



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
December 15, 2021

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

PRESENT

Prince George's County Commissioners

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

Montgomery County Commissioners

Casey Anderson, Vice Chair  
Gerald Cichy  
Tina Patterson  
Partap Verma

NOT PRESENT

A. Shuanise Washington

Carol Rubin

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

ITEM 1

APPROVAL OF COMMISSION AGENDA

Chair Hewlett said item 5d. (Amendments to the Lobbying Disclosure Practice) would not be taken during the meeting.

ACTION: Motion of Commissioner Geraldo to approve the amended agenda  
Seconded by Bailey  
8 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – November 17, 2021

Closed Session – November 17, 2021

ACTION: Motion of Commissioner Geraldo to approve the minutes  
Seconded by Commissioner Bailey  
8 approved the motion

ITEM 3

GENERAL ANNOUNCEMENTS

- a) National Universal Human Rights Month
- b) National Drunk and Drugged Driving Prevention month
- c) Global AIDS Awareness Month
- d) Ongoing Prince George's County Department of Parks and Recreation Annual Winter Festival of Lights at Watkins Park
- e) Ongoing Montgomery Parks Department Winter Garden Walk-Through Holiday Lights Display at Brookside Gardens

- f) Chair Hewlett welcomed Secretary-Treasurer Cohen to his first full Commission meeting. She is thrilled to have Gavin Cohen join the agency.

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee Meeting – Open Session, December 1, 2021  
b) Executive Committee Meeting – Closed Session, December 1, 2021

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Resolution 21-29 Approval of Great Seneca Science Corridor Minor Master Plan Amendment (Hill)

No discussion.

ACTION: Motion of Commissioner Geraldo to adopt Resolution 21-29

Seconded by Commissioner Cichy

8 approved the motion

- b) Resolution 21-30 Approval of FY23 Proposed Operating and Capital Budgets (Kroll)

No discussion.

ACTION: Motion of Commissioner Geraldo to adopt Resolution 21-30

Seconded by Commissioner Doerner

8 approved the motion

- c) Requested Commission-Wide Budget Transfers (Kroll)

Mr. Kroll requested Commission approval on two budget transfers: (i) two Commission-wide studies – (a) succession Planning initial implementation and (b) training and the completion of the Classification and Compensation Study; and (ii) another for the Microsoft License annual renewal. Details were presented in the packet. No questions.

ACTION: Motion of Commissioner Geraldo to approve the budget transfer

Seconded by Doerner

8 approved the motion

- d) Amendments to Lobbying Disclosure (Gardner)

*Item was not discussed at the meeting but General Counsel Gardner requested a memo be attached to these minutes, see Attachment A.*

- e) GFOA Budget Award (Kroll)

Chair Hewlett announced the agency has received the Government Finance Officers' Association Distinguished Budget Presentation Award for the agency's FY2022 Proposed Annual Budget. This is the 36<sup>th</sup> time the agency has won the award. Corporate Budget Director Kroll extended recognition to the corporate budget division and the departmental budget managers and staff. Chair Hewlett extended her congratulations to all the budget staff who worked to produce the award-winning document.

- f) Actuarial Valuation Other Post-Employment Benefits (OPEB)/115 Trust (Cohen/Bolton)

Secretary-Treasurer Cohen introduced Mr. Kevin Binder and Mr. Tim Barry of Bolton Actuaries to present on their report, included in the packet. Mr. Binder and Mr. Barry

provided actuarial analysis, interpretation of the data presented in the report, including budget forecasts and reconciliation for funding for the agency's retirees' benefits program.

No questions. Chair Hewlett thanked Secretary-Treasurer Cohen, Mr. Binder, and Mr. Barry for their time and thorough report.

## ITEM 6

### OFFICERS' REPORTS

#### Executive Director's Report

- a) Late Evaluation Report (November 2021) (For information only)

#### Secretary-Treasurer's Report

No report for December

#### General Counsel's Report

- b) Litigation Report (For information only)
- c) Legislative Update (Gardner)

General Counsel Gardner introduced Assistant General Counsel Caleen Kufera, who will be assisting the Office of the General Counsel for the upcoming legislative session in Annapolis. He provided a verbal presentation on legislative updates.

General Counsel Gardner noted during the last session, the agency supported a Mandatory Referral Bill, requiring applicants for mandatory referral complete their submittal information, which was becoming a problem for a number of projects. The bill, which the agency supported for 3 consecutive years, was vetoed each time. During the last session, the veto was overturned in the state legislature, and the bill was passed without amendment.

General Counsel Gardner asked Commissioners to note four pending bills and/or the agency's position for each. These include bill on:

Montgomery County Land Use Documents (opposed)

Montgomery County Council Voting Thresholds (no position)

Montgomery County Planning Board Video Streaming (no position)

Bi-County Commissioners Ethics Certifications (not opposed, but working with sponsor for modifications)

No questions. No action was requested.

*Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7), (8), (9), and (15) a closed session was proposed on the following topics: Security of the Commission's information technology resources; matters related to positions of the Commission in collective bargaining negotiations, and pending litigation. The purposes for closing the 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; and (iii) enabling productive governance deliberations supported by legal counsel and protected by available legal privileges.*

Chair Hewlett noted the agenda, read the applicable provisions of the Open Meetings Act, and asked for a motion to move to closed session. Commissioner Geraldo moved; Commissioner Cichy seconded. All 8

Commissioners in attendance voted for the measure and the meeting moved to closed session at 10:44 a.m. The meeting reconvened in a separate virtual meeting platform and the topics identified above were discussed.

The following individuals were present:

Prince George’s County Commissioners

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

Montgomery County Commissioners

Casey Anderson, Vice-Chair  
Gerald Cichy  
Tina Patterson  
Partap Verma

NOT PRESENT

A. Shuanise Washington

Carol Rubin


Also present (by videoconference):

Asuntha Chiang-Smith, Executive Director  
Gavin Cohen, Secretary-Treasurer  
Adrian Gardner, General Counsel  
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 (not in open – Robert Kronenberg)  
James Adams, Senior Technical Writer  
Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director  
Derick Berlage, Deputy Director, Prince George’s Planning  
Debra Borden, Deputy General Counsel  
Steve Carter, Deputy Director, Prince George’s Parks, and Recreation  
Mazen Chilet, Chief Information Officer  
Miti Figueredo, Deputy Director, Montgomery Parks  
Christian Gabriel, Deputy Director, Prince George’s Parks and Recreation  
John Kroll, Corporate Budget Director  
Robert Kronenberg, Deputy Director, Montgomery Parks  
John Nissel, Deputy Director, Montgomery Parks  
Wanda Ramos, Deputy Director, Prince George’s Parks and Recreation  
William Spencer, Corporate Human Resources Director  
Wanda Wesley-Major, Liability and Safety Manager, CPMO

Direction was given to counsel and staff. Commissioner consensus was given to continue the vaccination mandate and all current bargaining and litigation strategies.

There being no further business to discuss or action to be taken in open session, Chair Hewlett adjourned the meeting from closed session at 12:01 p.m.

  
James F. Adams, Senior Technical Writer

  
Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

December 15, 2021

To: The Maryland-National Capital Park and Planning Commission

From: Adrian Gardner, General Counsel  
Tracey Harvin, Senior Counsel  
Michael Beckham, Acting Corporate Policy and Management Operations Director  
Areaya Abebe, Acting Corporate Policy and Management Operations Manager

Subject: Proposed Amendments to Administrative Practice 5-61, Lobbying Disclosure

**REQUESTED FOR DEFERRAL – AGENDA ITEM No. 5d.**

As you can see from the packet, the Legal Department and Corporate Policy and Management Operations Division have been working together on necessary revisions to the agency’s Lobbying Disclosure policy (Administrative Practice 5-61). This policy establishes when certain individuals and entities must register and file activity reports with the agency when money is spent, or expenses are incurred, to influence a Commission Action. Proposed revisions to the Practice were shared with senior management.

Under the Maryland Public Ethics Act, the Commission is required to have lobbying disclosure requirements that are “similar to the provisions”<sup>1</sup> of those applicable to individuals and entities who lobby the State. For that reason, our team has also consulted with the State Ethics Commission and requested their input, and we anticipate receiving their comments in time for the next regularly scheduled meeting of our Commission.

For this reason, we recommend that you table the item until your January meeting and, of course, feel free to contact our team if you have questions or comments in the meantime.

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<sup>1</sup> See: Annotated Code of Maryland, General Provisions Article, Section 5-830(b).