, equal payments or other amortization schedule which best meets the Commission's financial plan and complies with the targeted pay-out ratio.
- C. Interest Rates** – The Commission will generally issue fixed-rate debt; however depending on market conditions and other factors, variable-rate debt may be

issued. The par amount of outstanding variable-rate debt may not exceed 15% of the total outstanding debt issued for each County to limit interest rate risk.

- D. Deferred Principal and Capitalized Interest** – The Commission may capitalize interest and defer principal payments while an asset is under construction and for one year subsequent to completion to better match the debt service expense with utilization. Deferred principal payments and interest capitalization will not be utilized with GO Bonds.
- E. Original Issue Premium** – The Commission’s GO Bonds may be sold at a premium in accordance with conditions stated in the Notice of Sale. Revenue bonds may be sold at a premium or discount.
- F. Call Provisions** – The Commission will consider the advice of its Financial Advisor in structuring call provisions recognizing the need to balance the desire for shorter call periods to enable earlier refinancing against current market conditions to achieve low interest rates.
- G. Bond Insurance** – Prior to the time of debt issuance, the Commission will determine whether bond insurance would provide a financial benefit based on the net present value of the premiums and the projected debt service savings. Also to be considered are other market factors which impact the bond insurer’s financial position. Decisions on bond insurance will be made based on the advice of the Commission’s Secretary-Treasurer in consultation with the Commission’s Bond Counsel and Financial Advisor.
- H. Taxable Debt** – It is the Commission’s general policy to issue tax-exempt debt to enable debt issuance at the lowest possible cost. However, in the event that the purpose of the debt issuance may involve private use or to take advantage of government programs which may be of benefit, taxable debt may be issued upon the advice of the Commission’s Secretary-Treasurer in consultation with the Commission’s Bond Counsel and Financial Advisor.

#### **VIII. Debt Management Practices**

- A. Investment Proceeds** – Bond and other debt proceeds will be invested in accordance with the Commission’s Investment Policy and the IRS Section 148 Tax Certificate. Records will be maintained to enable compliance with IRS regulations related to tax-exempt debt. If proceeds remain outstanding three years after issuance, they will be yield restricted as required the Tax Certificate.
- B. Continuing Disclosure** – The Secretary-Treasurer and Finance staff will comply with the continuing disclosure commitments by the Commission in connection with Rule 15(c) 2-12 under the Securities and Exchange Act of 1934 by filing an annual report with the Municipal Securities Rulemaking Board’s EMMA system

as the nationally recognized municipal securities information repository disclosing certain financial information.

- C. Arbitrage Regulations** – The Commission will comply with all federal tax regulations including the tracking of investment earnings on bond proceeds and use of bond proceeds, calculating rebate payments and rebating positive arbitrage earnings to the IRS in a timely manner to protect the tax-exempt status of the related outstanding debt.
- D. Intention to Reimburse** – The Commission issues debt depending on the cash flow needs to support its capital improvement program and capital equipment purchases. In accordance with Commission Resolution No. 92-03, the Secretary-Treasurer will execute an Intent to Reimburse Certificate for each form of debt at the beginning of each fiscal year to document the intentions to reimburse expenditures prior to debt issuance as is required by IRS regulations.
- E. Bond/Debt Proceeds Accounts** – The Secretary-Treasurer or designee will direct disbursements from bond/debt accounts including construction/project accounts, debt service reserve accounts, cost of issuance accounts and other accounts which may be required. Investment earnings on the accounts will be disbursed in accordance with the IRS Section 148 Tax Certificate to the Commission bank accounts per direction in the investment management agreements. Investment earnings must be utilized on project expenditures or for debt service.
- F. Other Covenants** – The Secretary-Treasurer or designee will be responsible for complying with all debt covenants. Schedules shall be maintained to monitor compliance.
- G. Document Retention** – All documents related to debt issuance including official statements, CAFRs, bond transcripts, and rebate calculations shall be retained until five years after the final maturity of the debt.
- H. Revisions to the Debt Management Policy** – The Secretary-Treasurer will review this policy every three years to ascertain that is it current with municipal market practices, and any revisions will be approved by the Commission and sent to the State Treasurer.



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

*Reply To*

March 1, 2017

Adrian R. Gardner  
General Counsel  
6611 Kenilworth Avenue, Suite 403  
Riverdale, Maryland 20737  
(301) 454-1670 • (301) 454-1674 fax

Memorandum

TO: The Maryland-National Capital Park & Planning Commission

FROM: Adrian R. Gardner  
General Counsel

Donna Y. Calcote-Heatley  
Principal Counsel

Nicholas D. Dumais  
Assistant General Counsel

RE: Adoption of the updated M-NCPPC Park Rules and Regulations

---

This memorandum is to present for your review and adoption the final draft of the updated M-NCPPC Park Rules and Regulations, labeled Discussion Draft 5.0 and attached to this memorandum.

Background

Commission staff presented Discussion Draft 4.1 to the Montgomery County Planning Board at its January 19, 2017 meeting and Discussion Draft 4.2 to the Prince George's County Planning Board at its January 26, 2017 meeting.<sup>1</sup> These near-final drafts were offered for the Boards' review and comment. After requesting several minor revisions, both Boards agreed to schedule a full Commission agenda item to review and adopt a final draft of the updated Park Rules.

---

<sup>1</sup> Discussion Draft 4.2 mirrored Draft 4.1 except for a few additional revisions reflecting comments from the Montgomery County Planning Board.

Discussion

Discussion Draft 5.0 reflects several revisions to Discussion Draft 4.1 and 4.2 as requested by the Planning Boards, in addition to a handful of clarifying edits. These changes are summarized below:

1. An adoption date of March 15, 2017 and an effective date of July 1, 2017. (Draft 5.0 pp. 1, 6, 10).

Representatives of the Prince George's County Department of Parks and Recreation, the Montgomery County Department of Parks, and the Commission's Park Police agreed that an effective date of July 1 would give their staff sufficient time to prepare for the new Rules.

2. Revisions to Chapter I, Section 3, clarifying the Park Directive promulgation and "call-up" process. (Draft 5.0 pp. 4-6).

At the January 26, 2017 Prince George's County Planning Board meeting, Commissioner Doerner requested that staff revise the Rules to clarify that only the full Commission has the authority to "call-up" a Park Directive that covers parkland in both Montgomery and Prince George's Counties. This necessitated changes to Section 3(B) and (E) and the insertion of a new Section 3(F). Section 3(B) was also thoroughly revised to provide clearer guidance to the Directors on promulgating new Park Directives.

3. A revision to the definition of Electric Bicycle in Chapter II, Section 1(G). (Draft 5.0, p. 8).

After discussions with Park Police representatives, it became clear that for enforcement purposes, the portion of the definition describing an electric bicycle's maximum speed was unnecessary. Eliminating 1(G)(5) also removes a point of confusion raised by both Montgomery and Prince George's County Board members.

4. A clarification to the restriction on Vaping in Chapter IV, Section 3(D). (Draft 5.0, p. 19).

Staff recommends that the Rules prohibit vaping "inside an enclosed Facility" rather than "inside Park Property," which was likely to cause some confusion. Staff always intended for this provision to prohibit vaping in enclosed structures on park property.

5. Additional restrictions on the use of remote controlled aerial devices, including drones, in Chapter V, Section 1(B). (Draft 5.0, p. 26).

These revisions are intended to reflect that in many instances, federal and state laws also substantially restrict drone use. This section was also revised to prohibit the possession of remote controlled aerial devices on Park Property or the use of such devices above Park Property without the appropriate permit or other Commission authorization.

6. A minor revision to Chapter V, Section 4(C)(4)(b) regarding a bicyclist's obligation to yield to other vehicular traffic. (Draft 5.0, p. 27)

Rather than setting out a Commission-specific standard, the revised rule requires that bicyclists yield to vehicular traffic if required by State law. This revision is intended to simplify enforcement and accommodate possible changes to State law regarding bicyclist/driver interactions at crosswalks.

7. A minor revision to Chapter V, Section 4(F) regarding a bicyclist's obligations to use lights and reflectors in certain conditions. (Draft 5.0, p. 28).

This change is intended to reflect Commissioner Anderson's comments at the January 19 Montgomery County Planning Board meeting. Commissioner Anderson pointed out that in addition to reflectors, bicyclists can use other forms of rear end illumination under State law.

#### Recommendation

If the Commission finds the changes shown in Discussion Draft 5.0 acceptable, staff recommends that the Commission adopt Draft 5.0 as the new M-NCPPC Park Rules & Regulations, with an effective date of July 1, 2017.



## Park Rules and Regulations

### GOVERNING USE OF COMMISSION PARKS AND RECREATION FACILITIES IN PRINCE GEORGE'S AND MONTGOMERY COUNTIES

Effective July 1, 2017

#### Table of Contents

*Chapter I: Purpose, Authority, and Other Matters*

- Section 1. Purpose
- Section 2. Authority
- Section 3. Park Directives
- Section 4. Effective Date

*Chapter II: Definitions and Construction*

- Section 1. Definitions
- Section 2. Rules of Construction

*Chapter III: Regulation of Public Use*

- Section 1. Preamble
- Section 2. Hours of Operation, Unauthorized Presence
- Section 3. Regulation of Certain Assemblies
- Section 4. Permits

*Chapter IV: Prohibited Activities and Conduct*

- Section 1. Preamble
- Section 2. General Provisions
- Section 3. Alcohol, Controlled Substances and Smoking
- Section 4. Indecent Conduct, Harassment
- Section 5. Assembly, Obstruction and Interference
- Section 6. Interference, Official Duties
- Section 7. Destruction of Park Property
- Section 8. Littering, Dumping and Storage
- Section 9. Posting Notices
- Section 10. Erecting Structures, Enclosures
- Section 11. Commercial Activities
- Section 12. Amplified Sound and Noise



- Section 13. Motorized Vehicle Service
- Section 14. Firework and Explosives
- Section 15. Weapons
- Section 16. Gambling
- Section 17. Metal Detectors, Digging
- Section 18. Animals & Wildlife
- Section 19. Trees, Plants and Minerals
- Section 20. Found Objects
- Section 21. Archaeological and Cultural Artifacts, Fossils
- Section 22. Intended Use of Park Property

*Chapter V: Regulation of Certain Recreational Activities*

- Section 1. Aeronautical Activities
- Section 2. Amusement/Play Equipment
- Section 3. Athletic Fields
- Section 4. Bicycling
- Section 5. Boating
- Section 6. Camping
- Section 7. Fires
- Section 8. Fishing
- Section 9. Golf
- Section 10. Horseback Riding
- Section 11. Hunting/Trapping
- Section 12. Picnicking
- Section 13. Roller Skating and Similar Activities
- Section 14. Segways and Other Motorized Devices
- Section 15. Swimming
- Section 16. Winter Activities

*Chapter VI: Regulation of Traffic and Parking*

- Section 1. Preamble
- Section 2. Permissible Roadways
- Section 3. Speed Limit
- Section 4. Vehicle Weight and Certain Activities
- Section 5. Parking Regulations
- Section 6. Impoundment of Illegally Parked or Abandoned Vehicles

*Chapter VII: Encroaching on Park Property*

Section 1. Preamble

Section 2. Encroachment Prohibited

Section 3. Examples of Encroachments

Section 4. Enforcement

*Chapter VIII: Violations and Miscellaneous Provisions*

Section 1. Violations and Penalties

Section 2. Employees Working

Section 3. Law Enforcement; First Responders

Section 4. Certain Exception for Park Programs

Section 5. Severability



*Chapter I: Purpose, Authority and Other Matters*

Section 1. Purpose

The Commission has a responsibility to establish rules and regulations: to provide for the safe and peaceful use of Commission property and parks by the public; for the cultural, educational and recreational benefit and enjoyment of the public; and for the sustainable protection and preservation of the property, facilities, and natural resources entrusted to Commission stewardship.

Section 2. Authority

These Regulations are promulgated pursuant to the Laws of Maryland, including Md. Code, Land Use §§ 20-204 17-101(d), 17-207, 17-208, 17-209, 17-302(b)(4), 25-804, and 25-807(c), each as amended from time to time.

Section 3. Park Directives

(A) Subject to the limitations provided below ~~in Subsection (D)~~, the Commission authorizes a Director to issue Park Directives appropriate for the purposes enumerated in these Regulations.

(B) A Director must issue all Park Directives in writing. The promulgation of a new Park Directive or a change to or rescission of an existing Park Directive must adhere to the following procedures:

(1) At least ten (10) days before a regularly-scheduled public meeting of a Planning Board or the full Commission, as **appropriate given the Park Directive's applicability, the Director must cause the proposed Park Directive to be published on the meeting's public agenda. Publication on the agenda is for public notice only, and no further action of the Planning Board or Commission is required, unless the Board or Commission votes to consider the Park Directive as described in subsections (E) or (F) below.**

(2) If the Planning Board or the full Commission takes no action on the proposed Park Directive or votes to allow the Director to move forward under subsections (E) or (F), the Director must promulgate the Park Directive by causing

it, or pertinent provisions thereof, to be: (a) published and maintained on the appropriate Commission website or websites; (b) posted by signs affixed in appropriate places as required under these Regulations; and (c) transmitted to the Park Police and the Executive Director, Secretary-Treasurer, and General Counsel of the Commission.

~~(B) A Director must promulgate, modify, or rescind any Park Directive in writing, and must then:~~

~~— (1) Transmit the Park Directive to the Planning Board of that county for publication together with its agenda advertising a regular meeting occurring at least ten (10) days after such transmittal. Publication with the agenda is for the purpose of providing public notice only, and no further action of the Planning Board is required;~~

~~(2) Cause the Park Directive, or the pertinent provisions thereof, to be: (a) published and maintained on the appropriate Commission website or websites; and (b) posted by signs affixed in appropriate places as required under these Regulations.~~

~~(3) Transmit the Park Directive to the Park Police and the Executive Director, Secretary-Treasurer, and General Counsel of the Commission.~~

(C) The adoption or modification of a Park Directive is effective on and after the later of: (1) the date specified therein as its effective date; or (2) the first date it has been both published and posted as provided above in Subsection (B). A Park Directive shall continue in full force and effect until a termination date specified therein or, if no such termination date is specified, indefinitely until it is modified or rescinded.

(D) A Director shall not issue any Park Directive that conflicts with these Regulations, or with any Commission Practice or other rule, regulation or policy of general applicability adopted by resolution, or other binding corporate action of the Commission.

(E) Subject to the following procedures, ~~at~~ **the Montgomery or Prince George's County** Planning Board may consider and act upon a proposed or effective Park Directive ~~applicable only in~~ **that Planning Board's county:**

(1) A Planning Board member may move in open session to consider a proposed or effective Park Directive ~~applicable only to that county.~~ If the motion is seconded, and if a majority of board members meeting in open session vote in favor of the motion, the Planning Board chair must schedule a discussion of the Park Directive on the board's agenda when practicable for consideration.

(2) If a Planning Board votes to consider a proposed Park Directive, the Park Directive will not become effective unless the board votes to order the Director to promulgate it. If a Planning Board votes to consider a Park Directive already in effect, that Park Directive remains operative and in effect unless the Board votes to order the Director to modify or rescind it.

(3) Upon a favorable vote to consider a Park Directive proposed or in effect, the chair shall include notice of the pending board discussion for at least ten (10) days to offer the opportunity for members of the public to provide comment, except that, in the event of an exigency or other due cause as determined by the chair, the board consideration and any subsequent vote may be taken with less notice.

(4) After considering the Park Directive and any public comments, the Planning Board may, by a vote of a majority of members meeting in open session, order the applicable Director to promulgate, modify, or rescind the Park Directive.

~~(F) The full Commission may consider and act upon a Park Directive applicable in~~ **both Montgomery and Prince George's Counties** ~~by following the procedures listed~~ in subsection (E) above.

#### Section 4. Effective Date

These Regulations will be effective at 12:01 a.m. on July 1, 2017, and remain in effect until such time as they may be modified or revoked as provided by law.

*Chapter II: Definitions and Construction*

Section 1. Definitions

Terms capitalized in these Regulations are given the meanings prescribed in this Section.

(A) *Authorized Person*: A Director or another person who is authorized by the Director to take an action or make a determination on the Director's behalf as enabled or required by these Regulations.

(B) *Bicycle*: A self-propelled bicycle or tricycle not including any Electric Bicycle, motorized, or other similar electronically assisted vehicle.

(C) *Commercial Activity*: Any activity on Park Property, whether for profit or not, that solicits, promotes, or effectuates a transaction for value with Commission patrons or visitors, or that otherwise employs Park Property, patrons, or visitors for a commercial purpose, including,

(1) selling, vending, or peddling of any sort (food, beverages, merchandise, amusements, services, etc.);

(2) advertising or promoting merchandise, services, memberships, events, amusements, etcetera (by distributing handbills, displaying signs, or otherwise);

(3) instructing or demonstrating anything for hire (classes for athletics, sports, dancing, tutoring, etcetera);

(4) holding any event open for admission to the general public in exchange for money or anything of value; and,

(5) producing commercial photography, videography, or films.

(D) *Commission*: The Maryland-National Capital Park and Planning Commission.

(E) *Department*: The Montgomery County Department of Parks and the Prince George's County Department of Parks and Recreation (or a successor department).

(F) *Director*: A person

- (1) appointed pursuant to the Md. Code, Land Use § 20-204, respectively as the
  - (a) Director of the Commission's Montgomery County Department of Parks (or successor department thereto); or
  - (b) Director of the Commission's Prince George's County Department of Parks and Recreation (or successor department thereto);
- or
- (2) authorized to discharge a Director's responsibilities during his or her extended absence or incapacitation

(G) Electric Bicycle: A vehicle that

- (1) is designed to be operated by human power with the assistance of an electric motor;
- (2) is equipped with fully operable pedals;
- (3) has two or three wheels; and
- (4) has a motor with a rating of 500 watts or less; ~~and~~
- ~~(5) is capable of a maximum speed of 20 miles per hour on a level surface when powered by the motor.~~

(H) Electronic Personal Assistive Mobility Device (EPAMD): A pedestrian device that

- (1) has two (2) nontandem wheels;
- (2) is self-balancing;
- (3) is powered by an electric propulsion system;
- (4) has a maximum speed capability of fifteen (15) miles per hour;
- and (5) is designed to transport one person.

(I) Encroach: To cause any unauthorized use, occupation, possession, or obstruction of, or other interference with, Park Property, anything on Park Property, or the existing state of Park Property.

(J) Facility: Any structural or other improvement to Park Property. Facilities include ball fields, pavilions and other improvements to property that are not necessarily enclosed.



(K) **Organized Play:** Any sport or athletic contest or event that includes uniformed players and an assemblage of at least thirty-five (35) people that may include contestants, officials, or spectators.

(L) **Park Directive:** A policy, rule, procedure, mandate, or similar directive promulgated by a Director pursuant to Chapter I, Section 3 of these Regulations: (1) as applicable with respect to one or more specified Park Properties, Facilities, or Park Programs; and (2) for a purpose authorized by these Regulations.

(M) **Park Police:** The police officers appointed by the Commission pursuant to Md. Code, Land Use § 17-301.

(N) **Park Program:** Any activity, program or event utilizing Park Property that is sponsored by the Commission and open to public attendance or participation.

(O) **Park Property:** Any land or water, devoted to park or recreation uses and owned, operated, or established otherwise by the Commission, and all vegetation or natural substances, and including any Parkway, Facility, and other buildings, fixtures, monuments, structures, and their contents located on such land or water.

(P) **Parkway:** Sligo Creek Parkway, Beach Drive, or Little Falls Parkway.

(Q) **Permit:** A document issued by a Director or an Authorized Person affirmatively granting permission for its holder to undertake a specified act or activity otherwise prohibited by these Regulations, or for which these Regulations require a Permit as a condition of such act or activity. For the purpose of these Regulations, a Permit may include a contract, license or lease, Facility rental, Park Program or event, or a similar agreement made by the Commission in the ordinary course and which reasonably includes a grant of permission for the act or activity taken.

(R) Regulations: These Park Rules and Regulations adopted by the Commission as of March 15, 2017.

(S) Smoke: Any use of a lighted cigarette, cigar, pipe, or similar device that is designed to ignite a solid material (including tobacco, cloves, marijuana, and similar materials of any nature) and deliver the resultant smoke for ingestion as an inhalant. Smoking does not include Vaping.

(T) Vaping: Using e-cigarettes, vaping, and other devices that utilize electronic technologies to vaporize a liquid or sublimate a solid material to produce a gaseous discharge or vapor for ingestion as an inhalant. Vaping does not include Smoking.

#### Section 2. Rules of Construction

(A) When used in these Regulations, the terms “include” or “including” are used by way of example or illustration only, and not in any case for the purpose of limitation.

(B) When used in these Regulations, the singular form shall include the plural, the masculine shall include the feminine and neuter, and the feminine shall include the masculine and neuter.

*Chapter III: Regulation of Public Use*

Section 1. Preamble

The Commission celebrates diversity and welcomes the general public to share Park Property, Facilities, and Park Programs without regard to any person's race, sex, age, color, creed, national origin, marital status, sexual orientation, gender identity, or disability. The Commission may implement administrative policies, practices, and procedures complimentary to its abiding value of providing equal access and equitable opportunities for everyone to enjoy the property and experiences entrusted to the Commission stewardship.

Section 2. Hours of Operation, Unauthorized Presence

(A) Park Property and Facilities are open daily to the public from sunrise to sunset, except:

(1) A Park Directive may provide alternate hours of operation for a Park Property or Facility, including alternate hours deemed appropriate for any trail or trail segments that facilitate bicycle and pedestrian commuting, urban parks, athletic fields, tennis and basketball courts with lighting, and other facilities or areas as appropriate.

(2) A Park Program on Park Property or in Facilities may operate during extended hours.

(3) A Permit may authorize alternate hours of operation or the extended use of a Park Property or Facility.

(4) Parkways remain open twenty-four (24) hours a day for transient motor vehicle traffic only.

(5) Paved trails on Park Property remain open between the hours of 5:00 a.m. and 12 midnight for transient Bicycle traffic only, unless posted otherwise.

(6) An Authorized Person may establish a temporary holiday schedule for a Park Property or Facility.

(7) Operating hours are subject to applicable terms, conditions, and rules limiting access, use or participation, including the payment of applicable fees or similar charges for admission.

(B) The Park Police or other Authorized Person may open or close any Park Property, Facility or Parkway in the event of any exigent circumstance, emergency, inclement weather, or other appropriate official purpose. Such opening or closing will be posted in advance when possible for public notice.

(C) (1) No person shall enter, or be present within, a Park Property or Facility when closed. Violation of the foregoing may subject the violator to civil or criminal penalties.

(2) No person shall enter, or be present within, a business office or other area that is closed to public access. Violation of the foregoing may subject the violator to civil or criminal penalties.

### Section 3. Regulation of Certain Assemblies

(A) Any group of people that assembles to constitute or participate in a parade, procession, special event, demonstration, picket line, rally, or similar event on Park Property is required to procure a Permit authorizing such assembly, except as provided below in Subsection (B).

(B) A group consisting of thirty-five (35) or fewer people that assembles for an activity described above in Subsection (A) is not required to procure a Permit if all of the following requirements and conditions are met:

(1) The group must congregate outdoors in an area of the Park Property or Facility open to the general public, and at time when that area is open to the general public without any fee or charge for admission.

(2) The group must not engage in a Commercial Activity or any other activity for which a Permit is required by these Regulations.

(3) The group may congregate only where it is safe (e.g., without obstructing the flow of vehicle, Bicycle, or pedestrian traffic), and only where the likelihood of damage to any Park Property or Facility is remote (e.g., without risk of damage to fitness equipment, sod, or protective coverings), each as determined in the discretion of the Park Police or other Authorized Person.

(4) The group must not use or assert use of any Park Property or Facility (or any area therein) to the exclusion of others, if the Commission ordinarily requires a Permit for exclusive use of such area (e.g., a pavilion, athletic field, or camping area).

(5) The group must not occupy a space or area that conflicts with, encroaches upon, obstructs, disrupts or otherwise interferes with the conduct of Commission business, or the use, quiet and peaceable enjoyment of a Park Property, Facility, or Park Program by others lawfully present in that space or area (including any such interference with the lawful use pursuant to this Subsection by another group that congregated first in the same area or its vicinity).

(6) The group must not affix signs, banners, or placards of any sort to a Park Property or Facility by any means whatsoever, including by placing stakes into the ground, unless it obtains a Permit.

(7) The group must not utilize equipment to amplify sound.

#### Section 4. Permits

(A) A Permit is required for any of the following purposes or circumstances:

(1) To reserve the use of a Park Property or Facility to the exclusion of others, including athletic courts or fields, recreation buildings, camping and group picnic areas, designated picnic shelters, and any other such facility as designated by Park Directive.

(2) To authorize the use of a Park Property or Facility for Organized Play.

(3) To authorize the use of a Park Property or Facility for any Commercial Activity.

(4) To authorize the possession or consumption of alcoholic beverages on Park Property or in a Facility in a place where it is not authorized by Park Directive.

(5) To authorize bus parking.

(6) To authorize the grading, excavation, or disturbance of land for archeological or geological purposes, which must be conducted or overseen by a qualified professional as determined by an Authorized Person.

(7) To authorize any construction activity on Park Property.

(8) To authorize the removal or felling of trees or other vegetation on Park Property.

(9) To authorize the use of amplified sound equipment, lighting equipment or other means of producing ambient lighting on Park Property after dark.

(10) To authorize the assembly of any group for which a Permit is required by Section 3 of this Chapter.

(11) To authorize any event, use, or activity for which a Permit is required by these Regulations.

#### (B) Applying For a Permit

(1) Permit application forms may be obtained on the applicable Department's website, Permit offices, or at other designated locations.

(2) The Commission may require payment of a fee or deposit with the submission of a Permit application.

(3) The Commission may require any supplemental information it deems necessary or appropriate to exercise due diligence in evaluating any Permit application.

#### (C) Evaluation of Permit Application

An Authorized Person may consider the following factors when evaluating a Permit application:

(1) Whether the requested Facility or activity area within Park Property is: (i) available on the date and time requested or another mutually accepted date and time; (ii) safe and appropriate for the specific event or use proposed in the application; and (iii) able to accommodate the proposed use without a likelihood of conflicts, disruptions, or incompatible experiences with other uses or activities in the Park Property or Facility.

(2) Whether the use or event proposed: (i) is consistent with maintaining the open, unspoiled, natural condition of the applicable Park Property; (ii) would create any unsafe condition in the area within or immediately surrounding the applicable Park Property or Facility; or (iii) would otherwise create or lead to a violation of any local, state or federal law.

(3) Whether any extraordinary security requirements or parking, vehicular and pedestrian traffic control or similar measures would be necessary or appropriate to keep good public order or mitigate public safety risks that may arise during the use proposed.

(4) Whether any measures would be necessary or appropriate to maintain adequate sanitation, provide adequate drinking water, and otherwise protect the public health during the use proposed.

(5) Whether the Permit applicant or any other party affiliated with, controlled by, or legally responsible to the Permit applicant has: (i) provided to the Commission any information in connection with the pending or any previous Permit application that was false or materially misleading; (ii) failed to comply on a prior occasion with the terms or conditions of any Permit issued by the Commission or another park or recreation agency without legal excuse; or (iii) on a prior occasion violated without legal excuse any applicable Commission rule or regulation.

(6) Whether the applicant has the financial capacity and other capabilities necessary to (i) adequately maintain the public health, safety, and welfare during the proposed use or event; and (ii) satisfy the cost of any general liability claims or property damage arising in connection with the applicant's proposed use or event.

(7) Whether the proposed use otherwise comports with the essential operations of the Commission and the general public health, safety, and welfare.

(D) Issuance or Denial of Permit Application

(1) Within a reasonable length of time following receipt of a completed Permit application, all required fees and deposits, and all information requested by an Authorized Person, the Authorized Person shall either issue the Permit or provide the applicant with a written statement indicating the reasons for denying the Permit.

(2) An Authorized Person may issue a Permit subject to any reasonable terms or conditions, including (i) any terms or conditions deemed appropriate to manage or adequately control a situation or factor described above in Subsection (C); or (ii) the terms or conditions described below in Subsection (E).

(3) A Permit may be issued for a single time use, seasonally, or on an indefinite basis as appropriate for the Park Property, Facility or applicable portion thereof.

(4) A written decision signed by the Director to deny a Permit shall constitute a final decision of the Commission.

## (E) Permit Terms, Conditions and Special Rules

(1) Each Permit issued will be subject to the following terms and conditions:

(a) The Permit holder must make timely payment of all applicable fees and deposits.

(b) Any person participating in a permitted use or event must comply with all applicable local, state, and federal laws.

(c) Any person participating in a permitted use or event must comply with these Regulations and applicable Park Directives, unless, and only to the extent, otherwise provided or authorized by that Permit.

(d) Any person participating in a permitted use or event must comply with all terms and conditions included with the Permit.

(e) The Permit holder must maintain physical possession of the Permit onsite during the permitted use or event and must display the Permit upon request by Commission personnel.

(f) The Permit holder assumes liability for all claims for damage, injury, or loss to any persons or property arising in connection with the Permit holder's use or event, including any such claims attributable to a third-party invitee who participates in the Permit holder's use or event.

(g) No person participating in a permitted use or event may (i) in any way obstruct, delay, or interfere with the free movements of any other person; (ii) seek to coerce or physically disturb any other person; (iii) hamper or impede the conduct of any authorized business or activity on Park Property; or (iv) conduct any activities in a misleading or fraudulent manner.

(2) As a condition of issuing a Permit, the Commission may reasonably require the applicant to

(a) pay a reasonable fee or deposit in advance to defray or cover in full the Commission's estimated cost to facilitate the use or event proposed;

(b) procure, at the applicant's sole expense, one or more policies of insurance (i) naming the Commission as an additional insured, (ii) issued by underwriters acceptable to the Commission, and (iii) providing coverage for general liability or property damage at policy limits determined within the Commission's discretion; and



(c) procure, at the applicant's sole expense, one or more bonds issued by a surety acceptable to the Commission as necessary to guaranty the applicant's compliance with, and timely performance of, various obligations required as terms and conditions of the issuance of a Permit.

(3) A Permit authorizes the Permit holder to use the specified Facility or a site within Park Property to the exclusion of others for the limited purposes specified in the Permit, and only for the dates and times specified therein. During the effective period of a Permit, a Permit holder may limit the use of the site or facility more strictly than the limits imposed by these Regulations or applicable Park Directive, provided that any further limitation is lawful.

(4) The holder of an expired Permit and any other person who does not hold a Permit authorizing the use of a specified Facility or a site within Park Property must vacate that site or Facility promptly upon the arrival of a Permit holder who is so entitled.

(5) The Park Police or an Authorized Person may impose temporary rules to control vehicle parking and pedestrian access related to a permitted event, including ceremonial gatherings, rallies, demonstrations, and pageants.

#### (F) Revocation

Any violation of a rule, term, or condition of a Permit may result in immediate revocation of the Permit, loss of all privileges or authorization otherwise arising under the Permit, and forfeiture of any deposits and fees paid in connection with the Permit.

*Chapter IV: Prohibited Activities and Conduct*

Section 1. Preamble

The Commission is committed to providing the residents of Montgomery County and Prince George's County with exceptional parks and recreational experiences to enjoy in a safe, healthy, and sustainable environment. Visitors to any Park Property and participants in any Park Program must behave in a manner that is respectful of others and preserves the public investment in assets entrusted to Commission stewardship. Certain activities and conduct described further in this Chapter is accordingly prohibited, and any violation of these Regulations may result in civil or criminal penalties. These Regulations and this Chapter apply in addition to, and not in limitation of, any local, state, or federal law that concurrently prescribes or prohibits the activity or conduct of a person present on Park Property.

Section 2. General Provisions

(A) No person shall enter or be present in any Park Property or Facility when or where it is closed to public access, except as authorized by Permit or other invitation by an Authorized Person.

(B) No Permit holder or other person participating in a permitted use or event on Park Property shall violate any terms or conditions of the Permit, including the terms, conditions, and special rules listed in Chapter III § 4(E).

(C) No person shall fail to promptly comply with a command or direction given by the Park Police or other Authorized Person to implement or enforce a provision of these Regulations, applicable Park Directive, or the terms and conditions of a Permit.

Section 3. Alcohol, Controlled Substances and Smoking

(A) No person shall possess, use, or distribute beverages containing alcohol on Park Property, except as authorized by Permit or Park Directive.

(B) No person shall possess, use, or distribute illegal drugs or any controlled dangerous substance on Park Property if possession thereof is subject to criminal or civil prohibition.

(C) (1) No person shall Smoke on Park Property or in any Commission vehicle, except as authorized for specified areas of designated Park Properties, Facilities or specified areas thereof as provided below at Subsection 2 below.

(2) The Director of the Commission's Montgomery County Department of Parks and the Director of its Prince George's County Department of Parks and Recreation, as the applicable case may be in either county respectively, are hereby authorized to designate one or more areas where Smoking a cigarette, cigar or other tobacco product is not prohibited (a "Designated Smoking Area"), subject to the following:

(a) A Designated Smoking Area must be located within a Park Property or Facility that normally generates admission fees, rental fees or similar charges for use.

(b) Use of the Designated Smoking Area for Smoking may be limited further as to a specific time, manner or place associated with generating the admission fees, rental fees or similar charges for use.

(c) The Director's designation of a Designated Smoking Area must be made by issuing a Park Directive. The Park Directive will be issued pursuant to Chapter I §3 (Park Directives).

(d) The Director must cause each Designated Smoking Area to be posted with signage appropriate to give conspicuous notice that the area has been designated as such.

(D) No person shall use a Vaping device (1) inside an enclosed Facility ~~Park Property~~ or in any Commission vehicle; or (2) outside on Park Property in any area where such use is prohibited by posting.

(E) No person shall use chewing tobacco or any other smokeless tobacco product (1) inside Park Property or in any Commission vehicle; or (2) outside on Park Property in any area where such use is prohibited by posting.

Section 4. Indecent Conduct, Harassment

(A) No person shall urinate or defecate on Park Property other than in the restrooms or designated sanitary facilities.

(B) No person shall engage in the act of sexual intercourse or another sexual act of any nature, or shall perform any indecent or obscene act on Park Property.

(C) No person shall verbally threaten or harass another on Park Property, whether the threat or harassment is of a sexual nature or not.

Section 5. Assembly, Obstruction and Interference

(A) No person shall participate in an assembly or group for which a Permit is required by Chapter III § 3, unless the required Permit is issued.

(B) Notwithstanding whether a Permit is issued for an assembly or group, no person participating therein shall

(1) occupy a space or area that conflicts with, encroaches upon, obstructs, disrupts, or otherwise interferes with the conduct of Commission business or the use, quiet and peaceable enjoyment of a Park Property, Facility, or Park Program by others lawfully present in that space or area, including for the purpose of ingress, egress, pedestrian access, or traffic flow;

(2) affix signs, banners, or placards of any sort to any Park Property or Facility by any means whatsoever, including by placing stakes into the ground, except as authorized by Permit or Park Directive; or

(3) utilize equipment to amplify sound or produce ambient lighting after dark.

Section 6. Interference, Official Duties

(A) No person shall obstruct, hinder, or unreasonably interfere with any Commission employee acting in the course of his or her official duties.

(B) No person shall obstruct, hinder, or unreasonably interfere with a first-responder in the performance of his or her official duties.

(C) No person shall obstruct, hinder, or unreasonably interfere with a person engaging in activities pursuant to a valid Permit.

Section 7. Destruction of Park Property

No person shall deface, destroy, injure, misuse, or remove any Park Property.

Section 8. Littering, Dumping and Storage

(A) No person shall litter on Park Property, and all refuse and recyclable materials that originate during a person's presence on Park Property must be placed in designated trash or recycling receptacles.

(B) No person shall deposit any refuse or recyclable materials in a designated trash or recycling receptacle located on Park Property, unless the trash or recyclable materials are generated as such during the person's lawful presence on that Park Property.

(C) No person shall dump, abandon, discard, release, or spill any refuse, bulk trash, liquid or gaseous material, or similar objects or substances on Park Property, except as authorized by Permit, or unless an appropriate receptacle is provided expressly for public use and authorized by posted signage.

(D) No tangible property or material of any kind may be stored or otherwise maintained on Park Property, except as authorized by Permit.

Section 9. Posting Notices

No person shall attach or post any notice, sign, or any similar objects on Park Property, except as authorized by Permit.

Section 10. Erecting Structures, Enclosures

No person shall erect any structure, including a tent or shade canopy, or construct any enclosure on Park Property, whether temporary or permanent in nature, except as authorized by Permit or Park Directive. Unlawful Encroachment on Park Property is further regulated in Chapter VII.

Section 11. Commercial Activities

No person shall solicit or otherwise undertake any Commercial Activity on Park Property, except as authorized by Permit or Park Directive.

Section 12. Amplified Sound and Noise

No person shall operate any device to amplify sound or otherwise create excessive noise so as to disturb the peace and public enjoyment of Park Property, except as authorized by Permit or Park Directive for a particular place or location.

Section 13. Motorized Vehicle Service

No person shall service, repair, clean, or wax any vehicle on Park Property, except in case of a bona fide emergency.

Section 14. Fireworks and Explosives

No person shall possess or discharge any fireworks or other explosive materials or devices on Park Property, except as authorized by Permit.

Section 15. Weapons

No person shall carry, possess, or discharge a bow and arrow, dart, firearm, ammunition for a firearm, knife with a blade longer than three (3) inches, or any other dangerous

weapon on Park Property except where authorized in designated areas by Park Directive; provided, that this provision does not apply to any law enforcement officer.

Section 16. Gambling

No person shall engage in gaming or gambling for money or any other thing of value on Park Property, except as authorized by Permit for charitable purposes.

Section 17. Metal Detectors, Digging

No person shall use a metal detector or dig into the surface of Park Property, except as authorized by Permit.

Section 18. Animals & Wildlife

(A) Except in designated areas, no person shall bring or possess an animal on Park Property without keeping it at all times on a physical leash that is attached to the animal by collar or harness.

(B) No person who brings an animal onto Park Property shall fail to immediately clean up and remove the animal's feces or other waste from the Park Property or dispose of the waste in a receptacle designated for that purpose.

(C) No person shall allow an animal to graze on Park Property, except as provided by Permit.

(D) No person shall abandon or release any animal, whether domestic or wild, anywhere on or about Park Property, except as authorized by Permit or by Park Directive. Domestic animals that are lost, escaped, or abandoned on Park Property may be impounded and shall be treated in accordance with applicable local, state, and federal laws.

(E) No person shall bring or possess a domestic animal, except for a bona fide service animal, on Park Property in any area where such animals are prohibited as indicated by a sign posted by the Commission.

(F) No person shall catch, injure, destroy, or interfere in any way with any wildlife on Park Property, except as otherwise provided by Chapter V § 8 (Fishing) and § 11 (Hunting/Trapping).

Section 19. Trees, Plants and Minerals

(A) No person shall injure, destroy, or interfere in any way with any trees, plants, or minerals on Park Property, except as authorized by Permit or Park Directive.

(B) No person shall plant or harvest vegetation or cause the planting or harvesting of vegetation on Park Property, except as authorized by Permit or Park Directive.

(C) No person shall remove, cut, saw, or otherwise attempt to remove in any manner any live or dead trees, limbs, branches, roots, or any other part of a tree on Park Property, except as authorized by Permit.

Section 20. Found Objects

(A) A person shall report and surrender to the Park Police any object or other personal property belonging to someone else promptly upon finding it. A person must report and surrender found personal property as required by this subsection.

(B) Any Commission employee who takes possession of personal property that is found with a fair market value exceeding twenty dollars (\$20.00) must promptly notify the Park Police. The Park Police may take custody of any such item of significant value as determined in its discretion.



(C) The Park Police shall maintain an inventory of the found objects in its custody or otherwise collected by Commission employees, and shall report to the Director periodically on the status thereof.

(D) A person who is the owner of any found item in the custody of the Park Police may recover such property by presenting proper identification and sufficient evidence of ownership at Park Police Headquarters.

(E) Any found items that are not claimed within three (3) months of receipt by the Commission shall be deemed abandoned and may be destroyed, donated to charity, or become the property of the Commission.

Section 21. Archaeological and Cultural Artifacts, Fossils

No person shall remove fossils, archaeological, or cultural artifacts from Park Property, including projectile points, historic bottles, historic coins, and war relics, except as authorized by Permit.

Section 22. Intended Use of Park Property

No person shall misuse or abuse any Park Property by utilizing it in any manner other than as appropriate according to its intended design or in another manner in which the Commission normally employs that Park Property in the ordinary course.

*Chapter V: Regulation of Certain Recreational Activities*

Section 1. Aeronautical Activities

(A) Piloted Aircraft. No person shall operate, fly, or launch any airplane, helicopter, gyrocopter, helium or hot-air balloon, hang glider, parachute, ultra-light plane, or similar craft or aerial vehicle that requires an onboard pilot from Park Property, except

(1) as authorized by Permit; or

(2) as authorized expressly for College Park Airport (i) by applicable state and federal aviation laws and regulations; and (ii) subject to applicable Park Directives.

(B) Remote Controlled and Similar Devices. No person shall possess, operate, fly, control, or launch any model aircraft, model helicopter, model rocket, powered projectile, drone, unpersonned aerial vehicle, or similar airborne device remotely from or above Park Property, except in a manner that is consistent with all applicable State and Federal laws and regulations and

(1) as authorized by Permit, and only if conducted in a manner that not hazardous to Commission personnel or the general public; or

(2) as authorized expressly in designated areas, subject to applicable Park Directives, and only if conducted in a manner that is not hazardous to Commission personnel or the general public.

(C) Prohibited Devices. Certain powered or unpowered flying devices, including manja or other types of kites or projectiles deemed to be hazardous to Commission personnel or the general public, may be prohibited by Park Directive.

Section 2. Amusement/Play Equipment

The temporary construction and/or use of amusement play equipment, (including a moon bounce, carousel, dunk tank, ball crawl, and pony ride) is permissible only as authorized by Permit.

Section 3. Athletic Fields

Notwithstanding a Permit previously issued, an Authorized Person may cancel, suspend, or restrict the use of an athletic field if wet grounds or other unsuitable conditions may result in damage to the grounds or related areas.

Section 4. Bicycling

(A) All bicyclists and their passengers operating on Park Property must adhere at all times to applicable State and local laws.

(B) Unless otherwise posted, bicycling is permitted on roads on Park Property, including Parkways.

(C) Unless otherwise posted, bicycling is permitted on official paved and natural surface trails on Park Property, subject to the following requirements:

(1) Bicyclists must yield to pedestrians and horseback riders at any trail crossing and must otherwise exercise due care to avoid colliding with any other trail users.

(2) Bicyclists must not operate at a speed exceeding the lesser of

(a) a posted trail speed limit; or

(b) a speed that is reasonable and prudent under existing conditions or as directed by Park Police or other Authorized Person.

(3) Bicyclists must keep right, except as necessary to pass, and must alert other trail users before passing.

(4) Bicyclists operating on trails must

(a) obey any sign, signal, or other traffic control device at intersecting roadways; and

(b) yield to ~~all~~ vehicular traffic if required by State law. ~~if (i) the intersection is not controlled by a sign or signal or (ii) the intersecting roadway is not another trail;~~

(D) A trail on Park Property where operating a Bicycle is allowed is deemed a “Public Bicycle Area” within the meaning of Md. Code, Transp. § 21-101(o), as amended from time to time.

(E) No person shall operate a Bicycle on any surface:

- (1) that is not a trail or roadway area authorized under this Section, or
- (2) in any Facility or other area that is not designed for bicycling or intended to withstand Bicycle use without damage, including building interiors, tennis courts, basketball courts, athletic fields, landscaped areas, and other park structures.

(F) Bicyclists riding on Park Property before dawn or after dusk pursuant to these rules must use a front bicycle lamp that emits a white light and ~~a rear end reflector~~ rear end illumination as described by Md. Code, Transp. § 21-1207(a), as amended from time to time.

#### Section 5. Boating

(A) No person shall operate or launch a boat or other watercraft on any lake, stream, pond, river bank, or other Park Property except as authorized by Permit.

(B) Operators and occupants of permitted watercraft must comply with all applicable Park Directives and local, state, and federal law governing the use and operation of such watercraft.

#### Section 6. Camping

No person shall camp on Park Property except as authorized in designated areas by Permit or Park Directive, and subject to payment of applicable fees.

Section 7. Fires

(A) Fires are permissible only in (1) fireplaces or grills designated by the Commission for this purpose; and (2) personal grilling equipment or camp stoves in areas designated for picnics or camping.

(B) Before leaving a site after a fire, a person who makes the fire must

(1) soak any hot coals with water thoroughly until they are cold; and

(2) dispose of the wet coals in steel receptacles labeled "COALS ONLY," if available, or, if not available, remove the wet coals from Park Property.

(C) Making fires may be further limited or prohibited by Park Directive.

Section 8. Fishing

Unless otherwise posted, fishing is permissible on Park Property subject to compliance with the angler's licensing and other requirements set forth in Md. Code, Nat. Res. Title 4, as amended from time to time, or in any other applicable local, state, or federal law.

Section 9. Golf

Playing or practicing golf is permissible only on established golf courses or driving ranges, or other golf practice areas designated by Park Directive.

Section 10. Horseback Riding

Horses are permitted only in designated or established areas and trails.

Section 11. Hunting/Trapping

(A) No person shall hunt on Park Property except

(1) as authorized by Permit;

(2) in areas designated by Park Directive; and,

(3) in compliance with Park Directives and subject to applicable local, state, and federal laws.

(B) No person shall trap wildlife on Park Property except as authorized by Permit, which shall only be issued for a scientific or animal control purpose.

Section 12. Picnicking

Picnicking by a group of thirty-five (35) or fewer is permissible in designated picnic areas or as authorized by Permit or Park Directive. Picnic areas not requiring a Permit are available on a "first-come, first-served" basis.

Section 13. Roller Skating and Similar Activities

Roller skating, inline skating, roller-blading, self-propelled scooters, skateboarding and operating other self-propelled locomotive devices or equipment are permissible except

(A) in areas where prohibited by Park Directive and posted accordingly; or

(B) on any surface, or in any Facility or other area that is not designed or intended to withstand use of such device without damage, including building interiors, athletic fields, playground equipment, landscaped areas, and other park improvements.

Section 14. Segways and Other Motorized Devices

(A) No person shall operate an unlicensed motorized scooter, motorized or electrically assisted bicycle, Electric Bicycle, segway, hover-board or similar motorized personal locomotive device except

(1) as authorized by Permit; or

(2) in areas where expressly designated by Park Directive and posted accordingly.

(B) The prohibition in this Section shall not apply to motorized wheelchairs and other equipment or devices necessary to accommodate a disability or impairment of personal mobility.

Section 15. Swimming, Water Sports

Swimming, wading, and other water sports in streams, ponds, lakes, and rivers is permissible only in areas authorized by Park Directive and posted accordingly.

Section 16. Winter Activities

(A) Snowshoeing and cross-country skiing are permissible in areas suitable under the circumstances.

(B) Ice skating, sledding, skiing, snowboarding, snowmobiling, tobogganing, tubing, or any other winter sports are permissible only in areas designated by Park Directive and posted accordingly.

*Chapter VI: Regulation of Traffic and Parking*

Section 1. Preamble

(A) To assure the public safety on Park Property, any operator of a vehicle must comply with applicable laws and regulations that pertain to such operation, including these Regulations and the Maryland Vehicle Law (Md. Code, Transp. Titles 11 through 27).

(B) Notwithstanding a law, regulation, or posted traffic instruction, any operator of a vehicle on Park Property must comply with the direction or instruction given by the Park Police or other Authorized Person.

Section 2. Permissible Roadways

No person shall

(a) operate any vehicle on Park Property, on a roadway, or street to which public access is prohibited.

(b) operate any motorized vehicle on Park Property in an area that is not designated as a roadway or street for vehicular traffic.

Section 3. Speed Limit

(A) Except as provided below in Subsection (B), no person shall operate any vehicle on Park Property at a speed exceeding the lesser of

(1) twenty-five (25) miles per hour; or

(2) the posted speed limit; and

(3) a speed that is (i) reasonable and prudent under existing conditions; or (ii) as directed by an Authorized Person.

(B) No person shall operate any vehicle on Little Falls Parkway at a speed exceeding the lesser of

(1) thirty-five (35) miles per hour; or

(2) the posted speed limit; and

(3) a speed that is: (i) reasonable and prudent under existing conditions; or (ii) as directed by an Authorized Person.



Section 4. Vehicle Weight Limit and Certain Activities

(A) No person shall operate or park any vehicle (including a truck, bus or similar commercial vehicle) having a gross vehicle weight exceeding 10,600 pounds on Park Property or a Parkway, except

- (1) an emergency vehicle operated by any local, state or federal public safety agency;
- (2) a licensed tow truck assisting a vehicle disabled on Park Property;
- (3) a licensed commercial bus or school bus collecting or discharging passengers for the purpose of use and enjoyment of Park Property;
- (4) as authorized by Permit or Park Directive; or
- (5) as authorized specially for a single occurrence or event by permission granted by the Park Police or an Authorized Person.

(B) The operation of any food or merchandise truck, trailer, cart, gaming, amusement vehicle, or any other similar concession, while on Park Property is prohibited unless authorized by Permit or Park Directive.

Section 5. Parking Regulations

(A) (1) Vehicle parking on Park Property is allowed only during normal business hours for the use and convenience of Commission employees, patrons, and visitors.

(2) No person shall park any vehicle on Park Property at any time or for any purpose other than his or her lawful use and enjoyment of Park Property.

(B) No person shall stop, stand, idle, or park a vehicle on Park Property

- (1) in front of a public or private driveway;\*
- (2) on a sidewalk;\*
- (3) at an intersection, or within thirty-five (35) feet of an intersection;\*
- (4) in a crosswalk, or within twenty (20) feet of a crosswalk;\*

- (5) between a safety zone and the adjacent curb, or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless otherwise indicated by a posted sign, marking, or officer;\*
- (6) alongside any obstruction;\*
- (7) on a bridge or other elevated structure;\*
- (8) contrary to an official sign that prohibits, or regulates, stopping, standing, parking, or the manner of parking in general;\*
- (9) on the travel-portion of a roadway or public driveway;
- (10) on or within twenty (20) feet of any bicycle path, hiker path, bridle path, or access road or entrance thereto;
- (11) so as to obstruct another vehicle or traffic;
- (12) so as to occupy more than one parking space or to park across painted parking lines;
- (13) when the property is not open to the public;
- (14) on any grassy area, tree, shrub, plant, or vegetation, unless specifically allowed by the Commission;
- (15) other than that designated for vehicular parking;
- (16) within fifteen (15) feet of a fire hydrant; or \*
- (17) within thirty (30) feet on the approach to any flashing signal, stop sign, yield sign, or traffic control device located at the side of a roadway.\*

*\* Violations of these provisions may be subject to additional penalties pursuant to Md. Code, Transp. Art. § 27-101.*

(C) A person who stops or parks any vehicle adjacent to any roadway on Park Property must

- (1) remove the vehicle from the traveled lane or traveled portion of such roadway;
  - (2) stop or park the vehicle in the same direction as authorized traffic movement;
- and

(3) position the vehicle with both sides of the wheels parallel to, and no more than twelve (12) inches from the curb, or the boundary of the roadway.

(D) (1) No person shall park a vehicle or otherwise obstruct any space, curb cut, ramp, passenger loading zone or similar traffic accommodation designated for individuals with disabilities only, except as otherwise provided below in Subsection (D)(2).

(2) Any person who parks a vehicle or otherwise uses a parking space or similar traffic accommodation designated for exclusive use by individuals with disabilities must visibly display on their vehicle the special disability registration placard or license plate issued by the Maryland Motor Vehicle Administration or a comparable agency of another state, territory, or sovereign jurisdiction.\*

(E) No person shall park or idle a bus on Park Property except as authorized by Permit, Park Directive, posting in an area designated for bus parking, or temporary permission granted by an Authorized Person.

#### Section 6. Impoundment of Illegally Parked or Abandoned Vehicles

As provided by law, the Commission may:

(A) Remove and impound any vehicle parked on Park Property illegally at the owner's sole cost and expense.

(B) Remove and impound any vehicle legally parked on Park Property that presents a safety hazard, at the owner's sole cost and expense.

(C) Sell or destroy a vehicle that remains unclaimed after impounding, upon giving due notice to the vehicle owner, and any other interested party entitled to notice by applicable law.

*Chapter VII: Encroaching on Park Property*

Section 1. Preamble

As the steward of parkland, open spaces, and natural resources in Montgomery and Prince George's Counties, the Commission must ensure that Park Property is protected for use by the public and preserved for the general health and welfare. The Commission generally prohibits encroachments because they may:

- (A) Affect water quality, forest health, recreational experiences, or complicate intended plans for park uses.
- (B) Restrict or limit the public use and enjoyment of lands and other resources maintained by the Commission for the benefit of all residents.
- (C) Pose a safety hazard to the public and give rise to claims from resultant injuries.
- (D) Damage the natural environment and undermine the Commission's stewardship role in protecting natural features.
- (E) Destabilize public lands and increase the risk of consequential damage to adjacent private lands.
- (F) Result in taxpayer costs to restore degraded public lands.

Section 2. Encroachment Prohibited

No person shall Encroach on Park Property except as authorized by Permit.

Section 3. Examples of Encroachments

Examples of acts that Encroach include:

- (A) Erecting structures, fixtures, or structural elements (e.g., fences, tree-houses, swing sets, decks, pools, sheds, and retaining walls), or altering the property's non-structural features (e.g., pits, ditches, grading, tunnels, and channels).

(B) Taking, planting, or disturbing vegetation (e.g., mowing, harvesting, grooming, applying pesticides, landscaping, gardening, and pruning).

(C) Disposing of, or otherwise discarding, any material or objects (e.g., grass clippings, brush, yard waste, trash, debris, and recycling materials).

(D) Storing personal property, equipment, or materials (e.g., boats, recreational or other vehicles, firewood, supplies, and tools).

#### Section 4. Enforcement

A person who Encroaches on Park Property is subject to citation for a civil infraction of these Regulations. Such citation shall be in addition to, and not a limitation of, any other legal or equitable relief available in a court of competent jurisdiction.

*Chapter VIII: Violations and Miscellaneous Provisions*

Section 1. Violations and Penalties

(A) A violation of these Regulations may result in administrative action by the Commission, including,

- (1) a verbal or written warning;
- (2) notification of a parent, guardian, next of kin, or other legally responsible third party;
- (3) revocation or suspension of a Permit; and,
- (4) suspension of future admission to, or participation in, one or more Park Properties, Facilities, sponsored activities, or Park Programs.

(B) In addition to any administrative action taken, a violation of these Regulations may also result in any other action authorized at law or in equity, including,

- (1) civil/traffic citations for infractions with applicable fines or penalties as provided below in Subsection (C);
- (2) civil action seeking a court order to enjoin the violating person and compel or prohibit their future conduct or activities in relation to the Commission business;
- (3) a civil judgment for joint and several liability to pay the Commission and others for damages to Park Property, Facilities, and personal injuries caused alone or in concert with others; and
- (4) criminal prosecution, if applicable, as provided below in Subsection (D).

(C) Civil Penalties for Infractions

(1) Except as otherwise provided in this Section, any violation of these Regulations is subject to civil citation and a fine not to exceed (a) \$50 for the first infraction, (b) \$100 for a second or subsequent infraction, or (c) such greater amount as may be authorized by Maryland law. Md. Code, Land Use § 17-208.

(2) A violation of these Regulations for smoking a cigarette, cigar, or other tobacco product on Park Property in an area that is not a Designated Smoking Area as provided in Chapter IV § 3, is subject to civil citation and (a) a warning for a first infraction, (b) a fine of \$25 for a second or subsequent infraction, or (c) such greater

amount of a fine as may be authorized by Maryland law. Md. Code, Land Use § 17-207(b).

(3) A violation of these Regulations for hunting or trapping on Park Property without authorization is a misdemeanor punishable by fines, restitution, license suspension, and imprisonment as provided under Maryland law. Md. Code, Land Use §§ 17-209(b) and 17-210; Nat. Res. § 10-1101.1.

(4) [Reserved].

(D) In addition to any administrative or civil action, penalty, or liability taken or imposed for a violation of these Regulations, any person who commits a misdemeanor or felony on Park Property is subject to arrest, prosecution and, upon conviction by a court of competent jurisdiction, punishment as provided by applicable local, state, or federal laws.

A person aggrieved by any administrative action taken by the Commission as a result of a violation of these Regulations may make a request for the appropriate Director to review such action. The request must be made in writing delivered within five (5) business days of the action under review, and the Director shall provide a written response to any timely request for such review.

#### Section 2. Employees Working

These Regulations do not apply to Commission employees working reasonably within the scope of their employment duties or responsibilities to the extent they are assigned by an Authorized Person.

#### Section 3. Law Enforcement; First Responders

These Regulations do not apply to members of law enforcement agencies, first responders or medical personnel working reasonably within the scope of their employment duties or responsibilities on Park Property.

Section 4. Certain Exception for Park Programs

A person who acts with good cause and reasonably at the direction of an Authorized Person working as part of a Park Program shall be deemed to have not violated these Regulations for such acts.

Section 5. Severability

If any provision of these Regulations, or its application to any person or circumstance, is held invalid for any reason in a court of competent jurisdiction, that invalidity shall not affect other provisions or any other application of these Regulations which can be given effect without the invalid provision or application, and, for this purpose, these Regulations are severable.





---

 MEMORANDUM
 

---

**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/jgs*

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

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.



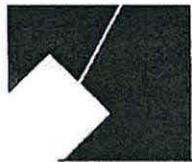
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
 BY DEPARTMENT AS OF February 2017

	31 - 60 DAYS	61 - 90 DAYS	91 + DAYS	DEPARTMENT TOTALS	
	01/16	02/17	01/17	02/17	01/16
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0
INTERNAL AUDIT	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	3	0	0	0
LEGAL DEPARTMENT	2	1	0	0	2
FINANCE DEPARTMENT	2	1	0	0	2
PRINCE GEORGE'S PLANNING	0	4	1	0	0
PRINCE GEORGE'S PARKS & RECREATION	4	3	2	0	6
MONTGOMERY COUNTY PARKS	3	2	0	0	3
MONTGOMERY COUNTY PLANNING	3	3	2	0	5
**DEPARTMENT TOTAL BY DAYS LATE**	14	17	4	6	0
				COMMISSION WIDE TOTAL:	18
					23

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





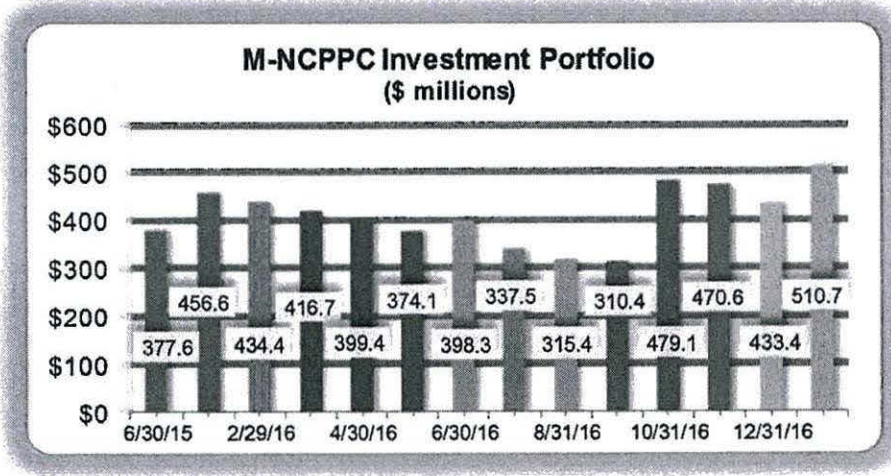


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**TREASURY OPERATIONS, FINANCE DEPARTMENT**  
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737  
 Telephone (301) 454-1541 / Fax (301) 209-0413

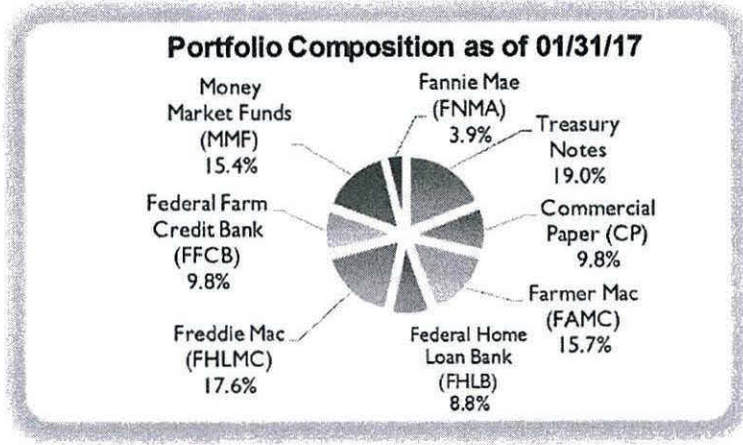
**MEMO**

**TO:** Commissioners  
**VIA:** Joseph Zimmerman, Secretary-Treasurer  
**FROM:** Abbey Rodman, Investment & Treasury Operations Manager *AR*  
**DATE:** 2/9/2017  
**SUBJECT:** Investment Report – January 2017

The Commission’s pooled cash investment portfolio totaled \$510.7 million as of January 31, 2017, with a 17.8% increase from December 31, 2016. Details are as follows:



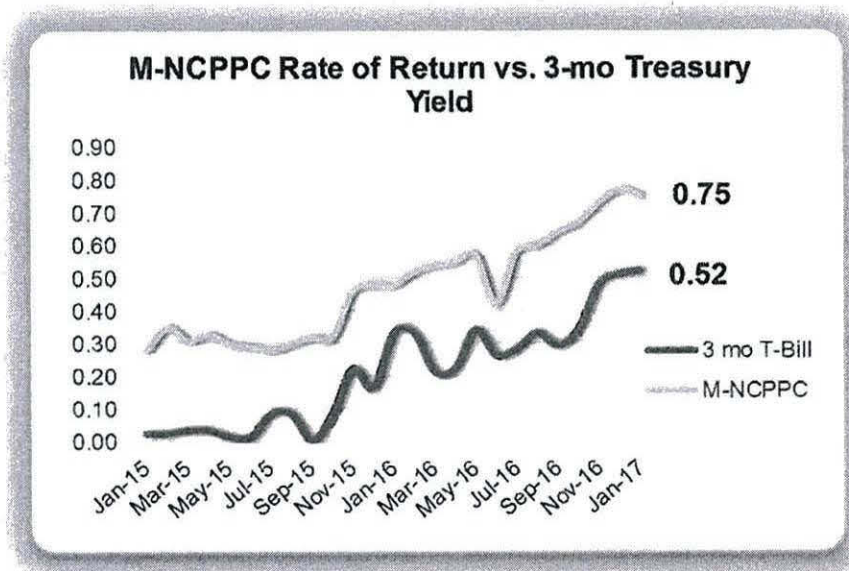
The composition of the pooled cash portfolio as of January 31, 2017 is summarized below:



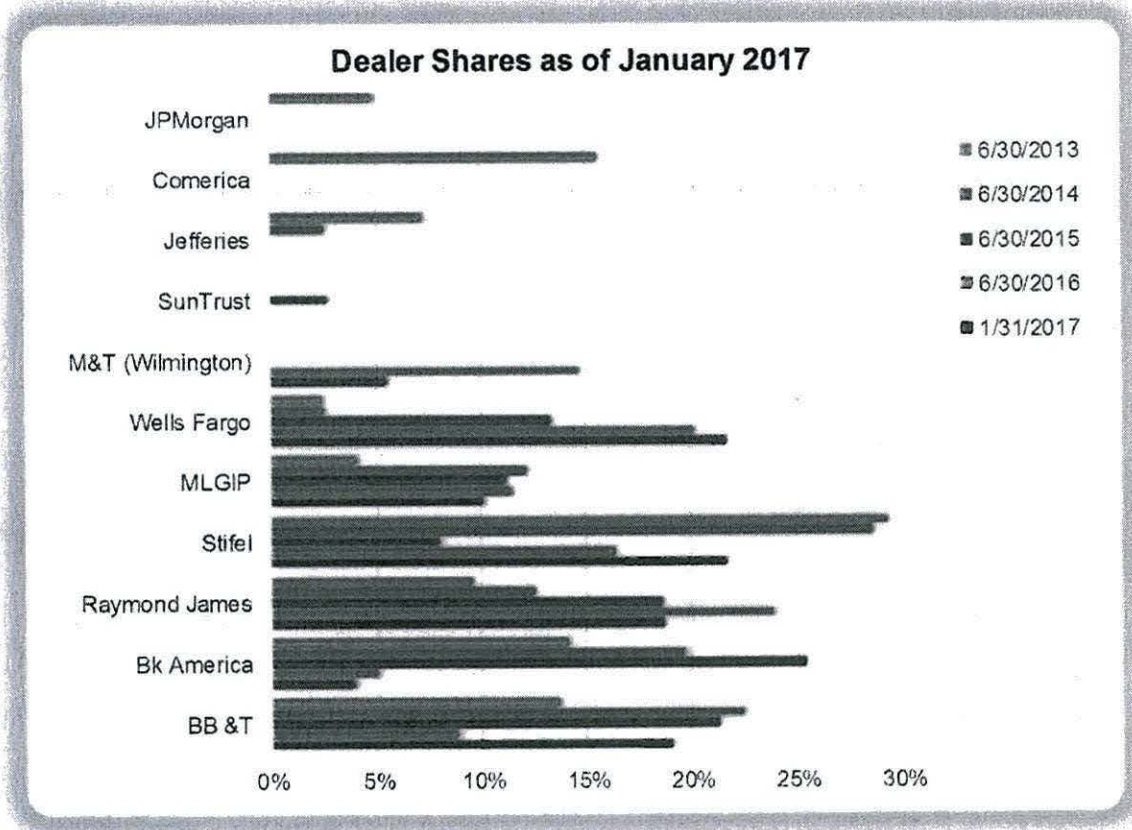


Current Investment Portfolio - January 2017				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Treasury Notes	100%	19%	\$ 97,000,000	0.72%
Freddie Mac	20%	18%	90,000,000	0.89%
Farmer Mac	20%	16%	80,000,000	0.62%
Money Funds	25%	15%	78,714,761	n/a
Federal Farm Credit Bureau	20%	10%	50,000,000	0.71%
Commercial Paper	10%	10%	50,000,000	1.33%
Federal Home Loan Banks	20%	9%	45,000,000	0.90%
Fannie Mae	20%	4%	20,000,000	0.65%
Certificates of Deposit	50%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			<b>\$ 510,714,761</b>	<b>0.85%</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- 01/31/17</b>	
Montgomery County (MC-2016A)	\$ 3,631,475
Prince George's County (PGC-2015A)	1,607,598
Prince George's County (PGC-2014A)	1,086,127
	<b>\$ 6,325,200</b>

The Commission had debt service payments during the month totaling \$5,924,328, of which \$4,795,000 was principal and \$1,129,328 was interest.

Details by issue of debt outstanding as of January 31, 2017 appear below:

<b>Debt Balances - January 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
<b>PAID</b> EE-2	12,235,000	-	0%	Mar-04	Jan-17
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>\$ 106,420,000</b>	<b>\$ 64,288,126</b>	<b>60%</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>\$ 168,775,000</b>	<b>\$ 111,413,126</b>	<b>66%</b>		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012  
 FISCAL YEAR 2017 - January 31, 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>					
Majority of investments shall be a maximum			Yes	All maturities within limits	
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 23 basis points.	
The pro-rated rates of return for the portfolio and T-bills					
were 0.75% and 0.52%, respectively.					







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

*Reply To*

February 28, 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 February, 2017

---

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, March 15, 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 – February 2017 Report**

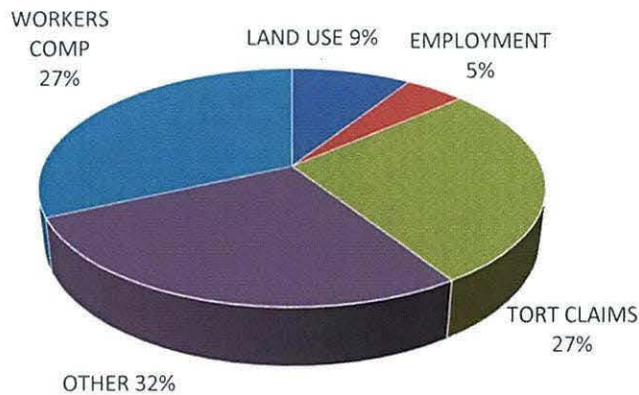
Composition of Pending Litigation.....Page 01  
Overview of Pending Litigation (Chart).....Page 01  
Litigation Activity Summary .....Page 02  
Index of New YTD Cases (FY17) .....Page 03  
Index of Resolved YTD Cases (FY17) .....Page 04  
Disposition of FY17 Closed Cases Sorted by Department .....Page 05  
Index of Reported Cases Sorted by Jurisdiction.....Page 09  
Litigation Report Ordered by Court Jurisdiction.....Page 10

## February 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	6						6
Employment Dispute	1						1
Contract Dispute	1			1			2
Property Dispute							0
Civil Enforcement	1						1
Workers' Compensation	6						6
Debt Collection							0
Bankruptcy							0
Miscellaneous	2		1		1		4
<b>Per Forum Totals</b>	<b>17</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>22</b>

### OVERVIEW OF PENDING LITIGATION



By Major Case Categories



## February, 2017 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2017			
	Pending In Jan/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)	2		1	3		3	1
Tort Claims (T)	6	2	2	10	7	9	6
Employment Disputes (ED)	2		1	1	1	1	1
Contract Disputes (CD)	2			3	1	2	2
Property Disputes (PD)	0			1	1	2	0
Civil Enforcement (CE)	1			1			1
Workers' Compensation (WC)	8		2	12	1	7	6
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	4			4	2	3	4
<b>Totals</b>	26	2	6	37	13	28	22

**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

<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

**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

**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

### 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>		
Trevan, 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
<b>Montgomery County Department of Parks</b>		
Cohhn, 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. Ayoub	Complaint for tenant holding over on Commission property located in Montgomery County.	12/14/16- Default judgment and right of possession
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- Stipulation of 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 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.
<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. 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.
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.
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.
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.
<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.
The Town of Forest Heights v. Commission	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	11/28/16- Appeal dismissed by Plaintiff/Appellant.
Town of Riverdale Park, et al v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-150003 in 7-Eleven, Inc.	07/13/16-Court affirms decision by Planning Board.
<b>Prince George's Park Police</b> Sutton v. Commission	Defense of police liability claim	01/13/17-Commission's Motion for Summary Judgment granted, case dismissed.
<b>Office of Internal Audit</b>		

## INDEX OF CASES

<b>DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND.....</b>	<b>10</b>
State Farm & Lee v. Commission .....	10
<b>DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND .....</b>	<b>11</b>
Milam v. Doe, et al.....	11
<b>CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND.....</b>	<b>12</b>
Shipe v. Louketis, et al .....	12
Tugwell v. Louketis, et al .....	12
<b>CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND .....</b>	<b>14</b>
Burnette v. Commission .....	14
Commission v. Ford .....	14
Commission v. Fulwood .....	14
Commission v. The Town of Forest Heights .....	15
Green, et al v. Commission .....	15
O'Brien v. Sports & Learning Complex. ....	15
Swain v. Seay, et al.....	16
Watkins v. Commission .....	16
Watkins v. Commission .....	17
<b>CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND.....</b>	<b>18</b>
Commission v. Atwell.....	18
Commission v. Edwards.....	18
Commission v. Johnson .....	18
Fort Myer Construction Corporation v. Commission .....	19
<b>MARYLAND COURT OF SPECIAL APPEALS .....</b>	<b>20</b>
Cohn v. Commission .....	20
Friends of Croom Civic Association, et al v. Commission .....	20
<b>MARYLAND COURT OF APPEALS .....</b>	<b>21</b>
URS Corporation, et al v. Fort Myer Construction Corporation.....	21
<b>U.S. DISTRICT COURT OF MARYLAND .....</b>	<b>22</b>
Pulte Home Corp, et al v. Montgomery County, et al.....	22
<b>U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT .....</b>	<b>23</b>
American Humanists Association, et al v. Commission .....	23



**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**State Farm & Lee v. Commission**  
Case No. 0602-00138102016(Tort)

Lead Counsel: Harvin  
Other Counsel:

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

Status: Complaint filed.

Docket:

10/14/16	Complaint filed
11/10/16	Notice of Intention to Defend filed by Commission
04/26/17	Trial date

**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

**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
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
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: Petition filed.

Docket:

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

**Commission v. Ford**

CAL16-02123 (WC W070371)

Lead Counsel: Foster  
Other Counsel:

Abstract: Commission is appealing the WCC's decision regarding determination that injury occurred during course of employment.

Status: In discovery.

Docket:

02/12/16	Petition for Judicial Review filed
02/29/16	Response to Petition for Judicial Review filed by Commission
09/21/16	Pre-trial conference
03/07/17	Trial date

**Commission v. Fulwood**

CAL16-02193 (WC W070371)

Lead Counsel: Foster  
Other Counsel:

Abstract: Commission is appealing the WCC's finding that claimant had an occupational disease.

Status: Pending trial.

Docket:

02/26/16	Petition for Judicial Review filed
----------	------------------------------------

09/06/16	Motion to Exclude Claimant as Party filed by Commission
10/28/16	Court denied Commission's Motion to Exclude Claimant as Party
01/19/17	Pretrial conference
05/10/17	Trial

**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
05/19/17	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

**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: Complaint filed.

Docket:

01/11/17	Complaint filed
----------	-----------------

**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: Complaint filed.

Docket:

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

**Watkins v. Commission**  
CAL15-40296 (WC W050003)

Lead Counsel: Foster  
Other Counsel:

Abstract: Claimant/employee is seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status: Pending trial.

Docket:

12/30/15	Petition for Judicial Review filed
01/21/16	Response to Petition filed
06/08/16	Pretrial conference
04/03/17	Trial date

**Watkins v. Commission**  
CAL16-07583 (WC W050003)

Lead Counsel: Foster  
Other Counsel:

Abstract: Claimant/employee is seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status: Pending trial.  
Docket:

03/16/16	Petition for Judicial Review filed
04/05/16	Response to Petition filed
08/18/16	Pre-trial conference; Court orders this case to be consolidated with case CAL15-40296 for hearing.
04/03/17	Trial date



**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Commission v. Atwell**

Case No. 422131-V (WC #W072421)

Lead Counsel: Foster  
Other Counsel:

Abstract: Commission seeks judicial review of WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.

Status: Pending trial.

Docket:

06/03/16	Petition filed.
11/17/16	Pretrial hearing
04/17/17	Trial date

**Commission v. Edwards**

Case No. 425765-V (WC #W072408)

Lead Counsel: Foster  
Other Counsel:

Abstract: Commission seeks judicial review of WCC Order entitling Claimant to 25% loss of body use under other cases.

Status: Petition filed.

Docket:

09/30/16	Petition for Judicial Review filed by Commission.
10/11/16	Answer by Claimant
03/09/17	Pretrial hearing

**Commission v. Johnson**

Case No. 366677-V (CE)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: 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.

Status: Further collection action and attempts to seek compliance by foreclosing bank.

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued
01/22/14	Order-Defendant must respond to Plaintiff's Interrogatories by 2/17/14

**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 status hearing.

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

**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
03/17/17	Commission Brief due
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, pending decision

**MARYLAND COURT OF APPEALS**

**URS Corporation, et al v. Fort Myer Construction Corporation**

September Term, 2016, No. 31 (CD)

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

Abstract: Commission seeks review of reversal of award of sanctions against Fort Myers and other related procedural issues.

Status: Awaiting decision.

Docket:

06/07/16	Petition for Writ of Certiorari filed by Commission.
08/19/16	Court grants Certiorari petitions of Commission and URS.
12/02/16	Oral Argument, pending decision

**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

**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, awaiting decision

**Q:\LEGAL\DOC\DOCWP60\2017 Litigation Reports\February 2017 Final Report.Docx**

