



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
March 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.

PRESENTMontgomery County Commissioners

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

Prince George's County Commissioners

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

NOT PRESENT

A. Shuanise Washington

Chair Anderson called the meeting to order at 10:09 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Vice Chair Hewlett to approve the agenda
Seconded by Commissioner Geraldo
9 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – February 16, 2022
Closed Session – February 16, 2022
ACTION: Motion of Vice-Chair Hewlett to approve the minutes
Seconded by Commissioner Bailey
9 approved the motion

ITEM 3

GENERAL ANNOUNCEMENTS

- a) Women's History Month
- b) St. Patrick's Day
- c) National Colorectal Cancer Awareness Month
- d) National Nutrition Month
- e) International World Down Syndrome Day, March 21
- f) Upcoming Stress Awareness Month
- g) Upcoming Alcohol Awareness Month
- h) Financial Disclosure Filing Requirement Reminder

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Employees' Retirement System Board of Trustees Regular Meeting, February 1, 2022
March 2022 Executive Committee cancelled

ITEM 5

ACTION AND PRESENTATION ITEMS

a) Resolution 22-03 Appreciation for Elizabeth M. Hewlett (Anderson)

Chair Anderson introduced the resolution, which he said conveyed many of the high points of Vice-Chair Hewlett's career and accomplishments at the M-NCPPC and added she will always be a part of the M-NCPPC's family and hopes she stays in touch. He said Prince George's and Montgomery Counties are lucky to continue the work she has done. Commissioner Geraldo added Vice Chair Hewlett's work indeed has reached the entire state. Commissioners thanked her and wished her the best.

Vice Chair Hewlett thanked her colleagues on the Commission and noted the Prince George's County Council has not voted on her successor, so she will still be serving for another week or two.

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-03
Seconded by Commissioner Rubin
8 approved the motion
(Hewlett abstained)

b) Open Meetings Act Compliance Status Report (Borden)

Deputy General Counsel Borden told Commissioners the Legal Department has developed a working list of committees, groups, and taskforces across the agency to address Open Meetings Act compliance. These groups have been divided between the two Land Use teams since the majority of the groups identified come under the planning department. The teams will determine which of these groups/committees are subject to the Open Meetings Act (OMA) for compliance. For those who are subject to the OMA, the teams will be reaching out to them for compliance, review, and training. They anticipate the process should be complete over the next couple of months.

She added since the February Commission meeting, the agency has received three additional OMA complaints.

Chair Anderson noted a major OMA complaint has also been filed against Montgomery County Government. This is not simply an issue with the M-NCPPC, but it is widespread. He said the complaints would be sorted, findings complied with, and the agency will carry on openly and transparently.

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

a) Late Evaluation Report (February 2022) (For information only)

Secretary-Treasurer's Report

b) 2nd Quarter MFD report (For information only)

General Counsel's Report

c) Litigation Report (For information only)

d) Legislative Update (Borden)

Deputy General Counsel Borden and Counsel Caleen Kufera provided updates to HB1057, The Recreation Authority Bill. Since the February Commission meeting, the bill was heard by the General Assembly's Environmental & Transportation Committee on March 8, during which it was indicated amendments were forthcoming. On Friday, March 11, the Prince George's County House Delegation submitted proposed amendments to the bill which changed several key aspects of the legislation. Ms. Kufera detailed the major changes and provided a handout highlighting them. Some changes included:

- Removal of the provision that authorized the County to establish a Recreation Authority;
- Modification of the Blue Ribbon Workgroup:
 - Adding to the group membership, the Director of Parks and Recreation appointee and an expert in visual and performing arts;
 - Citing that each member of the work group must have knowledge and experience pertinent to the purpose of the workgroup
- Requirements for Public Disclosure:
 - A 14-day notice of meetings
 - A minimum number of meetings to collect public feedback
 - A webpage

Ms. Kufera noted staff have identified some drafting issues in the bill and noted them as reflected in the handout. She said the original bill provided assurances of the employment, benefits and retirement of any M-NCPPC employee who would transfer to the new Recreation Authority. The amendments seem to strike this assurance. Moreover neither the original nor the amended bill addresses the concern of how the recreation authority would accomplish this. M-NCPPC Legal staff recommend to support an amendment to add legislative assurance that the bill would address this concern for staff and retirees who may be disrupted.

Commissioners provided input.

Commissioner Geraldo asked why a union representative is part of the group. Chair Anderson suggested that the bill be more specific about the qualifications of the members, that they should not merely be stakeholders but should have relevant subject matter expertise in Parks and Recreation management, and the finance or operations of recreation programs. For example, the union representative should have a background in recreation. Commissioner Geraldo supported the suggestion.

Commissioner Rubin asked to clarify the purpose of the Blue Ribbon Workgroup, noting the original intent was to determine how to transfer the responsibilities of recreation from M-NCPPC to the Recreation Authority. The current purpose is to determine what the fiscal and operational issues and impacts would be. Deputy General Counsel Borden agreed the amendment removes the foregone conclusion of the formation of the Recreation Authority. She offered that the Workgroup could make suggestions on how the Department of Parks and Recreation (DPR) could do their business better or may recommend it would be done better by another entity. The M-NCPPC is interpreting the amendments to mean the current purpose of the Workgroup is to gather evidence and make recommendations, noting that the county does not have to go to the state to form such a Workgroup, and posited the legislation may no longer be needed. She said if the legislation does move forward, a true and unbiased study is required, particularly if the Workgroup makes recommendations that would impact employees and the pension system. The Workgroup would need to study the impact it would have on those groups and develop plans or strategies to minimize the impact it may have before they make their recommendation. Deputy General Counsel Borden said that condition

should be embedded in the language of the formation of the Blue Ribbon Workgroup. Commissioner Rubin said it should be clear that the Workgroup may conclude and recommend that we maintain the status quo. She asked if there would be opportunities for the public to share their input with the Workgroup. Deputy General Counsel Borden replied that part of the new amendments indicated there would be several opportunities for the public to engage.

Vice-Chair Hewlett noted the proposed amendments went before the Prince Georges County Council on Monday, March 14, and the Council voted 9-0 to support, with the amendments, but also recommend some of their own. She said she presented before the Council yesterday that a bill was no longer needed, since the study group can be formed without going through the MD General Assembly.

Commissioner Cichy asked if the M-NCPPC could take over a retirement fund for the Recreation Authority to provide continuity and asked would it be appropriate for the agency to analyze and manage that. Executive Director Chiang-Smith said M-NCPPC Employee Retirement System (ERS) Administrator Andrea Rose is looking at that. Currently, the ERS can only accept contributions from M-NCPPC employees, so it poses a big question.

Commissioner Doerner noted the quick turnaround of the formation of this bill, and the lack of transparency or the ability for the public to have had the opportunity to discuss it. He said the Workgroup's discussions should be subject to the Open Meetings Act, rather than developed behind closed doors with no transparency and suggested inserting language about the Open Meetings Law and transparency. Vice-Chair Hewlett agreed, noting those who are accusing the M-NCPPC of lacking in transparency need to adopt a level of transparency as well, suggesting, for example, the same level the M-NCPPC provides the public when the agency presents its budget. Commissioner Rubin agreed, adding a lack of transparency may allow an appointed Workgroup to operate in the same fashion that introduced the original bill, especially if they perform the study without a legislative framework.

Vice Chair Hewlett noted the County Executive has 3 appointments, the County Council has 3 appointments, and said the M-NCPPC should have 3 appointments to the Workgroup as well, who might be experts in arts programs and/or disability services.

Chair Anderson noted the supporters of this bill seem to be focusing on the notion that Prince George's Recreation program ought to be putting more focus on developing elite-level athletes. He said this issue is not just about elite sports – it does not include or address arts programs, inclusion programs for the disabled, or programs for seniors. Proponents of the bill say we want to prepare kids for Division I sports, or compete in the Olympics, but ignore that it would come at the expense of everyone else in the county. The agency should frame the message that the supporters of the bill want to build a program where elite athletes win, but where everyone else loses. These issues should be confronted directly.

Chair Anderson said the proponents of the bill need to support their claims. They are promising more with no more resources. They need to explain and document how they are going to do better. This Workgroup should be given a mandate to provide an analysis exploring these important details.

Chair Anderson suggested asking for clarification on why this legislation is still necessary and further suggest the County hire an independent study Workgroup, with professional expertise in this matter, and enable them to perform a rigorous evaluation on the impact on the delivery of services, continued operation of the DPR, impact on retirees, etc. If they insist

on going forward with state legislation to form the study group, at a minimum, the agency should propose the following amendments:

1. Propose amendments that include calling for greater specificity in the qualifications of the appointees to the Workgroup.
2. Suggest an amendment that directs this Workgroup to procure an expert financial analysis of the impact of the proposal to create a new Recreation Authority; an actuarial evaluation of the impact on employee benefits, including the M-NCPPC's retirement system and other issues related to the economics of this concept;
3. Ensure that whatever process is enacted for this Workgroup clearly is subject to the Open Meetings Act, but comports with higher standards of procedural regularity, notice, and transparency that were missing from the early stages of this initiative.

ACTION: Motion of Commissioner Geraldo to proceed as described above by Chair Anderson
Seconded by Commissioner Cichy
9 approved the motion

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) (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 Geraldo seconded. Commissioners in attendance voted for the measure and the meeting moved to closed session at 10:54 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 collective bargaining update.

8 Commissioners voted (Patterson absent for vote; Washington absent from 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

NOT PRESENT

A. Shuanise Washington

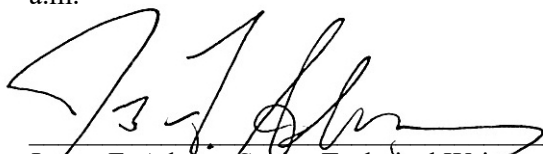
Also present (by videoconference):

Asuntha Chiang-Smith, Executive Director
Gavin Cohen, Secretary-Treasurer

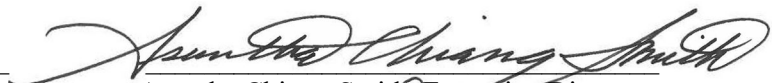
Debra Borden, Deputy General Counsel for General Counsel Adrian Gardner
Andree Checkley, Director, Prince George's Planning
Christian Gabriel, Deputy Director, Prince George's Parks and Recreation for Director Bill Tyler
Mike Riley, Director, Montgomery Parks
Gwen Wright, Director, Montgomery County Planning
James Adams, Senior Technical Writer
Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director
Derick Berlage, Deputy Director, Prince George's Planning
Gary Burnett, Acting Deputy Director, Montgomery Parks
Steve Carter, Deputy Director, Prince George's Parks and Recreation
Mazen Chilet, Chief Information Officer
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

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

There being no further business to discuss, Chair Anderson adjourned the meeting from closed session at 11:35 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director