

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

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
June 21, 2023

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

PRESENT

Prince George's County Commissioners

Peter A. Shapiro, Chair
Dorothy Bailey
William Doerner
Manuel Geraldo

Montgomery County Commissioners

Artie Harris, Vice Chair
James Hedrick
Josh Linden
Mitra Pedoeem

NOT PRESENT

A. Shuanise Washington

Shawn Bartley

Chair Shapiro called the meeting to order at 9:39 a.m. He welcomed Vice-Chair Harris and Commissioner Linden to the Commission.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: See item 2

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – May 17, 2023

Motion by Commissioner Geraldo to adopt the 6/21/23 Agenda
and 5/17/23 Open Session Minutes
Seconded by Commissioner Bailey

6 approved the 5/17/23 minutes
Harris, Linden Abstained

8 approved the 6/21/23 agenda

ITEM 3 GENERAL ANNOUNCEMENTS

- a) National Caribbean American Heritage Month
- b) Lesbian, Gay, Bisexual, Transgender and Queer + (LGBTQ+) Pride Month

ITEM 3 COMMITTEE AND BOARD REPORTS (For Information Only)

- a) Employees' Retirement System Board of Trustees Regular Meeting Minutes, May 2, 2023

ITEM 5

ACTION/PRESENTATION ITEMS

- a) Resolution 23-13 Adoption of the FY24 Commissioner Operating and Capital Budgets (Kroll)

Corporate Budget Director Kroll presented the final budget resolution for M-NCPPC's FY24 Budget. He noted differences between the proposed and actual budgets appearing in the packet, which were adopted by the County Councils.

ACTION:

Motion by Commissioner Geraldo to approve Resolution 23-13

Seconded by Commissioner Doerner

8 voted in favor

- b) Resolution 22-44 Approval of the FY24 Employer Contribution for Retiree Group Health Insurance (115 Trust) (Cohen)

Secretary-Treasurer Cohen reviewed the resolution for Commissioners, which is to identify the employer contribution to the trust fund which covers providing retiree health benefits. The recommended contribution amount, calculated by the Trust actuary is \$8.556M for FY24.

ACTION:

Motion by Commissioner Geraldo to approve Resolution 22-44.

Seconded by Commissioner Hedrick

8 voted in favor

- c) Amendments to Practice 2-26/Procedures 96-01 (Controlled Substances and Alcohol-Free Workplace Policy) (Harvin/Beckham)

Corporate Policy and Management Operations Director Harvin summarized the changes to the policy regarding the use of alcohol in M-NCPPC facilities and by M-NCPPC employees along with the impact of the recent legalization of cannabis in the state of Maryland.

The policy codifies that the use/serving of alcohol at M-NCPPC events/facilities must be authorized in writing by the appropriate Department Head or Planning Board Chair.

Cannabis will be treated as any other prescription drug. Employees must still be able to perform their job. Recreational, off-duty use is permitted for employees who do not hold safety-sensitive positions, but the use may not impair job performance. Under certain circumstances, testing for cannabis may be required, but employees will not be subject to discipline solely due to a positive test, as current testing methods cannot determine impairment, but only the presence of the drug. As science changes to detect impairment, the policy office will amend the policy. CPMO Director Harvin noted these allowances are not available to safety-sensitive positions, including CDL-licensed drivers, due to federal regulations. Those employees will not be permitted to use cannabis.

CPMO Director Harvin said recreational use of cannabis in Maryland represents uncharted territory for these policies. The Corporate Policy office will continue to stay abreast of the situation.

Commissioner Pedeem asked to clarify the permission aspect of M-NCPPC employees to drink at a park function where alcohol is being served. CPMO Director Harvin said

individual employees do not need to seek permission if they are not on duty. The written permission aspect of the policy applies to the event, not individual employees. As a practical matter, if the Commission is holding a function on Commission property, a Department Head or Planning Board Chair should state up front whether employees may consume alcohol. If an employee is representing the M-NCPPC, at an off-site event, it is the responsibility of the employee to drink responsibly.

General Counsel Borden clarified that the Parks Departments permit outside vendors who serve alcohol, and public funds are not used to purchase alcohol. The Chair or the Department Head must authorize it in writing and specify whether employees may consume alcohol at the event. She added if an employee is not attending as an employee/representative of the agency, they may consume alcohol simply as a member of the public.

Commissioner Doerner asked to review a scenario in which things may get out of hand. It's not clear if a planning board chair or department head authorizes an event and they themselves drink, who holds them accountable? He summarized the issue with the former Montgomery County Planning Board and noted these changes do not address the issue. General Counsel Borden agreed executive oversight is challenging. The policy amendments on alcohol at M-NCPPC facilities/events are meant to provide a paper trail for a specific event. The executive oversight issue wasn't addressed in the past at all. As more changes are warranted, the policy may continue to be amended. Commissioner Doerner suggested if the executive is hosting the event and wishes to drink, a similar level executive must authorize it. Chair Shapiro suggested this issue be addressed in future updates.

Commissioner Linden asked to clarify the definition of on-duty versus off-duty, is it a place-based definition, work hours definition, or something else. CPMO Director Harvin said if an employee is being paid, they are on duty. If the employee is off-duty and attending in their personal time, they are not on duty. Commissioners Linden and Pedoeem asked for language to be added to reflect that clarification.

ACTION:

Motion by Commissioner Geraldo to approve the policy amendments.

Seconded by Commissioner Hedrick

8 voted in favor

d) Updated on Covid-19 Vaccination Mandate Rollback Plan (Chiang-Smith)

Executive Director Chiang-Smith said on May 11, the Federal Government ended the national COVID-19 emergency. She requested approval of the recommendation to have the M-NCPPC repeal and rescind the vaccination mandate for all employees, new-hires and volunteers. She noted a FAQ sheet that had been included in the packet, which will be distributed to help address questions staff, applicants and volunteers may have.

She noted that a request was made to examine whether the time frame to keep vaccination records could be amended to be briefer than the National Archives-required 30 years. Legal and Human Resources staff are looking into amending the period and will report back to the Commission at a later date.

She thanked the Risk and Safety Office for managing the process, including a 24/7 tracking line for employees to report infections, provide information, and allow the agency to track the spread of the virus among agency staff, visitors and facilities. They'd been tracking these numbers since 2020 and have done a tremendous job in keeping the agency's staff and its

patrons safe.

Chair Shapiro thanked staff for guiding the agency through the issue.

e) Pride Month: LGBTQ+ Heritage Initiative (Stern/Ballo)

Acting Director Stern introduced Historic Preservation Supervisor Rebecca Ballo, who provided information and resources on the Montgomery County Planning Department's commitment to highlighting the County's commitment to LGBTQ+ history in Montgomery County.

Ms. Ballo shared a presentation on a joint project between the Montgomery Planning Department and the State of Maryland to further their commitment to Diversity, Equity and Inclusion impacting the LGBTQ+ community. This effort produced a study of LGBTQ+ heritage in Montgomery County, the state of Maryland and at the national level; and how that history has been underrepresented in the overall historical narrative.

Topics included:

- LGBTQ+ America: National Park Service Theme Study
- LGBTQ+ Maryland Statewide Context
- Susan Silber House, retired LGBTQ activist and lawyer
- Bruce Williams House, first openly LGBTQ-elected official in Maryland
- Robert Coggin House, founder of the LGBTQ rights movement in Montgomery County
- Prince George's County LGBTQ+ Heritage Sites
- Recognition and Partnerships
- *Planting the Rainbow Flag* publications, including links to a database which contains information on over 400 sites of LGBTQ+ heritage in Maryland.

Chair Shapiro praised Ms. Ballo and Director Stern for the multijurisdictional effort. Congratulations to all who participated. Executive Director Chiang-Smith said she attended the M-NCPPCs booth at the recent Capital Pride festival for several hours and said it was a huge success with great representation from the agency, a very positive vibe and we are definitely looking forward to participating again.

f) Georgia Avenue Walking Tour – Pedestrian Safety (Stern)

Acting Director Stern briefed Commissioners on the May 31 visit of Maryland Governor Wes Moore, who attended a walking tour of Georgia Avenue through downtown Wheaton. The tour was organized by former M-NCPPC Commissioner Natali Fani-Gonzalez in conjunction with the Montgomery County Transportation Department and Montgomery County Planning Department. It illustrated the pedestrian safety conditions and economic development issues along Georgia Avenue in downtown Wheaton. Acting Director Stern shared photos of the tour and information on pedestrian accidents in the downtown Wheaton area to highlight the importance and need for pedestrian safety. Because Georgia Avenue, University Blvd and Viers Mill Road are state-owned roads, it is critical to work with the Maryland DOT and State Highway Administration to make the area safer for pedestrians.

During the tour, Acting Director Stern shared details on the Pedestrian Master Plan that the Montgomery Planning Department developed, currently under review with the County Council. She said after the tour, Gov. Moore provided remarks to the press supporting the efforts to improve pedestrian safety.

It was a good opportunity to meet the Governor and bring his attention to the matter. Chair Shapiro thanked Acting Director Stern for representing the M-NCPPC so well.

ITEM 5 OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report (May 2023) (For information only)
- b) 3rd Quarter MFD Purchasing Report (For information only)


Secretary-Treasurer's Report

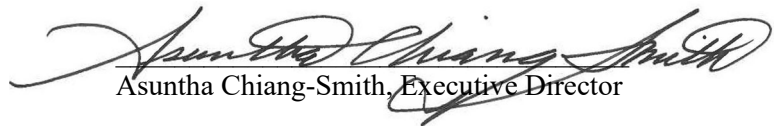
No report scheduled.

General Counsel's Report

- c) Litigation Report (For information only)

With no other business to discuss, Chair Shapiro adjourned the meeting at 10:37 a.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director