



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
November 16, 2022

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

PRESENT

Prince George's County Commissioners

Peter A. Shapiro, Chair

Manuel Geraldo

A. Shuanise Washington (videoconference)

Montgomery County Commissioners

Jeffrey Zyontz, Vice Chair

Cherri Branson

David Hill

Amy Presley (videoconference)

NOT PRESENT

Dorothy Bailey

William Doerner

Robert Piñero* (not yet sworn in)

Chair Shapiro called the meeting to order at 10:05 a.m. Roll was called, and Chair Shapiro called for a motion to move the meeting into closed session. Commissioner Geraldo moved; Commissioner Hill seconded. All Commissioners in attendance voted in favor of moving to closed session. The meeting adjourned to a secure meeting location and re-convened in closed session at 10:10 a.m.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(9) a closed session is proposed to consult with counsel to consider matters that relate to negotiation with the Fraternal Order of Police Collective Bargaining Unit.

The following individuals were present (in person and via videoconference):

Also present:

Asuntha Chiang-Smith, Executive Director

Gavin Cohen, Secretary-Treasurer

Debra Borden, General Counsel

Andree Checkley, Director, Prince George's Planning

Bill Tyler, Director, Prince George's Parks and Recreation

Mike Riley, Director, Montgomery Parks

Tanya Stern, Acting Director, Montgomery Planning

James Adams, Senior Technical Writer, DHRM

Miti Figueredo, Deputy Director, Montgomery Parks

Tracey Harvin, CPMO Director, DHRM

Suzann King, Deputy Director, Prince George's Planning

John Kroll, Corporate Budget Director

Robert Kronenberg, Deputy Director, Montgomery Planning

William Spencer, Corporate HR Director

The Executive Director updated Commissioners on collective bargaining negotiations and related matters. Commissioners provided direction and support on how to proceed.

There being no further business to discuss in closed session, Chair Shapiro called for a motion to return to open session. Commissioner Geraldo moved; Commissioner Hill seconded. All Commissioners in attendance voted in favor of returning to open session. Open session resumed at 10:49 a.m.

ITEM 1 ACTION ITEM

- a) Appointment of Peter A. Shapiro as Chair of the M-NCPPC and Jeffrey Zyontz as Vice Chair of the M-NCPPC

ACTION: Motion of Commissioner Geraldo to appoint the Chair and Vice Chair
Seconded by Commissioner Washington
7 approved the motion

- b) Liaison Board Appointments

1. Vice Chair Zyontz Appointed Commissioner Branson to the Audit Committee.
2. Resolution 22-40 Presley to ERS BOT
3. Resolution 22-41 Pinero to 115 Trust

ACTION: Motion of Vice Chair Zyontz to adopt Resolutions 22-40 and 22-41
Seconded by Commissioner Geraldo
7 approved the motion

ITEM 2 APPROVAL OF COMMISSION AGENDA

Executive Director Chiang-Smith added a closed session to the agenda

ACTION: Motion of Commissioner Hill to approve the amended agenda
Seconded by Commissioner Geraldo
7 approved the motion

ITEM 3 APPROVAL OF COMMISSION MINUTES

Open Session – July 20, 2022

Closed Session – July 20, 2022

Open Session – September 8, 2022

ACTION: Motion of Commissioner Geraldo to approve the minutes
Seconded by Commissioner Washington
Shapiro, Geraldo and Washington approved the motion
Zyontz, Branson, Hill and Presley abstained
3 approved the motion, motion passes
4 abstentions

ITEM 4 GENERAL ANNOUNCEMENTS

- a) Thanksgiving and Employee Appreciation Day Holidays
- b) National American Indian Heritage Month (Maryland American Indian Heritage Day Nov 25)
- c) American Lung Cancer Awareness Month & Pancreatic Cancer Awareness Month
- d) Great American Smoke Out Nov 17
- e) Bereaved Siblings Month
- f) Caregivers Month
- g) National Adoption Month
- h) Military Family Appreciation Month

- i) Upcoming Festival of Lights and Winter Garden of Lights Walk-Through in Prince George's and Montgomery Counties
- j) Diversity Council Openings for 2023

ITEM 5

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee Meeting, September 7, 2022 Open Session
- b) Executive Committee Meeting, September 7, 2022 Closed Session
- c) Executive Committee Meeting, November 2, 2022 Open Session
- d) Employees' Retirement System Board of Trustees Regular Meeting, July 12, 2022
- e) Employees' Retirement System Board of Trustees Regular Meeting, September 6, 2022
- f) Employees' Retirement System Board of Trustees Regular Meeting, October 4, 2022

ITEM 6

ACTION AND PRESENTATION ITEMS

- a) Diversity Council Strategic Plan 2023-2025 (Diversity Council)
Diversity Co-Chairs Genevieve Gennai and Ryan Harrison and Vice Chair Zubin Adrianvala presented the 2022-2024 Diversity Council Strategic Plan as reflected in the packet. The presentation included a review of the departmental makeup of the body of the Council; the Diversity Council's Mission, Vision, and Values; Ongoing projects and work; and noting proposed changes in the Strategic Plan.

ACTION: Motion of Commissioner Geraldo to adopt the Strategic Plan
Seconded by Commissioner Branson
7 approved the motion

- b) Resolution 22-34 Re-Appointment of Michael Strand to the M-NCPPC Merit Board (King)
No discussion

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-28
Seconded by Commissioner Hill
7 approved the motion

- c) Resolution 22-35 Request to Approve Change of Resident Agent for Service of Process (Borden)
General Counsel Borden summarized the memo included in the packet, explaining that the M-NCPPC needs to file an updated Resident Agent for Service of Process with the Maryland State Department of Assessments and Taxation since the former General Counsel retired.

ACTION: Motion of Commissioner Hill to adopt Resolution 22-35
Seconded by Commissioner Geraldo
7 approved the motion

- d) Resolution 22-36 Adoption of the ERS Plan Document Restatement Effective July 1, 2022 (Rose)
MNCPPC Employees' Retirement System Administrator Rose, on behalf of the ERS Board of Trustees, reviewed the Retirement Plan Document changes adopted by the M-NCPPC, as outlined in the packet. She described changes to Plans C&D regarding sick leave conversion for Park Police.

ACTION: Motion of Vice Chair Zyontz to adopt Resolution 22-36

Seconded by Commissioner Geraldo
7 approved the motion

- e) Resolution 22-37 Recommendation to approve an Employer Contribution of \$28,367,491 for the Employees' Retirement System for Fiscal Year 2024 (Rose/Cheiron)

ERS Administrator Rose explained the ERS undergoes an annual independent actuarial evaluation to determine funding requirements for the coming year and is requesting Commissioner approval for that funding recommendation. She introduced representatives from the independent auditor, Cheiron, who performed the audit. Patrick Nelson from Cheiron reviewed the material included in the packet.

Ms. Rose noted the agency's funding ratio for the plan and the investment return assumptions are in the top quartile for public plans nationwide, a very good position, due to the work of the Board. Chair Shapiro agreed, praising the Board's long term planning and noting given the economic climate, this is very good news.

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-37

Seconded by Commissioner Washington

7 approved the motion

Vice Chair Zyontz disclosed he is getting an annuity from the Employees' Retirement System. He noted the contribution does not affect his annuity and Counsel has assured him there is no conflict of interest in his vote.

- f) Recommendation for Appointment of Nuveen as a new Investment Manager for the Employees' Retirement System (Rose)

Ms. Rose said in accordance with the trust agreement between the ERS Board of Directors and the Commission, the Commission approves the appointment of new Investment Managers upon the recommendation of the Board. After consistent underperformance of the former Investment Manager, the Board spent several months in due diligence to select Nuveen as a new Manager.

ACTION: Motion of Commissioner Geraldo to Appoint Nuveen

Seconded by Vice Chair Zyontz

7 approved the motion

- g) CAS Cost Allocation (Chiang-Smith/Beckham)

Corporate Budget Director Kroll explained his annual analysis detailing how much administrative support is allocated between Montgomery and Prince George's Counties, based on workload indicators, over a 3-year average. This year's analysis shows a small shift of approximately \$9,900 from Prince George's to Montgomery County. There were no questions.

ACTION: Motion of Commissioner Geraldo to approve the cost allocation

Seconded by Commissioner Branson

7 approved the motion

- h) 115 Trust Report (Cohen) (information item)

No discussion, no vote needed

- i) Resolution 22-38 Temporary Extension of Annual/Generic Leave Carryover (Harvin)
Corporate Policy and Management Operations (CPMO) Director Harvin requested a fourth and hopefully final extension for use of Annual Leave, suspending leave carryover policies as laid out in the Merit System Rules and Regulations and Contract procedures. She provided background information and statistics supporting the request, adding the Department of Finance will provide periodic reports to Department Heads to assist in ensuring employees are given the opportunity to plan for leave use throughout calendar 2023.

Commissioner Branson asked how many employee hours are currently expected for payout for Term, or rollover to Sick Leave for Merit employees, and for the maximum amount of annual leave carryover and how it is calculated. CPMO Director Harvin replied there are currently more than 154,000 hours collectively slated to roll over if the extension isn't granted. She added the amount an employee is permitted to carry over is based on longevity, ranging from 440 hours for employees who were hired before July 1, 2013; scaling to a maximum of 275 hours for employees hired after July 2019. Commissioner Hill asked about the certainty that this will be the last year. CPMO Director Harvin said if the agency remains in the same position in future years, staff and Commissioners can reconsider the direction.

ACTION: Motion of Commissioner Hill to adopt Resolution 22-38
Seconded by Commissioner Geraldo
7 approved the motion

- j) Resolution 22-39 Resolution to Dissolve the Executive Committee by Modifying Resolution Nos 74-46 and 76-34 (Borden/Vaias)

General Counsel Borden asked the Commission to support a recommendation to dissolve the Executive Committee. She provided background and justification for the action, including examining the resolutions, created in the 1970s that pertained to the establishment and duties of the Executive Committee. Because the Executive Committee only consists of the two Chairs and the Executive Director, if just two of those three members meet to discuss any agency matter, that constitutes a majority quorum, which triggers certain regulations within the Open Meetings Act. Earlier this year, the agency received an Open Meetings Act Compliance Board decision that cited this as a problem.

Because the agency's executives need to be able to confer and discuss things freely and at any time, staff examined the duties and actions of the Committee. To address and fix this issue, staff determined most of these duties can be carried out by the Executive Director, provided the Executive Director confers with the two Chairs. There will be a number of other resolutions and references which will require amendments, scheduled to be presented as a package of corrections and resolutions at a later date.

Chair Shapiro said this is a small but significant change toward good governance. Vice Chair Zyontz supported the action. Commissioner Branson concurred, noting she supports and encourages transparency in governance but the configuration of the Committee is stifling to open communication. Commissioner Hill asked if any of the Commissioners had an issue

with the transfer the power of three people to single individual. Vice Chair Zyontz replied he and Chair Shapiro discussed this issue, and determined since the Executive Director answers to the Chairs, any conflict/objection could be resolved by action of the Chairs.

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-39
Seconded by Commissioner Hill
7 approved the motion

k) Information on MPIA Policy (Beckham) (information only)

No discussion

l) Information on Exetention of Referral and Sign-on Bonuses (Beckham) (information only)

No discussion

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report (September-October 2022) (For information only)
- b) Budget transfer Quarterly Report (For information only)
- c) 4th Quarter Purchasing Statistics (for information only)

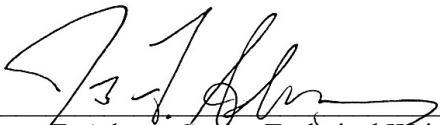
Secretary-Treasurer's Report

- d) 4th Quarter FY22 and 1st Quarter FY23 Investment Report (For information only)
Vice Chair Zyontz asked if there was a reason for the current investment diversification rather than focusing solely on a Money Market. Secretary-Treasurer Cohen replied it is the principle of protecting the agency's portfolio as a whole by diversifying the types of investments. The agency is better protected with this kind of diversification strategy.

General Counsel's Report

- e) Litigation Report (For information only)

With no further business to discuss, Chair Shapiro adjourned the meeting at 11:39 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director