



Commission Meeting
Open Session Minutes
January 19, 2022

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the County Administration Building in Upper Marlboro, Maryland. The meeting was broadcast by the Montgomery Planning Department.

PRESENT

Prince George's County Commissioners

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

Montgomery County Commissioners

Casey Anderson, Vice Chair
Gerald Cichy
Carol Rubin
Partap Verma

NOT PRESENT

A. Shuanise Washington

Tina Patterson

Chair Hewlett called the meeting to order at 10:06 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

Minor Amendment to the Diversity Council item (5d)

ACTION: Motion of Commissioner Geraldo to approve the amended agenda
Seconded by Commissioner Borden
8 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – December 15, 2021

Closed Session – December 15, 2021

ACTION: Motion of Commissioner Geraldo to approve the minutes
Seconded by Commissioner Bailey
7 approved the motion
Rubin Abstain (was absent from the December meeting)
Patterson and Washington Absent

ITEM 3

GENERAL ANNOUNCEMENTS

- a) National Blood Donor Month
- b) National Slavery and Human Trafficking Prevention Month
- c) Upcoming M-NCPPC Black History Month Observances – February 2022
- d) Financial Disclosure Filing Requirement April 30 (State and M-NCPPC Deadlines)

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee Meeting – Open Session, January 5, 2022
- b) Executive Committee Meeting – Closed Session, January 5, 2022
- c) Employees' Retirement System Board of Trustees Regular Meeting, November 2, 2021

ITEM 5

ACTION AND PRESENTATION ITEMS

a) Rotation of Commission Chair

Chari Hewlett thanked her fellow Commissioners, Officers and Department Heads, CAS Staff, Park Police, and all others for stepping up during 2021's COVID environment and supporting her as Chair. She thanked Vice-Chair Anderson for being her right hand and for making a wonderful team.

Vice Chair Anderson thanked Chair Hewlett for her leadership personally and professionally and for listening to the different voices and perspectives to navigate successfully different values, choices, resources, and constraints. He said he valued and respected Chair Hewlett as a great leader, who can accommodate different points of view. He added those attributes have never been more apparent than in the past two years during this public health crisis.

Commissioner Geraldo added his thanks to Chair Hewlett for her leadership and the wonderful job she did putting the people of Montgomery and Prince George's Counties first on her list by ensuring the agency did the right things throughout.

ACTION: Motion to appoint Casey Anderson as Chair of the Maryland-National Capital Park and Planning Commission.

Motion of Commissioner Cichy

Seconded by Commissioner Geraldo

8 approved the motion

ACTION: Motion to appoint Elizabeth M. Hewlett as Vice-Chair of the Maryland-National Capital Park and Planning Commission.

Motion of Commissioner Rubin

Seconded by Commissioner Bailey

8 approved the motion

b) Resolution 22-01 Extension of 2021 Annual Leave Carryover to End of Calendar 2022 (Chiang-Smith/Beckham)

Acting CPMO Director Beckham provided background and reasoning for the Resolution and that the Executive Committee supported the extension at their meeting on 1/5/22. The Resolution recognizes that not all employees have been able to take their leave due to increased duties during the pandemic and this extension will allow employees to use their accumulated Annual Leave through calendar 2022, rather than allowing the leave to be converted to Sick Leave/paid out. Policy staff also recommended an opt-out option for those employees who wish to have their excess Annual Leave converted to Sick Leave (for Merit position) or paid out (for Term Contract employees).

Mr. Beckham also noted the agency has reached similar agreements with the unions. He requested approval of the resolution to notify the workforce.

ACTION: Motion of Vice-Chair Hewlett to adopt Resolution 22-01

Seconded by Commissioner Geraldo

8 approved the motion

c) Lobbying Disclosure Policy (Practice 5-61) (Gardner/Beckham)

General Counsel Gardner provided background on the matter. The Office of the General Counsel (OGC) and Office of the Inspector General (OIG) produced and analyzed a compliance report. Staff determined the agency needed an update to its Lobbying Disclosure policy to be successfully vetted with the Maryland State Ethics Commission and ensure the agency's practice conforms with state law. The OGC wants flexibility for the agency to develop lobbying practice standards to make it similar to the state's lobbying rules while remaining pertinent to M-NCPPC operations.

Deputy General Counsel Borden described revisions to the draft, developed by the agency's legal and land use teams, ensuring the changes were aligned with M-NCPPC's specialized reviews, such as Development Review matters. The draft policy:

- Streamlines the policy so that it is simple and easy to understand;
- Adds the title/category of Administrative Actions –actions that do not fall under the categories of Legislative, Quasi-Legislative, and Executive actions;
- Defines different Commission Actions under the Legislative, Quasi-Legislative, Executive, and Administrative categories, to better align with what items a lobbying practice should cover;
- Removes the categories for Judicial and Quasi-Judicial Actions, to streamline the policy and provide easier to understand lobbying exemptions.

Commissioner Rubin noted preliminary plans and site plans were still specified later in the policy language and should be removed, based on their removal earlier in the draft. General Counsel Gardner and Deputy General Counsel Borden agreed the references should be removed and said the final practice will be reviewed for consistency.

Commissioner Rubin also asked at what staff level do meetings with staff pass the cutoff point for lobbying. She explained that after a certain level, staff are so far removed from the decision-making process that communities or property owners having discussions with them should not be considered under the policy. She also said she did not want this to become a barrier to open discussion. Deputy General Counsel Borden said the concern was also raised by the land use team, and she said the M-NCPPC is going to work closely with the Maryland Ethics Commission to determine what kind of flexibility or exceptions might be put into place to counter a chilling effect. The Agency do not want to make it difficult for anyone to contact staff, for example, to talk about Master Plans or their neighborhoods. She added that the law does not make a distinction about the staff hierarchy in terms of with whom a lobbyist may communicate. The law simply says "employee".

Commissioner Rubin, Vice-Chair Hewlett, and Commissioner Geraldo all stressed the communication has to be implicit – Legal emphasized that the policy seeks to meet the requirements of state law, and the agency intends to maintain its obligation to hear the public. General Counsel Gardner agreed the rollout of this practice is going to be sensitive and important and said staff will work with agency Communications directors on messaging and placement on the agency's website.

ACTION: Motion of Vice-Chair Hewlett to approve the changes to the practice as outlined in the presentation, and changes noted by Commissioner Rubin.

Seconded by Commissioner Rubin

8 approved the motion

On a related note, Chair Anderson suggested to General Counsel Gardner the agency conduct a similar examination of committees or meeting bodies to ensure the agency does not overlook an application of the Open Meetings Act for any of these groups. General Counsel Gardner agreed and noted a comprehensive review is being conducted. General Counsel Gardner also said a discussion of the Open Meetings Act policy could be placed on the agenda for the next Commission meeting.

d) Diversity Council Membership Update (Chiang-Smith)

Executive Director Chiang-Smith introduced Diversity Chair Genevieve Jennai and Vice-Chair Andrew McCray who reviewed the Diversity Council's accomplishments over 2021, and some of the programs anticipated for 2022—as reflected in the packet's late delivery item.

Chair Anderson and Vice-Chair Hewlett thanked the Diversity Council for continuing efforts. Commissioner Rubin said she was very pleased to have served on the Council for the two years before her retirement, saying it was a great effort across the agency and thanking them for their work. Executive Director Chiang-Smith noted the Diversity Council is not merely a group putting together events but is looking at developing Diversity, Equity, and Inclusion policy in partnership with the Commissioners, Directors, and thanked them for their support. She also thanked the Park Police who participated as liaisons with the Diversity Council. She looks forward to many more years of substantive work with the Diversity Council.

Vice-Chair Hewlett thanked Ms. Jennai, Mr. McCray, and the rest of the Diversity Council for their work, noting how thrilling it is to see the evolution and growth of the Council and its programs year after year.

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report (December 2021) (For information only)

Secretary-Treasurer's Report

No report

General Counsel's Report

- b) Litigation Report (For information only)
c) Legislative Update (Gardner)

General Counsel Gardner requested a vote of support for HB 131, Synthetic Turf, which creates a chain of custody on artificial turf so people dispose of it properly. Commissioner Doerner asked staff to notify Liberty Park about the legislation.

ACTION: Motion of Vice-Chair Hewlett to support HB 131.

Seconded by Commissioner Rubin
7 approved the motion
Commissioner Cichy absent for the vote.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (8), (9), and (15) a closed session is proposed on the following topics. The purposes for closing this meeting generally are to protect and promote the public interest by: (i) preserving privileged and confidential deliberations needed to manage ongoing litigation and collective bargaining negotiations; (ii) preventing disclosure of recommended changes to agency IT resources/systems to prevent bad actors from attempting to interfere with or exploit them.

Chair Anderson noted the agenda and asked for a motion to move to closed session. Vice-Chair Hewlett read the applicable provisions of the Open Meetings Act and so moved; Commissioner Rubin seconded. All 8 Commissioners in attendance voted for the measure and the meeting moved to closed session at 11:16 a.m. The meeting reconvened in a separate virtual meeting platform and the following topics were discussed: (1) the CIO's report and update on the situation with the Kronos payroll system; and (2) The Executive Director and General Counsel's litigation and collective bargaining update.

The following individuals were present (via videoconference):

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Carol Rubin
Partap Verma

Prince George's County Commissioners

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

Commissioners Patterson and Washington were absent.

Also present (by videoconference):


Asuntha Chiang-Smith, Executive Director
Gavin Cohen, Secretary-Treasurer
Adrian Gardner, General Counsel
Andree Checkley, Director, Prince George's Planning
Bill Tyler, Director, Prince George's Parks and Recreation
Gwen Wright, Director, Montgomery County Planning
James Adams, Senior Technical Writer, DHRM
Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director
Derick Berlage, Deputy Director, Prince George's Planning
Debra Borden, Deputy General Counsel
Steve Carter, Deputy Director, Prince George's Parks and Recreation
Mazen Chilet, Chief Information Officer
Brian Coborn, Acting Corporate Budget and Operations Manager, DHRM
Christian Gabriel, Deputy Director, Prince George's Parks and Recreation
Suzann King, Deputy Director, Prince George's Planning
John Kroll, Corporate Budget Director
Robert Kronenberg, Deputy Director, Montgomery Parks
John Nissel, Deputy Director, Montgomery Parks
Wanda Ramos, Deputy Director, Prince George's Parks and Recreation
William Spencer, Corporate Human Resources Director
Tanya Stern, Deputy Director, Montgomery Planning

Direction was given to counsel and staff on how to proceed with IT security and collective bargaining matters.

There being no further business to discuss, Chair Anderson adjourned the meeting from closed session at 12:11 p.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director