



Commission Meeting
Open Session Minutes
July 15, 2020

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the Montgomery Regional Office Auditorium in Silver Spring, Maryland.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Natali Fani-Gonzalez
Tina Patterson (departed 12 noon)
Partap Verma (departed 12 noon)

Prince George's County Commissioners

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

NOT PRESENT

William Doerner

Chair Anderson called meeting to order at 9:58 a.m.

- ITEM 1 APPROVAL OF COMMISSION AGENDA
Executive Director Chiang-Smith requested moving discussion of item 5a to the end of closed session before returning to vote in open session.
ACTION: Motion of Commissioner Geraldo to approve the amended agenda
 Seconded by Vice-Chair Hewlett
 9 approved the motion
- ITEM 2 APPROVAL OF COMMISSION MINUTES
Open Session – June 18, 2020
ACTION: Motion of Commissioner Washington to approve the minutes
 Seconded by Commissioner Bailey
 9 approved the motion
- ITEM 3 GENERAL ANNOUNCEMENTS
a) Bereaved Parents' Month
b) Upcoming Hispanic Heritage Month (September 15-October 15)
c) Acknowledgement of the 6th Anniversary of Eric Gardner's Death in New York City
- ITEM 4 COMMITTEE MINUTES/BOARD REPORTS (For Information Only)
a) Executive Committee – Open Session July 1, 2020
b) Executive Committee – Closed Session July 1, 2020
c) Employees' Retirement System Board of Trustees Regular Meeting – June 2, 2020

ITEM 5

ACTION AND PRESENTATION ITEMS (taken out of order)

- b) Recommendation for Appointment of HarbourVest as a new Investment manager for the Employees' Retirement System (Rose)

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

- c) Recommendation for Benefit Changes for Calendar Year 2021 (Spencer/McDonald)
Corporate Human Resources Director Spencer noted no significant changes to most benefits plans. He described recommended changes to the Employees' Sick Leave Bank Program.

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

- b) I-495/I-270 Managed Lanes Update (Rubin/Borden)

Special Project Manager Carol Rubin introduced the staff briefing to the Commissioners on the staff recommended M-NCPPC's responses to the Maryland Department of Transportation (MDOT) / State Highway Administration's (SHA) Detailed Environmental Impact Study (DEIS). She named the many professional staff representing different divisions within both Parks and Planning Departments in both counties and was joined by Deputy General Counsel Debra Borden for today's presentation, who participated in developing the comprehensive response.

Ms. Rubin reviewed the timeline and actions that have been taken during the study process leading up to July 2020, when the SHA's DEIS was published. M-NCPPC as a participating agency was provided an administrative draft copy in January. After comprehensive review of the administrative draft, staff have prepared today's briefing and recommendations for response. The published DEIS will be reviewed by the public, and M-NCPPC will present formal comments via testimony of Chair Anderson to be followed by more comprehensive written comments.

October 8 will close the public comment period (since been extended to November 9) for the current MLS. In September, the SHA is scheduled to kick off the NEPA (National Environmental Policy Act) process for the extended I-270 part of the project north of I-370 (Phase I North).

Staff presented major issues addressed in the response, with detail included in the Memorandum to the Commission:

- Insufficient Analysis of the ICC Alternative
- Limit of Disturbance (LOD) Adjustments, including Greater Impact to Natural Resources, Cultural and Historic Resource Impacts and Access Decisions
- Making Parks Whole Again
- Adherence to the Capper-Cramton Act
- Environmental Justice

- Alternative Modes of Travel
- Non-Auto Driver Mode Share
- Non-Conformance with Historic Preservation Act
- Inadequate Stormwater Treatment

Vice Chair Hewlett noted while there is still a lot of work to be done, she appreciated the work and progress staff has made, based on the SHA acknowledgements on the current DEIS in contrast to the original ARDS. Commissioner Geraldo added his appreciation.

Chair Anderson and Commissioner Fani-Gonzalez expressed budget concerns, particularly in light of the recent cost over-run and monetary loss with the similar transportation-related Public-Private Partnership with the Purple Line Transit Constructors. Chair Anderson noted the Managed lanes project was in need a detailed financial analysis to determine how it will affect the credit rating of the state, and more particularly its impact on the promised transit subsidy if it is discovered that it is not budget neutral. Chair Anderson also raised the issue that the premise of the MLS leaving out transit was that transit does not pay for itself. But according to the DEIS, neither does the addition of toll lanes. Ms. Rubin agreed and will include a request for analysis in their formal response.

General Counsel Gardner discussed the next steps. Staff will return in September (now October due to the extension of the comment period) to bring the agency’s final response and outline other options as the process moves forward. He recommended each of the Commissioners share the link of this briefing with leadership in our state and county government.

ACTION: Motion of Vice-Chair Hewlett to support this briefing as the beginning outline of the agency’s position on the Environmental Impact Study, and to authorize Chair Anderson to testify on the basis of the information therein.
 Seconded by Commissioner Washington
 9 approved the motion

ITEM 6 OFFICERS’ REPORTS (Taken out of order)

Executive Director’s Report

- a) Employee Evaluations Not Completed by Due Date (March 2020) (For information only)

Secretary Treasurer Report

No report

General Counsel Report

- b) Litigation Report (For information only)

Chair Anderson asked for a motion to enter closed session at 12:01 p.m. Vice Chair Hewlett moved; Commissioner Fani-Gonzalez seconded. The motion was approved by all 9 Commissioners present for the vote.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice and conduct collective bargaining discussions.

Open session resumed at 12:17 p.m. Commissioners Doerner, Patterson and Verma were absent for the following votes.

ITEM 5 PRESENTATION ITEM – COVID-19 Response Resolutions

5a. Resolution 20-14 Updated COVID-19 Response Decision Affecting Park Police Officers

ACTION: Motion of Commissioner Washington to approve the Resolution
Seconded by Commissioner Vice Chair Hewlett
7 approved the motion

5b. Resolution 20-15 Authority of the Executive Committee to Authorize COVID-19 Response Decisions

ACTION: Motion of Commissioner Washington to approve the Resolution
Seconded by Commissioner Vice Chair Hewlett
7 approved the motion

5c. Resolution 20-16 Fiscal Year 2021 Decisions Affecting Annual Merit Adjustments, Cost of Living Increments and Paid Time Off for Service/Labor, Office and Trades Units

ACTION: Motion of Commissioner Washington to approve the Resolution
Seconded by Commissioner Geraldo
7 approved the motion

5d. Resolution 20-17 Fiscal Year 2021 Decisions Affecting Annual Merit Adjustments, Cost of Living Increments and Paid Time Off for Non-Represented Merit Employees

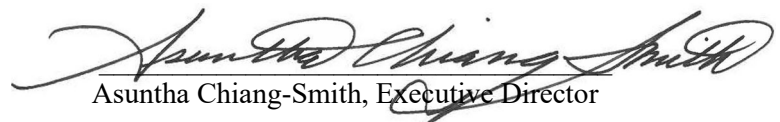
ACTION: Motion of Commissioner Washington to approve the Resolution
Seconded by Commissioner Geraldo
7 approved the motion

5e. Resolution 20-18 Fiscal Year 2021 Decisions Affecting Pay Adjustments for Contract Employees (Seasonal/Intermittent, Temporary and Term Employees)

ACTION: Motion of Commissioner Washington to approve the Resolution
Seconded by Commissioner Geraldo
7 approved the motion

There being no further business to discuss, the meeting ended at 12:24 p.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director