



Commission Meeting
Open Session Minutes
February 16, 2022

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

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair (absent 10:30-10:45)
Gerald Cichy
Carol Rubin
Tina Patterson
Partap Verma (arrived 10:10 a.m.)

Prince George's County Commissioners

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

Chair Anderson called the meeting to order at 10:04 a.m.

Chair Anderson asked Commissioners to support a Resolution of Appreciation for departing Planning Board Chair and M-NCPPC Vice-Chair Elizabeth Hewlett. He read from the resolution and thanked her for her decades-long leadership. The Resolution will be formally passed in March 2022. Commissioners all enthusiastically supported the resolution by acclamation. Vice-Chair Hewlett said it has been her joy to serve the M-NCPPC and the amazing men and women in this agency, adding that we owe a debt of gratitude to our employees and retirees who brought us this far.

ITEM 1 APPROVAL OF COMMISSION AGENDA
ACTION: Motion of Vice Chair Hewlett to approve the agenda
 Seconded by Commissioner Rubin
 10 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES
Open Session – January 19, 2022
Closed Session – January 19, 2022
ACTION: Motion of Vice-Chair Hewlett to approve the minutes
 Seconded by Commissioner Geraldo
 9 approved the motion
 Patterson abstained

ITEM 3 GENERAL ANNOUNCEMENTS
a) American/National Heart Month
b) M-NCPPC Black History Month Events
c) Upcoming Women's History Month (March 2022)
d) Financial Disclosure Filing Requirement Reminder
e) Teen Dating Violence Prevention Month

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee Meeting – Open Session, February 2, 2022
- b) Executive Committee Meeting – Closed Session, February 2, 2022
- c) Employees’ Retirement System Board of Trustees Regular Meeting, January 4, 2022

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Resolution 22-02 Warner Circle Building Disposition (Coppola/Sandberg)

No discussion

ACTION: Motion of Vice-Chair Hewlett to adopt Resolution 22-02

Seconded by Commissioner Geraldo

10 approved the motion

- b) FY2021 Finance External Audit/Annual Comprehensive Financial Report (Cohen)

Secretary-Treasurer Cohen told Commissioners the reports included in the packet reflect the financial health of the agency. In summary, the external audit, performed by SB & Co., and the Finance Department’s own Annual Comprehensive Financial Report (ACFR) indicate a confidence that the finance function, the recording of financial transactions, and the flow of money into the agency and how it spends it, subscribes to and implements best industry practices. The M-NCPPC takes financial integrity very seriously and other industry professionals and experts recognize this as well. County residents and all M-NCPPC stakeholders can be confident in the agency’s finances. He also added the agency volunteered to participate in the Government Finance Officers’ Association (GFOA) Program of Excellence in Financial Reporting, a robust review program that reviews and provides comments and feedback on the agency’s financial reporting, resulting in a Certificate of Achievement from the GFOA.

He introduced Mr. Chris Lehman of external auditors SB & Co., to provide an unmodified opinion of the agency’s financial statements, from the fiscal year 2021 audit. Mr. Lehman shared a brief presentation that summarized the results of the audit, noting that he had met with the M-NCPPC’s Audit Committee to discuss the results in more detail. He said the audit demonstrated no material weaknesses and that management was fully cooperative. Mr. Lehman said the agency is still working on the Federal audit and will complete it well before the September 2022 deadline. Finally, he noted if the audit found any evidence of fraud or items of negative nature, he would be required to bring it to the Commissioners’ attention. He verified there were none. Vice Chair Hewlett thanked Mr. Lehman and appreciated the confirmation that the M-NCPPC maintains responsible fiscal stewardship. She was satisfied to hear what the agency is doing is correct and conforms to best practices.

Corporate Accounting Director Abbey Rodman presented Financial Highlights from the Finance Department’s Annual Comprehensive Financial Report, overall indicating the agency ended FY2021 in a strong financial position.

c) Briefing on Preliminary FY23 Spending Affordability Guidelines (SAG) for Montgomery County (Kroll)

Corporate Budget Director Kroll said the Montgomery County Council approved spending affordability guidelines on February 8, which included a 3.33% reduction in the agency's operating budget for fiscal year 2023 for Montgomery County-funded departmental budgets, or approximately \$5.4M. This is a much smaller recommended reduction than was proposed last year. He noted any Montgomery County proposed reductions for bi-county departments of the M-NCPPC will also impact Prince George's County operations. He noted history suggests that the fiscal situation will improve, but it may be appropriate to develop some options in advance.

Vice-Chair Hewlett notes she was very pleased that we comport with the SAG as required by law for both counties. Other Commissioners agreed and were impressed with the level of transparency in the county's budget. The M-NCPPC has been recognized for decades across the country for having the best budget and financial reporting processing.

d) Quarterly Budget Transfer Reports (Kroll)

Corporate Budget Director Kroll said he will be reporting approved budget transfers to the Commission on a quarterly basis, based on recent policy changes. He noted the item was reporting approved transfers for the past 2 quarters.

e) Update to Open Meetings Act Compliance (Garnder/Borden)

Deputy General Counsel Borden updated Commissioners on developments with Open Meetings Act (OMA) Compliance. One is pending, dealing with the Executive Committee in responding to the Open Meetings Act, relating to the fact that the policy is not entirely clear as to whether the Executive Committee is a public body. Since the duties of the Executive Committee seem to be administrative, which is not subject to the requirements of the Open Meetings Act, the Legal Department proposes to reorganize and restructure the Executive Committee to conform with what is required. She will work with the Corporate Policy team and present some revisions at a future meeting and will clarify the duties of the Executive Committee in M-NCPPC policies.

Another issue is reviewing the many committees, boards, and community groups within the M-NCPPC and how the OMA impacts them. Most of these bodies are in connection with the work of the planning departments. Legal staff are still gathering that information and will analyze each one to determine if they are in compliance, starting with the ones that are created by statute. She added there are more than fifty groups to review and determine if they are in compliance with the OMA. She will report on the progress of the review at the next Commission meeting, but the full review will take several months to complete.

Commissioner Rubin asked if it would make sense to make a public status report, so it is made clear these continued challenges and questions are acknowledged and taken seriously. Commissioners agreed an interim progress report should be submitted. Deputy General Counsel said she would do that. Chair Anderson added the Open Meetings Act in Maryland is considerably broader than in other states, in that any group that is created by statute or bylaw of an agency must be considered a public body, even if there is nobody with decision-

making authority on it. He echoed Deputy General Counsel Borden's observation that the Executive Committee might be considered simply an administrative body, not subject to the OMA. He noted it would be valuable to make this clear, and if we find anything that needs to be corrected, the agency will do it.

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report (January 2022) (For information only)

Secretary-Treasurer's Report

- b) 1st Quarter MFD report (For information only)
- c) 2nd Quarter Investment report (For information only)

General Counsel's Report

- d) Litigation Report (For information only)
- e) Legislative Update (Borden)

Deputy General Counsel Borden and Counsel Caleen Kufera briefed Commissioners on HB 1057, The Prince George's County Recreation Authority, which establishes a county recreation authority and the formation of a workgroup to determine how to establish this authority. Ms. Kufera described the timeline of the bill, noting its introduction on February 7, amendments made to it during its development, including making it an emergency bill removing its July 1st effective date, and its passage by the delegation committee on February 11. Deputy General Counsel Borden said the bill's proposed study group will seek to determine how to remove the recreation function from the Department of Parks and Recreation and move it to a county operation. The basis of this bill assumes the best future for the recreation program is to divest it from the M-NCPPC. It is not clear how that decision was found.

It is profoundly concerning that the study related to the bill assumes taking the program away from the M-NCPPC is for the best, rather than making any determination *if* it is for the best. Deputy General Counsel Borden noted the composition of the study group has no recreation experts or policy staff but has political appointees who lack any expertise about the financial issues or planning of a recreation program. There is a profound lack of information on how this would work financially, and the ripple effects it would have on both counties and on the M-NCPPC itself, particularly on pensions. Legal staff recommended opposing the bill and joining the conversation on the issue. While this may be a valid concept to discuss and explore, the method and speed in which the bill was developed, and the lack of involvement of any M-NCPPC recreation or policy staff in determining if this is a good idea, is of great concern.

Deputy General Counsel Borden said The Department of Parks and Recreation has comprehensive needs assessment data on recreation programs in the county. Deputy Director Gabriel of the Department of Parks and Recreation discussed the Land Preservation Recreation Parks Review survey that provides community data and opinion on recreation activities, that it conducts every 5 years. It was conducted from Nov 2021 through Jan 2022. 1,600 participants representing demographics from the county responded. Over 80 percent of the respondents felt facilities were in good to excellent condition. 33% participated in the last year in recreation programs, which is above the national average. 64% were very satisfied with the value they felt they were getting from the recreation programs; 25% were neutral or good; and only 10% felt unsatisfied with the value. Investments that respondents identified as high priority correlated with the agency's planned and active program investments. 96%

of respondents felt high quality recreation programs are important and that funding should be increased.

Commissioner Patterson asked how the financial position of the M-NCPPC would be impacted by this legislation. Deputy General Counsel Borden said there are many questions and few answers about the financial consequences of divesting. The bill tells us how it will be done, but not why it should be done. The bill skipped over any analysis of whether this is a good idea or not.

Commissioner Doerner said this bill was developed with no transparency and was put through quietly. There are a host of problems, including many unfounded allegations by people who have never attended a meeting or asked a question. This issue should be discussed in the open, not through a lobbying group with a professional video. The county is extremely affordable. People who often do not get thought about or considered are able to participate and take advantage of our programs. This bill is not about doing the right things or about providing good services. If it was, they would have sat down at a table and asked us questions or asked us to participate in the process.

Commissioner Rubin said the focus should be to get others on board to oppose the bill. The bill does not ask if this serves the citizens of Prince George's County. The issue should not be about maintaining control but the fact that the bill skipped over the step of determining if it is in the best interest of the residents from a service perspective and a financial perspective. In its current form, it is doing a disservice to the residents. We do not know if the costs are going to go up, we don't know if the services will be reduced. They are proposing this without examining the process.

Vice-Chair Hewlett thanked Deputy General Counsel Borden and Ms. Kufera as well as Commissioners for their comments. She noted the Commissioners just heard a glowing presentation about our transparency in our financial audit. The agency has won awards for the past 40 years honoring its management and transparency. Department of Parks and Recreation employees provide wonderful programs. There needs to be other people on this task force who can have a critical dialogue with those supporting it to determine whether it is a good idea, not simply make the assumption that it is.

Chair Anderson said the M-NCPPC will want to get involved in this process long term and get representation in the study group.

ACTION: Motion of Commissioner Washington oppose HB 1057 and authorize the General Counsel to engage in the process to defeat or amended the bill to provide a more balanced, rigorous and methodical evaluation.

Seconded by Commissioner Patterson

10 approved the motion

Commissioner Bailey was present, but unable to vote and added her approval after the meeting.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (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 Patterson seconded. Commissioners in attendance voted for the measure and the meeting moved to closed session at 11:38 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.

9 out of 10 Commissioners voted. Commissioner Bailey was present, but unable to vote and added her approval after the meeting.

The following individuals were present (via videoconference):

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Tina Patterson
Carol Rubin
Partap Verma

Prince George's County Commissioners

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

Also present (by videoconference):

Asuntha Chiang-Smith, Executive Director
Gavin Cohen, Secretary-Treasurer
Debra Borden, Deputy General Counsel for General Counsel Adrian Gardner
Andree Checkley, Director, Prince George's Planning
Mike Riley, Director, Montgomery Parks
Bill Tyler, Director, Prince George's Parks and Recreation
Gwen Wright, Director, Montgomery County Planning
James Adams, Senior Technical Writer
Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director
Gary Burnett, Acting Deputy Director, Montgomery Parks
Steve Carter, Deputy Director, Prince George's Parks and Recreation
Mazen Chilet, Chief Information Officer
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
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 12:25 p.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director