



THE MARYLAND-NATIONAL CAPITAL  
Park and Planning Commission

# COMMISSION MEETING

---

**January 17, 2024**

10:00 a.m. – 12:00 p.m.

**Wheaton Headquarters**  
*Auditorium*  
2425 Reddie Drive  
Wheaton, Maryland 20902

and via teleconference

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MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MEETING AGENDA

Wednesday, January 17, 2024

10:00 am to 12:00 noon

Hybrid – Online & Wheaton Headquarters Auditorium, Wheaton

		<u>ACTION</u>	
		Motion	Second
1.	<b>Approval of Commission Agenda (10:00 a.m.)</b>	(*) Page 1	
2.	<b>Approval of Commission Minutes (10:05 a.m.)</b>		
	a) Open Session – December 20, 2023	(*) Page 3	
3.	<b>General Announcements (10:05 a.m.)</b>		
	a) National Blood Donor Month		
	b) National Slavery and Human Trafficking Prevention Month		
	c) Upcoming M-NCPPC Black History Month Observances – February 2024		
	d) Financial Disclosure Filing Requirement April 30 (State and M-NCPPC Deadlines)		
4.	<b>Action and Presentation Items (10:15 a.m.)</b>		
	a) Amendment to Rules of Procedure for Rotation of Commission Chair (Shapiro/Harris)	(*) Page 7	
	b) Amendments to Practice 2-24, Section I(G): Post-Employment Restrictions (Harvin/Beckham)	(*) Page 23	
	c) Resolution 24-01 Minor Amendment to the 2014 Approved Southern Green Line Station Area Sector Plan (Calomese)	(*) Page 59	
	d) Resolution 24-02 Minor Amendment to the 2009 Approved Countywide Master Plan of Transportation and 2013 Approved Subregion 6 Master Plan (Hancock)	(*) Page 63	
	e) Resolution 24-03 Approval of Fairland and Briggs Chaney Master Plan (Larson)	(*) Page 71	
	f) Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended June 30, 2023 (Cohen)		LD
	g) Legislative Update (Borden)		Page 87
5.	<b>Officers’ Reports (11:40 a.m.)</b>		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, December 2023 (For Information Only)		Page 93
	b) MFD 1 <sup>st</sup> Quarter Purchasing Statistics (For Information Only)		Page 95
	c) CIO Quarterly Report		Page 109
	<u>Secretary Treasurer</u>		
	<i>No report scheduled</i>		
	<u>General Counsel</u>		
	d) Litigation Report (For Information Only)		Page 113
6.	<b>Closed Session</b>		
	<i>Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(9) and (15), a closed session is proposed to (i) consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees’ Organization to preserve the Commission’s negotiating position and (ii) to discuss cybersecurity matters that pose a risk to: 1. security assessments or deployments relating to information resources technology; 2. network security information; and 3. deployments or implementation of security personnel, critical infrastructure, or security devices, in order to protect and protect public safety.</i>		

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Commission Meeting  
Open Session Minutes  
December 20, 2023

The Maryland-National Capital Park and Planning Commission met in hybrid, in-person/videoconference, with the Chair initiating the meeting at the Prince George's Parks and Recreation Administration Headquarters Auditorium in Riverdale, Maryland. The meeting was broadcast by the Department of Parks and Recreation, Prince George's County.

PRESENT

Prince George's County Commissioners

Peter A. Shapiro, Chair  
William Doerner  
A. Shuanise Washington

Montgomery County Commissioners

Artie Harris, Vice Chair  
James Hedrick (arrived 10:20)  
Josh Linden  
Mitra Pedoeem

NOT PRESENT

Dorothy Bailey  
Manuel Geraldo

Shawn Bartley

Chair Shapiro called the meeting to order at 10:02 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: See item 2

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – 11/15/23

Motion by Commissioner Washington to adopt the 12/20/23 Agenda and 11/15/23 Open Session Minutes

Seconded by Vice Chair Harris

6 approved the 12/20/23 agenda

6 approved the 11/15/23 minutes

ITEM 3 GENERAL ANNOUNCEMENTS

a) National Human Rights Month

b) National Drunk and Drugged Driving Prevention Month

c) Global AIDS Awareness Month

d) Prince George's County Department of Parks and Recreation Winter Festival of Lights at Watkins Park

e) Montgomery County Parks Winter Garden of Lights Walk through at Brookside Gardens

f) Diversity Council Openings for 2024

ITEM 4 COMMITTEE AND BOARD REPORTS (For Information Only)

- a) Employees' Retirement System Board of Trustees Regular Meeting Minutes, November 7, 2023

ITEM 5 ACTION/PRESENTATION ITEMS

- a) Amendments to Practice 2-24 Ethics (Harvin/Beckham)  
Chair Shapiro tabled this item for a later date.

- b) Resolution 23-26 Rustic Roads Functional Master Plan Update (Pratt)  
No discussion  
ACTION:  
Motion by Commissioner Washington to adopt Resolution 23-26  
Seconded by Commissioner Pedoeem  
6 voted in favor

- c) Resolution 23-30 Amendments to the MPA and SMA to the 2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area (Cloutre)  
No discussion  
ACTION:  
Motion by Commissioner Washington to adopt Resolution 23-30  
Seconded by Vice Chair Harris  
6 voted in favor

- d) Resolution 23-31 Land Exchange Agreement of Kathmandu Property in Walker Mill Regional Park in exchange for public utility easement and storm drain easement (Sun)  
No discussion.  
ACTION:  
Motion by Commissioner Washington to adopt Resolutions 23-31 and 23-32  
Seconded by Doerner  
6 voted in favor

- e) Resolution 23-32 Perpetual Stormwater Management Easement Agreement in Walker Mill Regional Park (Sun)  
No discussion.  
ACTION:  
See item 5d.

- f) Resolution 23-27 Employer Contribution to the Employees' Retirement System Other Post-Employment Benefits (OPEB) (115 Trust) (Cohen/Bolton)  
Secretary-Treasurer Cohen noted a section of the minutes from the ERS Employer Contribution item from the November 2023 meeting indicating "Vice-Chair Harris asked if the numbers could be provided earlier in the future to be reflected in draft budget." Secretary-Treasurer Cohen clarified that the "numbers" refer to both pension contributions and OPEB Trust contributions. Staff will be working with the Trust Board and the actuary to align those numbers with the budget process.

Mr. Vincente from Bolton Partners summarized the actuarial analysis of the 115 Trust, included in the packet.

Vice Chair Harris and Commissioner Doerner asked about the funding level for the 115 Trust, in comparison to industry standards. Mr. Vincente explained insurance funding for

retirees doesn't have an industry standard, since it is an uncommon benefit. He also noted the fund was only created a few years ago and the current fund level of 27% is still in its initial growth phase. It will take some time to be fully funded, but it is on the right trajectory. He said they are using a 3% payroll growth assumption to move toward an eventual goal of 75% funding over a 25-year period.

Commissioner Doerner asked for the Bolton auditors to be aware of increased costs (and resulting budget shortfalls) to be prepared when circumstances change (e.g., younger retirement rates delaying retirees' joining Medicare). Mr. Vincente provided examples of instances that would stress the fund and draw resources down faster than the fund balance and assured Commissioners they would be keeping abreast of those factors.

ACTION:

Motion by Commissioner Washington to adopt Resolution 23-27

Seconded by Commissioner Doerner

7 voted in favor

g) Resolution 23-28 Employees' Retirement System Plan Amendment) (Rose)

No discussion

ACTION:

Motion by Commissioner Washington to adopt Resolution 23-28

Seconded by Commissioner Hedrick

7 voted in favor

h) Resolution 23-29 Approval of the FY2025 Proposed Operating and Capital Budget (Knaupe)

Acting Corporate Budget Director Knaupe presented the proposed M-NCPPC Budgets for Fiscal Year 2025. She explained the details reflected in the staff report, presented as a late delivery item. She said the budgets were presented before and approved by both County Planning Boards, with minor recommended changes which she summarized, also referenced in the staff report.

ACTION:

Motion by Commissioner Doerner to adopt Resolution 23-29

Seconded by Vice Chair Harris

7 voted in favor

ITEM 6 OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report, October 2023 (For Information Only)
- b) Quarterly Budget Transfers Report (For Information Only)
- c) CAS Annual Report

Executive Director Chiang-Smith presented a video of the 2023 Central Administrative Services Annual Report, which highlighted accomplishments from the bi-county departments and offices for the past year. The Chairs thanked the Executive Director and said it was good to see the significant amount of work these offices do each year.

Secretary-Treasurer's Report

*No report scheduled*

General Counsel's Report  
d) Litigation Report (For information only)

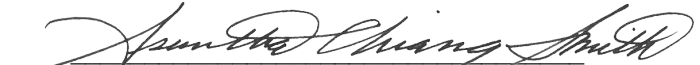
Vice Chair Harris bade a farewell to retiring Montgomery Parks Director Mike Riley and Commissioners wished him a fond farewell.

With no other business to discuss, Chair Shapiro adjourned the meeting at 10:46 a.m.



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James Adams, Senior Technical Writer



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Asuntha Chiang-Smith, Executive Director





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

January 17, 2023

To: The Commission

Via: Tracey Harvin, Corporate Policy and Management Operations Director

From: Michael Beckham, Corporate Policy and Archives Chief

Subject: Amendments to the Rules of Procedure of the Maryland-National Capital Park and Planning Commission

**REQUESTED ACTION**

The Commission is asked to approve proposed amendments to the Rules of Procedure of the Maryland-National Capital Park and Planning Commission (Attachment A), to reflect, in principal part, that the Chair of the Commission will rotate at the first regular meeting after July 1<sup>st</sup>.

With the Commission’s approval, the proposed revisions, which were developed in coordination with the Legal Department, will be finalized and promulgated.

**BACKGROUND**

When the Rules of Procedure of the Commission were last amended in 1987, the updates were approved to change the rotation of the Commission Chair and Vice-Chair from fiscal year to calendar year. The rotation of the Commission Chair and Vice-Chair is to occur at the first regular meeting after January 1<sup>st</sup>.

**Summary of Proposed Amendments**

Staff have drafted amendments to the Rules of Procedure of the Commission to provide that the Chair rotation will occur at the first regular meeting after July 1<sup>st</sup> (at the turn of the fiscal year).

In addition, other amendments:

- Clarify Commission meetings may occur virtually, in addition to in person.
- Clarify that polling may occur virtually, in addition to in-person and via telephone.
- Clarify that a quorum may be met by attendance virtually, in addition to being in person.
- Clarify Notice of Commission meetings can be provided on the agency’s website, among other “reasonable” methods.

- Update the reasons for which a meeting may be closed, e.g., to reflect discussing cybersecurity.
- Update the name of DHRM, from the Department of Administration.
- Remove reference to the Executive Committee (in setting meeting times and determining when emergency telephone or virtual polling is needed on a motion or resolution. This now resides with the Commission and Chair, respectively.)
- Update State Code citations.

Attachment A: Draft Amendments to the Rules of Procedure of the Maryland-National Capital Park and Planning Commission

**DRAFT AMENDMENTS TO THE RULES OF PROCEDURE OF  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

**Key to Revisions:**

**Grey Highlighted:** Recommended Amendments

**Strikeout:** Recommended Deletions

**Bold Italics:** Comments to Draft Reviewer

I. **COMMISSION MEETINGS**

§ 1. **Time**

(a) **Regular Meetings**

Regular meetings will be held on the second Wednesday of each month except August, at 1:30 p.m., or at another a time when it is deemed necessary and appropriate by the Commission Executive Committee.

(b) **Special Meetings**

Special meetings may be called by the presiding officer at any time, and must be called when a majority of members, excluding vacancies, so request in writing.

§2. **Place**

(a) **Regular Meetings**

Regular meetings will be held in Prince George's or Montgomery County alternately, or wherever it is deemed necessary and appropriate due to special circumstances by the Commission Executive Committee. This may include virtual meetings.

(b) **Special Meetings**

Special meetings may be held in either Prince George's or Montgomery County, or wherever it is deemed necessary and appropriate by the Commission.

§3. **Notice**

(a) **Alteration of Meeting Time or Place**

Any alteration in the time or place of a regular or special meeting will be posted at the originally designated time and place. The Department of Human Resources and Management Administration shall make a reasonable attempt to notify all Commission members, staff, and the public of the change at least five days in advance of the originally scheduled meeting, except where impossible due to an emergency.

(b) **Special Meeting**

The Department of Human Resources and Management Administration will make a reasonable attempt to notify all Commission members, staff, and the public of a special meeting at least five days in advance, except where impossible due to an emergency. Such notice will contain the purpose of the special meeting, and no other business may be considered except by two-thirds majority vote of the members present.

1 §4. **Quorum**

2  
3 (a) **Regional Matters**

4 Three members of each County Planning Board shall constitute a quorum for  
5 consideration of regional matters. A quorum may be met by attendance in person  
6 or virtually.

7  
8 (b) **Bi-County and Other Matters**

9 A majority of the members of the Commission, excluding vacancies, shall  
10 constitute a quorum for consideration of bi-county and other matters. A quorum  
11 may be met by attendance in person or virtually.

12  
13 §5. **Procedure: Generally**

14 Meetings shall be conducted according to these Rules of Procedure of The Maryland-  
15 National Capital Park and Planning Commission (Revised, [TBA] 6/87), and Robert's  
16 Rules of Order, Revised. In case of inconsistency, these Rules of Procedure shall govern.

17  
18 §6. **Speakers: Whom to Address**

19 All statements and questions at regular or special meetings will be addressed to the  
20 presiding officer.

21  
22 §7. **Voting Procedure: Generally**

23  
24 (a) **How Commission May Act**

25 The Commission may act by motion or resolution only.

26  
27 (b) **Form of Motions or Resolutions**

28 The presiding officer shall state the question to be decided immediately prior to  
29 taking a vote. All resolutions must be in writing, and any amendments thereto shall  
30 be stated immediately prior to taking a vote.

31  
32 (c) **Manner of Voting**

33 Voting shall be by voice vote. Upon the request of any member, voting will be by  
34 individual yeas and nays.

35  
36 (d) **Telephone and/or Virtual Poll**

37 Whenever an emergency situation is determined to exist by the Commission  
38 Chairman Executive Committee, and circumstances do not permit the assembly of  
39 a special meeting in person, any member may request that a telephone or virtual  
40 poll be taken to act on a motion or resolution. The Chairman Executive Committee  
41 shall make a reasonable attempt to poll all members of the Commission. The voting  
42 procedures relating to specific matters in §8 of this Article shall apply to a telephone  
43 and virtual polls. Any action taken as the result of a telephone or virtual poll shall  
44 be ratified at the next regular Commission meeting. (*Note to Draft Reviewer:*  
45 Sentence recommended for deletion as unnecessary.)

46  
47 §8. **Voting Procedure: Specific Matters**

48  
49 (a) **Regional Matters**

50 The adoption of a motion or resolution respecting a regional matter, as defined in  
51 the Maryland Annotated Code, Land Use Art. § 20-203 Art. 66D, §7-III(b) (1957,  
52 as amended 2012 1977), shall be carried by the affirmative votes of not less than  
53 six members of the Commission, of whom not less than three members shall be  
54 from Prince George's County and not less than three members from Montgomery  
55 County. However, when a regional plan affects one county only, the affirmative  
56 vote of three members of the local planning board for the county affected shall be  
57 controlling.

1 (b) **Bi-County Matters**

2 The adoption of a motion or resolution respecting a bi- county matter shall be  
3 carried by the affirmative votes of a majority of the members present and voting  
4 from Prince George's County and a majority of the members present and voting  
5 from Montgomery County.  
6

7 (c) **Other Matters**

8 The adoption of a motion or resolution respecting any other matters shall be carried  
9 by the affirmative votes of a majority of the members of the Commission present  
10 and voting.  
11

12 §9. **Agenda**

13 (a) **Regular Meetings**

14 At the beginning of each regular meeting, the Commission will approve the agenda  
15 for that meeting.  
16

17 (b) **Special Meetings**

18 At the beginning of each special meeting, the members present will approve the  
19 agenda for that meeting.  
20  
21

22 §10. **Minutes**

23 The Department of **Human Resources and Management Administration** will maintain the  
24 approved minutes of the Commission and therein record a brief summary of all matters  
25 considered, and the vote, abstention, or absence of each Commissioner thereon.  
26

27 §11. **General Public**

28 (a) **Open Meetings**

29 Meetings of the Commission shall be open to the public pursuant to Maryland  
30 Annotated Code, General Provisions § 3-301 except as provided in (b) of this  
31 section.  
32  
33

34 (b) **Closed Meetings**

35 The Commission may have a closed meeting, or may adjourn an open meeting to  
36 go into closed session, from which the public is excluded for any of the purposes  
37 contained in the Maryland Annotated Code, General Provisions § 3-305 Art. 76A,  
38 §H (1957, as amended 2022 1977), or as it may be amended further. See: Appendix  
39 A, Lawful Purposes for which a Closed Session May be Held.  
40

41 §12. **Official Records**

42 The approved minutes and official records of the Commission meetings shall be maintained  
43 by the Department of **Human Resources and Management Administration** and shall be  
44 made available for public inspection. The minutes of any meeting or portion thereof  
45 lawfully held in closed session shall not be available for public inspection, but the general  
46 subject and a statement of reasons for the closed session shall be available for public  
47 inspection.  
48

49 II. **CHAIRMAN AND VICE-CHAIRMAN**

50 §1. **Designation**

51 Designation of members for the positions of Chairman and Vice-Chairman shall be made  
52 pursuant to the Maryland Annotated Code, Land Use Art. § 15-106 Art. 66D, §2-105 (1957,  
53 as amended 2022 1976) or as may be amended further.  
54  
55  
56

1 §2. **Election**

2  
3 (a) **Alternating Terms**

4 At its first regular meeting after July 1, the designee from Montgomery County  
5 shall become Chairman and the designee from Prince George's County shall  
6 become Vice-Chairman. In odd-numbered years the designee from Prince George's  
7 County shall become Chairman and the designee from Montgomery County shall  
8 become Vice-Chairman. ~~Rotation of the Chairmanship and Vice-Chairmanship~~  
9 ~~shall take place at the first regular Commission meeting in October 1987, and the~~  
10 ~~Chairman of the Prince George's County Planning Board shall serve as~~  
11 ~~Commission Chairman and the Chairman of the Montgomery County Planning~~  
12 ~~Board as Vice-Chairman for fifteen months until January 1989. At its first regular~~  
13 ~~meeting after January 1, 1989, the Chairman and Vice-Chairman will rotate~~  
14 ~~annually.~~

15  
16 (b) **Vacancies**

17 In the event that no designee from the appropriate county exists on July 1, the Vice-  
18 Chairman of the Commission shall serve as Chairman until a proper designation is  
19 made. ~~If the Commission Chairman leaves office before the June 15 expiration~~  
20 ~~date of the term, the Vice-Chairman will then succeed as Chairman for the balance~~  
21 ~~of the unexpired term, plus serve as Chairman for the following term. If the~~  
22 ~~Commission Vice-Chairman leaves office before the June 15 expiration date, the~~  
23 ~~Chairman shall continue to serve until the first regular meeting of the following~~  
24 ~~January.~~

25  
26 §3. **Duties**

27  
28 (a) **Chairman**

29 The Chairman shall be the presiding officer at Commission meetings and shall  
30 perform the other customary duties of such office. The presiding officer may  
31 participate in the discussion of and vote upon any matter before the Commission.

32  
33 (b) **Vice-Chairman**

34 The Vice-Chairman shall act in the absence of the Chairman.

35  
36 (c) **Chairman Pro Tempore**

37 In the absence of both the Chairman and the Vice-Chairman, the member most  
38 senior in number of years of service on the Commission shall serve as Chairman  
39 pro tempore.

40  
41 III. **COMMITTEES AND REPRESENTATIVES**

42  
43 §1. **Designation and Authorization**

44 *(Note to Draft Reviewer:* The following revision clarifies the distinction of sub-committees  
45 of the Commission rather than the broader category of any agency-wide committee.)  
46 Designation of internal ~~Commission-wide~~ committees and representatives of the  
47 Commission to other governmental bodies, agencies, or organizations shall be made as the  
48 need arises by the presiding officer. Their function and number shall be authorized by the  
49 Commission.

50  
51 §2. **Vacancies**

52 Any vacancy in these positions shall be filled in the same manner as the original  
53 designation.

1 IV. PUBLIC HEARINGS

2  
3 §1. **Who May Conduct**

4 A quorum of the Commission is not required to hold a public hearing. The Commission  
5 shall appoint one or more of its members or staff to preside at any public hearing.  
6

7 §2. **Notice**

8 Reasonable notice of public hearings shall be given ~~thirty days~~ in advance by (i) publication  
9 in a newspaper of general circulation throughout the Maryland-Washington Regional  
10 District; (ii) by posting the notice on the Commission website; or (iii) any other reasonable  
11 method. (*Note to Draft Reviewer:* Alternative methods for posting notice have been  
12 updated to reflect those found in Section 3-302 of the General Provisions Article of the  
13 Code of Maryland. Note also that the 30-day advance notice requirement is recommended  
14 for deletion as this is not required by Section 3-302 of the General Provisions Article of  
15 the Code of Maryland. Section 3-302(a) simply requires, “reasonable advance notice.”)  
16

17 §3. **Agenda**

18 The agenda of such public hearings shall be prepared at the direction of the Commission  
19 or staff member presiding at the public hearing.  
20

21 §4. **Whom to Address**

22 All statements and questions at public hearings shall be addressed to the Commission or  
23 staff member presiding at the public hearing.  
24

25 §5. **Official Records**

26 A record of all public hearings shall be kept and made available pursuant to Article I, §12  
27 of these Rules of Procedure.  
28

29 §6. **Recess**

30 Public hearings may be recessed at the discretion of the Commission or staff member  
31 presiding at the public hearing.  
32

33 §7. **Records Held Open**

34 The record of any public hearing may be held open for a designated period of time at the  
35 discretion of the Commission or staff member presiding at the public hearing.  
36

37 V. AMENDMENT

38 These Rules of Procedure of The Maryland-National Capital Park and Planning Commission may  
39 be amended at any regular or special meeting. The agenda of such a meeting will have attached a  
40 text and explanation of the proposal. If an amendment is proposed without such prior notice, upon  
41 the request of any member the amendment shall be held for consideration until the next regular  
42 meeting.  
43

44 VI. APPLICATION

45 These Rules of Procedure supersede any and all previous Commission Rules of Procedure and  
46 supplement all previous resolutions heretofore adopted and hereinafter amended as are not  
47 inconsistent with the provisions of these Rules.  
48

**LAWFUL PURPOSES FOR WHICH A CLOSED MEETING MAY BE HELD**Source: Maryland Annotated Code,General Provisions § 3-305 ~~Art. Art. 76A §H~~ (1957, as amended ~~2022~~ 1977)

1. Discussion of the employment, assignment, appointment, promotion, demotion, compensation, discipline, removal, or resignation of employees, appointees, or officials over whom it has jurisdiction, or any other personnel matter affecting one or more particular individuals;
2. Protection of the privacy or reputation of individuals in matters not related to public business;
3. Considering the acquisition of real property for a public purpose and matters directly related thereto;
4. Considering preliminary matters concerning a proposal of or for a business or industrial organization to locate in the state or any part of the state;
5. Considering the investment of public funds or the marketing of public securities;
6. Consider the marketing of public securities;
7. Consultation with legal counsel;
8. Consultation with staff personnel, consultants, attorneys, or other persons in connection with pending or potential litigation;
9. Conducting collective bargaining negotiations or considering matters and issues in connection therewith;
10. Discussion concerning public security, including the employment of fire and police services and personnel and the development and implementation of emergency plans;
11. Preparation, administration, or grading of scholastic licensing, or qualifying examinations;
12. Investigative proceedings concerning possible or actual criminal misconduct;
13. Complying with a specific constitutional, statutory, or judicially imposed requirement protecting particular proceedings or matters from public disclosure; ~~or~~
14. Discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process; or
15. Discuss cybersecurity, if the public body determines that public discussion would constitute a risk to (a) security assessments or deployments relating to information resources technology; (b) network security information, including information that is: (i) related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity; (ii) collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or (iii) related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or (c) deployments or implementation of security personnel, critical infrastructure, or security devices.
16. ~~On an individually recorded affirmative vote of two-thirds of the members present, for some other exceptional reason so compelling as to override the general public policy in favor of open meetings. (Note to Draft Reviewer: Text stricken as this reason is not allowed by State law.)~~



1 **DEFINITIONS**

2 For purposes of the Rules of Procedure of The Maryland-National Capital Park and Planning Commission,  
3 the following words shall have the indicated meanings. No definition is meant to be exclusive.

4  
5 1. **REGIONAL MATTERS**

- 6  
7 (a) The adoption and amendment of the General Plan for the Physical Development of The  
8 Maryland-Washington Regional District, or parts thereof.  
9  
10 (b) Mandatory referrals from the United States or the State of Maryland, or any agency thereof  
11 pursuant to Maryland Annotated Code, Art. 66D, §7-112 (1957, as amended 1976) or as  
12 further amended.  
13  
14 (c) Adoption or amendment of that portion of the Commission budget concerned with bi-  
15 county offices or functions.  
16  
17 (d) The appointment, dismissal, salaries or duties of the Executive Director, Secretary-  
18 Treasurer, General Counsel, members of the Merit System Board, or Board of Trustees.  
19  
20 (e) The adoption and amendment of the Park Regulations.  
21  
22 (f) The determination that a matter is a regional matter.

23  
24 2. **BI-COUNTY MATTERS**

- 25  
26 (a) The adoption and amendment of the Commission budget.  
27  
28 (b) The adoption and amendment of Rules and Regulations with respect to the Merit System.  
29  
30 (c) The adoption and amendment of classification and pay plans.  
31  
32 (d) The adoption and amendment of all practices, administrative rules and regulations  
33 applicable Commission-wide.  
34  
35 (e) The determination that a matter is a bi-county matter.  
36  
37

**DRAFT AMENDMENTS TO THE RULES OF PROCEDURE OF  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

**Key to Revisions:**

**Grey Highlighted:** Recommended Amendments

**Strikeout:** Recommended Deletions

**Bold Italics:** Comments to Draft Reviewer

I. **COMMISSION MEETINGS**

§ 1. **Time**

(a) **Regular Meetings**

Regular meetings will be held on the second Wednesday of each month except August, at 1:30 p.m., or at another a time when it is deemed necessary and appropriate by the Commission Executive Committee.

(b) **Special Meetings**

Special meetings may be called by the presiding officer at any time, and must be called when a majority of members, excluding vacancies, so request in writing.

§2. **Place**

(a) **Regular Meetings**

Regular meetings will be held in Prince George's or Montgomery County alternately, or wherever it is deemed necessary and appropriate due to special circumstances by the Commission Executive Committee. This may include virtual meetings.

(b) **Special Meetings**

Special meetings may be held in either Prince George's or Montgomery County, or wherever it is deemed necessary and appropriate by the Commission.

§3. **Notice**

(a) **Alteration of Meeting Time or Place**

Any alteration in the time or place of a regular or special meeting will be posted at the originally designated time and place. The Department of Human Resources and Management Administration shall make a reasonable attempt to notify all Commission members, staff, and the public of the change at least five days in advance of the originally scheduled meeting, except where impossible due to an emergency.

(b) **Special Meeting**

The Department of Human Resources and Management Administration will make a reasonable attempt to notify all Commission members, staff, and the public of a special meeting at least five days in advance, except where impossible due to an emergency. Such notice will contain the purpose of the special meeting, and no other business may be considered except by two-thirds majority vote of the members present.

§4. **Quorum**

(a) **Regional Matters**

Three members of each County Planning Board shall constitute a quorum for consideration of regional matters. A quorum may be met by attendance in person or virtually.

1 (b) **Bi-County and Other Matters**

2 A majority of the members of the Commission, excluding vacancies, shall  
3 constitute a quorum for consideration of bi-county and other matters. A quorum  
4 may be met by attendance in person or virtually.  
5

6 §5. **Procedure: Generally**

7 Meetings shall be conducted according to these Rules of Procedure of The Maryland-  
8 National Capital Park and Planning Commission (Revised, [TBA] 8/77), and Robert's  
9 Rules of Order, Revised. In case of inconsistency, these Rules of Procedure shall govern.  
10

11 §6. **Speakers: Whom to Address**

12 All statements and questions at regular or special meetings will be addressed to the  
13 presiding officer.  
14

15 §7. **Voting Procedure: Generally**

16 (a) **How Commission May Act**

17 The Commission may act by motion or resolution only.  
18  
19

20 (b) **Form of Motions or Resolutions**

21 The presiding officer shall state the question to be decided immediately prior to  
22 taking a vote. All resolutions must be in writing, and any amendments thereto shall  
23 be stated immediately prior to taking a vote.  
24

25 (c) **Manner of Voting**

26 Voting shall be by voice vote. Upon the request of any member, voting will be by  
27 individual yeas and nays.  
28

29 (d) **Telephone and/or Virtual Poll**

30 Whenever an emergency situation is determined to exist by the Commission  
31 Chairman Executive Committee, and circumstances do not permit the assembly of  
32 a special meeting in person, any member may request that a telephone or virtual  
33 poll be taken to act on a motion or resolution. The Chairman Executive Committee  
34 shall make a reasonable attempt to poll all members of the Commission. The voting  
35 procedures relating to specific matters in §8 of this Article shall apply to a telephone  
36 and virtual polls. Any action taken as the result of a telephone or virtual poll shall  
37 be ratified at the next regular Commission meeting. (*Note to Draft Reviewer:*  
38 Sentence recommended for deletion as unnecessary.)  
39

40 §8. **Voting Procedure: Specific Matters**

41 (a) **Regional Matters**

42 The adoption of a motion or resolution respecting a regional matter, as defined in  
43 the Maryland Annotated Code, Land Use Art. § 20-203 Art. 66D, §7-III(b) (1957,  
44 as amended 2012 1977), shall be carried by the affirmative votes of not less than  
45 six members of the Commission, of whom not less than three members shall be  
46 from Prince George's County and not less than three members from Montgomery  
47 County. However, when a regional plan affects one county only, the affirmative  
48 vote of three members of the local planning board for the county affected shall be  
49 controlling.  
50

51 (b) **Bi-County Matters**

52 The adoption of a motion or resolution respecting a bi- county matter shall be  
53 carried by the affirmative votes of a majority of the members present and voting  
54 from Prince George's County and a majority of the members present and voting  
55 from Montgomery County.  
56

1 (c) **Other Matters**

2 The adoption of a motion or resolution respecting any other matters shall be carried  
3 by the affirmative votes of a majority of the members of the Commission present  
4 and voting.

5  
6 §9. **Agenda**

7  
8 (a) **Regular Meetings**

9 At the beginning of each regular meeting, the Commission will approve the agenda  
10 for that meeting.

11  
12 (b) **Special Meetings**

13 At the beginning of each special meeting, the members present will approve the  
14 agenda for that meeting.

15  
16 §10. **Minutes**

17 The Department of ~~Human Resources and Management Administration~~ will maintain the  
18 approved minutes of the Commission and therein record a brief summary of all matters  
19 considered, and the vote, abstention, or absence of each Commissioner thereon.

20  
21 §11. **General Public**

22  
23 (a) **Open Meetings**

24 Meetings of the Commission shall be open to the public pursuant to Maryland  
25 Annotated Code, General Provisions § 3-301 except as provided in (b) of this  
26 section.

27  
28 (b) **Closed Meetings**

29 The Commission may have a closed meeting, or may adjourn an open meeting to  
30 go into closed session, from which the public is excluded for any of the purposes  
31 contained in the Maryland Annotated Code, General Provisions § 3-305 Art. 76A,  
32 §H (1957, as amended 2022 1977), or as it may be amended further. See: Appendix  
33 A, Lawful Purposes for which a Closed Session May be Held.

34  
35 §12. **Official Records**

36 The approved minutes and official records of the Commission meetings shall be maintained  
37 by the Department of ~~Human Resources and Management Administration~~ and shall be  
38 made available for public inspection. The minutes of any meeting or portion thereof  
39 lawfully held in closed session shall not be available for public inspection, but the general  
40 subject and a statement of reasons for the closed session shall be available for public  
41 inspection.

42  
43 II. **CHAIRMAN AND VICE-CHAIRMAN**

44  
45 §1. **Designation**

46 Designation of members for the positions of Chairman and Vice-Chairman shall be made  
47 pursuant to the Maryland Annotated Code, Land Use Art. § 15-106 Art. 66D, §2-105 (1957,  
48 as amended 2022 1976) or as may be amended further.

49  
50 §2. **Election**

51  
52 (a) **Alternating Terms**

53 At its first regular meeting after July 1, the designee from Montgomery County  
54 shall become Chairman and the designee from Prince George's County shall  
55 become Vice-Chairman. In odd-numbered years the designee from Prince George's  
56 County shall become Chairman and the designee from Montgomery County shall  
57 become Vice-Chairman.

1 (b) **Vacancies**

2 In the event that no designee from the appropriate county exists on July 1, the Vice-  
3 Chairman of the Commission shall serve as Chairman until a proper designation is  
4 made.

5  
6 §3. **Duties**

7  
8 (a) **Chairman**

9 The Chairman shall be the presiding officer at Commission meetings and shall  
10 perform the other customary duties of such office. The presiding officer may  
11 participate in the discussion of and vote upon any matter before the Commission.

12  
13 (b) **Vice-Chairman**

14 The Vice-Chairman shall act in the absence of the Chairman.

15  
16 (c) **Chairman Pro Tempore**

17 In the absence of both the Chairman and the Vice-Chairman, the member most  
18 senior in number of years of service on the Commission shall serve as Chairman  
19 pro tempore.  
20

21 III. **COMMITTEES AND REPRESENTATIVES**

22  
23 §1. **Designation and Authorization**

24 (*Note to Draft Reviewer:* The following revision clarifies the distinction of sub-committees  
25 of the Commission rather than the broader category of any agency-wide committee.)  
26 Designation of **internal** ~~Commission-wide~~ committees and representatives of the  
27 Commission to other governmental bodies, agencies, or organizations shall be made as the  
28 need arises by the presiding officer. Their function and number shall be authorized by the  
29 Commission.  
30

31 §2. **Vacancies**

32 Any vacancy in these positions shall be filled in the same manner as the original  
33 designation.  
34

35 IV. **PUBLIC HEARINGS**

36  
37 §1. **Who May Conduct**

38 A quorum of the Commission is not required to hold a public hearing. The Commission  
39 shall appoint one or more of its members or staff to preside at any public hearing.  
40

41 §2. **Notice**

42 Reasonable notice of public hearings shall be given ~~thirty days~~ in advance by (i) publication  
43 in a newspaper of general circulation throughout the Maryland-Washington Regional  
44 District; (ii) by posting the notice on the Commission website; or (iii) any other reasonable  
45 method. (*Note to Draft Reviewer:* Alternative methods for posting notice have been  
46 updated to reflect those found in Section 3-302 of the General Provisions Article of the  
47 Code of Maryland. Note also that the 30-day advance notice requirement is recommended  
48 for deletion as this is not required by Section 3-302 of the General Provisions Article of  
49 the Code of Maryland. Section 3-302(a) simply requires, “reasonable advance notice.”)  
50

51 §3. **Agenda**

52 The agenda of such public hearings shall be prepared at the direction of the Commission  
53 or staff member presiding at the public hearing.  
54  
55  
56



**LAWFUL PURPOSES FOR WHICH A CLOSED MEETING MAY BE HELD**Source: Maryland Annotated Code,General Provisions § 3-305 ~~Art. Art. 76A §H~~ (1957, as amended ~~2022~~ 1977)

1. Discussion of the employment, assignment, appointment, promotion, demotion, compensation, discipline, removal, or resignation of employees, appointees, or officials over whom it has jurisdiction, or any other personnel matter affecting one or more particular individuals;
2. Protection of the privacy or reputation of individuals in matters not related to public business;
3. Considering the acquisition of real property for a public purpose and matters directly related thereto;
4. Considering preliminary matters concerning a proposal of or for a business or industrial organization to locate in the state or any part of the state;
5. Considering the investment of public funds or the marketing of public securities;
6. Consider the marketing of public securities;
7. Consultation with legal counsel;
8. Consultation with staff personnel, consultants, attorneys, or other persons in connection with pending or potential litigation;
9. Conducting collective bargaining negotiations or considering matters and issues in connection therewith;
10. Discussion concerning public security, including the employment of fire and police services and personnel and the development and implementation of emergency plans;
11. Preparation, administration, or grading of scholastic licensing, or qualifying examinations;
12. Investigative proceedings concerning possible or actual criminal misconduct;
13. Complying with a specific constitutional, statutory, or judicially imposed requirement protecting particular proceedings or matters from public disclosure; ~~or~~
14. Discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process; or
15. Discuss cybersecurity, if the public body determines that public discussion would constitute a risk to (a) security assessments or deployments relating to information resources technology; (b) network security information, including information that is: (i) related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity; (ii) collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or (iii) related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or (c) deployments or implementation of security personnel, critical infrastructure, or security devices.
16. ~~On an individually recorded affirmative vote of two-thirds of the members present, for some other exceptional reason so compelling as to override the general public policy in favor of open meetings. (Note to Draft Reviewer: Text stricken as this reason is not allowed by State law.)~~

**DEFINITIONS**

For purposes of the Rules of Procedure of The Maryland-National Capital Park and Planning Commission, the following words shall have the indicated meanings. No definition is meant to be exclusive.

1. **REGIONAL MATTERS**

- (a) The adoption and amendment of the General Plan for the Physical Development of The Maryland-Washington Regional District, or parts thereof.
- (b) Mandatory referrals from the United States or the State of Maryland, or any agency thereof pursuant to Maryland Annotated Code, Art. 66D, §7-112 (1957, as amended 1976) or as further amended.
- (c) Adoption or amendment of that portion of the Commission budget concerned with bi-county offices or functions.
- (d) The appointment, dismissal, salaries or duties of the Executive Director, Secretary-Treasurer, General Counsel, members of the Merit System Board, or Board of Trustees.
- (e) The adoption and amendment of the Park Regulations.
- (f) The determination that a matter is a regional matter.

2. **BI-COUNTY MATTERS**

- (a) The adoption and amendment of the Commission budget.
- (b) The adoption and amendment of Rules and Regulations with respect to the Merit System.
- (c) The adoption and amendment of classification and pay plans.
- (d) The adoption and amendment of all practices, administrative rules and regulations applicable Commission-wide.
- (e) The determination that a matter is a bi-county matter.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

January 17, 2023

To: The Commission

Via: Tracey Harvin, Corporate Policy and Management Operations Director

From: Michael Beckham, Corporate Policy and Archives Chief

Subject: Post-Employment Restrictions

**REQUESTED ACTION**

The Commission is asked to approve proposed amendments to the agency's post-employment restrictions contained within the *Code of Ethics*, Administrative Practice 2-24 (Attachment A).

With the Commission's approval, the proposed revisions, which were developed in coordination with the Legal Department, will be finalized and promulgated.

**BACKGROUND**

At its November 15, 2023, meeting, the Commission approved the revised *Code of Ethics*, on the condition that the Corporate Policy Office work with the Office of General Counsel to determine whether certain revisions can be made to lessen post-employment restrictions. Commissioners asked staff to:

- a. Ensure former Commission employees will not be prohibited from **representing or assisting a State or local governmental entity** on a specific matter if the employee significantly participated in the same matter as a Commission employee. A matter can include a contract, application, permit, etc.;
- b. Revise the **definition of "significant participation"** to remove from its meaning, for example, the concepts of "making recommendations" or "rendering advice." Commissioners stated, by way of example, that a former Planner should not be prohibited indefinitely from working for another party on a project because they made recommendations on the same project as a Commission employee; and
- c. Consider **more lenient restrictions** on former employees who do not have decision-making authority, but rather advise or make recommendations on specific matters. Commissioners encouraged staff to examine federal ethics rules purported to allow for more flexibility and suggested creating a one to two-year ban **on assisting or representing another party on a matter that was the subject of the person's official duties** at the time of Commission employment.

The proposed amendments clarify that an employee may assist or represent another governmental entity, provided an actual or perceived conflict of interest is not created.

However, the Commission’s policy must be consistent with the Maryland Public Ethics Act and therefore cannot modify the definition of “significant participation.” The agency cannot create a more lenient restriction on former employees who do not have decision-making authority, but rather advise or make recommendations on specific matters. As discussed below, this is consistent with federal standards.

## ANALYSIS

### I. REPRESENTING OR ASSISTING A GOVERNMENTAL ENTITY

To more closely mirror the language used by the Public Ethics Act and emphasize a former Commission employee is not prohibited from assisting or representing a government entity on a specific matter in which the employee significantly participated as a Commission employee, staff recommend revising Section I(G)(1) of Administrative Practice 2-24, *Code of Ethics*, as follows:

1. ~~Except as provided in paragraph 2, a former employee who participated significantly in a particular matter or contract in their Commission position may not, after leaving Commission service,~~ assist or represent another party on a ~~that~~ specific matter or contract for compensation, if the matter involves the Commission and the former employee significantly participated in the matter as a Commission employee.
2. A former employee may assist or represent a governmental entity on a specific matter or contract in which the former employee significantly participated as a Commission employee, for compensation, provided an actual or perceived conflict of interest is not created.

See: Attachment A, Administrative Practice 2-24, Section I(G)(*Post-Employment Restrictions*)

Pursuant to Public Ethics Act, Section 5-823 (adoption of conflict of interest regulations), at a minimum, the conflicts of interest standards applicable to State employees shall apply to Commission employees. Public Ethics Act, Section 5-504(d)(1), on post-employment conflicts of interest standards for former unelected State employees, provides:

Except for a former member of the General Assembly, who shall be subject to the restrictions provided under paragraph (2) of this subsection, a former official or employee may not assist or represent a party, **other than the State**, in a case, a contract, or any other specific matter for compensation if:

- (i) The matter involves State government; and
- (ii) The former official or employee participated significantly in the matter as an official or employee.

[Emphasis added.]

Additional post-employment provisions of the Public Ethics Act apply to lobbying by former elected State officials and a secretary of a principal department of the State. These provisions are not directly applicable to the Commission.

## II. **SIGNIFICANT PARTICIPATION**

The definition of “significant participation” included in the *Code of Ethics* cannot be modified, as this is the definition given by the State Ethics Commission.

In Advisory Opinion 21-01, the State Ethics Commission stated, in pertinent part:

Significant participation includes acting or failing to act in one’s official capacity, “personally and substantially, through approval, disapproval, decision, *recommendation, the rendering of advice* [emphasis added], investigation or otherwise.” Opinion No. 80-17. “[W]e have generally viewed participation as not being limited to final authority or responsibility for a matter. Providing advice and recommendations as to a matter, for example, is viewed as participation.” Opinion 97-13.

However, the post-employment restrictions have been “found not to apply where the former employee was only tangentially involved” in a matter. Opinion 83-12. In that opinion, the Commission advised the requestor to “continue to keep in mind the various matters in which he participated as a State employee and avoid any representation or assistance regarding these matters for any party other than the State.”

Here, to the extent a former Commission Planner “makes recommendations” or “renders advice” on a specific matter as a Commission employee, the former employee is prohibited indefinitely from representing or assisting a third party on the same specific matter involving the Commission.

Whether a former employee’s involvement in a specific matter is more than “tangential involvement” will require review, on a case-by-case basis, by the Ethics Officer based on the relevant facts and circumstances.

## III. **MORE LENIENT RESTRICTIONS ON FORMER EMPLOYEES WITHOUT DECISION-MAKING AUTHORITY**

The Commission cannot create a more lenient rule that would remove the indefinite ban applicable to former employees who participate significantly in a specific matter as a Commission employee, even if the employee does not have decision-making authority on the matter. To do so would create a standard for Commission employees that is inconsistent with the standard applicable to State employees.

This indefinite prohibition is analogous to the federal rule which also imposes a lifetime ban on a former federal employee communicating with, or appearing before, any employee of the United

States, with the intent to influence that employee on behalf of any other person on a particular matter involving specific matters in which the former federal employee participated personally and substantially. *See*, 18 U.S.C. Section 207(a)(1).

Furthermore, the federal government has standards that are more restrictive than the State. Unlike the Maryland Public Ethics Act, the federal government imposes a **two-year** ban on employees from communicating with, or appearing before, any employee of the United States with **the intent to influence that employee on behalf of any other person on a particular matter involving specific parties, and which was pending under the former employee’s official responsibility.** *See*, 18 U.S.C. Section 207(a)(2). For example, under the federal government, a matter is “pending” under an employee’s official responsibility if it has been referred to or is under consideration by any person they supervise. In this case, the employee does not have to have *significant participation* in the matter for the two-year ban to apply. *See*, 5 C.F.R. § 2641.202(j)(2).

**Attachment A:** Administrative Practice 2-24, *Code of Ethics*

**DRAFT AMENDMENTS TO ADMINISTRATIVE PRACTICE 2-24,  
CODE OF ETHICS**

**Key to Revisions:**

**Grey Highlighted:** Recommended additions.

**Strikeout:** Recommended deletions.

**Bold Italics:** Comments to Draft Reviewer.

**AUTHORITY** Pursuant to Maryland Public Ethics Law, Article 40A, Annotated Code of Maryland 1957, 1990 replacement volume, and Division II of the Land Use Article of the Annotated Code of Maryland, the Commission approved amendments to this Practice on [TBD].

**APPLICATION** This Administrative Practice applies to all employees, including Commissioners, Merit System employees, contract employees, and appointed officials. As to volunteers, only Section I(A) (Standard of Conduct) applies. To the extent an employee is a member of a collective bargaining unit, and any provision of this Code of Ethics directly conflicts with an applicable collective bargaining agreement, the collective bargaining agreement will control with respect to the area of conflict. To the extent other documentation of the employment relationship of an officer, director, or deputy director legally supersedes any provisions referenced herein, that superseding document would control in the event of a conflict. As to Commissioners, to the extent that any provision of this Code of Ethics conflicts with the General Provisions Article of the Maryland Code, Title 5 (Maryland Public Ethics Law), or Section 15-120 of Division II of the Land Use Article of the Maryland Code, the Maryland Code Public Ethics Law shall prevail.

**RESCISSION** Practice 2-14 and accompanying Procedures 03-05, *Non-Commission Employment and Non-Commission Business*; Practice 2-15, *Employee Use of Commission Property*; Practice 2-72, *Conditions for Acceptance of Awards from Outside the Commission*; Practice 2-90, *Solicitations on Commission Property*; and Practice 5-70, *Financial Disclosure* are rescinded and replaced by this Practice.

**CONTACT** General questions regarding this policy can be directed to the Policy Office by calling 301-454-1736 or by emailing [policyreview@mncppc.org](mailto:policyreview@mncppc.org). For questions regarding interpretations and applicability, as well as reporting concerns, contact the Ethics Officer in the Office of the Office of General Counsel at 301-454-1671 (See Section V, Inquiries and Concerns).

1 **PURPOSE/  
2 BACKGROUND**

The Commission initially approved Practice 2-24, Code of Ethics on June 16, 1991, to create a comprehensive Practice governing the M-NCPPC’s rules and regulations pertaining to conflicts of interest and ethical conduct. Employees of the Commission must maintain high professional and ethical standards in the performance of their official duties. This Code of Ethics establishes the framework for promoting ethical compliance.

This Code of Ethics addresses the ethical standards applicable to employees. Other Commission Administrative Practices and policies specifically address ethical responsibilities uniquely applicable to particular third parties, including but not limited to lobbyists (Practice 5-61, *Lobbying Disclosure*), volunteers, vendors, and others seeking to do business with the Commission (Practice 4-10 and the Commission’s *Procurement Manual*, including Section 2 (Ethics and Sanctions in Purchasing)).

Since its initial adoption, this Practice has been amended, as follows:

- January 9, 2023: Amended to reflect that nominal value is defined by the Executive Director, subject to consultation with the Chair and Vice Chair of the Commission, and in consideration of those amounts set by Prince George’s County, Montgomery County, and the State of Maryland.
- [TBA]: Amended to update Practice 2-24 and create a single, comprehensive, Code of Conduct, consistent with Maryland Public Ethics Act, Section 5-823 and 5-829 requiring the Commission to adopt conflict of interest and financial disclosure regulations substantially similar to those provisions found in Subtitles 5 and 6 of the Act.

30 **REFERENCES**

- Maryland Public Ethics Law, Article 40A, Annotated Code of Maryland 1957, 1990 replacement volume
- Section 15-120 of Division II of the Land Use Article of the Code of Maryland
- Administrative Practice 1-31, *Organization and Functions of the Audit Committee and Office of the Inspector General*
- Administrative Practice 2-28, *Composition, Privacy, and Disposition of Employment Records*
- Administrative Practice 2-16, *Seasonal/Intermittent, Term and Temporary Employment* and its accompanying Procedures 00-02
- Administrative Practice 3-31, *Fraud, Waste & Abuse*
- Administrative Practice 4-10, *Purchasing Policy, and accompanying Procedures 05-02, Procurement Manual*
- Administrative Practice 5-61, *Lobbying Disclosure*

- Administrative Practice 5-81, *Maryland Public Information Act Policy*, and accompanying Procedures 22-01, *MPIA Procedures Manual*
- Administrative Practice 6-10, *Vehicle Use Program*
- Administrative Practice 6-13, *Electronic Communications Policy*
- Administrative Procedures 21-01, *Business and Personal Use of Social Media*
- Administrative Procedures, 99-04, *Time and Attendance*
- Merit System Rules and Regulations

**DEFINITIONS**

**Business** means any for-profit or not-for-profit enterprise, including a corporation, general or limited partnership, sole proprietorship, joint venture, association, firm, institute, trust, or foundation. Business does not include a governmental entity.

**Ceremonial gift** means an item of customary and reasonable value normally given at functions such as dedications, inaugurations, initiations, awards, tributes, and retirements, but not limited to such events, where food, beverages, entertainment, and mementos (souvenirs) may be provided.

**Ceremonial occasions** mean functions such as dedications, inaugurations, initiations, awards, tributes, and retirements, but not limited to such events, where food, beverages, entertainment, and mementos (souvenirs) may be provided.

**The Commission** means: (a) the Maryland National Capital Park and Planning Commission which is the organizational entity referred to in this Practice, or (b) the 10-member voting body of the Maryland-National Capital Park and Planning Commission.

**Commissioner** means a member of the ten-member voting body of the Maryland-National Capital Park and Planning Commission, and a member of the respective five-member Planning Board for Montgomery County or Prince George’s County.

**Commission resources** mean any service, asset, or property, whether physical, digital, electronic, virtual, or intellectual, owned, purchased, leased, or under contract with the Commission. Commission resources include, but are not limited to cash (currency, checks, money orders, credit card receipts); facilities; general equipment and tools; natural items (*e.g.*, plants, trees, mulch, compost, and firewood); vehicles and machinery; office equipment and supplies, including Commission stationery; computer hardware, software, and other electronic equipment; printers and copiers; telecommunication services such as telephones, mobile devices, facsimile machines, internet/intranet, electronic mail; data stored on, received by, or transmitted by the agency’s operating systems or servers; Commission issued uniforms, and staff services delivered by Commission

1 employees, contractors, or volunteers; and rights under any license or other  
2 agreement relating to intellectual property, know-how, and information of  
3 commercial value, whether or not protected by patent, trademark, copyright, or  
4 other legal entitlement.  
5

6 **Compensation** means any money or thing of value, regardless of form, including  
7 the sale or delivery of tangible or intangible property, that an employer pays or  
8 agrees to pay for services rendered.  
9

10 **Conflict of interest** means any circumstance or set of circumstances which  
11 interfere with, appear to interfere with, or have the potential to interfere with, the  
12 impartiality and independent judgment of an employee, inclusive of a  
13 Commissioner, Appointed Officer, and Department Head. (See also: Maryland  
14 Code, Land Use Art., § 15-120, *et seq.*; and Maryland Code, General Provisions  
15 Art., §§ 5-501 and 5-502).  
16

17 **Employee**, for the purposes of this Practice, means any person employed by the  
18 Commission, whether employed on a full-time or part-time basis, as a Merit  
19 System employee; Seasonal/Intermittent, Temporary, or Term contract employee;  
20 Appointed Officer; Department Head; or, Commissioner, regardless of the  
21 manner of entry into Commission service.  
22

23 **Employer** means any person who pays or agrees to pay compensation for services  
24 rendered.  
25

26 **Employment or employ** means engaging in an activity for compensation.  
27

28 **Ethics Officers** means employees who are trained and designated to provide advice  
29 regarding compliance with the Code of Ethics and recommend appropriate actions.  
30

31 **Family member (Employee's relative)** means any individual who is related by  
32 blood, marriage, adoption, domestic partnership, or guardianship, including but not  
33 limited to a spouse, domestic partner (as qualified under the Commission's Health  
34 and Benefits Program), parent or step-parent, spouse's parents, grandparent, or  
35 spouse's parents, child or step-child, legal guardian, brother or step-brother, sister  
36 or step-sister, the siblings of one's parents and those siblings' children.  
37

38 **Fiduciary duty** means a legal obligation that results from a position of trust with  
39 respect to a third party's business and assets.  
40  
41  
42  
43



1 **Financial interest** means:

- 2 1. Ownership of any interest as the result of which the owner has received within  
3 the past three years, or is presently receiving, or in the future is entitled to  
4 receive, more than \$1,000 per year; or  
5 2. Ownership, or the ownership of securities of any kind representing or  
6 convertible into ownership, of more than 3 percent of a business entity by:  
7 a. An official;  
8 b. An employee; or  
9 c. The spouse of an official or employee;

10  
11 **Gift** means the transfer of anything of economic value regardless of the form  
12 without adequate and lawful exchange of consideration of at least equal value.

13  
14 **Gratuity** means anything of value that is presented or promised in anticipation of  
15 receiving a consideration, whether the consideration is less than, equal to, or greater  
16 than the value presented or promised.

17  
18 **Honorarium** means the payment of money or anything of value for:

- 19 1. Speaking to, participating in, or attending a meeting, conference, or other  
20 function; or  
21 2. Writing an article, other than a book, which has been or is intended to be  
22 published.

23  
24 **Interest** means any source of income or any other legal or equitable economic  
25 interest, whether subject to an encumbrance or a condition, which is owned or held,  
26 in whole or in part, jointly or severally, directly, or indirectly. Interest does not  
27 include:

- 28 1. An interest in a time deposit or demand deposit in a financial institution;  
29 2. An interest in an insurance policy, endowment policy, or annuity contract under  
30 which an insurance company promises to pay a fixed number of dollars either  
31 in a lump sum or periodically for life or some other specified period;  
32 3. An interest in a mutual fund or exchange-traded fund (EFT);  
33 4. An interest held in the capacity of an agent, custodian, fiduciary, personal  
34 representative, or trustee, unless the holder has an equitable interest in the  
35 subject matter; or  
36 5. An interest in a deferred compensation plan that:  
37 a. Has more than 25 participants, and  
38 b. The Internal Revenue Service has determined qualified as a trust under  
39 Sections 401, 507, and 501 of the Internal Revenue Code.

40  
41 **Maryland Public Ethics Law** means the general Provisions Article, Title 5, of the  
42 Maryland Annotated Code.

1 **Non-Commission Business** means activities performed while on duty and which  
2 are unrelated to the business of the Commission as further described in this  
3 Practice.  
4

5 **Non-Commission Employment** means work activities performed for oneself or a  
6 third party unrelated to the business of the Commission as further described in this  
7 Practice.  
8

9 **On-duty** means being engaged in or responsible for an assigned task or duty either  
10 on Commission or non-Commission property. An employee is not considered on  
11 duty when attending lectures, meetings, training programs, and similar activities if  
12 the following four criteria are all met: (a) attendance is outside of the ‘employee’s  
13 regular working hours; (b) attendance is in fact voluntary; (c) the course, lecture,  
14 or meeting is not directly related to the employee’s job; and (d) the employee does  
15 not perform any productive work during such attendance.  
16

17 **Person** means an individual, receiver, trustee, guardian, personal representative,  
18 fiduciary, corporation, company, association, firm, partnership, joint stock  
19 company, or any other organization, institution, or entity.  
20

21 **Procurement** means all acts and functions that pertain to the responsibility of the  
22 acquisition of any goods, services, equipment, supplies, insurance, construction, or  
23 intellectual property, including but not limited to the description of requirements,  
24 selection, and solicitation of sources, preparation, and award of contract, or  
25 purchase order, and all phases of contract administration.  
26

27 **Regulatory Matters** means matters that come before the respective Planning  
28 Boards that involve the Planning Board’s exercise of planning and zoning authority  
29 as described in the Land Use Article.  
30

31 **Vendor** means a party obligated by contract or subcontract to provide goods,  
32 services, or property to the Commission for consideration, including contracts and  
33 subcontracts for construction and professional services related to construction.  
34  
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43

1 **POLICY**

2 Commission employees must maintain high professional and ethical standards in  
3 the performance of their official duties. This Code of Ethics establishes the  
4 framework for promoting compliance.

5 Consistent with the Maryland Public Ethics Law and the Commission’s  
6 commitment to public accountability, the Commission recognizes that (i) our  
7 system of representative government is dependent in part upon the public  
8 maintaining the highest trust in their public officials and employees; and, (ii) the  
9 public has a right to know and be assured that the impartiality and independent  
10 judgment of public officials and employees shall be maintained.

11  
12 To help ensure accountability and awareness of conflicts of interest, this Practice  
13 outlines requirements for employees to avoid actual as well as perceived conflicts  
14 of interest. This includes those related to solicitation and acceptance of gifts, non-  
15 Commission business and employment, use of Commission resources, use of  
16 prestige of office, use of confidential information, post-employment restrictions,  
17 political activities, and nepotism. This Practice also outlines the requirements for  
18 the completion of Financial Disclosure Statements by individuals whose  
19 employment or office puts them in a position of influencing decisions that might  
20 benefit parties seeking to do business with, doing business with, or regulated by,  
21 the Commission. Furthermore, employees are prohibited from aiding, facilitating,  
22 or colluding with third parties in violation of this Code of Ethics.

23  
24 The Commission intends for this Practice to be liberally construed, to accomplish  
25 its purpose.  
26

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1 I. **CONFLICTS OF INTEREST**

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A. **Standard of Conduct**

1. An employee must avoid any action, whether or not it is expressly prohibited, that might result in, or create the appearance of a conflict of interest, including, but not limited to:
  - a. Using public office for the private gain of the employee or another.
  - b. Giving preferential treatment to an external party, e.g., vendor, or person seeking to do business with the agency, except in conjunction with the Commission’s supplier diversity program.
  - c. Participating in any matter that involves:
    - i. A business in which the employee or a family member has an economic interest.
    - ii. A business in which the employee or a family member is an officer, director, trustee, partner, or employee;
    - iii. A property in which the employee or a family member has an economic interest.
    - iv. Negotiating or seeking prospective employment for the employee or a family member or any arrangement with a business or entity about employment.
    - v. A business or individual that is a party to an existing contract with the employee or a family member, if the contract could reasonably result in a conflict between private interests and official duties;
    - vi. An entity doing business with the Commission in which a direct financial interest is owned by another entity in which the employee has a direct financial interest, if they may be reasonably expected to know of both direct financial interests; or
    - vii. A creditor or debtor of the employee or their family member if the creditor or debtor can directly and substantially affect an economic interest of the employee or their family member;
    - viii. A case, contract, or other specific matter affecting a party for whom, in the prior year, the employee was required to register to engage in lobbying activity under Practice 5-61, *Lobbying Disclosure*.

1 2. Exceptions:

- 2
- 3 a. An employee who otherwise would be disqualified from participation under Section
- 4 II(A)(1) shall disclose the nature and circumstances of the conflict, and may participate or
- 5 act, if:
- 6
- 7 i. The disqualification would leave a body with less than a quorum capable of acting;
- 8
- 9 ii. The disqualified employee is required by law to act; or
- 10
- 11 iii. The disqualified employee is the only individual authorized to act.
- 12

13 All disclosures must be filed with the Ethics Officer.

- 14
- 15 b. Section II(A)(1) does not apply to an administrative or ministerial duty that does not affect
- 16 an agency's decision on a matter.
- 17
- 18 c. Section II(A)(1) does not apply to a police officer who is exercising the employee's official
- 19 duties in an emergency affecting a business or property in which the employee or a relative
- 20 of the employee has an economic interest.
- 21

22 (See also: Section 2 (Ethics & Standards in Purchasing) of Administrative Procedures 05-02,

23 *Purchasing Manual*.)

24

25 **B. Gifts**

26

27 **1. Gifts from External Parties**

28

- 29 a. Soliciting Gifts from External Parties. An employee shall not solicit, directly or indirectly,
- 30 a gift from an external party, except when an exception is authorized by the respective
- 31 Department Head. The respective Department Head may authorize an exception for an
- 32 employee to solicit a gift from an external party for a Commission program or initiative, in
- 33 support of the mission of the M-NCPPC. When an exception is authorized, each of the
- 34 following conditions must be met:
- 35
- 36 i. The solicitation for a gift shall be broad and not be directed at restricted external parties,
- 37 as defined in Section I(B)(1)(c)(i), below;
- 38
- 39 ii. Employees involved in regulatory, or procurement matters may not solicit a gift on
- 40 behalf of the Commission;
- 41
- 42 iii. The solicitation shall not confer any special access or benefit to the external party in
- 43 dealings with the Commission;

- 1 iv. The gifts solicited shall not result in personal benefit to the employee; and
- 2
- 3 v. All funds and in-kind gifts shall be accounted for in accordance with applicable laws
- 4 and Commission policy as it relates to fiscal, procurement, or related accounting
- 5 principles.
- 6

7 All authorized exceptions shall be forwarded to the Executive Director, to ensure consistent  
8 application of policy.

- 9
- 10 b. Soliciting and Accepting Tips. An employee, including one who interacts with the public
- 11 (e.g., staff working at snack bars, golf courses, etc.), shall not solicit or accept tips under
- 12 any circumstances. The use of tip jars is prohibited.
- 13

- 14 c. Accepting Gifts from Restricted External Parties
- 15

- 16 i. *In General*. An employee shall not accept, directly or indirectly, a gift from a restricted
- 17 external party. A **restricted external party** is a person or entity that:
- 18

- 19 (a) Has, or is seeking to obtain, contractual or other business or financial relations
- 20 with the Commission;
- 21
- 22 (b) Is engaged in an activity or operation that is regulated or controlled by the
- 23 Commission; or
- 24
- 25 (c) Is acting in the capacity of a lobbyist with respect to matters on which the
- 26 Commission has oversight.
- 27
- 28 (d) Has interests that may be substantially affected by the performance or non-
- 29 performance of an employee's official duties.
- 30

- 31 ii. An employee shall not accept a gift listed in subsection (iii) (*Exceptions*), below, if:
- 32
- 33 (a) The gift would tend to impair the impartiality and independent judgment of the
- 34 employee;
- 35
- 36 (b) The gift is of significant value, and it would give the appearance of impairing the
- 37 impartiality and independent judgment of the employee; or
- 38
- 39 (c) The gift is of significant value and the employee believes or has reason to believe
- 40 that the gift is designed to impair the impartiality and independent judgment of the
- 41 employee.
- 42



1           iii. *Exceptions.* Subject to Subsection ii, above, the following are exceptions to the  
2 prohibition on accepting gifts from restricted external parties covered in Section  
3 I(D)(1)(c)(i), above:  
4

5           (a) Receipt of gifts or entertainment because of obvious family or personal  
6 relationships from a person related by blood, marriage, or legal guardianship;  
7 domestic partner; or financially dependent relative, when it is clear that the  
8 relationship, rather than the business of the persons concerned, are the motivating  
9 factors.

10           (b) Ceremonial gifts or awards of insignificant monetary value.

11           (c) Attendance at an event (e.g., charitable, cultural, political, community, or  
12 professional event), as a representative of the Commission.

13           (d) Honoraria for (i) speaking at, or participating in, a meeting, or, (ii) writing an article  
14 that has been or is intended to be published, when unsolicited, off duty, and not  
15 related to the employee's official position.

16           (e) Reasonable expenses for food, travel, lodging, scheduled entertainment, and  
17 reasonable and verifiable expenses for the care of a child or dependent adult, which  
18 are actually incurred, when these items are provided in return for participation in a  
19 meeting, or as a panel member, or as a speaker or participant at a meeting.

20           (f) Loans from banks or other financial institutions on customary terms for usual  
21 activities of employees, such as home mortgage loans, and consumer loans; and  
22

23           (g) Prizes and awards from a person through a "lottery" or through another similar  
24 activity where the receipt is selected on a random basis (e.g., a raffle or drawing.)  
25

26           (h) Meals/beverages consumed by an employee in the presence of a donor/entity.  
27

28           (i) Unsolicited gifts of nominal value not to exceed \$20. Note: In determining the value  
29 of a gift and whether it exceeds nominal value, the value of the gift shall be the fair  
30 market value.  
31

32           (j) Trivial gifts of informational value (e.g., writings, recordings, documents, records,  
33 or other items intended primarily to communicate information, not including  
34 images intended primarily for display or decoration).  
35

36           (k) Any other gifts from external parties that are specifically authorized by the agency.  
37  
38  
39  
40  
41  
42

1 iv. Excluding gifts described in Section I(B)(1)(c)(iii)(exceptions), above, an employee  
2 who involuntarily receives a gift from a restricted external party shall:

3  
4 (a) Return the gift;

5  
6 (b) Transfer the gift to an organization that is tax-exempt pursuant to 26 U.S.C.  
7 501(c)(3);

8  
9 (c) Reimburse the party the market value of the gift; or

10  
11 (d) If the gift is perishable and it would not be practical to return it, share it with the  
12 office staff, or destroy it.

13  
14 **2. Gifts Between Employees**

15  
16 a. In General. An employee may not solicit a gift from another employee.

17  
18 b. Exceptions: The following are exceptions to the prohibition of an employee soliciting gifts  
19 from another employee.

20  
21 i. Soliciting voluntary contributions of a reasonable amount for a gift made on a special  
22 occasion such as marriage, illness, retirement, or death. Whether a contribution is  
23 considered reasonable shall be based on the relevant facts and circumstances. For  
24 example, a reasonable contribution for a wedding gift may differ from one for the  
25 funeral of a colleague of modest means.

26  
27 ii. Soliciting a voluntary contribution for a charitable drive for an external party that is  
28 authorized, in writing, by a Department Head or the Executive Director.

29  
30 **C. Non-Commission Business and Employment**

31  
32 **1. Non-Commission Business**

33  
34 a. Non-Commission business is prohibited.

35  
36 b. Non-Commission business means activities performed while on duty related to:

37  
38 i. Personal business;

39  
40 ii. Non-Commission employment;

41  
42 iii. Third-party business; or  
43

- 1           iv. Work for an association, club, or any other entity as an employee, representative, or  
2           volunteer.
- 3
- 4           c. Non-Commission business does not include participation in external activities that (i)  
5           relate to the business of the Commission and (ii) are approved in advance, in writing, by  
6           an appropriate supervisor and Department Head.
- 7
- 8           d. When speaking before a public body, with the media, or with members of the public, an  
9           employee may not hold themselves out as representing the agency in their official capacity,  
10          unless authorized to do so either explicitly or by the nature of their position.
- 11

12       **2. Non-Commission Employment**

- 13
- 14       a. Non-Commission employment includes the following:
  - 15
  - 16           i. Employment or contractual arrangements structured on a salary, fee, commission  
17           basis, or pro bono legal representation.
  - 18
  - 19           ii. Participation in any business ventures as owner, proprietor, partner, or investor.
  - 20
  - 21           iii. Participation for pay or as a volunteer in any business or non-profit entity involving  
22           fiduciary duties or responsibilities in a position such as an officer, manager, or director.
  - 23
  - 24           iv. Participation in any business or non-profit entity in which the participant holds 5  
25           percent or more of the outstanding voting interests.
  - 26
  - 27           v. Other similar activities resulting in, or for the purpose of, remuneration.
  - 28
- 29       b. Non-Commission employment does not include:
  - 30
  - 31           i. Service in the United States Armed Forces (active or reserve, including the National  
32           Guard); and
  - 33
  - 34           ii. Participation in official activities of a union representing M-NCPPC employees. This  
35           participation shall be governed by the respective collective bargaining agreement  
36           between the M-NCPPC and the union.
  - 37
  - 38           iii. Serving on the board of the M-NCPPC Credit Union or the Employees' Retirement  
39           System.
  - 40
  - 41
  - 42

- 1 c. Non-Commission employment is permitted only when participation is specifically  
2 approved, in writing, by the employee's Department Head upon a finding that each of the  
3 following conditions is met:  
4
- 5 1. Engaging in non-Commission employment does not cause the existence of, potential  
6 for, or appearance of, a conflict of interest with respect to Commission duties assigned  
7 to the employee, or with any Commission policy, procedures, activities, or actions;  
8
  - 9 2. Engaging in non-Commission Employment does not diminish, interfere with, or detract  
10 from the performance of Commission duties;  
11
  - 12 3. The employee's performance before engaging in non-Commission employment is at a  
13 fully satisfactory level;  
14
  - 15 4. Non-Commission employment does not increase the risk of liability to the Commission  
16 during, or from, the employee's performance of Commission-assigned duties  
17 including, but not limited to, increased health and safety concerns;  
18
  - 19 5. Non-Commission employment does not result in the employee using the prestige of  
20 their Commission office, official title, or position for private gain, or the gain of  
21 another;  
22
  - 23 6. Engaging in non-Commission employment does not occur while on duty with the  
24 Commission;  
25
  - 26 7. Non-Commission employment does not result in coercing other Commission  
27 employees to buy or use goods, services, or other items of value (including interests in  
28 land) sold, or offered, as part of their non-Commission employment;  
29
  - 30 8. Non-Commission employment does not result in an employee working for (a) a  
31 person or entities owned by the employee's Commission subordinate or  
32 supervisor, or (b) any business subject to the authority of the Commission or that does  
33 business with the Commission when there is an actual or perceived conflict of interest;  
34
  - 35 9. Confidential information gained through Commission employment is not used for  
36 financial gain, or any use other than Commission employment;  
37
  - 38 10. Non-Commission employment does not result in the solicitation or acceptance of  
39 referrals for any non-Commission employment while on duty;  
40
  - 41 11. Non-Commission employment does not result in the unauthorized use of Commission  
42 resources;

- 1 d. Approval for Non-Commission employment by Department Heads and appointed officers  
2 must be obtained from the Commission’s Chair and Vice Chair.  
3
- 4 e. The Commission retains the right to deny, rescind, revoke, or modify approval of non-  
5 Commission employment if the employment violates any of the conditions in Section  
6 I(C)(2)(c) *et seq.*  
7

### 8 **3. Review Process for Non-Commission Employment Requests**

9

- 10 a. Employees must request and receive approval for non-Commission employment before  
11 engaging in such employment. Employees must also request approval of changes  
12 to previously approved non-Commission employment as soon as any changes are known.  
13 Requests must be submitted using Appendix A, “*Request to Participate in Non-*  
14 *Commission Employment Form,*” and include:
- 15
- 16 i. Employee name, position title, work schedule (days and work hours), and description  
17 of Commission job duties;
  - 18
  - 19 ii. Name of non-Commission employer;
  - 20
  - 21 iii. Address where non-Commission employment will be performed;
  - 22
  - 23 iv. Non-Commission employment work schedule (days and work hours) including start  
24 date and end date (if known);
  - 25
  - 26 v. A description of non-Commission employment duties; and
  - 27
  - 28 vi. Reasons why Section I(C)(2)(c) *et seq.* will not be violated.
  - 29
- 30 b. Employees must submit requests to their supervisor. Department heads and appointed  
31 officers must submit requests to the Commission Chair and Vice-Chair. In considering a  
32 Seasonal/Intermittent Contract employee’s request for non-Commission employment, a  
33 reviewer must take into consideration the fact that the Commission may not be the  
34 Seasonal/Intermittent Contract employee’s primary employer.
- 35 i. Supervisors must review the “Request to Participate in Non-Commission Employment  
36 Form” and send a recommendation of approval or denial to their Division Chief, with  
37 a copy to the employee, within seven (7) calendar days of receiving the written request.  
38
  - 39 ii. If the recommendation is for denial, the supervisor must include the reasoning.
  - 40
  - 41 iii. If a supervisor does not forward the recommendation within seven (7) calendar days of  
42 receipt of the employee’s written request, the employee may forward the request to  
43 the Division Chief.

- 1 iv. The Division Chief will review the employee's requests, and if applicable, the  
2 supervisor's recommendation.  
3
- 4 (a) The Division Chief must review the "*Request for Non-Commission Employment*  
5 *Form*" and forward it with a recommendation for approval or denial to the  
6 Department Head, with a copy to the employee, within seven (7) calendar days of  
7 receiving the written request, or longer in extenuating circumstances. If the  
8 recommendation is for denial, the Division Chief must include the reasoning.  
9
- 10 (b) If the Division Chief does not forward the recommendation within seven (7)  
11 calendar days of receipt of the employee's written request, the employee may  
12 forward the request to the Department Head.  
13
- 14 v. The Department Head will review all employee requests along with the supervisor's  
15 and Division Chief's recommendations.  
16
- 17 (a) The Department Head's decision will be made by signing the request form, within  
18 seven (7) calendar days of receiving the request from the Division Chief, or longer  
19 in extenuating circumstances. An employee's request shall not be considered  
20 approved until and unless approved by the Department Head.  
21
- 22 (b) A copy of the decision shall be maintained in the departmental personnel file and a  
23 copy forwarded to the Human Resources Information System (HRIS) Office for  
24 filing in the official personnel file of the employee.  
25
- 26 (c) The Department Head's decision (i.e., to act or not act) is final.  
27
- 28 vi. Approvals are only for the non-Commission employment stated in the request.  
29
- 30 (a) If any information provided in the request changes at any time, the employee must  
31 provide the supervisor with written notice of the change, immediately.  
32
- 33 (b) Any approval may be suspended or rescinded orally if a conflict of interest arises  
34 during the employee's engagement in the non-Commission employment. The  
35 Department Head must provide written notice confirming the action within seven  
36 (7) calendar days of the oral action.  
37
- 38 (c) If an employee engages in approved non-Commission employment that impairs  
39 their ability to perform Commission duties, the employee may be directed to modify  
40 or cease participation in the non-Commission employment while employed by the  
41 Commission.  
42  
43

- vii. The employee’s supervisor shall review the non-Commission employment, annually during the performance review, to determine if the non-Commission employment has not diminished, interfered with, or detracted from the employee’s job duties.
- viii. During their Annual Performance Review, an employee must inform their supervisor whether their non-Commission employment status has changed during the past year, and if so, complete or update the “*Request to Participate in non-Commission Employment Form*” (Appendix A).
- ix. An employee who moves to another department is required to complete and file a new request with the new department for any desired participation in non-Commission employment.

**D. Use of Commission Resources**

- 1. **In General.** Commission resources may be used only for the official business of the agency. Any use of Commission resources for a reason other than official business is prohibited, unless permitted under the “Allowable Exceptions” set forth in the Section below.
- 2. **Allowable “*De Minimis*” Exceptions.** Restricted use of Commission resources is permitted as outlined in other agency policies, including:
  - a. Administrative Practice 6-10, *Vehicle Use Program*. Note: Personal use of M-NCPPC vehicles is generally prohibited, however in limited circumstances M-NCPPC may assign a take-home vehicle to an employee, authorizing commuting (between the workplace and home) and *de minimis* personal use of a vehicle, subject to Internal Revenue Service Regulations. Onsite assigned vehicles, take-home vehicles, and pool vehicles may also be used for personal use which is incidental to the business need (i.e., meals and breaks) and temporary overnight use, when approved.
  - b. Administrative Practice 6-13, *Electronic Communications Policy*, and its accompanying Administrative Procedure; 12-01, “Mobile Technology,” including but not limited to Section IV(A). Note: Although employees may occasionally and incidentally need to use Commission communication technology for personal reasons, such personal use must be kept to a minimum, must be brief, must not interfere with the performance of the employee’s duties and responsibilities, and must be consistent with Commission Practice 6-13, *Electronic Communications* and any other applicable policy directives affecting technology.
- 3. **Required Oversight by Management**
  - a. Managers and supervisors must:

- i. Reasonably monitor and enforce the proper use of Commission resources by those they manage and supervise; and
  - ii. Report concerns that are related to the inappropriate use of Commission resources to their Department Head, Inspector General, Park Police, or Executive Director in accordance with Commission Practice 3-31, *Fraud, Waste, and Abuse*.
- b. Department Heads must:
- i. Ensure that their employees comply with Sections I(D)(1-2);
  - ii. Ensure that violations are reported and addressed in a timely and consistent manner; and
  - iii. Report concerns that are related to the inappropriate use of Commission resources to the Inspector General, Park Police, or Executive Director as may be required in Commission Practice 3-31, *Fraud, Waste, and Abuse*.

E. **Use of Prestige of Office**

1. An employee must not intentionally use the prestige of office or public position:
  - a. For that employee's private gain or that of another; or
  - b. To influence, except as part of the official duties of the employee, the award of a Commission contract to a specific person.
2. An employee may not directly or indirectly request that a person retain the compensated services of a particular regulated lobbyist or lobbying firm.

F. **Disclosure or Use of Confidential Information**

1. Except in the discharge of an official duty, an employee or former employee may not disclose or use confidential information acquired by reason of the official's or employee's position and not available to the public.
2. An employee or former employee may not use confidential information for:
  - a. Personal economic benefit; or
  - b. The economic benefit of another.
2. Examples of confidential information include, but are not limited to, privileged documents, documents that are confidential pursuant to Practice 2-28, *Composition, Privacy and Disposition of Employment Records*, and documents that may not be disclosed pursuant to the



1 Maryland Public Information Act (Sections 4-301 *et seq.* of the General Provisions Article of  
2 the Maryland Code).

3  
4 **G. Post-Employment Restrictions**

- 5  
6 1. Except as provided in paragraph 2, a former employee ~~who participated significantly in a~~  
7 ~~particular matter or contract in their Commission position~~ may not, ~~after leaving Commission~~  
8 ~~service,~~ assist or represent another party on a ~~that~~ specific matter or contract for compensation  
9 if the matter involves the Commission and the former employee significantly participated in  
10 the matter as a Commission employee.
- 11  
12 2. A former employee may assist or represent a governmental entity on a specific matter or  
13 contract in which the former employee significantly participated as a Commission employee,  
14 for compensation, provided an actual or perceived conflict of interest is not created.
- 15  
16 3. “Significant participation” means making a decision, approval, disapproval, recommendation,  
17 rendering of advice, investigation, or similar action taken as an officer or employee. Significant  
18 participation ordinarily does not include program or legislative oversight, or budget  
19 preparation, review, or adoption.

20  
21 **H. Political Activities**

22  
23 **1. In General.**

- 24  
25 a. Pursuant to Section 1-303 of the Local Government Article of the Maryland Code, an  
26 employee may freely participate in any political activity and express any political opinion  
27 and may not be required to provide a political service.
- 28  
29 b. Section 1-304 of the Local Government Article of the Maryland Code prohibits employees  
30 of bi-county agencies from engaging in political activity while on the job during working  
31 hours or advocating the overthrow of the government by unconstitutional or violent means.  
32 A bi-county employee who violates Section 1-304 of the Local Government Article of the  
33 Maryland Code is guilty of a misdemeanor and is subject to potential fines and  
34 imprisonment.
- 35  
36 c. In addition to Sections 1-303 and 1-304 of the Land Use Article of the Maryland Code, the  
37 Commission’s expectations of employee conduct are set forth in Chapter 1800 (*Political*  
38 *Activities*) of the Merit System Rules and Regulations (Merit Rules) and M-NCPPC Notice  
39 22-07, *Employee Conduct With Respect to Political Activities*. The Merit Rules supersede  
40 these provisions, which are provided to further elucidate the ethical standards applicable to  
41 employees in this area.
- 42

- 1           2. **Permissible Activities.** Employees have the responsibility to regulate their political activities  
2           in such a manner as not to interfere with their employment. Employees may engage in political  
3           activities off-duty, off Commission premises, and without the use of Commission resources.  
4           (e.g., Employees may retain membership in political parties; participate in political activities,  
5           including seeking candidacy for public office; register and vote as they please; and express  
6           their personal opinions on political subjects.)  
7
- 8           3. **Prohibited Activities.** Political activities of employees that interfere with the performance of  
9           their official duties and responsibilities are prohibited, whether done in-person or using social  
10          media. The following political activities, which include, but are not limited to, are specifically  
11          prohibited:  
12
- 13          a. Campaigning, fundraising, or engaging in other partisan political activities on Commission  
14          premises while performing duties and responsibilities as an employee;
  - 15
  - 16          b. Using one’s Commission position to engage in political activities or to advance associated  
17          goals;
  - 18
  - 19          c. Using public office or political affiliations for private gain that may result in a conflict of  
20          interest;
  - 21
  - 22          d. Promising, or appearing to promise, employment, a position, compensation, or any other  
23          benefit in consideration, favor, or reward for political activity, especially but not limited  
24          to, when such action presents a conflict of interest;
  - 25
  - 26          e. Performing political activities at the direction of a supervisor, appointed officer,  
27          Department Head, Commissioner, any other employee, or vendor.
  - 28
  - 29          f. Engaging in political activity that interferes with the Commission’s work or the duties or  
30          responsibilities of Commission employees;
  - 31
  - 32          g. Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan,  
33          or other item of more than the established nominal value, in exchange for another’s  
34          participation in political activity, especially when such action presents a conflict of interest  
35          as defined in the Code of Ethics;
  - 36
  - 37          h. Use of scheduled work hours or unauthorized use of Commission resources for political or  
38          partisan activities. (Employees shall use their own accrued annual, personal, or  
39          compensatory leave for participation in such activities.)  
40  
41  
42

- i. Participating in political activities, whether on or off Commission premises, while receiving administrative leave or other leave not appropriate for such purposes, such as leave to attend union activities (Union Leave), or leave approved to attend Commission-sponsored or -approved programs, training, forums, seminars, or similar career-enhancement functions;
- j. Using public office or political affiliation for private gain that may result in, or give the appearance of, a conflict of interest with the Commission;
- k. Coercing other Commission employees, including subordinates, to participate in political activities;
- l. Lobbying elected officials during work hours on behalf of candidates for appointed or elected positions;
- m. The appearance of promising, or an actual promise of, employment, promotion, demotion, dismissal, or any other human resources action, based on partisan political activity;
- n. Displaying partisan political signs, banners, posters, or other endorsements, while on duty, on the Commission's premises, or while representing the Commission. Employees also may not place political bumper stickers, logos, signs, or endorsements on any Commission vehicles, property, or facility, or otherwise engage in electioneering while on duty;
- o. Soliciting any person who has business before the Commission, including the employee's office, to engage in political activity;
- p. Engaging in political activities while wearing Commission apparel or uniforms, employee identification, or any other items with badges, insignia, or logos that identify the Commission. Notwithstanding these restrictions, the incidental wearing of Commission uniforms or identification while voting off-duty is permissible. (*e.g.*, while in uniform, stopping to vote before or after scheduled work hours would not be considered a violation of this policy);
- q. Otherwise in any way participating in political activities that involve, or would reasonably appear to involve, a conflict of interest, as defined in this Code of Ethics or that would violate this Code or other Commission Practices;

Note: Notwithstanding the above, receipt of unsolicited emails of a political nature will not be considered unauthorized use of Commission resources for political activities. If such an email is received, the employee must take every step to unsubscribe from the email list or contact the sender to remove the employee from the email list. If the employee is unsuccessful in unsubscribing, the employee should contact their respective departmental IT division for assistance in blocking messages.

1 I. **Nepotism**

2 Consistent with the Merit Rules Section 155 (*Nepotism*):

- 3
- 4 1. An employee, including a Department Head, may not appoint, promote, reassign, or participate
- 5 in any employment action affecting a family member as defined in the “Definitions” section
- 6 (pg.4).
- 7
- 8 2. A Department Head must:
- 9
- 10 a. Not permit the employment of members of a family where it would result in any person
- 11 having direct or indirect supervisory responsibility over a family member.
- 12
- 13 b. Recuse themselves from employment decisions involving members of their own family
- 14 and delegate their authority to another such as a Deputy Director.
- 15
- 16

17 II. **FINANCIAL DISCLOSURE**

18

19 A. **Financial Disclosure Requirements for Designated M-NCPPC Positions**

20

21 1. **In General.**

- 22
- 23 a. This Section identifies those whose positions require them to complete Financial
- 24 Disclosure Statements in accordance with the form and instructions which are contained in
- 25 Appendix B, “*Financial Disclosure Statement.*” Specific requirements for the timing and
- 26 filing of Financial Disclosure Statements are outlined below.
- 27
- 28 b. Financial Disclosure Statements cover the calendar year (January 1<sup>st</sup> through December
- 29 31<sup>st</sup>) immediately preceding the year of filing and are due by April 30<sup>th</sup> of each calendar
- 30 year.
- 31

32 2. **Individuals Required to File a Statement.** The following individuals must complete a

33 Financial Disclosure Statement form as provided annually by the Executive Director:

- 34
- 35 a. Appointed Officers. Appointed officers and deputy appointed officers of the Commission
- 36 including the Executive Director, Secretary-Treasurer, General Counsel, and their
- 37 deputies.

38

39 b. Department Heads and Identified Positions.

- 40
- 41 i. Department Heads and Deputy Department Heads including:

- 42
- 43 (a) Director of Planning, Montgomery County;

- (b) Deputy Director(s) of Planning, Montgomery County;
- (c) Director of Planning, Prince George’s County;
- (d) Deputy Director(s) of Planning, Prince George’s County;
- (e) Director of Parks and Recreation, Prince George’s County;
- (f) Deputy Director(s) of Parks and Recreation, Prince George’s County;
- (g) Director of Parks, Montgomery County; and
- (h) Deputy Director(s) of Parks, Montgomery County.

- ii. Inspector General and Inspectors within the Office of the Inspector General;
- iii. Chief Information Officer;
- iv. Attorneys (as designated by the General Counsel);
- v. Division Chiefs/Division Directors;
- vi. Corporate Policy and Archives Chief
- vii. Risk Management and Workplace Safety Chief; and
- viii. Supplier Diversity Program Manager.

c. Other Individuals Whose Positions Require the Filing.

i. *Positions Designated by Department Heads:* Department Heads shall designate positions for filing Financial Disclosure Statements (outside of those listed above in Section II(A)(2)(b)), that influence Commission matters because of their ability to take actions, make decisions, or recommendations, or advise on:

- (a) Procurement matters or contracting;
- (b) Administering grants or subsidies;
- (c) Planning, zoning, or otherwise regulating land use;
- (d) Policy or planning decisions that impact the Financial Interest(s) of third parties;

1 (e) Land acquisitions or dispositions, land development, and facility planning of  
2 Commission assets, whether owned or managed; or

3  
4 (f) Other decisions with significant economic impact.

5  
6 ii. *Individuals Who are Assigned by Department Heads to Serve on a Board or*  
7 *Foundation:* Department Heads shall identify employees in designated positions who  
8 are assigned to serve on a board or foundation in their official capacity as a Commission  
9 employee.

10  
11 3. **Contents of Statements.** The Financial Disclosure Statement for employees must require  
12 disclosure of information and interests, if known, for the applicable reporting period pertaining  
13 to:

14  
15 a. Receipt of any gifts of more than \$20 in value, or a series of gifts from any one person  
16 totaling \$100 or more;

17  
18 b. Interests in real property;

19  
20 c. Interests in corporations and partnerships;

21  
22 d. Interests in Business entities doing business with the State, the Commission, Montgomery  
23 County, or Prince George's County;

24  
25 e. Employment by or interest in business entities doing business with the State, the  
26 Commission, Montgomery County, or Prince George's County;

27  
28 f. Indebtedness to entity doing business with the State, the Commission, Montgomery  
29 County, or Prince George's County;

30  
31 g. Family Members Employed by the State, the Commission, Montgomery County, or Prince  
32 George's County; and

33  
34 h. Sources of earned income.

35  
36 4. **Filing Deadlines and Procedures.**

37  
38 a. Except as provided in subparagraph (d), positions required to file a financial Disclosure  
39 Statement must file a statement by April 30<sup>th</sup> of each year. See Section II(A)(2) for the list  
40 of positions required to file.

41  
42 b. No later than 30 days before the filing deadline each year, instructions on filing annual  
43 Financial Disclosure Statements must be provided by:

- 1 i. *The Executive Director* to appointed officers, Department Heads, and identified  
2 positions named in Section II(A)(2)(a-b).  
3
- 4 ii. *Each respective Department Head* to positions they designate as required to file,  
5 including individuals assigned to serve on a board or foundation in their official  
6 capacity as a Commission employee as covered in Section III(A)(2)(c).  
7
- 8 c. Each Department Head must submit to the Executive Director within five (5) business days  
9 following April 30th of each year a list of employees who have and who have not submitted  
10 their completed Financial Disclosure Statement.  
11
- 12 d. Procedures for New Hires or Appointees, for Individuals Serving in Acting Positions, and  
13 Upon Termination:  
14
- 15 i. *Any newly hired or appointed individual holding a Commission position required to*  
16 *file a Financial Disclosure Statement* must file the statement with the appropriate office  
17 at the time of hire. This requirement must be included in job advertisements and  
18 communicated and monitored by the hiring department.  
19
- 20 ii. *Individuals placed in an acting role for a Commission position that requires the filing*  
21 *of a Financial Disclosure Statement* must file a statement when their acting assignment  
22 is anticipated to last 60 days or greater. The individual must submit the completed  
23 statement within 30 days of the acting assignment.  
24
- 25 iii. *Any individual who leaves a position that requires the filing of a Financial Disclosure*  
26 *Statement* must file the statement with the appropriate office during the close-out  
27 process, prior to separation. Failure to file a required disclosure form upon separation  
28 may result in the delay or withholding of a final paycheck in appropriate circumstances.  
29 This requirement must be communicated and monitored by the hiring department.  
30

31 **B. Entities Doing Business with the Commission.**  
32

- 33 1. The Executive Director must cause to have published annually, either in print or in electronic  
34 format, an alphabetized list of non-governmental entities doing business with the State,  
35 Montgomery County, Prince George's County, and the Commission during the preceding year  
36 and make it available to individuals for the purpose of filing Financial Disclosure Statements.  
37
- 38 2. The list must be available for public inspection by March 1st of each year.  
39  
40  
41  
42  
43

1 **C. Maintenance of Financial Disclosure Records**

2  
3 **1. Availability for Review**

- 4  
5 a. Subject to subparagraph (d), all Financial Disclosure Statements filed pursuant to Section  
6 III(A)(3) must be made available for public inspection upon request during normal office  
7 hours, subject to such reasonable fees as the Executive Director may establish.  
8  
9 b. Any person examining or copying these statements shall be required to provide their name,  
10 home address, and the name of the person whose disclosure statement was examined or  
11 copied.  
12  
13 c. An employee who has a statement on file is entitled, upon request, to be notified of the  
14 name and home address of anyone inspecting their Financial Disclosure Statement.  
15  
16 d. The above disclosure shall be handled in accordance with Section II(F), "Disclosure or use  
17 of confidential information." Namely, an employee's home address must be redacted from  
18 a statement that is made available for examination or copying, if the person has identified  
19 it as their home address.  
20

21 **2. Retention Requirements**

- 22  
23 a. Any person who is required to file a report, statement, or record under this Code of Ethics,  
24 must retain each account, bill, receipt, book, paper, or other document necessary to  
25 substantiate the filing. Any person who is required to file a report, statement, or record  
26 under this Code, must retain each account, bill, receipt, book, paper, or other document  
27 necessary to substantiate the filing.  
28  
29 b. The person must retain the document for three years after:  
30  
31 i. The date the report, statement, or record was filed; or  
32  
33 ii. If the report, statement, or record is not filed, the date the report, statement, or record  
34 was required to be filed.  
35  
36 c. All Financial Disclosure Statements filed pursuant to Section II(A)(2)(a-b) shall be  
37 maintained by the Executive Director, and those filed pursuant to Section II(A)(2)(c) shall  
38 be maintained by the respective Department Heads with whom they have filed.  
39  
40 d. The Executive Director and the Department Heads shall maintain records of the Financial  
41 Disclosure for three years, at which time they shall be sent to the Commission's Archives  
42 and Records Office for retention, pursuant to the State-Approved Records Retention and  
43 Disposition Schedule.



1 **D. Financial Disclosure Requirements for Commissioners**

2 Commissioners and individuals applying to be a Commissioner should refer to Sections 5-824 and  
3 5-825 of the General Provisions Article of the Code of Maryland for Financial Disclosure  
4 requirements.  
5  
6

7 **III. DELEGATION OF AUTHORITY**

8  
9 A. A Department Head may designate, in writing, a representative to implement any of the provisions  
10 of this Practice.  
11

12 B. A Department Head may withdraw their designation at any time, which shall also be in writing.  
13  
14

15 **IV. ETHICS OFFICERS AND DIRECTING CONCERNS**

16 There shall be a Commission-wide ethics officer(s) appointed by the General Counsel who is an  
17 attorney in the General Counsel's Office, and who shall have the authority to: (i) advise employees  
18 confidentially on the requirements of the Code of Ethics; and, (ii) if needed, investigate known or  
19 suspected violations, and take appropriate action. The Ethics Officer shall:  
20

21 A. Serve as a point of contact for employees regarding inquiries and concerns of conflicts of interest.  
22 This includes providing advice and preparing verbal and written responses and guidance regarding  
23 the Code of Ethics, and related policies, rules, and regulations. Employees are also encouraged to  
24 seek advice from their immediate supervisor and chain of command, provided such staff are not  
25 the subject of the inquiry or suspected violation. Note: Pursuant to Administrative Practice 3-31,  
26 *Fraud, Waste, and Abuse*, employees are required to report any suspected or known fraud, waste,  
27 or abuse, and are provided several reporting options, including: (i) the Department Head  
28 responsible for the program in which the fraud, waste, or abuse is suspected; (ii) the Office of the  
29 Inspector Generals; (iii) Park Police; and (iv) the Executive Director. See Practice 3-31, for more  
30 information.  
31

32 B. After consultation with the General Counsel, refer matters to the appropriate internal and/or  
33 external authorities, where warranted, including but not limited to the Executive Director,  
34 Commission, Park Police, County Police, and state and federal authorities.  
35

36 C. Preparation of an annual report on ethics to address the number and types of inquiries, violations,  
37 and corrective measures.  
38  
39  
40  
41  
42  
43

1 V. **REQUIRED TRAINING**

- 2
- 3 A. Subject to Subsection V(B), immediately below, all employees are required to receive ethics
- 4 training each calendar year to be provided by the agency's Ethics Officer. Note: Commissioners
- 5 who attend the training offered by the State of Maryland Ethics Commission satisfy this
- 6 requirement and may elect to take the Commission's ethics training.
- 7
- 8 B. Seasonal/Intermittent employees may attend the ethics training provided by the Ethics Officer and
- 9 will receive orientation on the Code of Ethics as part of their onboarding process.
- 10
- 11 C. The Ethics Officer is responsible for developing and updating training materials, with input and
- 12 assistance from the Corporate Policy Office.
- 13

14 VI. **VIOLATIONS**

- 15
- 16
- 17 A. Employees who violate Administrative Practice, 2-24, *Code of Ethics*, may be subject to
- 18 disciplinary action, up to and including termination.
- 19
- 20 B. The Commission may refer a violation for criminal investigation and prosecution.
- 21
- 22 C. In the case of unauthorized use of Commission resources by an employee, or other loss or damage
- 23 to the Commission occasioned by the violation, the Commission may recover any loss or damages
- 24 from the employee through direct repayment by the employee, payroll deduction, or other legal
- 25 action.
- 26
- 27 D. Failure to comply with the requirements of the Code of Ethics due to a lack of knowledge or
- 28 misinterpretation of the rules and regulations of this Policy or any other applicable Practice(s)
- 29 cannot be used as an excuse to violate this Code.
- 30
- 31 E. An employee shall be provided an opportunity to explain any conflict of interest or appearance of
- 32 conflict of interest and any other apparent violations of this Practice.
- 33

34 VII. **RESPONSIBILITIES**

- 35
- 36 A. **All Employees** are responsible for:
- 37
- 38 1. Complying with the Code of Ethics.
- 39
- 40 2. Avoiding taking any actions that violate or that may give the appearance of violating the Code.
- 41
- 42 3. Seeking advice, when needed, and reporting any suspected or known ethics violations,
- 43 pursuant to Section V(Inquiries and Concerns).

- 1 4. Seeking approval to engage in any non-Commission employment utilizing the Request to  
2 Participate in Non-Commission Employment Form (Appendix A).  
3
- 4 5. Submitting a Financial Disclosure Statement, if designated to do so by this Practice or the  
5 respective Department Head.  
6
- 7 6. Completing the required ethics training.  
8
- 9 7. Fully cooperating with investigations of potential violations of the Code of Ethics.  
10

11 **B. Supervisors** are responsible for:

- 13 1. Reviewing the non-Commission employment of employees under their supervision, annually  
14 during the performance review, to determine if the non-Commission employment has not  
15 diminished, interfered with, or detracted from the employee's job duties.  
16
- 17 2. Responding to inquiries on ethics issues they receive from employees they supervise and  
18 seeking further guidance and/or assistance from the Ethics Officer(s), as needed.  
19
- 20 3. Reporting suspected and known violations of this Code of Ethics, as appropriate, pursuant to  
21 Section V(Inquiries and Concerns).  
22
- 23 4. Ensuring employees under their supervision complete the annual ethics training course.  
24

25 **C. Department Heads** are responsible for:

- 27 1. Approving/disapproving non-Commission employment requests, in a timely manner, utilizing  
28 the appropriate form submitted by the employee.  
29
- 30 2. Ensuring that all employees under their supervision who are required to submit annual  
31 Financial Disclosure Statements (FDS) do so, and reporting annually to the Executive Director  
32 those employees who submitted as well as those who did not submit an FDS.  
33
- 34 3. Ensuring all staff under their authority receive the required ethics training annually.  
35

36 **D. The Ethics Officer(s)** is responsible for:

- 38 1. Serving as a point of contact for ethics inquiries and complaints; as well as, providing responses  
39 and guidance.  
40
- 41 2. Referring matters to the appropriate internal and/or external authorities, where warranted, as  
42 appropriate.

- 1 3. Facilitating the required annual training on ethics for Commission employees. This includes  
2 developing training and ancillary material the Ethics Officer(s) determine are necessary to  
3 promote compliance with this Code, with the support of the Corporate Policy Office.  
4
- 5 4. Preparing an annual report that contains information on conflict of interest issues and  
6 regulations during the previous calendar year.  
7

8 **E. The General Counsel** is responsible for:  
9

- 10 1. Appointing one or more Ethics Officers to be the point of contact for inquiries, advice, training,  
11 and investigation/resolution of ethics-related issues . The General Counsel may also delegate  
12 to others in the Office of the General Counsel certain responsibilities to ensure compliance  
13 with the Code of Ethics and to assist the Ethics Officer(s), as necessary.  
14
- 15 2. Reviewing and approving the annual ethics report(s) prepared by the Ethics Officer(s).  
16

17 **F. The Executive Director** is responsible for:  
18

- 19 1. Receiving information regarding Department Head authorizations for employees in the  
20 respective departments to solicit gifts from external parties.  
21
- 22 2. Approving/disapproving, in writing, requests for soliciting voluntary contributions for a  
23 charitable drive for an external party.  
24
- 25 3. Maintaining records of Financial Disclosure Statements for designated positions required to  
26 file with the Executive Director, for three years, and making them available for public  
27 inspection in accordance Section, II(G)(Disclosure or Use of Confidential Information) by  
28 ensuring employees' home addresses are not disclosed, when a property is identified as an  
29 employee's home address.  
30  
31  
32

33 **APPENDICES**

- 34 A. Request to Participate in Non-Commission Employment Form
- 35 B. Financial Disclosure Statement Instructions
- 36 C. Financial Disclosure Statement Form



The Maryland-National Capital Park and Planning Commission

**PRINCE GEORGE'S COUNTY**  
**Planning Department**

1616 McCormick Drive, Largo, MD 20774 • pgplanning.org • Maryland Relay 7-1-1

December 19, 2023

**MEMORANDUM**

**TO:** The Maryland-National Capital Park and Planning Commission

**VIA:** Suzann M. King, Acting Planning Director *smk*

**FROM:** Michael D. Calomese, AICP, Planner III, Community Planning Division, Master Plans and Studies Section *MDC*

**SUBJECT:** **Adoption of a Minor Plan Amendment to the 2014 *Approved Southern Green Line Station Area Sector Plan***

Attached for your review and approval are the draft Full Commission Resolution M-NCPPC No. 2024-XX to adopt a Minor Plan Amendment to the 2014 *Approved Southern Green Line Station Area Sector Plan*, which consists of the 2014 *Approved Southern Green Line Station Area Sector Plan*, the initiating Prince George's County District Council Resolution CR-026-2023, the Prince George's County Planning Board Resolution of Adoption PGCPB No. 2023-95, and the Prince George's County District Council Resolution of Approval CR-103-2023, and a draft Certificate of Adoption and Approval.

**RECOMMENDATION**

Staff recommends the Full Commission approve Resolution M-NCPPC No. 2024-01, and the Certificate of Adoption and Approval.

Attachments:

1. Draft Full Commission Resolution M-NCPPC No. 2024-XX
2. Draft Certificate of Adoption and Approval
3. [2014 \*Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment\*](#)
4. [April 25, 2023, Prince George's County District Council, Resolution of Initiation \(CR-026-2023\)](#)
5. [September 7, 2023, Prince George's County Planning Board, Resolution of Adoption \(PGCPB No. 2023-95\)](#)
6. [October 24, 2023, Prince George's County District Council, Resolution of Approval \(CR-103-2023\)](#)

**Signature:** *Michael D Calomese*

**Email:** michael.calomese@ppd.mncppc.org

**Signature:** *Suzann King*

**Email:** suzann.king@ppd.mncppc.org



M-NCPPC No. 2024-01

## **RESOLUTION**

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Code of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend, and add to the Prince George's County Approved General Plan ("Plan 2035") for physical development of the Maryland-Washington Regional District; and

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, held a duly advertised joint public hearing with the Prince George's County Council, sitting as the District Council, for that portion of the Maryland-Washington Regional District in Prince George's County, on June 6, 2023, to consider a minor plan amendment to the 2014 *Approved Southern Green Line Station Area Sector Plan*; and

WHEREAS, this minor plan amendment of the 2014 *Approved Southern Green Line Station Area Sector Plan* includes recommendations from the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* that are specific to the length of Suitland Road, which serves as a shared boundary between both plan areas; and

WHEREAS, this minor plan amendment serves as an administrative correction to the 2014 *Approved Southern Green Line Station Area Sector Plan*, which is needed to clarify land use and zoning recommendations along a corridor studied in the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* that also supports land use and zoning recommendations in the Branch Avenue Metro Station Area, which is part of the 2014 *Approved Southern Green Line Station Area Sector Plan*; and

WHEREAS, the Prince George's County Planning Board on September 7, 2023, after due deliberation and consideration of the public hearing testimony and the Planning Department's analysis of the proposed minor plan amendment, adopted the minor plan amendment, as described in the Prince George's County Planning Board Resolution PGCPB No. 2023-95, and transmitted the adopted minor plan amendment to the District Council on October 5, 2023; and

WHEREAS, the Prince George's County Council, convened as the Committee of the Whole, held a work session on October 17, 2023, to consider the joint public hearing testimony and the Planning Board Resolution of Adoption; and

WHEREAS, upon consideration of the testimony received through the hearing process, the District Council on October 24, 2023, adopted CR-103-2023 approving the minor plan amendment to the 2014 *Approved Southern Green Line Station Area Sector Plan*;

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned recitals are hereby incorporated into this Resolution by reference;

BE IT FURTHER RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby adopt said minor plan amendment to the 2014 *Approved Southern Green Line Station Area Sector Plan* as approved by the Prince George's County District Council in attached Resolution CR-103-2023; and

BE IT FURTHER RESOLVED, that amended copies of said Master Plans shall be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of Prince George's County, as required by law; and

BE IT FURTHER RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby certify the minor plan amendment to the 2014 *Approved Southern Green Line Station Area Sector Plan*.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Maryland-National Capital Park and Planning Commission on the motion of Commissioner X, seconded by Commissioner X, with Commissioners X, X, X, X and X, at its regularly held meeting on January 17, 2024, in Wheaton, Maryland.

---

Asuntha Chiang-Smith  
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY



---

M-NCPPC LEGAL DEPARTMENT

DATE: 12-8-23

CERTIFICATE OF ADOPTION AND APPROVAL

The Minor Plan Amendment to the 2014 *Approved Southern Green Line Station Area Sector Plan* amends the plan to include recommendations from the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* that are specific to the length of Suitland Road, which serves as a shared boundary between both plan areas. The Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the Minor Plan Amendment to the 2014 *Approved Southern Green Line Station Area Sector Plan* by Resolution No. 2023-95 on September 7, 2023. The Prince George's County Council approved the Minor Plan Amendment by Resolution No. CR-103-2023 on October 24, 2023, after a duly advertised public hearing held on June 6, 2023.

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

---

Artie Harris  
Chairman

---

Peter A. Shapiro  
Vice Chairman

---

Gavin Cohen, CPA  
Secretary-Treasurer





January 17, 2024

**MEMORANDUM**

TO: The Maryland-National Capital Park and Planning Commission

VIA: Suzann M. King, Acting Planning Director

FROM: Crystal Saunders Hancock, Acting Transportation ICP, CNU-A, Planner IV,  
Community Planning Division  
Evan Tenenbaum, Planner II, Countywide Planning Division, Transportation  
Planning Section

SUBJECT: **Adoption of a Minor Amendment to the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan***

Attached for your review and approval are the draft Full Commission Resolution M-NCPPC No. 2024-02 to adopt a Minor Amendment to the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan*, which consists of the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan*, the initiating resolution CR-72-2023, the Prince George's County Planning Board Resolution of Adoption PGCPB No. 2023-113, and the Prince George's County Council Resolution of Approval CR-110-2023, and a draft Certificate of Adoption and Approval.

**RECOMMENDATION**

Staff recommend the Full Commission approve Resolution M-NCPPC No. 2024-02, and the Certificate of Adoption and Approval.

Attachments:

1. Draft Full Commission Resolution M-NCPPC No. 2024-02
2. Draft Certificate of Adoption and Approval
3. [2009 \*Approved Countywide Master Plan of Transportation\*](#)
4. [2013 \*Approved Subregion 6 Master Plan\*](#)
5. [July 18, 2023 District Council Resolution of Initiation \(CR-72-2023\)](#)
6. [October 19, 2023 Prince George's County Planning Board Resolution of Adoption \(PGCPB No. 2023-113\)](#)
7. [November 14, 2023, Prince George's County District Council's Resolution of Approval \(CR-110-2023\)](#)



M-NCPPC No. 2024-02

## **RESOLUTION**

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Code of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend, and add to the Prince George's County Approved General Plan, *Plan Prince George's 2035 Approved General Plan* ("Plan 2035"), for physical development of the Maryland-Washington Regional District; and WHEREAS The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Code of the Annotated Code of Maryland, is authorized and empowered to adopt a functional master plan for the various elements of the general plan, including transportation routes and facilities; and

WHEREAS the 2009 *Approved Countywide Master Plan of Transportation* for Prince George's County is a functional master plan that addresses strategic transportation issues for all modes of transportation in Prince George's County, pursuant to the directives issued by the Prince George's County District Council in 2002 *Prince George's County Approved General Plan*; and

WHEREAS, Plan 2035 eliminated certain parcels from the right-of-way for the planned interchange of future master planned freeway F-10 (US 301) south of its interchange with future master planned freeway F-6 (MD 4) and master planned expressway E-6 (MD 202), thereby altering the alignment for F-10 recommended in the 2009 *Countywide Master Plan of Transportation*; and

WHEREAS, therefore, the Prince George's County Council, sitting as the District Council, authorized a minor amendment to the 2009 *Approved Countywide Master Plan of Transportation* through CR-072-2023, adopted on July 18, 2023; and

WHEREAS, the 2013 *Approved Subregion 6 Master Plan* carried forward the recommendations of the 2009 *Approved Countywide Master Plan of Transportation* for the construction of F-10, a master planned freeway to replace and bypass existing US 301 (Robert Crain Highway); and

WHEREAS, therefore, this minor amendment of the 2009 *Approved Countywide Master Plan of Transportation* also amends the 2013 *Approved Subregion 6 Master Plan*, revising recommendations for the interchange of master-planned freeways F-6 and F-10 and master-planned expressway E-6; and

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, held a duly advertised joint public hearing with the Prince George's County Council, sitting as the District Council, for that portion of the Maryland-Washington Regional District in Prince George's County, on September 12, 2023, to consider a minor amendment to the 2009 *Approved Countywide Master Plan of Transportation*; and

WHEREAS, the Prince George’s County Planning Board on October 19, 2023, after due deliberation and consideration of the public hearing testimony and the Planning Department’s analysis of the proposed minor amendment, adopted the Planning Department’s draft of the minor plan amendment, as described in the Prince George’s County Planning Board Resolution PGCPB No. 2023-113, and transmitted the adopted minor plan amendment to the District Council on October 23, 2023; and

WHEREAS, the Prince George’s County Council, convened as the Committee of the Whole, held a work session on November 7, 2023, to consider the joint public hearing testimony and the Planning Board Resolution of Adoption; and

WHEREAS, upon consideration of the testimony received through the hearing process, the District Council on November 14, 2023, adopted CR-110-2023 approving the minor amendment to the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan*;

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned recitals are hereby incorporated into this Resolution by reference;

BE IT FURTHER RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby adopt said minor amendment to the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan* as approved by the Prince George’s County District Council in attached Resolution CR-11-2023; and

BE IT FURTHER RESOLVED, that amended copies of said master plans shall be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of Prince George’s County, as required by law; and

BE IT FURTHER RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby certify the minor amendment to the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan*.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Maryland-National Capital Park and Planning Commission on the motion of Commissioner X, seconded by Commissioner X, with Commissioners X, X, X, and X and Commissioner X being absent, at its regularly held meeting on January 17, 2023, in Wheaton, Maryland.

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Asuntha Chiang-Smith  
Executive Director



The Maryland-National Capital Park and Planning Commission

 **PRINCE GEORGE'S COUNTY**  
**Planning Department**

1616 McCormick Drive, Largo, MD 20774 • TTY: 301-952-3796 • [pgplanning.org](http://pgplanning.org)

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*Laura Tallero*

Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel

CERTIFICATE OF ADOPTION AND APPROVAL

The Minor Amendment to the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan* amends recommendations for the interchange of master-planned freeways F-6 and F-10 and master-planned expressway E-6. The Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the Minor Master Plan Amendment to the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 6 Master Plan* by Resolution No. 2023-113 on October 19, 2023. The Prince George's County Council approved the Minor Master Plan Amendment by Resolution No. CR-110-2023 on November 14, 2023 after a duly advertised public hearing held on September 12, 2023.

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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Artie Harris  
Chairman

---

Peter A. Shapiro  
Vice Chairman

---

Gavin Cohen, CPA  
Secretary-Treasurer

PGCPB No. 2023-113

**RESOLUTION**

WHEREAS, on July 18, 2023, the Prince George’s County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District within Prince George’s County, adopted CR-72-2023, initiating a Minor Amendment to the 2009 *Approved Countywide Master Plan of Transportation*; and

WHEREAS, CR-72-2023 proposes to amend the 2009 *Approved Countywide Master Plan of Transportation* to add language and amend maps for the purpose of removing several parcels from right-of-way preservation of future master planned freeway F-10 (US 301) south of its interchange with future master planned freeway F-6 (MD 4) and master planned expressway E-6 (MD 202); and

WHEREAS, CR-26-2014 amended the *Plan Prince Georges 2035 General Plan (Plan 2035)* to require that the F-10 project in the 2009 *Approved Countywide Master Plan of Transportation* remove two parcels from right-of-way preservation of future master planned freeway F-10 (US 301) north of its interchange with future master planned freeway F-6 (MD 4) and master planned expressway E-6 (MD 202); and

WHEREAS, certain transportation facility recommendations of the 2009 *Approved Countywide Master Plan of Transportation* were amended by the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*; and

WHEREAS, the Prince George’s County Planning Board, in conjunction with the District Council, pursuant to Sections 27-3502(e) and 27-3407(b) of the Zoning Ordinance, held a properly noticed joint public hearing on the Minor Amendment to the 2009 *Approved Countywide Master Plan of Transportation* on September 12, 2023; and

WHEREAS, on October 19, 2023, the Planning Board held a public work session on the Minor Amendment to examine the analysis of testimony presented at the joint public hearing held on September 12, 2023; and

WHEREAS, a technical staff report has been prepared that analyzes the proposed Minor Amendment to the 2009 *Approved Countywide Master Plan of Transportation* for conformance to Section 27-3502 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the Prince George’s County Planning Board of the Maryland-National Capital Park and Planning Commission does hereby recommend that the Prince George’s County District Council ADOPT the Minor Amendment to the 2009 *Approved Countywide Master Plan of Transportation*, this said adoption to add language to, and revise Map 27 within, the 2009 *Approved Countywide Master Plan of Transportation* to remove four parcels from right-of-way

preservation of future master planned freeway F-10 and its interchange with future master planned freeway F-6 (MD 4) and master planned expressway E-6 (MD 202), per CR-72-2023; and

BE IT FURTHER RESOLVED that this minor amendment also amends the transportation facility recommendations of the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* for the interchange of F-10 (US 301), F-6 (MD 4), and E-6 (MD 202); and

BE IT FURTHER RESOLVED that the public purpose of this minor amendment is to reduce the impacts from proposed rights-of-way on existing businesses and institutions within the planned rights-of-way of the F-10 (US 301)/F-6 (MD 4)/E-6 (MD 202) interchange; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the Minor Plan Amendment has been prepared in accordance with the requirements of Sections 27-3502 of the Zoning Ordinance.

This is to certify that the foregoing is a true and correct copy of a resolution, as revised, approved by the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Bailey, Doerner, Geraldo, Shapiro, and Washington voting in favor of the motion at its regular meeting held on Thursday, October 19, 2023.

Adopted by the Prince George's County Planning Board this 19<sup>th</sup> day of October, 2023.

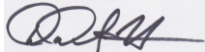
Peter A. Shapiro  
Planning Board Chair



By: Jessica Jones  
Planning Board Administrator

PAS:JJ:TP:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: October 23, 2023

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Montgomery Planning

## RESOLUTION OF ADOPTION FOR THE FAIRLAND AND BRIGGS CHANEY MASTER PLAN

ORANGESILVER SPRING  
5005  
FLASH  
MC-207

Fairland and Briggs Chaney  
MASTER PLAN

PUBLIC HEARING DRAFT

SPRING  
2023

Montgomery Planning  
[www.montgomeryplanning.org/fairlandbriggschaney](http://www.montgomeryplanning.org/fairlandbriggschaney)

### Description

The Commission will receive the Montgomery Planning Board's approved Resolution of Adoption for the *Fairland and Briggs Chaney Master Plan* and consider final adoption of the Plan.

## Planning Staff

CL	Clark Larson, Planner III, Upcounty Planning, <a href="mailto:Clark.Larson@montgomeryplanning.org">Clark.Larson@montgomeryplanning.org</a> , 301-495-1331
DZ	Don Zeigler, Supervisor, Upcounty Planning, <a href="mailto:Donnell.Zeigler@montgomeryplanning.org">Donnell.Zeigler@montgomeryplanning.org</a> , 301-495-4511
PB	Patrick Butler, Division Chief, Upcounty Planning, <a href="mailto:Patrick.Butler@montgomeryplanning.org">Patrick.Butler@montgomeryplanning.org</a> , 301-495-4561

### REPORT INFORMATION

#### Staff Contact

Clark Larson, AICP  
clark.larson@montgomeryplanning.org  
301-495-1331

#### Department

Montgomery Planning  
Upcounty Division

#### Report Date

January 3, 2024

#### Meeting Date

January 17, 2024



### Summary:

This document contains the following information:

- A recommendation to approve the Resolution of Adoption for the *Fairland and Briggs Chaney Master Plan* as approved by the Montgomery County Planning Board.
- A list of plan topics discussed and amended through the Montgomery County Council review and approval process.

## PLAN STATUS

The *Fairland and Briggs Chaney Master Plan* is a corridor-focused amendment to the 1997 *Fairland Master Plan* that seeks to establish a renewed vision for a portion of Columbia Pike (U.S. 29) over the next 10 to 20 years. The Plan embraces a future for this corridor as a more complete, equitable, transit-oriented, and compact community.

Since the Montgomery Planning Board voted to approve the *Fairland and Briggs Chaney Master Plan* on May 25, 2023 and transmitted the Plan to the County Council on June 9, 2023, the following actions have taken place:

- 1) The Montgomery County Council held a public hearing on September 7, 2023.
- 2) The Planning, Housing, and Parks (PHP) Committee of the Montgomery County Council held work sessions on October 16, October 23, October 30, and November 6, 2023, to review testimony received, and identified possible plan revisions.
- 3) The full Montgomery County Council held work sessions on November 14 and November 28, 2023, to review and vote on the PHP Committee’s recommended revisions.
- 4) The full Montgomery County Council voted unanimously on a resolution of approval for the *Fairland and Briggs Chaney Master Plan*, as amended on December 12, 2023.

[View the Interim Council-Approved Fairland and Briggs Chaney Master Plan](#)

*Please note: A final version will be prepared for print and web publication following adoption.*

- 5) The Montgomery Planning Board approved a Resolution of Adoption on December 21, 2023 for transmittal to the Maryland-National Capital Park and Planning Commission for final adoption of the *Fairland and Briggs Chaney Master Plan*.

The signed Montgomery County Planning Board Resolution of Adoption is included as Attachment A. The signed Montgomery County Council Resolution of Approval is included as Attachment B.

## COUNTY COUNCIL PLAN AMENDMENTS

The Montgomery County Council discussed the following topics on the Montgomery Planning Board Draft of the *Fairland and Briggs Chaney Master Plan*:

### 1) **Drive-throughs**

The Council accepted a unanimous recommendation of the PHP Committee to rephrase a plan recommendation on new drive-throughs, replacing “discourage” with “minimize the impact of”, to read: “Minimize the impact of new drive-throughs to prioritize the pedestrian environment and Vision Zero goals over auto-oriented development.”

**2) Affordable Housing for Residential Development on Public Properties**

The Council accepted a majority recommendation by the PHP Committee to replace the Planning Board’s recommendation for redevelopment projects with a residential component on public properties to strive for at least 25 percent of the recommended minimum 30 percent Moderately Priced Dwelling Units (MPDUs) affordable to households earning at or below 50 percent of the Area Median Income (AMI) with a different breakdown of the minimum 30 percent total MPDUs. The Council opted to recommend that 15 percent should be affordable to households earning 65-70 percent or less of AMI and 15 percent affordable to households earning at or below 50 percent of AMI.

**3) Pedestrian and Bicycle Connections across U.S. 29**

The Council accepted unanimous PHP Committee recommendations to add new plan wide recommendations for new pedestrian and bicycle connections across US 29 to improve connectivity between each side of US 29, as well as more specific recommendations for connectivity improvements within the Columbia Pike and Musgrove Activity Center.

**4) Bus Rapid Transit lanes on U.S. 29**

The Council accepted unanimous PHP Committee recommendations to re-state a plan preference for median-running dedicated transit lanes as studies are conducted for future phases of the U.S. 29 corridor’s Flash BRT system.

**5) Green Infrastructure Practices**

The Council accepted a unanimous PHP Committee recommendation to replace the term, “Require,” with “Strive to use,” in a plan wide Environment recommendation to read: “Strive to use modern green infrastructure practices using nature-based solutions on all newly developing and redeveloping projects.”

**6) Traffic Calming**

The Council agreed to include a PHP Committee recommendation to include recommendations to conduct traffic calming work to increase bicycle and pedestrian comfort and safety along two road segments in the plan area: Old Columbia Pike and Briggs Chaney Road. The PHP Committee recommendation was in response to a suggestion by the Montgomery County Department of Transportation (MCDOT).

**7) Zoning**

With one exception, the Council accepted PHP Committee recommendations to change some Planning Board-recommended zones from CRN to CRT and increase the maximum allowable density of total and/or residential floor area ratios (FAR) to at least 1.25 for a selection of properties in the Columbia Pike Corridor District. In considering these zoning changes, the

PHP Committee sought to ensure that the proposed zoning would meet the minimum threshold that allow for optional method development and its required provision of public benefits.

The exception to the Council’s acceptance of PHP Committee zoning recommendations is for an undeveloped property at 2131 East Randolph Road. Here the Council sought to strike a balance between allowing increased residential density from the property’s current zoning of R-200, while prohibiting commercial development on the property with a 0.0 commercial FAR. In an 8-3 straw vote, Councilmembers Fani-Gonzalez, Leutke, and Jawando dissenting, the Council replaced the PHP Committee’s zoning recommendation (a 2-1 recommendation, Councilmember Friedson dissenting) of CRT-1.25 C-0.25 R-1.0 H-75 with the zone, **CRN-1.0 C-0.0 R-1.0 H-75** (the Planning Board’s original zoning recommendation was CRT-1.0 C-0.25 R-1.0 H-75).

Additionally, the Council accepted the PHP Committee’s recommendation to add to a recommendation that future development of the unimproved property at 2131 East Randolph Road should provide a pedestrian connection to an adjacent HOA property by adding a sentence following the recommendation to read: “Future development should also seek to provide compatible transitions to the neighboring properties.”

**8) Redevelopment of County-owned Property**

The Council accepted a PHP recommendation to add guidance for any redevelopment of public properties that includes the Eastern Montgomery Regional Services Center, U.S. 29 Flash BRT Orange Line Station and Park and Ride facility, Recreation Center, and associated surface parking lots to provide adequate transitions between new development and existing neighborhoods through appropriate building heights and development intensities.

**9) Path and Trail Connectivity**

In a minor change to the Planning Board draft plan, the Council supported a PHP Committee recommendation to merge two Residential Neighborhoods district-wide recommendations, combining a recommendation to establish, expand, and improve access for publicly accessible trail connections and for neighborhood connection paths with residential neighborhoods, Activity Centers, parkland, and recreational amenities into a single recommendation for both.

**10) Underground Utilities**

After a lengthy discussion, the Council opted to support Planning Board Draft language for a recommendation to underground utilities along Old Columbia Pike, Tech Road, and Briggs Chaney Road through private development and/or public projects. The PHP Committee had unanimously recommended to add “where feasible” as a clarification of the Planning Board’s

recommendation. The Council also considered including explanatory language for how to evaluate feasibility of utility undergrounding. However, the Council ultimately chose to retain the Planning Board’s original language without a determination of feasibility.

### STAFF RECOMMENDATION

Approve the Montgomery Planning Board’s Resolution of Adoption to adopt the *Fairland and Briggs Chaney Master Plan*.

### NEXT STEPS

Following the Plan’s adoption, the Montgomery Planning Board and Montgomery County Council will consider approval of a Sectional Map Amendment to implement the plan’s zoning recommendations.

### ATTACHMENTS

Attachment A: MCPB Resolution Number 23-124, M-NCPPC Resolution Number 24-03

Attachment B: Montgomery County Council Resolution 20-348



**MCPB NO. 23-124**

**M-NCPPC NO. 24-03**

**RESOLUTION**

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend, and add to *Thrive Montgomery 2050*; and

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on May 4, 2023 on the Public Hearing Draft of the *Fairland and Briggs Chaney Master Plan*, being also an amendment to portions of the following functional plans and master plans: the *Fairland Master Plan* (1997); the *Countywide Transit Corridors Functional Master Plan* (2013); the *Master Plan of Highways and Transitways*, as amended (2018); the *Bicycle Master Plan* (2018), and the *Pedestrian Master Plan* (2023); and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on May 25, 2023, approved the Planning Board Draft of the *Fairland and Briggs Chaney Master Plan*, recommended that it be approved by the Montgomery County Council sitting as the District Council for the portion of the Maryland-Washington Regional District lying situate within Montgomery County (the “Montgomery County District Council”), and forwarded it to the Montgomery County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on Planning Board Draft of the *Fairland and Briggs Chaney Master Plan* and forwarded those recommendations and analysis to the Montgomery County District Council on October 4 and October 13, 2023; and

WHEREAS, the Montgomery County District Council held a public hearing on September 27, 2023, wherein testimony was received concerning the Planning Board Draft of the *Fairland and Briggs Chaney Master Plan*; and

WHEREAS, the District Council, on December 12, 2023 approved the Planning Board Draft of the *Fairland and Briggs Chaney Master Plan* subject to the modifications and revisions set forth in District Council Resolution No. 20-348.

NOW, THEREFORE BE IT RESOLVED, that the Montgomery County Planning Board and The Maryland-National Capital Park and Planning Commission do hereby adopt the said *Fairland and Briggs Chaney Master Plan*, together with *Thrive Montgomery 2050*, as amended, and as amendment to portions of the following functional plans and master plans: the *Fairland Master Plan* (1997); the *Countywide Transit Corridors Functional Master Plan* (2013); the *Master Plan of Highways and Transitways*, as amended (2018); the *Bicycle Master Plan* (2018), and the *Pedestrian Master Plan* (2023) and as approved by the District Council in the attached Resolution No. 20-348; and

BE IT FURTHER RESOLVED, that copies of said *Fairland and Briggs Chaney Master Plan* must be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court for both Montgomery and Prince George's Counties, as required by law.

\*\*\*\*\*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of Resolution No. 23-124 adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission at its regular meeting held on Thursday, December 21, 2023 in Wheaton, Maryland on motion of Commissioner Bartley, seconded by Vice Chair Pedoeem, with a vote of 5-0, Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion.



Artie L. Harris, Chair  
Montgomery County Planning Board

This is to certify that the foregoing is a true and correct copy of Resolution No. 24-03, adopted by The Maryland-National Capital Park and Planning Commission on motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with Commissioners \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, voting in favor of the motion, at its meeting held on Wednesday, January 17, in Wheaton, Maryland.

\_\_\_\_\_  
Executive Director

/s/ Matthew T. Mills  
Approved for Legal Sufficiency  
Office of the General Counsel, M-NCPPC

Date: November 30, 2023



**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: County Council

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**SUBJECT:** Approval of *Fairland and Briggs Chaney Master Plan*

1. On June 9, 2023, the Montgomery County Planning Board transmitted to the County Executive and the County Council the June 2023 Planning Board Draft of the *Fairland and Briggs Chaney Master Plan*.
2. The June 2023 Planning Board Draft of the *Fairland and Briggs Chaney Master Plan* contains the text and supporting maps for a comprehensive amendment to portions of the approved and adopted 1997 *Fairland Master Plan*. It also amends *Thrive Montgomery 2050*, the county's General Plan; the 2013 *Countywide Transit Corridors Functional Master Plan*; the 2018 *Master Plan of Highways and Transitways*, as amended; the 2018 *Bicycle Master Plan*, and the 2023 *Pedestrian Master Plan*.
3. On September 27, 2023, the County Council held a public hearing on the June 2023 Planning Board Draft of the *Fairland and Briggs Chaney Master Plan*, which was referred to the Council's Planning, Housing, and Parks Committee for review and recommendations.
4. On October 16, 23, and 30, 2023, and November 6, 2023 the Planning, Housing, and Parks Committee held a worksession to review the June 2023 Planning Board Draft of the *Fairland and Briggs Chaney Master Plan*.
5. On November 14, and 28, 2023, the County Council reviewed the June 2023 Planning Board Draft of the *Fairland and Briggs Chaney Master Plan* and the recommendations of the Planning, Housing, and Parks Committee.

**Action**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District lying situate in Montgomery County, Maryland, states as follows:

The Planning Board Draft of the *Fairland and Briggs Chaney Master Plan*, dated June 2023, is hereby approved with revisions. District Council revisions to the Planning Board Draft of the *Fairland and Briggs Chaney Master Plan* are identified below. Deletions to the text of the Plan

are indicated by [brackets], additions by underscoring. Montgomery County Planning Department staff may make additional, non-substantive revisions to the Master Plan before its adoption by The Maryland-National Capital Park & Planning Commission.

All page references in this section are consistent with the page numbering in the print version of the Planning Board Draft of the *Fairland and Briggs Chaney Master Plan*.

Page 35-36 Add new headings to existing text under Section 2.F for reference:

2.F.1 Policy Framework Statements

2.F.2 Concept Framework Plan

Page 40 Add a note to Map 16: Planned Land Uses to clarify a map symbol:

Note: Private Open Space (owned by HOAs) is included in residential areas, but not shown in this map.

Page 43 Revise a plan wide recommendation under Land Use and Design (Section 3.A.2):

7. [Discourage] Minimize the impact of new drive-throughs to prioritize the pedestrian environment and Vision Zero goals over auto-oriented development.

Page 43 Revise a plan wide recommendation under Land Use and Design (Section 3.A.2) to clarify the applicability of the recommendation:

8. Discourage vehicle or equipment sales, storage, rental, and service uses, as well as warehouse uses within the plan area, except for properties in the Briggs Chaney (South) Activity Center, [outside of the Auto Sales Park area] to minimize the influence of auto-oriented [development] uses beyond the Auto Sales Park.

Page 45 Revise a plan wide recommendation under Housing (Section 3.B.2):

3. Add more housing units and housing types to [meet the] accommodate a diversity of incomes and households including families, seniors, and persons with disabilities [that currently reside within the plan area].

Page 45 Revise a plan wide recommendation under Housing (Section 3.B.2):

5. Explore and leverage partnerships and incentives to preserve and expand housing affordability in the plan area and to enable properties to redevelop as mixed-income communities serving a broad spectrum of incomes [when appropriate].

Page 45 Revise a plan wide recommendation under Housing (Section 3.B.2):

6. When public properties are redeveloped with a residential component, provide a minimum of 30 percent [affordable housing units, striving for at least 25 percent of the] MPDUs, with 15 percent affordable to households earning at the standard MPDU level of 65-70 percent or less of Area Median Income (AMI) and 15 percent affordable [units] to households earning at or below 50 percent of [Area Median Income (AMI)].

Page 45 Revise a plan wide recommendation under Housing (Section 3.B.2):

8. In the event of redevelopment, priority should be given to existing eligible residents for the units under market-affordable rental agreements. P[p]roperty owners should work with the MCDHCA and tenants so that eligible residents receive support and assistance to mitigate the impacts of [temporary] relocation.

Page 48 Revise a plan wide recommendation under Transportation, Street Network (Section 3.C.2):

11. Establish [a network of] electric car charging and car sharing stations that are evenly distributed throughout the plan area. This [can] may be accomplished through [the use of] public-private partnerships within each Activity Center.

Page 49 Add a new row to Table 5: Street Classification and ROW Recommendations to reference Tech Road as a ‘Downtown Street’ to match its designation in Map 19:

Street	From (east or north)	To (west or south)	Min. Planned ROW (ft)	Existing Lanes	Planned Lanes	Target Speed (mph)
<b>Downtown Street</b>						
Tech Road	Columbia Pike	Old Columbia Pike	80	4	4	25

Page 51 Revise a plan wide recommendation under Transportation, Bicycle and Pedestrian Network (Section 3.C.3):

3. Establish publicly accessible trail connections through HOA common area properties, other private property, public parkland, and road rights-of-way to connect neighborhoods, Activity Centers, public parks, and recreation centers. Possible methods might include through public easements, shared access agreements, and wayfinding signage.

Page 52 Add a new plan wide recommendation under Transportation, Bicycle and Pedestrian Network (Section 3.C.3):

9. Add new pedestrian and bicycle connections across U.S. 29 to improve connectivity between each side of U.S. 29. Each connection should be designed to be safe, convenient, comfortable, accessible, and to fit contextually with land uses

along each approach to the connection. Connections should ideally be implemented as part of private development.

Page 54-55      Revise Map 21: Existing and Planned Bikeways and Table 6: Bicycle Facility Recommendations to add planned Separated Bike Lanes along Automobile Boulevard and to follow the planned street extensions of Gateshead Manor Way and Robey Road to Automobile Boulevard and a planned street extension of Castle Boulevard to Ballinger Drive.

Page 56          Revise a plan wide recommendation under Transportation, Transit Network (Section 3.C.4):

1.b. Build high-quality, dedicated Bus Rapid Transit (BRT) lanes on U.S. 29 and Briggs Chaney Road through the master plan corridor and connect to transitways beyond. As studies are conducted for future phases of the corridor's Flash BRT system, median-running dedicated transit lanes should be prioritized in order to match the expected future BRT lane configuration south of Tech Road. [This Plan recommends a preference for median-running dedicated transit lanes on to match this expected future BRT lane configuration south of Tech Road. However, interim design alternatives consistent with the implementation of dedicated lanes to the south of the plan area are acceptable as a staged approach. The Plan emphasizes flexibility in implementation for the near term as the studies are conducted for future phases of the corridor's Flash BRT system.]

Page 63          Revise a plan wide recommendation under Parks and Public Open Space (Section 3.E.2):

3. For development under the Optional Method of Development, r[R]equire a minimum of 10 percent contiguous public open spaces for the establishment of anchor destinations within Activity Centers during redevelopment.

Page 67          Revise a plan wide recommendation under Environment (Section 3.F.2):

1.b. Areas of surface parking lots on public and private properties should provide at least 50 percent tree canopy coverage, inclusive of any tree canopy area required by parking standards under the Zoning Ordinance.

Page 68          Revise a plan wide recommendation under Environment (Section 3.F.2):

5. [Require] Strive to use modern green infrastructure practices using nature-based solutions on all newly developing and redeveloping properties. Practices should accomplish the retention of stormwater runoff for the benefit of onsite plantings, particularly shade trees. Consider the use of silva cells, which allow for the healthy growth of tree roots without impacting surrounding sidewalks and parking lots.

Page 73      Revise the first and second paragraphs in Section 4.A.3 - Old Columbia Pike and Briggs Chaney Activity Center

This area is envisioned as a small-scale, mixed-use, neighborhood-serving Activity Center through potential future redevelopment of the retail shopping center (Briggs Chaney Center) at the southwest corner and existing homes and medical office at the northeast corner.

This Activity Center is consistent with the [Smaller] Neighborhood Centers of the Thrive Montgomery 2050 Growth Map, which are the lowest intensity centers containing a small number of neighborhood-serving uses and located in rural areas and low-density residential neighborhoods [generally characterized by low- to medium-density residential neighborhoods, with clusters of commercial activity, including shopping centers and neighborhood-serving retail].

Page 73      Add a recommendation for the Old Columbia Pike and Briggs Chaney Activity Center (Section 4.A.3):

3. Conduct traffic calming work along Old Columbia Pike and Briggs Chaney Road, between Paint Branch High School and the west side of Briggs Chaney Road bridge over Columbia Pike (U.S. 29) to increase bicycle and pedestrian comfort and safety along these roadways.

Page 76      Revise Table 7 to reduce the maximum allowable height for map blocks 1B and 1C from 75 feet to 65 feet (Section 4.A.3):

Map Number	Existing Zoning	Recommended Zoning	Justification
1B	R-200	CRN-1.5 C-1.25 R-1.25 H-[75] <u>65</u>	Allow for small-scale, mixed-use development
1C	EOF-1.5 H-75	CRN-1.5 C-1.25 R-1.25 H-[75] <u>65</u>	Allow for small-scale, mixed-use development

Page 80      Revise Table 8 to change the recommended zones for a selection of map blocks (Section 4.A.4):

Map Number	Existing Zoning	Recommended Zoning	Justification
5A	[Public Right-of-Way] <u>R-90</u>	CRT-1.5 C-0.75 R-[0.75] <u>1.25</u> H-75	Allow for medium-density, mixed-use development. <u>Note: Location is in the Public Right-of-Way.</u>
5B	R-90	CRT-1.5 C-0.75 R-[0.75] <u>1.25</u> H-75	Allow for medium-density, mixed-use development
6A	NR-0.75 H-45	CRT-1. <u>[0]25</u> C-0.75 R-[0.75] <u>1.25</u> H-55	Allow for small-scale, mixed-use development

6B	R-200	[CRN]CRT-1.[0]25 C-0.75 R-[0.75]1.25 H-[45]55	Allow for small-scale, mixed-use development
7A	R-200	[CRN]CRT-1.[0]25 C-0.75 R-[0.75]1.25 H-[45]55	Allow for small-scale, mixed-use development
7B	NR-0.75 H-45	[CRN]CRT-1.[0]25 C-0.75 R-[0.75]1.25 H-[45]55	Allow for small-scale, mixed-use development
7C	CRT-0.75 C-0.75 R-0.25 H-35	[CRN]CRT-1.[0]25 C-0.75 R-[0.75]1.25 H-[45]55	Allow for small-scale, mixed-use development
8A	R-90	CRT-1.[0]25 C-0.75 R- [0.75]1.25 H-75	Allow for small-scale, mixed-use development, should this property no longer be needed as a MCPS holding school

Page 82 Add a recommendation for the Columbia Pike and Musgrove Activity Center (Section 4.A.5):

6. Improve the safety and comfort of east-west travel across U.S. 29 within the Activity Center for non-vehicular modes of travel (i.e., walking, biking, rolling, use of assistive devices for those who are differently-abled, etc.). Potential improvements might include a grade-separated crossing of U.S. 29 or at-grade intersection improvements at the intersections with Fairland Road and Musgrove Road. Improvements should be explored and provided by any major development application, or through a public-private partnership as scope, proportionality, and circumstances warrant, fronting the east and west sides of U.S. 29.

Page 86 Revise Table 9 to change the recommended zones for map blocks 10 and 11 (Section 4.A.5):

Map Number	Existing Zoning	Recommended Zoning	Justification
10	R-90	[CRN]CRT-1.[0]25 C-0.75 R-[0.75]1.25 H-[55]65	Allow for small-scale, mixed-use development
11A	R-90	[CRN]CRT-1.[0]25 C-0.75 R-[0.75]1.25 H-[55]65	Allow for small-scale, mixed-use development

Page 87 Revise a recommendation for the Old Columbia Pike and East Randolph Activity Center (Section 4.A.6):

3. Future development of the unimproved property at 2131 East Randolph Road should provide a pedestrian connection to the Manors of Paint Branch HOA property and, if accepted by the HOA, a connection to the private Staley Manor Drive to provide for non-vehicular access from the HOA property and Rolling Acres neighborhood. Future development should also seek to provide compatible transitions to the neighboring properties.

Page 92 Revise Table 10 to change the recommended zones for a selection of map blocks (Section 4.A.6):

Map Number	Existing Zoning	Recommended Zoning	Justification
11B	R-90	[CRN]CRT-[0.75]1.25 C-0.75 R-[0.75]1.25 H-[45]55	Allow for small-scale, mixed-use development
11C	R-200	[CRN]CRT-[0.75]1.25 C-0.75 R-[0.75]1.25 H-[45]55	Allow for small-scale, mixed-use development
11D	R-90	[CRN]CRT-[0.75]1.25 C-0.75 R-[0.75]1.25 H-[45]55	Allow for small-scale, mixed-use development
11E	CRT-0.75 C-0.75 R-0.25 H-35	CRT-1.[0]25 C-0.75 R-[0.25]1.25 H-75	Increase allowable FAR and building height.
11F	CRT-0.75 C-0.75 R-25 H-45	CRT-1.[0]25 C-0.75 R-[0.25]1.25 H-75	Increase allowable FAR and building height.
12	R-90	[CRN]CRT-1.[0]25 C-0.25 R-[0.75]1.0 H-[45]55	Allow for small-scale, mixed-use development
13	R-200	[CRT]CRN-1.0 C-[0.25]0.0 R-1.0 H-75	Allow for [small-scale, mixed-use] <u>higher-density residential</u> development
14A	EOF-1.5 H-75	CR-2.0 C-1.5 R-1.5 H-120	Allow for high-density, mixed-use development
14B	[Public Right-of-Way] EOF-1.5 H-75	CR-2.0 C-1.5 R-1.5 H-120	Allow for high-density, mixed-use development, in conjunction with a public parking facility serving the transit station area. <u>Note: Location is in the Public Right-of-Way.</u>
15	CRT-0.75 C-0.75 R-0.25 H-35	CRT-1.[0]25 C-0.75 R-[0.75]1.25 H-75	Increase allowable FAR and building heights

Page 97 Insert a recommendation for the Briggs Chaney (North) Activity Center (Section 4.B.3) between the fifth and sixth recommendations, as follows:

6. Any redevelopment of public properties that include the Eastern Montgomery Regional Services Center, U.S. 29 Flash BRT Orange Line station and park and ride facility, East County Community Recreation Center, and associated surface parking lots should provide adequate transitions between new development and existing neighborhoods through appropriate building heights and development intensities.

Page 97 Add a recommendation for the Briggs Chaney (North) Activity Center (Section 4.B.3):

8. Conduct traffic calming work along Briggs Chaney Road, between the west side of Briggs Chaney Road bridge and the Intercounty Connector (MD 200) to increase bicycle and pedestrian comfort and safety along the roadway.

Page 107 Revise a recommendation for the Residential Neighborhoods district (Section 4.C.2)

1. Establish, expand, and improve access from residential neighborhoods to nearby Activity Centers, parkland, [and] recreational amenities, and other neighborhoods

by establishing publicly accessible trails and connector paths through existing barriers, such as fence structures, steep topography, private property, and HOA common-use areas.

1.a. Methods for establishing trail and path connections may include dedication or conveyance of land as a part of redevelopment, public maintenance agreements, pedestrian bridges, wetland boardwalks, property acquisition or dedication, public access agreements, and/or trail easements, as appropriate.

Page 108      Revise a recommendation for the Residential Neighborhoods district (Section 4.C.2)

9.b These ecosystems should be protected from development where mapped by the NRI/FSD [using Special Protection Area-type buffers].

Page 112      Revise Table 13 to change the recommended zones for a selection of map blocks (Section 4.C.2):

Map Number	Existing Zoning	Recommended Zoning	Justification
21E	R-30	[CRN] <del>CRT</del> -1.25 C-0.25 R-1.0 H-75	Allow for small-scale, mixed-use development
<u>23A</u>	<u>PD-2</u>	<u>RE-2</u>	<u>Replace pre-2014 Planned Development zone with a low-density residential zone to reflect adjacent zone in the Public Park.</u>
<u>23B</u>	<u>RE-2</u>	<u>RE-2</u>	<u>Confirm existing zone</u>
<u>23C</u>	<u>R-90</u>	<u>R-90</u>	<u>Confirm existing zone</u>
<u>23D</u>	<u>R-200</u>	<u>R-200</u>	<u>Confirm existing zone</u>

**General**

All illustrations and tables included in the Plan will be revised to reflect the District Council changes to the Planning Board Draft of the *Fairland and Briggs Chaney Master Plan*, dated June 2023. The text and graphics will be revised as necessary to achieve and improve clarity and consistency, to update factual information, and to convey the actions of the District Council. Graphics and tables will be revised and re-numbered, where necessary, to be consistent with the text and titles.

This is a correct copy of Council action.




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Sara R. Tenenbaum  
Clerk of the Council





## 2024 Legislative Session

### M-NCPPC Legislative Priorities

#### **I. PG/MC 105 – 24 Prince George’s County – Qualifying Municipal Corporations – Land Use – Oppose (Sponsor: Delegate Tiffany Alston)**

**Bill Summary:** Gives qualifying municipalities the authority of the planning board, zoning hearing examiner of Prince George’s County and the District Council to make specified land use decisions. The language of this bill authorizes qualifying municipalities with at least 15,000 residents to exercise zoning authority.

- Bowie, College Park, Greenbelt or Hyattsville may by resolution elect or “opt in” to exercise this authority.
- Creates the potential for four new jurisdictions to make different decisions over complex site plan approval, land use and zoning matters within the County.
- Increases the complexity in the County’s development review process.
- Efforts should focus on a county-wide strategy and not scatter decision making among four other municipalities and the county to decide.
- This new law may lead to opening up opportunities for more municipalities to do the same in the future which may set a trend not only within the County but among other counties in the state of Maryland.
- Zoning ordinances and masterplans have to be consistent, and this bill would not support that goal.

## **II. PG/MC 106-24 Prince George's County Zoning and Land Use Fairness in Zoning – Oppose (Sponsor: Delegate Marvin Holmes)**

**Bill Summary:** Provides that the Planning Board's authority over zoning and subdivision matters is not exclusive and is subject to review by the District Council. Alters the standing requirements for filing a request for judicial review of certain decisions of a board of appeals to the circuit court.

- **The Regional District Act sets up two agencies:** the Planning Board and the District Council. The District Council exercises the zoning authority in Montgomery County and Prince George' County. The Planning Board was designed to implement the zoning policy and law that the District Council adopts.
- Destroys the balance of authority and jurisdiction between the Board and the District Council by giving the District Council authority over zoning and subdivision matters.
- This creates a duplication of efforts, time and resources.
- Vests all authority to approve land development applications in the hands of District Council.
- Everything the planning board approves would have to be approved by the district council (site plans, variances, etc.).
- Such an expansion of the District Council's approval authority would include powers **not** granted within the County's Charter and would create a legislative body that effectively writes the laws and implements the same law, destroying that separation of power.
- This new law would inhibit the progress and growth in the County.

## **III. PG/MC 112 -24 Montgomery County People's Counsel – Oppose (Sponsors: Senator Ben Kramer)**

**Bill Summary:** Gives the County Executive the power to appoint a People's Counsel for land use planning to represent the public interest of the County. Requires funding for this position to come out of the Commission's annual operating budget with Montgomery County funding approval.

- As written, the job specifications for the People's Counsel too descriptive.
- Lacks information on who the People's Counsel will report to.
- The People's Counsel in the past has been funded through the Montgomery County Council budget. Therefore, this is a budgetary conversation for the County Executive, County Council and the public to have.
- This limits County authority which is a slippery slope and takes the appointment authority away from the County Council and gives it to the County Executive.
- Funding a People's Counsel in Montgomery County was voted down in the Development Workgroup this summer.

#### **IV. PG/MC 113-24 Montgomery County – Transportation Planning – Local Authority – Oppose (Sponsor: Senator Ben Kramer)**

**Bill Summary:** This bill functions in two parts. The first part of the bill requires the means of access for all loading and service vehicles serving a commercial building site be of sufficient length and configuration to avoid obstructions. The Second part of this bill prohibits a land use plan developed and adopted by the Commission from including transportation operational considerations.

- Transportation planning includes pedestrian and bicycle crossings, maintenance considerations, specific uses of rights-of-way, etc., therefore, this bill drastically weakens all master plans in Montgomery County as land use planning must be completed in conjunction with transportation planning.
- A recently adopted Pedestrian Master Plan highlights the importance of non-auto centric modes of transportation, a focus on safety, and an approach designed to elevate non-auto modes to the same level as automobiles. Thus, this bill would Limit innovation and goes backwards in terms of planning theory.
- Undermines public participation as public outreach and community feedback are two of the most important steps in the process of planning.
- With regard to the commercial loading limitations in the bill, the Planning Board must find that an application is consistent with loading specifications that are contained in the county Zoning Ordinance, following input from Montgomery County Department of Transportation, State Highway Administration and Department of Permitting Services. The Development Review Process Workgroup discussed this issue extensively and decided that it was best handled within the context of an update to the county's Lead Agency Memorandum of Understanding. Thus, this bill conflicts with existing zoning and preempts a Development Review Process Workgroup recommendation.

#### **V. 7-24 SHA Intersections and Traffic Controls – Supports with Amendments (Sponsors: Delegate Moon, Wilkins and Charkoudian)**

**Bill Summary:** Seeks to improve pedestrian safety by requiring SHA to install traffic control devices prohibiting right hand turns on a steady red signal at certain interactions on state highways in the County. Requires SHA to install a leading pedestrian interval at certain crosswalks on State highways in the County.

- To further this goal, the bill should include language that more clearly identifies the boundaries of the applicable areas to facilitate implementation of the bill.
- For consistency with the Safe Streets Act, this bill should be amended to apply to areas designated as Town Centers or Downtowns. Alternatively, SHA could update its Context Driven areas to clearly define the boundaries of the Urban Core and Urban Center designations.

- Intersections where this rule would apply should be more clearly identified so it does not leave room for interpretation.

**VI. 8-24 Montgomery County Restrictions on the Use of Real Property - Support with Amendments (Sponsors: Delegates Moon, Charkoudian, Palakovich Carr and Wilkins)**

**Bill Summary:** Seeks to remove obstacles from affordable housing efforts such allowing for Alternative Dwelling Units. Private restrictions that prohibit the use of real property in Montgomery County for housing units otherwise authorized under law are void and unenforceable.

- **Residential Use Specification 2–126(A).** The term residential use restriction should be clearly defined in terms consistent with the zoning ordinance in Montgomery County.
- **Restrictions on Use that Prohibits the Use of Real Property 2–126(C).** The scope of this section of the bill is too expensive that the intent of the bill is likely to be lost in unintended consequences.
- The bill should be amended to include language that “any private covenant, agreement or other restriction on residential use otherwise allowed by relevant local land use regulation is void and unenforceable as contrary to public policy.
- The foregoing prohibition includes, without limitation, any restriction on the number of dwelling units; accessory dwelling units; occupancy limits; building height, size, form or type; parking requirements; or other development standards with the purpose or effect of limiting the use of real property for any permitted residential purposes.”

**VII. 10-24 Montgomery County Highways Maximum Speed Limits – Support with Amendments (Sponsors: Delegate Moon, Wilkins and Charkoudian)**

**Summary of the Bill:** This bill seeks to repeal the requirement that a local authority in Montgomery County perform an engineering and traffic investigation before **decreasing** the maximum speed limit on a highway.

- **Restraints on Implementation of New Speed Monitoring System.** The Commission supports the intent of this legislation as it would allow the County to expedite reduced speed limits. However, the Commission recommends that Bill be amended to allow for implementation of new speed monitoring systems **one year after the speed limit has been decreased** (adding language to Section 21-803(a)(4)(iii)).
- This will allow sufficient time for drivers to adjust to the new speed but allow for enforcement that will promote safer roadways, which is the ultimate intent. Without this amendment, it will be difficult to increase safety.

**VIII. PG/MC 20-24 Montgomery County State Highways – Project Approval - Support with Amendments (Sponsor: Delegate Lesley Lopez)**

**Summary of the Bill:** The current bill language requires SHA to render a decision on a proposed highway construction project in Montgomery County within 30 days after the project application is complete. If SHA does not approve a highway construction project within 30 days, the Montgomery County Department of Transportation (MCDOT) may approve the project subject to available funding.

- The Commission recommends amendments to include language consistent with the Workgroup consensus for the law to apply to public or private development projects requiring access to State highways and to remove the portion regarding MCDOT’s approval authority.

**IX. PG/MC 110-24 Montgomery County – Clerk of Court – Subdivision Plat Recordation – Support with Amendments (Sponsor: Delegate Lesley Lopez)**

**Summary of the Bill:** The current language in this bill requires the Montgomery County Clerk of the Court to accept a subdivision plat for recordation that is signed by one party and generally relating to recordation in Montgomery County.

- The Commission recommends amendments to include the use of digital signatures.

**X. PG/MC 111-24 Montgomery County-Subdivision Plats – Conditions Support (Sponsor: Delegate Lesley Lopez)**

**Bill Summary:** Allows the Board to tentatively approve a subdivision plat subject to specified conditions. This bill would also provide approval and submission of a certain subdivision plat to the County land records and generally relating to subdivision plats in Montgomery County.

- During this summer’s Development Review Process Workgroup, members voted in support of adding specific language in State law that allows for conditional Planning Board approval of plats.
- This process would allow an applicant to receive Planning Board approval of a plat in a public session while the plat is still circulating for signatures and other administrative tasks. Once the plat is conditionally approved by the Planning Board, it would not need to go back for another public session if the conditions are met.
- This will help subdivision plats move more quickly through the approval process, with an expected savings of at least three weeks in the development review process.

## 2024 List of Relevant Legislation

### A. State Legislation to Lookout for in 2024

- 1) Governor's Housing Package
- 2) State Solar Legislation
- 3) AI Efforts by Governor Moore
- 4) The Time to Care Act
- 5) Cannabis Labor and the Workplace
- 6) Program Open Space
- 7) Gas Leaf Blower Ban
- 8) Chain of Custody for Synthetic Turf Fields

### B. Commission Related Bills We Have Taken Positions On

#### i. Prince George's County Related Bills:

- 1) PG/MC 105-24 Prince George's County Qualifying Municipal Corporations – Land Use - OPPOSE
- 2) PG/ MC 106-24 Prince George's County – Zoning and Land Use Fairness Zoning – OPPOSE

#### ii. Montgomery County Related Bills:

- 3) MC 7-24 Montgomery County – State Highway Intersections – Traffic Control Devices – SUPPORT WITH AMENDMENTS
- 4) MC 8-24 Montgomery County - Restriction on Use of Real Property – Limitation – SUPPORT WITH AMENDMENTS
- 5) MC 10- 24 Montgomery County – Highways – Maximum Speed Limits – SUPPORT WITH AMENDMENTS
- 6) MC 20-24 – Montgomery County – State Highways – Project Approval – SUPPORT WITH AMENDMENTS
- 7) PG/ MC 110-24 Montgomery County – Clerk of Court – Subdivision Plat Recordation Act – SUPPORT WITH AMENDMENTS
- 8) PG/ MC 111 – 24 Montgomery County – Subdivision Plats – Conditions - SUPPORT
- 9) PG/MC 112-24 Maryland–National Capital Park and Planning Commission – Montgomery County – People's Counsel for Land Use Planning – OPPOSE
- 10) PG/MC 113-24 Montgomery County – Transportation Planning – Local Authority – OPPOSE

### C. Specific Legislation Flagged by Departments

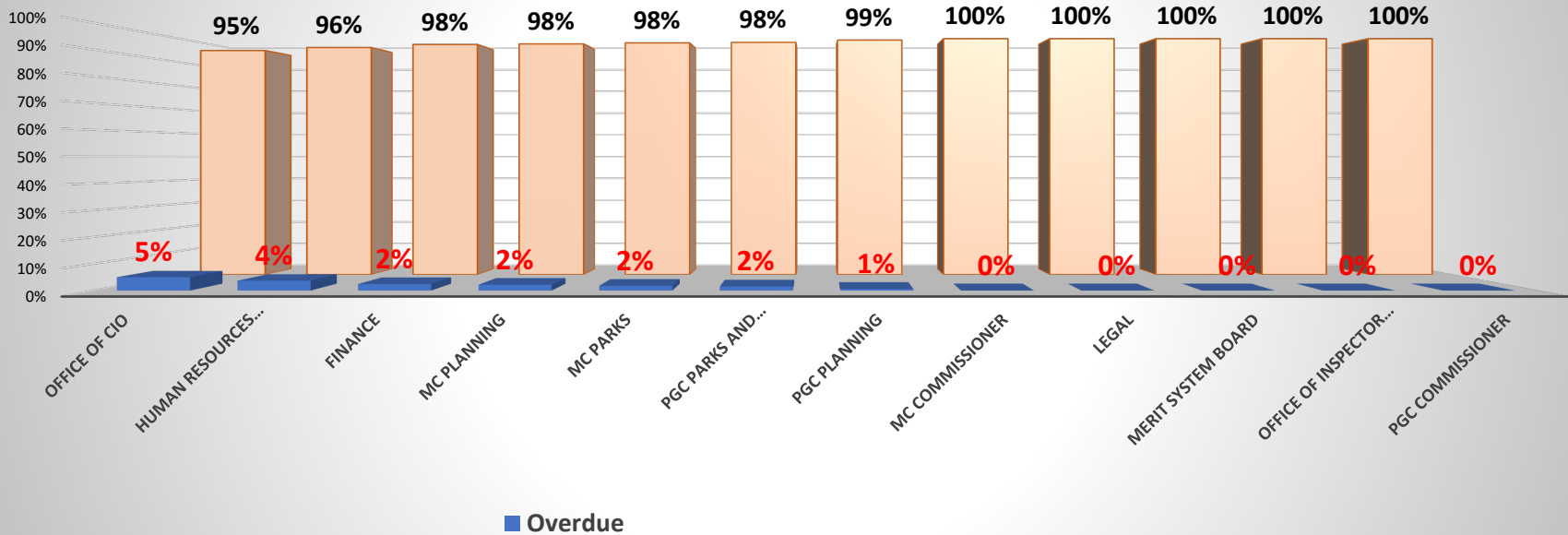
- 1) PG 409 -24 Workgroup on Health and Wellness
- 2) PG 115-24 Prince George's County – Zoning Amendment – Prohibition

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
BY DEPARTMENT AS OF DECEMBER 2023**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	<u>Nov-23</u>	<u>Dec-23</u>	<u>Nov-23</u>	<u>Dec-23</u>	<u>Nov-23</u>	<u>Dec-23</u>	<u>Nov-23</u>	<u>Dec-23</u>
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	2	2	1	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	2	2	0	0	0	0	1	2
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	1	0	0	0	1	1	2	1
PRINCE GEORGE'S PLANNING	1	1	0	0	0	0	1	1
PRINCE GEORGE'S PARKS & RECREATION	10	14	0	1	1	1	12	16
MONTGOMERY COUNTY PARKS	17	11	1	2	0	0	14	13
MONTGOMERY COUNTY PLANNING	3	3	1	0	0	0	3	3
<b>**DEPARTMENT TOTAL BY DAYS LATE**</b>	<b>34</b>	<b>31</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>4</b>		
<b>COMMISSION-WIDE TOTAL</b>							<b>34</b>	<b>37</b>

\*\*DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.

### Late Annual Performance Evaluation Report Career Employees

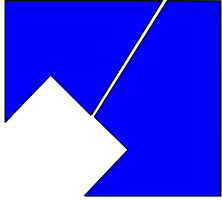


\*Data as of December 31, 2023

Employee Count	Evaluation Status		Total Employees
	Compliant	Overdue	
Finance	40	1	41
Human Resources and Mgt	52	2	54
Legal	25		25
MC Commissioner	3		3
MC Parks	721	13	734
MC Planning	134	3	137
Merit System Board	1		1
Office of CIO	19	1	20
Office of Inspector General	6		6
PGC Commissioner	9		9
PGC Parks and Recreation	1,037	16	1,053
PGC Planning	175	1	176
<b>Total Employees</b>	<b>2,222</b>	<b>37</b>	<b>2,259</b>

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**Maryland-National Capital Park & Planning Commission**  
 Corporate Policy & Management Operations Division  
 Supplier Diversity Program

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*6611 Kenilworth Avenue • Riverdale, Maryland 20737 • Phone: 301-454-1740*

December 5, 2023

TO: Commissioners

VIA: Asuntha Chiang-Smith, Executive Director  
 Tracey A. Harvin, Corporate Policy & Management Operations Director

FROM: Lawrence Taylor, Supplier Diversity & Inclusion Chief

RE: MFD Purchasing Statistics — First Quarter FY24

The Commission's procurement policy (Practice 4-10, Purchasing) includes an anti-discrimination component which assures that fair and equitable vendor opportunities are made available to minority, female or disabled owned businesses (MFDs). This program is administered jointly by the Office of the Executive Director and the Purchasing Division and includes an MFD subcontracting component based on the Commission procurement practices and the available MFD vendors in the marketplace. The Commission's new Local/Small Business Enterprise Program will specifically seek to increase procurement opportunities for small businesses located in Montgomery County and Prince George's County. Similar efforts focused upon certified Minority Business Enterprises are anticipated in FY25 once the State of Maryland's disparity study is complete.

A review of MFD participation during the First Quarter of FY24 provides the following observations:

- Attachment A indicates that through the First Quarter of FY24, the Commission procured \$35,775,308 in goods, professional services, construction, and miscellaneous services and \$8,529,006 or 23.8% was spent with MFD vendors.
- Attachment B indicates that in the First Quarter of FY24, 23.8% was spent with MFD vendors.
- Attachment C represents MFD participation by type of procurement. The MFD participation for construction through the First Quarter of FY24 was 35.2%. Attachment C also indicates that the largest consumers of goods and services in the Commission are Prince George's County Department of Parks and Recreation and Montgomery Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these Departments through the First Quarter of FY24 are 31.1% and 37.5% respectively.

- Attachment D presents the FY24 activity for the Purchase Card program totaling \$3,393,306 of which 3.4% or \$115,372 was spent with MFD vendors. The amount of procurement card activity represents 9.5% of the Commission's total procurement dollars.
- Attachment E portrays the historic participation rates of MFD vendors and indicates the total procurement spend from FY91 to First Quarter FY24.
- Attachments F and G show the participation of MFD vendors in procurements at various bid levels to determine if these vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the analysis, MFD vendors appear to participate at an overall rate of 12.3% in informal (under \$30,000) procurements and 29.0% in the formal (over \$30,000) procurements. For transactions under \$10k, the participation of MFD vendors is 9.5%. For transactions over \$10k, but under \$30k, MFD vendor participation is 27.9%. MFD vendors are participating at an overall rate of 28.8% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of all vendors by location. Of the \$35,775,308 in total procurement, \$24,319,668 was spent with Maryland vendors. Of the \$24,319,668 in procurement from Maryland vendors, \$6,992,753 was procured from MFD vendors located in Maryland with 71.7% or \$6,112,099 procured from MFD vendors located in Montgomery and Prince George's Counties.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Native American, and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy.<sup>1</sup>
- Attachments J and K show the number and dollar amount of waivers of the procurement policy by department and by reason for waiver.

For further information on the MFD report, please contact the Office of Executive Director at (301) 454-1740.

## Attachments

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<sup>1</sup> The availability percentages are taken from the most recent State of Maryland disparity study dated June 25, 2018.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT STATISTICS**  
**FY 2024**  
**FOR THREE MONTHS ENDED SEPTMEBER 30, 2023**

**Attachment A**

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<b><u>Prince George's County</u></b>						
Commissioners' Office	\$ 28,666	\$	-	-	\$ 15,140	52.8%
Planning Department	453,939		-	-	182,054	40.1%
Parks and Recreation Department	21,215,272		607,621	5	4,708,251	22.2%
Total	<u>21,697,877</u>		<u>607,621</u>	<u>5</u>	<u>4,905,445</u>	<u>22.6%</u>
<b><u>Montgomery County</u></b>						
Commissioners' Office	4,528		-	-	-	0.0%
Planning Department	654,515		-	-	356,477	54.5%
Parks Department	11,393,994		737,726	4	2,332,533	20.5%
Total	<u>12,053,037</u>		<u>737,726</u>	<u>4</u>	<u>2,689,010</u>	<u>22.3%</u>
<b><u>Central Administrative Services</u></b>						
Dept. of Human Resources and Mgt.	764,778		509,440	2	607,231	79.4%
Finance Department	61,346		-	-	4,123	6.7%
Legal Department	92,954		27,769	1	-	0.0%
Merit Board	-		-	-	-	0.0%
Office of Chief Information Officer	1,102,567		-	-	323,197	29.3%
Office of Inspector General	2,749		-	-	-	0.0%
Total	<u>2,024,394</u>		<u>537,209</u>	<u>3</u>	<u>934,551</u>	<u>46.2%</u>
Grand Total	<u>\$ 35,775,308</u>	<u>\$</u>	<u>1,882,556</u>	<u>12</u>	<u>\$ 8,529,006</u>	<u>23.8%</u>

Note: The "Waivers" columns report the amount and number of purchases approved to be exempt from the competitive procurement process, including sole source procurements.

Prepared by Supplier Diversity Program Manager, Corporate Policy & Management Operations Division  
October 25, 2023

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

**MFD PROCUREMENT STATISTICS**

**FY 2024**

**MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER**

**Attachment B**

**CUMULATIVE BY QUARTER**

	<b>SEPTEMBER</b>	<b>DECEMBER</b>	<b>MARCH</b>	<b>JUNE</b>
<b><u>Prince George's County</u></b>				
Commissioners' Office	52.8%			
Planning Department	40.1%			
Parks and Recreation Department	22.2%			
Total	22.6%			
<b><u>Montgomery County</u></b>				
Commissioners' Office	0.0%			
Planning Department	54.5%			
Parks Department	20.5%			
Total	22.3%			
<b><u>Central Administrative Services</u></b>				
Dept. of Human Resources and Mgt.	79.4%			
Finance Department	6.7%			
Legal Department	0.0%			
Merit Board	0.0%			
Office of Chief Information Officer	29.3%			
Office of Inspector General	0.0%			
Total	46.2%			
Grand Total	23.8%			

**ACTIVITY BY QUARTER**

	<b>FIRST QUARTER</b>	<b>SECOND QUARTER</b>	<b>THIRD QUARTER</b>	<b>FOURTH QUARTER</b>	<b>TOTAL</b>
<b><u>Prince George's County</u></b>					
Commissioners' Office	52.8%				
Planning Department	40.1%				
Parks and Recreation Department	22.2%				
Total	22.6%				
<b><u>Montgomery County</u></b>					
Commissioners' Office	0.0%				
Planning Department	54.5%				
Parks Department	20.5%				
Total	22.3%				
<b><u>Central Administrative Services</u></b>					
Dept. of Human Resources and Mgt.	79.4%				
Finance Department	6.7%				
Legal Department	0.0%				
Merit Board	0.0%				
Office of Chief Information Officer	29.3%				
Office of Inspector General	0.0%				
Total	46.2%				
Grand Total	23.8%				

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

MFD PROCUREMENT STATISTICS  
BY MAJOR PROCUREMENT CATEGORY

FY 2024

FOR THREE MONTHS ENDED SEPTEMBER 30, 2023

**ATTACHMENT C**

	<b>Grand Total</b>	<b>Montgomery Planning</b>	<b>Montgomery Parks</b>	<b>Pr. Geo. Parks &amp; Recreation</b>	<b>Pr. Geo. Planning</b>	<b>Dept. of Human Resources</b>	<b>Finance Dept.</b>	<b>Legal Dept.</b>	<b>Office of Chief Information</b>
<b>Goods:</b>									
Total \$	\$ 10,512,378	\$ 50,333	\$ 3,873,894	\$ 5,981,084	\$ 176,775	\$ 35,842	\$ 17,096	\$ 12,500	\$ 364,854
MFD \$	\$ 818,453	\$ 0	\$ 54,519	\$ 319,337	\$ 123,877	\$ 0	\$ 4,123	\$ 0	\$ 316,597
Percentage	7.8%	0.0%	1.4%	5.3%	70.1%	0.0%	24.1%	0.0%	86.8%
<b>Miscellaneous Services:</b>									
Total \$	\$ 4,225,217	\$ 479,347	\$ 1,177,831	\$ 2,047,147	\$ 166,184	\$ 50,387	\$ 40,050	\$ 5,259	\$ 259,012
MFD \$	\$ 657,091	\$ 356,477	\$ 111,609	\$ 180,683	\$ 8,322	\$ 0	\$ 0	\$ 0	\$ 0
Percentage	15.6%	74.4%	9.5%	8.8%	5.0%	0.0%	0.0%	0.0%	0.0%
<b>Professional Services:</b>									
Total \$	\$ 2,641,578	\$ 124,835	\$ 1,041,621	\$ 776,046	\$ 110,980	\$ 30,000	\$ 4,200	\$ 75,195	\$ 478,701
MFD \$	\$ 581,321	\$ 0	\$ 177,824	\$ 347,042	\$ 49,855	\$ 0	\$ 0	\$ 0	\$ 6,600
Percentage	22.0%	0.0%	17.1%	44.7%	44.9%	0.0%	0.0%	0.0%	1.4%
<b>Construction:</b>									
Total \$	\$ 18,360,192	\$ 0	\$ 5,300,648	\$ 12,410,995	\$ 0	\$ 648,549	\$ 0	\$ 0	\$ 0
MFD \$	\$ 6,457,001	\$ 0	\$ 1,988,581	\$ 3,861,189	\$ 0	\$ 607,231	\$ 0	\$ 0	\$ 0
Percentage	35.2%	0.0%	37.5%	31.1%	0.0%	93.6%	0.0%	0.0%	0.0%
<b>SUBTOTAL</b>									
Total \$	\$ 35,739,365	\$ 654,515	\$ 11,393,994	\$ 21,215,272	\$ 453,939	\$ 764,778	\$ 61,346	\$ 92,954	\$ 1,102,567
MFD \$	\$ 8,513,866	\$ 356,477	\$ 2,332,533	\$ 4,708,251	\$ 182,054	\$ 607,231	\$ 4,123	\$ 0	\$ 323,197
Percentage	23.8%	54.5%	20.5%	22.2%	40.1%	79.4%	6.7%	0.0%	29.3%
<b>Pr. Geo. Commissioners' Office</b>									
Total \$	\$ 28,666								
MFD \$	\$ 15,140								
Percentage	52.8%								
<b>Mont. Commissioners' Office</b>									
Total \$	\$ 4,528								
MFD \$	\$ 0								
Percentage	0.0%								
<b>Merit Board</b>									
Total \$	\$ 0								
MFD \$	\$ 0								
Percentage	0.0%								
<b>Office of Inspector General</b>									
Total \$	\$ 2,749								
MFD \$	\$ 0								
Percentage	0.0%								
<b>GRAND TOTAL \$</b>									
	\$ 35,775,308								
<b>MFD\$</b>	\$ 8,529,006								
<b>Percentage</b>	23.8%								

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT STATISTICS**  
**Comparison of MFD % for Total Procurement and Purchase Card Procurement**  
**FY 2024**  
**FOR THREE MONTHS ENDED SEPTEMBER 30, 2023**

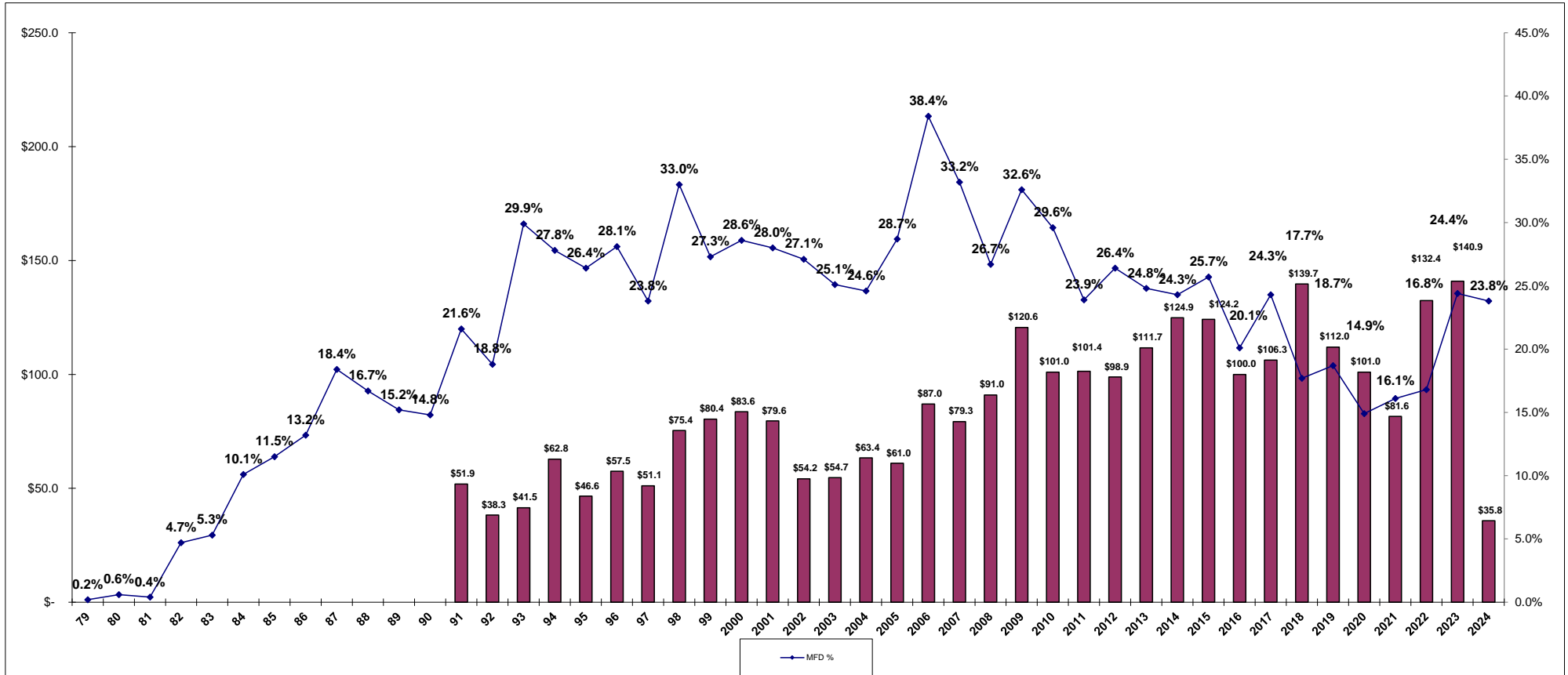
**Attachment D**

	<b>Total Procurement</b>		<b>Purchase Card Procurement</b>	
	<b>Total \$</b>	<b>MFD %</b>	<b>Total \$</b>	<b>MFD %</b>
<b><u>Prince George's County</u></b>				
Commissioners' Office	\$ 28,666	52.8%	\$ 21,513	70.4%
Planning Department	453,939	40.1%	27,799	0.0%
Parks and Recreation Department	21,215,272	22.2%	1,941,053	2.1%
Total	<u>21,697,877</u>	<u>22.6%</u>	<u>1,990,365</u>	<u>2.8%</u>
<b><u>Montgomery County</u></b>				
Commissioners' Office	4,528	0.0%	3,404	0.0%
Planning Department	654,515	54.5%	34,927	0.0%
Parks Department	11,393,994	20.5%	1,315,464	4.2%
Total	<u>12,053,037</u>	<u>22.3%</u>	<u>1,353,795</u>	<u>4.1%</u>
<b><u>Central Administrative Services</u></b>				
Dept. of Human Resources and Mgt.	764,778	79.4%	14,395	0.0%
Finance Department	61,346	6.7%	17,097	24.1%
Legal Department	92,954	0.0%	4,359	0.0%
Merit Board	-	0.0%	-	0.0%
Office of Chief Information Officer	1,102,567	29.3%	10,546	0.2%
Office of Inspector General	2,749	0.0%	2,749	0.0%
Total	<u>2,024,394</u>	<u>46.2%</u>	<u>49,146</u>	<u>8.4%</u>
Grand Total	<u>\$ 35,775,308</u>	<u>23.8%</u>	<u>\$ 3,393,306</u>	<u>3.4%</u>

**Percentage of Purchase Card Procurement to Total Procurement 9.5%**

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)**

**Attachment E**

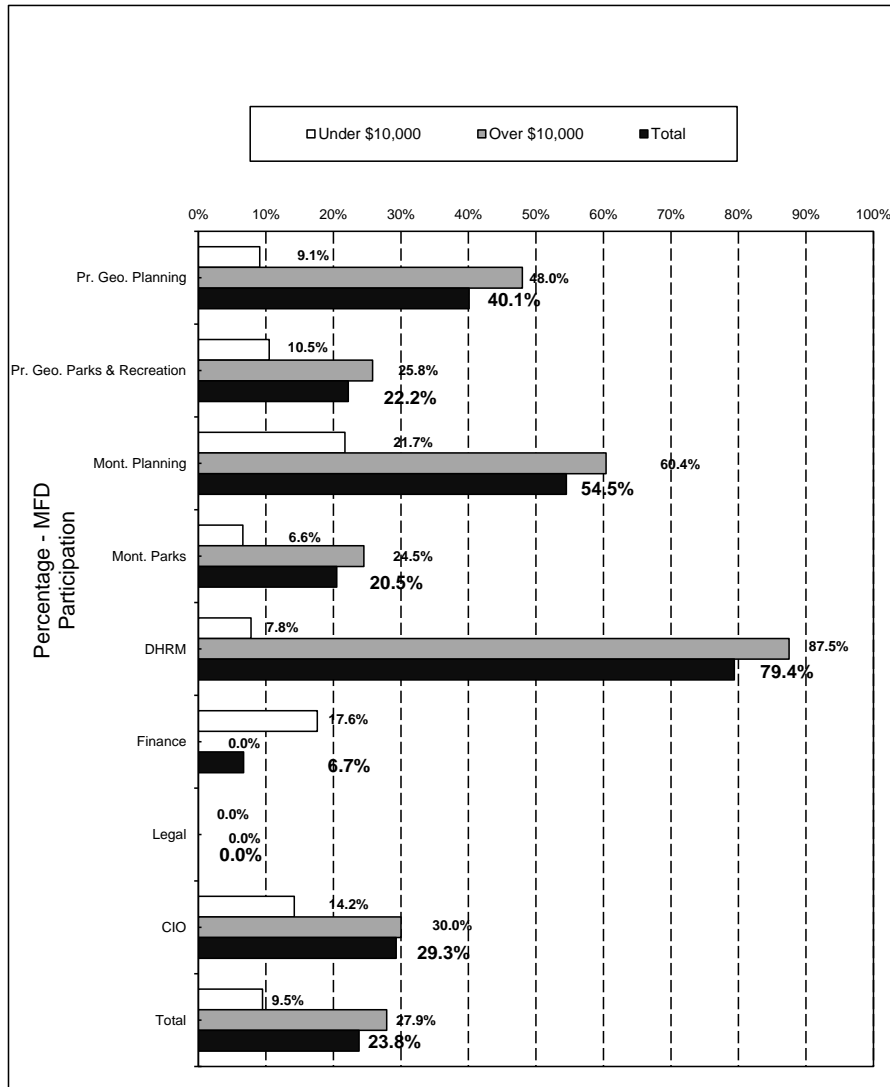


TOTAL PROCUREMENT \$ (MIL.)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
MFD %	\$124.2	\$100.0	\$106.3	\$139.7	\$112.0	\$101.0	\$81.6	\$132.4	\$140.9	\$35.8
	25.7%	20.1%	24.3%	17.7%	18.7%	14.9%	16.1%	16.8%	24.4%	23.8%

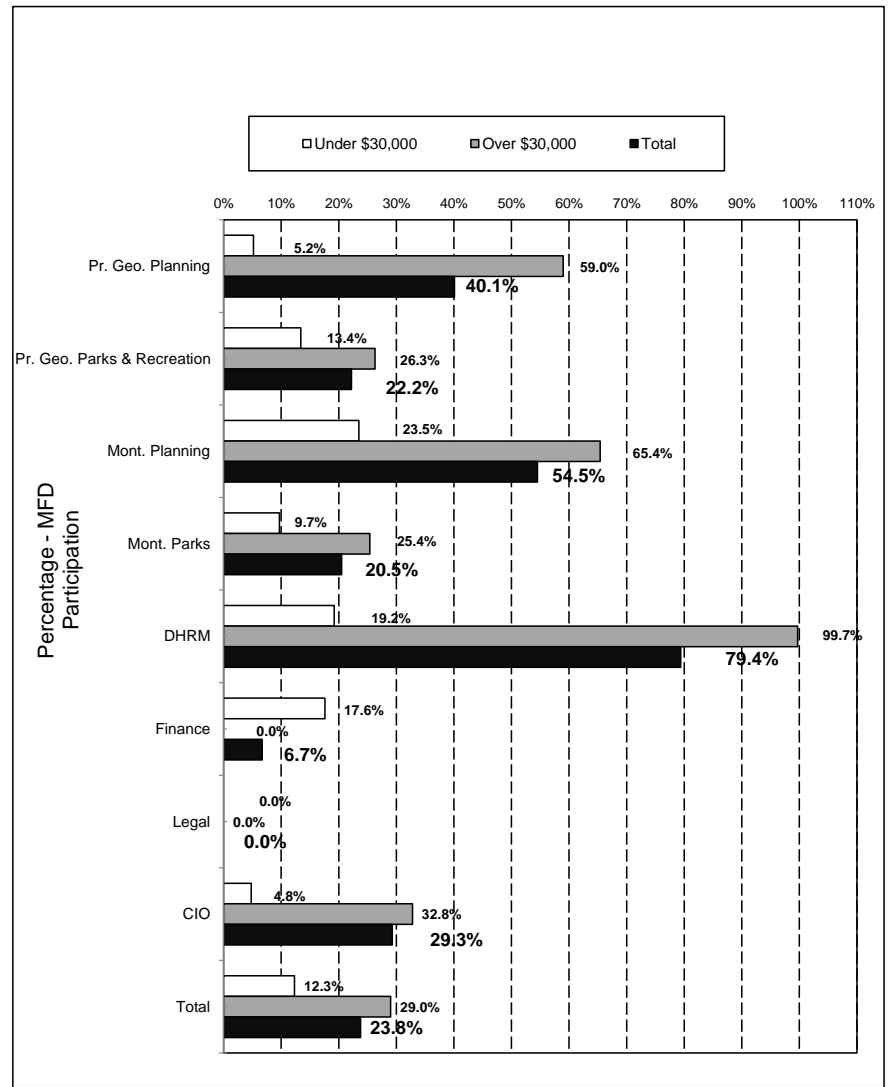
Prepared by Supplier Diversity Program Manager, Corporate Policy & Management Operations Division  
 October 25, 2023

The Maryland-National Capital Park and Planning Commission  
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %  
 FY 2024 1Q

Under/Over \$10,000

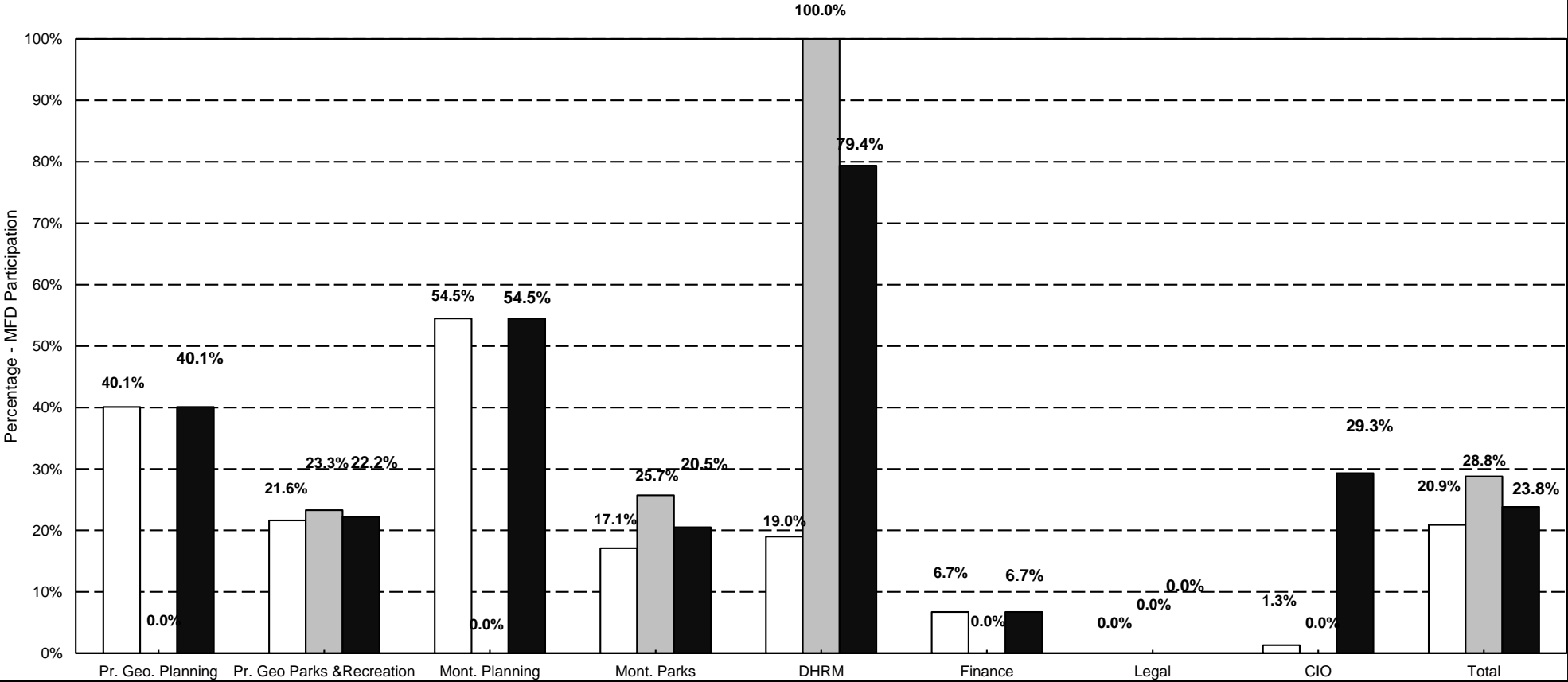
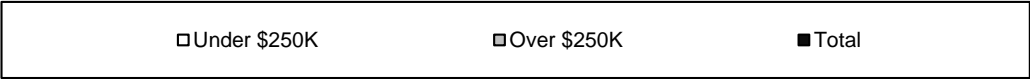


Under/Over \$30,000





The Maryland-National Capital Park and Planning Commission  
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %  
 FY 2024 1Q



Prepared by Supplier Diversity Program Manager, Corporate Policy & Management Operations Division  
 October 25, 2023

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

Amount of Procurement and Number of Vendors by Location

**FY 2024**

FOR THREE MONTHS ENDED SEPTEMBER 30, 2023

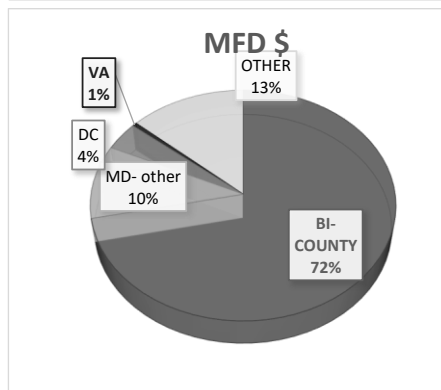
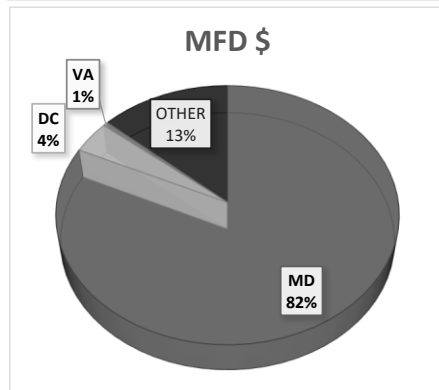
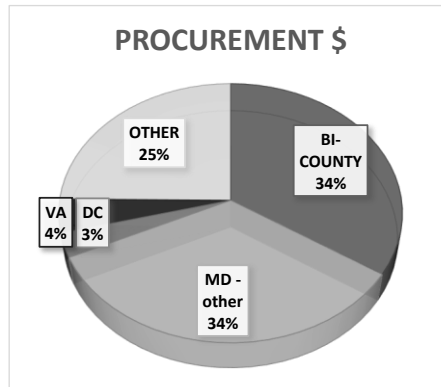
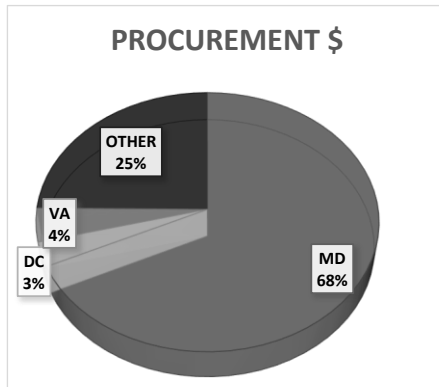
**Attachment H**

**ALL VENDORS**

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 4,397,249	12.3%	168	16.2%
Prince George's County	7,828,264	21.9%	264	25.6%
Subtotal	12,225,513	34.2%	432	41.8%
Maryland - other locations	12,094,155	33.8%	210	20.3%
Total Maryland	24,319,668	68.0%	642	62.1%
District of Columbia	1,075,931	3.0%	49	4.7%
Virginia	1,493,509	4.2%	78	7.5%
Other Locations	8,886,200	24.8%	266	25.7%
Total	\$ 35,775,308	100.0%	1,035	100.0%

**MFD Vendors**

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 1,304,519	15.3%	35	22.9%
Prince George's County	4,807,580	56.4%	51	33.4%
Subtotal	6,112,099	71.7%	86	56.3%
Maryland - other locations	880,654	10.3%	32	20.9%
Total Maryland	6,992,753	82.0%	118	77.2%
District of Columbia	341,198	4.0%	12	7.8%
Virginia	45,164	0.5%	6	3.9%
Other Locations	1,149,891	13.5%	17	11.1%
Total	\$ 8,529,006	100.0%	153	100.0%



Prepared by Supplier Diversity Program Manager, Corporate Policy & Management Operations Division  
October 25, 2023

Note: The number of vendors excludes purchase card vendors.

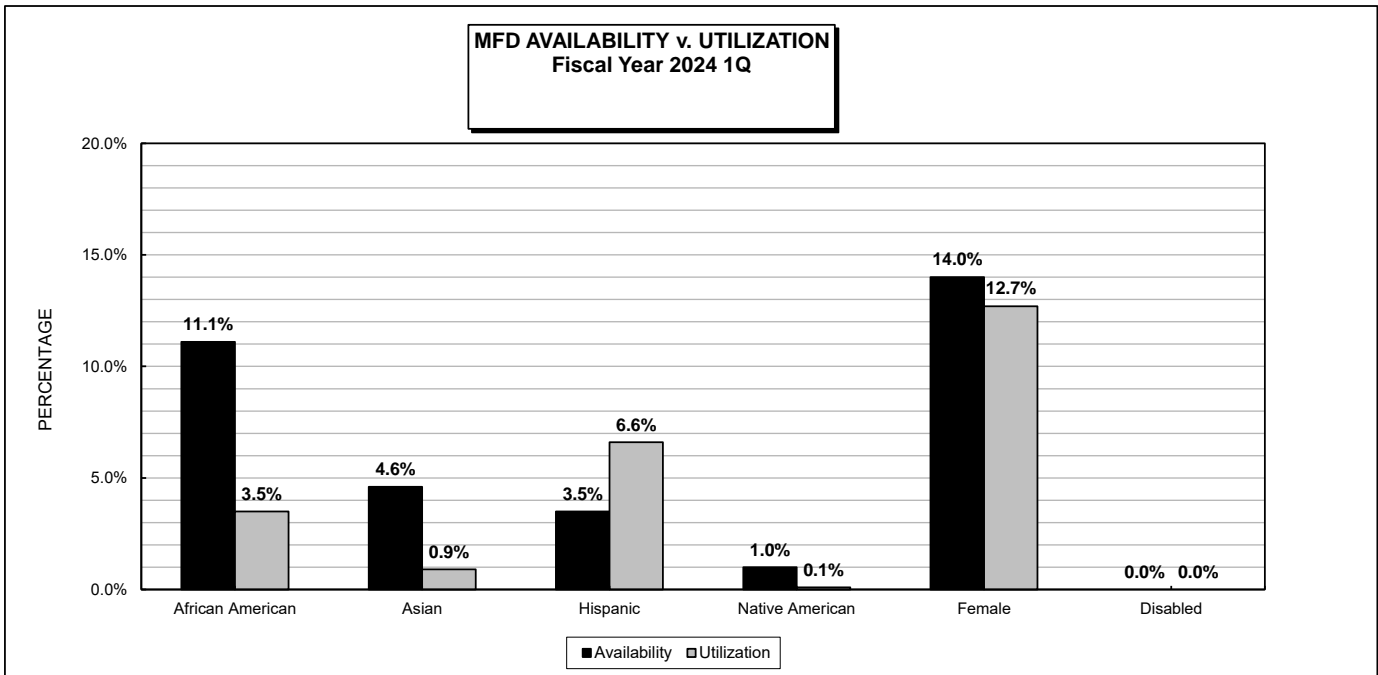
**MFD PROCUREMENT RESULTS  
FY 2024  
FOR THREE MONTHS ENDED SEPTEMBER 30, 2023**

**Attachment I**

**Total Amount of Procurement** \$ 35,775,308

**Amount, Percentage of Procurement by Category, and  
Percentage of Availability by Category:**

	<u>Procurement</u>		<u>Availability</u>
	<u>Amount</u>	<u>%</u>	<u>%</u>
<b>Minority Owned Firms</b>			
<b>African American</b>	\$ 1,238,906	3.5%	11.1%
<b>Asian</b>	313,829	0.9%	4.6%
<b>Hispanic</b>	2,378,562	6.6%	3.5%
<b>Native American</b>	36,147	0.1%	1.0%
<b>Total Minority Owned Firms</b>	<b>3,967,444</b>	<b>11.1%</b>	<b>20.2%</b>
<b>Female Owned Firms</b>	<b>4,560,610</b>	<b>12.7%</b>	<b>14.0%</b>
<b>Disabled Owned Firms</b>	<b>952</b>	<b>0.0%</b>	<b>n/a</b>
<b>Total Minority, Female, and Disabled Owned Firms</b>	<b>\$ 8,529,006</b>	<b>23.8%</b>	<b>34.2%</b>



Note: (1) Availability percentages are taken from State of Maryland study titled "Disadvantaged Business Enterprise Disparity Study: Vol. 1", dated June 25, 2018, page 13.

(2) n/a = not available

Prepared by Supplier Diversity Program Manager, Corporate Policy & Management Operations Division  
October 25, 2023

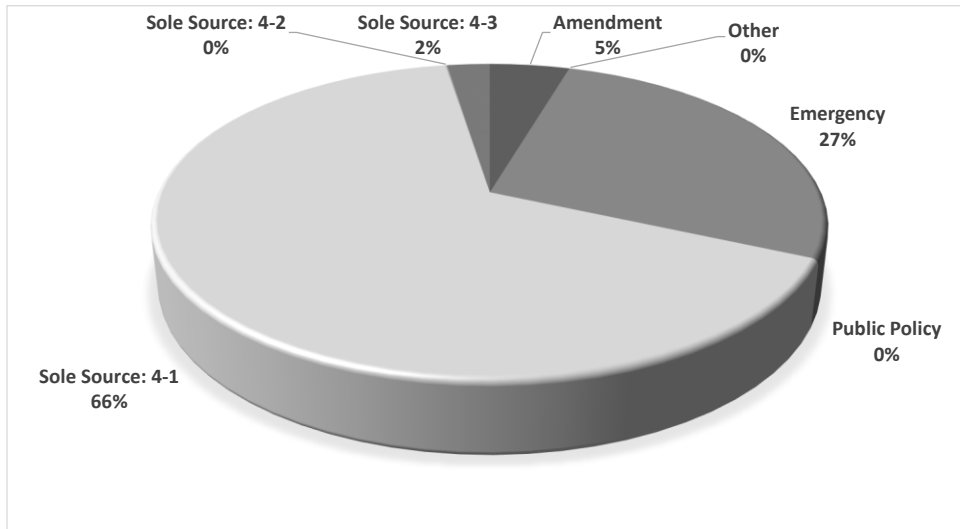
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
REASONS FOR WAIVERS**

**CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS  
FY 2024**

**FOR THREE MONTHS ENDED SEPTEMBER 30, 2023**

**Attachment J**

<b>REASON</b>	<b>NUMBER</b>	<b>AMOUNT</b>	<b>%</b>
Emergency	2	\$ 509,440	27.1%
Other	0	\$ -	0.0%
Public Policy	0	\$ -	0.0%
Amendment	2	\$ 86,096	4.6%
Sole Source: 4-1	5	\$ 1,239,394	65.8%
Sole Source: 4-2	1	\$ 1,630	0.1%
Sole Source: 4-3	2	\$ 45,996	2.4%
<b>Total</b>	<b>12</b>	<b>\$ 1,882,556</b>	<b>100.0%</b>



**Waiver Reason Definitions:**

**Emergency:**

Sudden and unforeseeable circumstance have arisen which actually or imminently threaten the continuance of an essential operation of the Commission or which threaten public health, welfare or safety such that there is not enough time to conduct the competitive bidding.

**Required by Law or Grant:**

Public law or the terms of a donation/grant require that the above noted vendor be chosen.

**Amendment:**

A contract is already in place and it is appropriate for the above noted vendor to provide additional services and/or goods not within the original scope of the contract because the interested service and/or goods are uniquely compatible with the Commission's existing systems and patently superior in quality and/or capability than what can be gained through an open bidding process.

**Sole Source 4:**

It has been determined that:

- #1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- #2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- #3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT**  
**PROCESSED FY 2024**  
**FOR THE THREE MONTHS ENDED SPETEMBER 30, 2023**

**Attachment K**

	Total Waivers		MFD/Waivers		% of MFD	Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		%Sole Source
	\$	Number	\$	Number	%	\$	Number	\$	Number	\$	Number	%
<b>Prince George's County</b>												
Commissioners' Office	\$ -	0	\$ -	0	0.0%	\$ -	0	\$ -	0	\$ -	0	0.0%
Planning Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Parks and Recreation Department	607,621	5	-	0	0.0%	511,625	3	-	0	28,996	1	89.0%
Total	607,621	5	-	0	0.0%	511,625	3	-	0	28,996	1	89.0%
<b>Montgomery County</b>												
Commissioners' Office	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Planning Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Parks Department	737,726	4	-	0	0.0%	700,000	1	1,630	1	17,000	1	97.4%
Total	737,726	4	-	0	0.0%	700,000	1	1,630	1	17,000	1	97.4%
<b>Central Administrative Services</b>												
Dept. of Human Resources and Mgt.	509,440	2	-	0	0.0%	-	0	-	0	-	0	0.0%
Finance Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Legal Department	27,769	1	-	0	0.0%	27,769	1	-	0	-	0	100.0%
OCIO	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Merit Board	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Total	537,209	3	-	0	0.0%	27,769	1	-	0	-	0	5.2%
Grand Total	\$ 1,882,556	12	\$ -	0	0.0%	\$ 1,239,394	5	\$ 1,630	1	\$ 45,996	2	68.4%

**Purpose of Summary of Waiver Report:**

- (1) To monitor the amount, number, reasons for waivers in order to ensure the Commission is encouraging and maintaining good community, public, vendor, and interdepartmental relations;  
 To ensure fair and equitable treatment of all persons who deal in purchasing matters; to promote economy in Commission purchasing; and to ensure that minority owned firms receive a fair share of Commission awards (source: Practice 4-10); and
- (2) To comply with the Prince George's Planning Board directive of January 29, 1991 to report waiver activity to the Department Heads and the Planning Boards on a quarterly basis.

**Sole Source: 4**

It has been determined that:

- 4-1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- 4-2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- 4-3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

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The Maryland-National Capital Park and Planning Commission  
Office of the Chief Information Officer  
6611 Kenilworth Avenue, Suite 403  
Riverdale, Maryland 20737  
<http://www.mncppc.org> • T. (301) 454-1010

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**TO:** Commissioners  
**FROM:** Mazen Chilet, Chief Information Officer *Chilet*  
**DATE:** 01/17/2024  
**SUBJECT:** Chief Information Officer Report – 4<sup>th</sup> Quarter- 2023 – Open Session

## **Update on the Enterprise Resource Planning (ERP): Project Mosaic's Status and Next Steps**

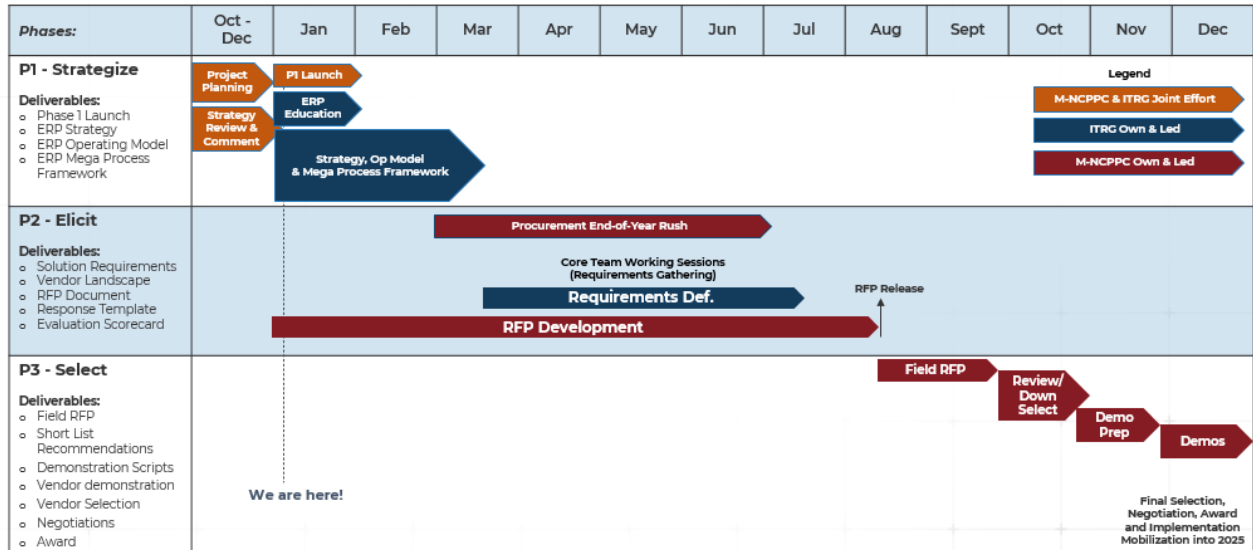
### **Brief (ERP) Background**

The Commission had its first Enterprise Resource Planning (ERP) implemented in 2011 for finance and human resources. In 2017, the system was nearing the end of vendor support, and the Commission needed to upgrade the system to ensure it had all the support, software patches, and other compliance updates. In 2022, the vendor notified us that the support for the current ERP version would end in April 2026. Our vendor later notified us that support for the current solution would be extended to December 2030.

The Commission completed its ERP Gap Analysis in mid-December 2021. In January 2023, the Chief Information Officer (CIO) presented the findings and recommended two viable options: 1) Upgrading the current Infor/Lawson to the newest Infor version or 2) Replacing the current system. After careful consideration, the Commission decided to pursue an open solicitation process for the optimal ERP solution.

Info-Tech Research Group, headquartered in London, Ontario, Canada, is working with M-NCPPC to gather data and develop the Request for Proposal for the ERP.

## Project Approach and Schedule



To Note: This timeline is dependent on M-NCPPC's resources availability, sense of urgency and ability to move quickly in planning, scheduling and executing project activity and tasks. Many of these tasks may be compressed or extended based on these M-NCPPC resource factors.

Image: ERP: Project Mosaic timeline from phase 1 launch January 3, 2024, presentation by Info-Tech, the consultant working with M-NCPPC to develop the Request for Proposal (RFP) to find the best ERP vendor.

### Project Phases

**Phase 1: Strategize:** Launch and requirements gathering.

#### Timeline:

**January 3, 2024:** Launch

**January 5, 2024:** ERP 101 Education and Awareness

**February to March 2024:** Working Sessions

**Phase 2: Elicit:** Solution requirements, vendor landscape, RFP document, response template, and evaluation scorecard

**Timeline:** TBD



**Phase 3: Select:** Field RFP responses, short list recommendations, vendor demonstration and selection, negotiations, and award

**Timeline:** TBD

## Project SharePoint Site

**ERP: Project Mosaic SharePoint Site:** <https://mncppc.sharepoint.com/sites/ERP/SitePages/Home.aspx>.

- This is a public site. We will add documents, presentations, and other information to it, as we progress.
- The main features include:
  - Project charter link
  - Documents section
  - A blog section which will have important information or alerts to documents added
  - A portal on the right side for anonymous comments. If someone wants a return response, that individual will need to leave an email address.
  - Project team information
  - Calendar with meeting information (Not invitations but just notices about the meetings.)

*The ERP: Project Mosaic project team held two recent events for project stakeholders: the Phase 1 Launch and ERP 101: Education and Awareness.*

## Requirements Gathering Launch

- **Wednesday, January 3, 1 pm** - Phase 1 Launch Session
- **Stakeholder Engagement**
  - There was a participant peak of 131 and a low of 103.
  - 109 people were invited. So, given the peak of 131, it appears the majority of stakeholders attended, and some even shared the invitation with their team members.
  - There were eight questions and other chat during the presentation.
  - This meeting was required for stakeholders.
- **Session recording:** [Access the recording](#). Note: Employee stakeholders must first log in with their M-NCPPC emails. No password is required. We are working on obtaining a download of the recording. It then will be uploaded to the project SharePoint.

## ERP 101: Education and Awareness

- **Friday, January 5, 10 am** - ERP 101 Education and Awareness
- **Stakeholder Engagement**
  - There was a participant peak of 106 and a low of 98.

- 109 people were invited. We observed a number of non-stakeholders in the meeting from both Prince George’s Planning Department and Prince George’s Parks and Recreation. So, the invitation was shared to include other team members.
  - This meeting was optional for stakeholders. The consultant Info-Tech offered the presentation so all stakeholders could have baseline knowledge about ERPs, their benefits, current trends, future state, and more.
  - Sixteen questions were asked and answered during the presentation. That makes double the number of questions asked during this session than the January 3 session.
- **Session Recording:** [Access the recording](#). Note: Employee stakeholders must first log in with their M-NCPPC emails. No password is required. We are working on obtaining a download of the recording. It then will be uploaded to the project SharePoint.

## Next Steps

- **Strategy, Operating Model and Mega Process Framework Development and Alignment.**
  - **Interviews** (January 4 through January 31)  
Purpose: Understand ERP and Project Vision, Goals, Priorities, Guiding Principles, Expectations, Success Factors, Challenges, Processes and Operations
  - **Alignment Working Session** (Week of February 19)  
Purpose: Alignment between Strategic Goals and Tactical Goals, Develop Operating Model, Mega-process Framework, Process Maturity Assessment and Prioritization
  - **Report:** Review, comment, and finalize strategy report summarizing information gathered from interviews and alignment working session (March 4 thru March 16)
- **Requirements Gathering Sessions**
  - Launching week of March 18
  - Define business and systems requirements (functional, technical and implementation)

End of Report



**Office of the General Counsel**  
**Maryland-National Capital Park and Planning Commission**

*Reply To*

January 4, 2024

**Debra S. Borden**  
General Counsel  
6611 Kenilworth Avenue, Suite 200  
Riverdale, Maryland 20737  
(301) 454-1670 • (301) 454-1674 fax

**MEMORANDUM**

**TO:** The Maryland-National Capital Park and Planning Commission  
**FROM:** Debra S. Borden  
General Counsel  
**RE:** Litigation Report for December 2023 – FY 2024

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Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, January 17, 2024. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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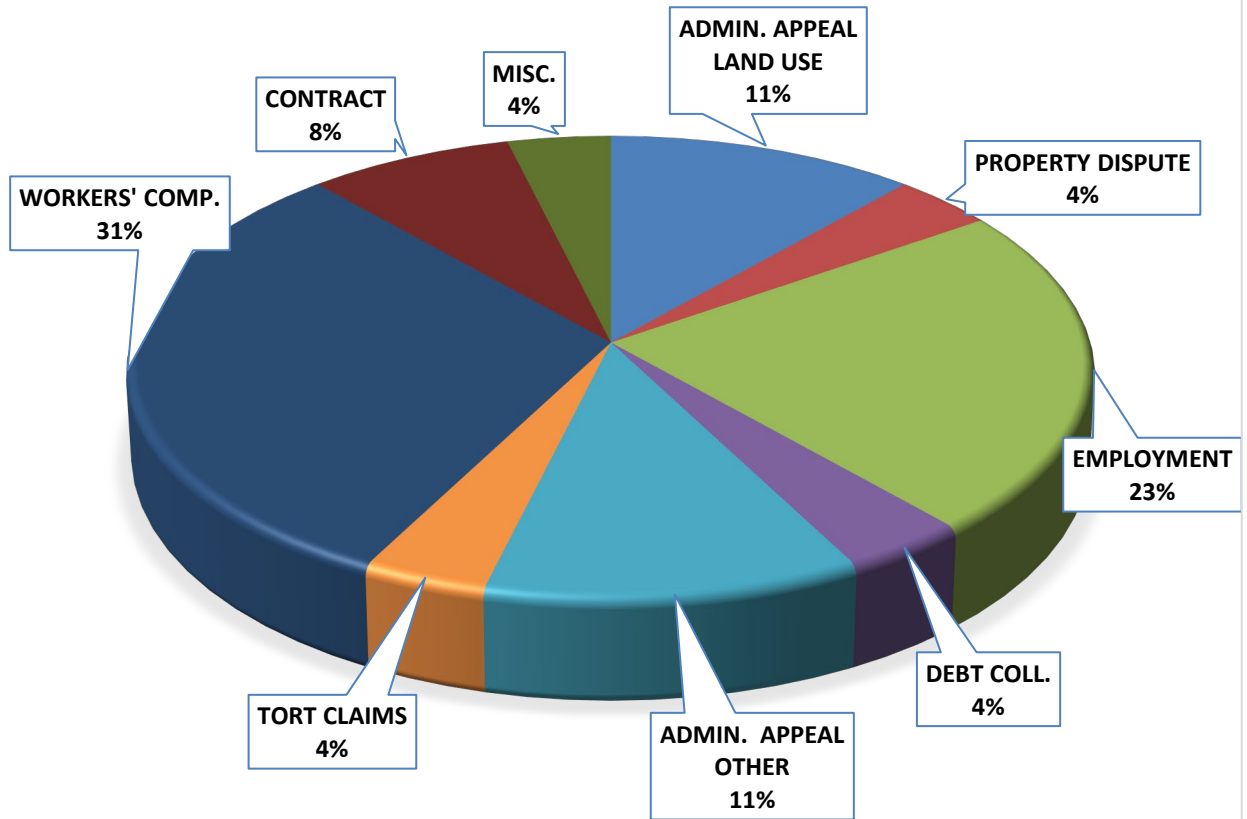
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**2023**  
**Composition of Pending Litigation**

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	APPELLATE COURT OF MARYLAND	SUPREME COURT OF MARYLAND	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	1	2					3
ADMIN APPEAL: OTHER	3						3
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	1	1					2
DEBT COLLECTION	1						1
EMPLOYMENT DISPUTE	3			2	1		6
LAND USE DISPUTE							
MISCELLANEOUS	1						1
PROPERTY DISPUTE	1						1
TORT CLAIM	1						1
WORKERS' COMPENSATION	8						8
PER FORUM TOTALS	20	3		2	1		26

## OVERVIEW OF PENDING LITIGATION



## December 2023 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2024			
	Pending Nov. 2023	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	3			4	3	4	3
Admin Appeal: Other (AAO)	3			2			3
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	2			2			2
Debt Collection (D)	1			2		1	1
Employment Disputes (ED)	6			3	5	1	6
Land Use Disputes (LD)				1		1	
Miscellaneous (M)	1			1	1	2	1
Property Disputes (PD)	1				1		1
Tort Claims (T)	1			2	1	2	1
Workers' Compensation (WC)	8			6	8	3	8
<b>TOTALS</b>	26			23	19	14	26

**INDEX OF YTD NEW CASES  
(7/1/2023 TO 6/30/24)**

<b>A. <u>New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Wright v. Commission	MC	Misc.	Mar.
Mays v. Commission, et al.	Charles County	ED	July
Wallace v. Commission, et al.	PG	ED	July
Celey v. Commission	PG	ED	July
In the Matter of Pocahontas Drive Homeowners	MC	AALU	July
Fennell v. Commission	PG	ED	Aug.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
Carolyn Gray v. Commission, et al.	PG	PD	Oct.
Paige Industrial Services, Inc. v. Commission	MC	AAO	Nov.

<b>B. <u>New Appellate Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Brij Bhargava, et al. v. Prince George's County Public Schools Proposed Southern K-8 Middle School, et al.	PG	AALU	May
Friends of Ten Mile Creek v. Montgomery County Planning Board	MC	AALU	Aug.

**INDEX OF YTD RESOLVED CASES  
(7/1/2023 TO 6/30/2024)**

<b><u>A. Trial Court Cases Resolved</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
English-Figaro v. Planning Board of Prince George's County	PG	AALU	June
Fairwood Community Association, Inc. v. Prince George's County Planning Board	PG	AALU	July
Citizen Association of Kenwood, Inc. v. Commission	MC	LUD	Aug.
In the Matter of James Montville	PG	WC	Aug.
Wilmington Savings Fund Society FSB v. Burke, et al.	PG	Misc.	Aug.
Commission v. Faulk	PG	DC	Aug.
Deakins v. Commission, et al.	MC	ED	Sept.
Troublefield v. Prince George's County, et al.	PG	Tort	Oct.
In the Matter of Kenneth Rogers	PG	WC	Nov.

<b><u>B. Appellate Court Cases Resolved</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
In the Matter of Friends of Ten Mile Creek, et al.	MC	AALU	July
In the Matter of Friends of Ten Mile Creek, et al.	MC	AALU	Oct.



<b>Disposition of FY24 Closed Cases Sorted by Department</b>		
<b>CLIENT</b>	<b>PRINCIPAL CAUSE OF ACTION IN DISPUTE</b>	<b>DISPOSITION</b>
<b>Employees Retirement System</b>		
<b>Finance Department</b>		
<b>Department of Human Resources &amp; Management</b>		
<b>Montgomery County Department of Parks</b>		
Deakins v. Commission, et al.	Complaint by former employee relating to Commission's COVID-19 vaccination mandate. Complaint alleged disability discrimination and unreasonable failure to accommodate	09/25/2023 – Case settled.
<b>Montgomery County Park Police</b>		
<b>Montgomery County Planning Board</b>		
Citizen Association of Kenwood, Inc. v. Maryland-National Park and Planning Commission	Complaint to prevent implementation of road diet project for Little Falls Parkway in Montgomery County.	08/01/2023 - Voluntary Dismissal Without Prejudice
In the Matter of Friends of Ten Mile Creek, et al.	Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	07/18/2023 – Judgment of the Circuit Court for Montgomery County affirmed.
In the Matter of Friends of Ten Mile Creek, et al.	Petitioner seeks appeal of Decision of the Appeal's Court of Maryland affirming the Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	10/24/2023 – Petition denied.

<b>Prince George's County Department of Parks and Recreation</b>		
In the Matter of James Montville	Claimant sought judicial review of Workers' Compensation Commission decision dated October 3, 2022, which determined that he has a 12% permanent partial disability. Claimant was seeking an award that was much higher.	08/10/2023 - Case remanded to Workers' Compensation Commission for approval of agreement.
Commission v. Faulk	Subrogation action to recover losses for damage(s) to Commission property	08/28/2023 - Judgment in favor of the Commission for \$3,546.13.
Wilmington Savings Fund Society FSB v. Burke, et al.	Lawsuit to quiet title to deed of trust and extinguish the lien and debt associated with that deed, establishing that Plaintiff's deed is in full force and effect and has first priority over the Commission's lien on property owned by Tomel Burke, judgment Debtor.	08/30/2023 - Judgment by Consent against the Commission in favor of the Plaintiff
Troublefield v. Prince George's County, et al.	Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Pace Arena.	10/13/2023 – Case settled and dismissed.
In the Matter of Kenneth Rogers	Claimant sought judicial review of Workers' Compensation Commission decision dated March 30, 2023, which determined that the Claimant did not suffer from a serious disability.	10/19/2023 – Case settled and remanded to Workers' Compensation Commission for approval of agreement.
<b>Prince George's County Planning Board</b>		
English-Figaro v. Planning Board of Prince George's County	Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.	06/01/2023 Case voluntarily dismissed with prejudice.
Fairwood Community Association, Inc. v. Prince George's County Planning Board	Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.	07/27/2023 - Case voluntarily dismissed without prejudice.
<b>Prince George's Park Police</b>		
<b>Office of Internal Audit</b>		

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**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Commission v. Build A Barn, LLC**

Case No. D-06-CV-23-013209 (CD)

Lead Counsel: Johnson  
Other Counsel:

Abstract: Breach of Contract matter to recover funds expended for sheds that were never received.

Status: Motion to Alter or Amend filed.

Docket:

05/11/2023	Complaint filed
08/18/2023	Defendant served
11/29/2023	Hearing
12/13/2023	Affidavit judgment denied
12/26/2023	Motion to Alter or Amend filed

**DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**Commission v. Lindsey**

Case No. 050200183742022 (D)

Lead Counsel: Johnson  
Other Counsel:

Abstract: Action to recover losses for damage(s) to Commission property.

Status: Trial set.

Docket:

09/12/2022	Complaint filed
12/05/2022	Request for summons renewal filed
05/02/2023	Request for summons renewal filed
06/26/2023	Affidavit of Non-service filed
07/18/2023	Motion for Alternative Service denied
08/25/2023	Second Motion for Alternative Service filed
09/12/2023	Order of the Court. Motion for Alternative Service Granted
10/26/2023	Request for summons renewal filed
02/20/2024	Trial pending service.

**CIRCUIT COURT FOR CHARLES COUNTY, MARYLAND**

**Beth Mays v. Maryland-National Park and Planning Commission, et al.**

Case No. C-08-CV-23-000516 (ED)

Lead Counsel: Ticer  
Other Counsel:

Abstract: Employee terminated from the Commission for her COVID vaccination status has brought suit alleging several employment-related claims, such as religious and genetic discrimination, retaliation, and wrongful discharge

Status: In discovery.

Docket:

07/03/2023	Complaint filed
07/12/2023	Commission served
08/07/2023	Commission's Motion to Dismiss filed
08/21/2023	Consent Stipulation to Extend time for Plaintiff to Respond to Motion to Dismiss
09/05/2023	Response in Opposition to Motion to Dismiss
09/05/2023	Amended Complaint
09/13/2023	Order to Extend time
09/20/2023	Motion to Dismiss Amended Complaint
10/05/2023	Response in Opposition to Motion to Dismiss
10/16/2023	Reply to Plaintiff's Opposition to Motion to Dismiss
12/20/2023	Motion to Dismiss granted in part and denied in part. Counts 5-9 dismissed. All parties except for the Commission dismissed.

**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**In the Matter of Joshua P. Scully**  
Case No. C-15-CV-23-002546 (WC)

Lead Counsel: Ticer  
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Order finding that claimant at maximum medical improvement and denying right shoulder surgery.

Status: Trial set.

Docket:

06/27/2023	Petition for Judicial Review filed
12/01/2023	Pretrial status hearing
04/01/2024	Trial set

**In the Matter of Pocahontas Drive Homeowners**  
Case No. C-15-CV-23-002634 (AALU)

Lead Counsel: Mills  
Other Counsel:

Abstract: Petitioners seeks Judicial Review of the Montgomery County Planning Department's approval of Forest Conservation Act Exemption 4203166E to Davis Airport.

Status: Matter taken under advisement.

Docket:

07/05/2023	Petition for Judicial Review filed
07/14/2023	Response to Petition for Judicial Review
09/05/2023	Motion to Extend time for Filing of the Administrative Record
09/15/2023	Order Granting Motion to Extend Time
09/18/2023	Notice of Record Issued
10/06/2023	Memorandum
10/26/2023	Responsive Memorandum
11/14/2023	Hearing held. Matter taken under advisement.

**Paige Industrial Services, Inc. v. The Maryland-National Park and Planning Commission**

Case No. C-15-CV-23-004219 (AAO)

Lead Counsel: Rupert  
Other Counsel: Mills (CCRC)

Abstract: Judicial review of the decision of the CCRC, dated October 17, 2023, relating to contractor's claim for additional payments for construction at Rock Creek Maintenance Yard.

Status: Appeal filed.

Docket:

11/10/2023	Petition for Judicial Review
11/30/2023	Scheduling and Briefing Order of Court issued
12/08/2023	Notice of Intent to Participate filed by Commission

**Wright v. Commission**

Case No. C-15-CV-23-000909 (Misc.)

Lead Counsel: Patterson (Marcus Bonsib)  
Other Counsel: Marcus

Abstract: Plaintiff is seeking to enforce a request under the Maryland Public Information Act.

Status: Settlement Agreement reached. Stipulation of Dismissal filed.

Docket:

03/09/2023	Complaint
04/13/2023	Motion for Summary Judgment
05/26/2023	Opposition to Motion for Summary Judgment
08/14/2023	Motions Hearing
08/14/2023	Court takes under advisement Plaintiff's Motion for Discovery and Defendant's Motion for Summary Judgment
08/25/2023	Motion for Summary Judgment Denied. Motion for Discovery deferred for 30 days
09/25/2023	Motion for Reconsideration and revise order denying Motion for Summary Judgment and request for hearing
10/17/2023	Consent Motion to Extend Time
10/25/2023	Opposition to Motion to Revise Judgment and request for hearing
11/14/2023	Order of Court denying Motion for Reconsideration
01/18/2024	Trial cancelled.

**CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND**

**Tiffany Celey v. Maryland-National Capital Park and Planning Commission**

Case No. C-16-CV-23-003168 (ED)

Lead Counsel: Ticer  
Other Counsel: Johnson

Abstract: Defendant is alleging discrimination based upon race, sex, retaliation, and disability.

Status: In discovery.

Docket:

07/12/2023	Complaint filed
09/26/2023	Summons reissued
12/28/2023	Complaint received from SDAT via certified mail.

**In the Matter of William Dickerson**

Case No. C-16-CV-23-001402 (AAO)

Lead Counsel: Gates (Groom Law Group)  
Other Counsel:

Abstract: Claimant seeks judicial review of Employees Retirement System (“ERS”) decision dated February 21, 2023, which denied a reconsideration of the COLA calculation.

Status: Petition for Judicial Review filed.

Docket:

03/28/2023	Petition for Judicial Review filed
04/05/2023	ERS served
04/25/2023	Administrative Record received
05/26/2023	Stipulation for Extension of Time for Petition to File Opening Memorandum
06/20/2023	Petitioner’s Memorandum of Law in Support of Petition for Judicial Review
06/29/2023	Stipulation for Extension of Time for Respondent to File Answering Memorandum
06/30/2023	Order Granting Extension of Time
07/31/2023	Response to Petitioner’s Memorandum
08/12/2023	Reply Memorandum



**Carolyn Gray v. Maryland-National Capital Park and Planning Commission, et al.**

Case No. C-16-CV-23-004509 (PD)

Lead Counsel: Rupert  
Other Counsel:

Abstract: Plaintiff alleges the Commission caused damage to her property.

Status: Complaint filed.

Docket:

09/30/2023	Complaint filed
10/13/2023	Commission served
11/20/2023	AEB Properties Motion to Dismiss

**In the Matter of Danielle Jones-Dawson**

Case No. C-16-CV-22-000675 (AAO)

Lead Counsel: Ticer  
Other Counsel:

Abstract: Claimant seeks judicial review of Merit Board decision (October 20, 2022) denying claimant's appeal of her termination due to non-compliance with Notice 21-07, COVID-19 Vaccination Requirements.

Status: Hearing set.

Docket:

11/20/2022	Petition for Judicial Review filed
11/29/2022	Response to Petition for Judicial Review
02/08/2023	Memorandum for Petitioner
03/09/2023	Commission's Answering Memorandum
11/20/2023	Motion for Continuance
01/29/2024	Hearing set

**In the Matter of Jeanne Kavinski**

Case No. C-16-CV-23-001821, C-16-CV--23-001826, C-16-CV-23-001827 (WC)

Lead Counsel: Ticer  
Other Counsel:

Abstract: Claimant filed the same issues in three claims with overlapping body parts seeking authorization for treatment and causal relationship of a new injury. In addition, the Commission contested whether a compensable injury occurred in a new claim (D/A:4/28/2021). The Commission was successful in defending the authorization for treatment and against the new claim. Claimant has appealed the determination in all three claims.

Status: Response filed. Discovery Pending in C-16-CV-23-001827. Other cases consolidated. Trial set.

Docket:

04/18/2023	Petition for Judicial Review filed
05/02/2023	Response to Petition for Judicial Review filed in all three cases
05/02/2023	Commission's Designation of Experts filed in case number C-16-CV-23-001827
06/27/2023	Order of the Court. Cases C-16-CV23-001821 and C-16-CV-23-001826 are consolidated. Case - C-16-CV-23-001821 to serve as the lead case
08/29/2023	Scheduling Order issued in C-16-CV23-001827
05/08/2024	Trial in case C-16-CV23-001827

**In the Matter of Jeanne Kavinsky**

Case No. C-16-CV-23-004139 (WC)

Lead Counsel: Ticer  
Other Counsel:

Abstract: Claimant sought a finding that treatment to her left ankle, to include surgery, and associated indemnity benefits were causally related to any of the subject claims; all treatment and related benefits were denied. Claimant also sought a finding of permanent disability related to head injuries; the Commission found no permanent disability. Claimant has appealed all findings.

Status: Trial set.

Docket:

09/08/2023	Petition for Judicial Review filed
09/29/2023	Response to Petition for Judicial Review
09/29/2023	Expert Designation
06/10/2024	Settlement Hearing
08/13/2024	Trial

**In the Matter of Jeanne Kavinsky**  
Case No. C-16-CV-23-004296 (WC)

Lead Counsel: Ticer  
Other Counsel:

Abstract: Claimant sought a finding that treatment to her left ankle, to include surgery, and associated indemnity benefits were causally related to any of the subject claims; all treatment and related benefits were denied. Claimant also sought a finding of permanent disability related to head injuries; the Commission found no permanent disability. Claimant has appealed all findings.

Status: Trial set.

Docket:

09/19/2023	Petition for Judicial Review filed
09/29/2023	Response to Petition for Judicial Review
09/29/2023	Expert Designation
06/10/2024	Settlement Hearing
08/13/2024	Trial

**In the Matter of Jeanne Kavinsky**  
Case No. C-16-CV-23-004297 (WC)

Lead Counsel: Ticer  
Other Counsel:

Abstract: Claimant sought a finding that treatment to her left ankle, to include surgery, and associated indemnity benefits were causally related to any of the subject claims; all treatment and related benefits were denied. Claimant also sought a finding of permanent disability related to head injuries; the Commission found no permanent disability. Claimant has appealed all findings.

Status: Petition for Judicial Review filed.

Docket:

09/19/2023	Petition for Judicial Review filed
09/29/2023	Response to Petition for Judicial Review
09/29/2023	Expert Designation
10/07/2024	Trial

**In the Matter of Jeanne Kavinsky**  
Case No. C-16-CV-23-004298 (WC)

Lead Counsel: Ticer  
Other Counsel:

Abstract: Claimant sought a finding that treatment to her left ankle, to include surgery, and associated indemnity benefits were causally related to any of the subject claims; all treatment and related benefits were denied. Claimant also sought a finding of permanent disability related to head injuries; the Commission found no permanent disability. Claimant has appealed all findings.

Status: Trial set.

Docket:

09/19/2023	Petition for Judicial Review filed
09/29/2023	Response to Petition for Judicial Review
09/29/2023	Designation of Experts
07/30/2024	Trial set.

**Simmons v. Commission, et al.**  
Case No. C-16-CV-23-000873 (Tort)

Lead Counsel: Thornton  
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained while attending Therapeutic Recreations Programs, Kids' Care After-School Program at Cedar Heights Community Center.

Status: In discovery.

Docket:

02/24/2023	Complaint filed
02/28/2023	Commission served
03/28/2023	Motion to Dismiss filed.
03/30/2023	Prince George's County's Motion to Dismiss
04/14/2023	Stipulation of Dismissal as to Defendants Prince George's County and Maryland-National Park and Planning Commission
04/20/2023	Answer of Defendant Chatman
05/09/2023	Scheduling Order issued
06/05/2023	Order Granting Plaintiff's Consent Motion to Extend Time to Respond to Motion to Dismiss
08/21/2023	Line to Correct Misnomer, Entry of Appearance and Notice of Discovery filed
05/06/2024	Trial

**Rakiya-Rae Wallace v. Commission, et al. v. Commission, et al.**

Case No. C-16-CV-23-003055 (ED)

Lead Counsel: Ticer  
Other Counsel: Johnson

Abstract: Employee terminated from the Commission for her COVID vaccination status has brought suit alleging several employment-related claims, such as religious and genetic discrimination, retaliation, and wrongful discharge

Status: Motion to Dismiss pending.

Docket:

07/03/2023	Complaint filed
07/12/2023	Commission served
08/07/2023	Motion to Dismiss and Supporting Memorandum
08/21/2023	Consent Stipulation to Extend Time to Respond to Motion to Dismiss
09/05/2023	Response in Opposition to Defendants' Motion to Dismiss
09/05/2023	Amended Complaint
09/18/2023	Order of Court. Motion to Dismiss Denied as Moot
09/22/2023	Motion to Dismiss Amended Complaint
10/06/2023	Response in Opposition to Dismiss Amended Complaint
10/18/2023	Reply to Opposition to Motion to Dismiss
06/25/2024	Trial set

**APPELLATE COURT OF MARYLAND**

**Brij Bhargava, et al. v. Prince George's County Public Schools**  
**Proposed Southern K-8 Middle School**

Case No. ACM REG – 0659-2023 (AALU)  
(Originally filed under CAL21-13945 in Prince George's County)

Lead Counsel: Warner  
Other Counsel:

Abstract: Appeal of decision affirming the Prince George's County Planning Board's decision to affirm the Planning Director's approval of a tree conservation plan, a revision of that tree conservation plan, and variances to the Woodland Conservation Ordinance that allowed removal of specimen trees.

Status: Awaiting hearing date.

Docket:

05/31/2023	Appeal filed
06/27/2023	Order to Proceed
08/25/2023	Briefing Notice
08/30/2023	Joint Stipulation to Modify Briefing Schedule
10/11/2023	Record Extract
10/13/2023	Appellant Brief
12/01/2023	Appellees Brief filed
12/21/2023	Reply Brief

**HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission**

Case No. ACM- REG-0840-2023 (CD)  
(Originally filed under 483255-V in Montgomery County)

Lead Counsel: Rupert  
Other Counsel: Mills (CCRC)

Abstract: Appeal of decision affirming CCRC decision denying HMF's demand that an allowance be made, and additional monies be paid by the Commission to HMF for construction at Greenbriar Local Park.

Status: Case dismissed.

Docket:

06/26/2023	Notice of Appeal
07/11/2023	Civil Information Report
08/03/2023	Order to Proceed
09/19/2023	Briefing Notice
10/28/2023	Notice of Settlement
12/28/2023	Notice of Dismissal filed

**Wolf, et al. v. Planning Board of Prince George's County**

Case No. ACM-REG-2099-2022 (AALU)

(Originally filed under CAL20-14895 in Prince George's County)

Lead Counsel: Warner  
Other Counsel:

Abstract: Appeal of decision affirming the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).

Status: Decision of Planning Board Affirmed.

Docket:

02/02/2023	Notice of Appeal
02/23/2023	Show Cause Issued to Appellant. Civil Appeal Information Report due March 10, 2023.
02/28/2023	Motion
03/03/2023	Order
03/08/2023	Motion
03/20/2023	Order to Proceed
05/19/2023	Briefing Notice
07/03/2023	Appellant's Brief filed
08/04/2023	Appellee's Brief filed
08/24/2023	Reply Brief
08/25/2023	Reply Brief
09/25/2023	Scheduling Notice
11/01/2023	Oral argument held.
12/21/2023	Decision of the Planning Board Affirmed.

**SUPREME COURT OF MARYLAND**

No Pending Matters

**U.S. DISTRICT COURT OF MARYLAND**

**Fennell v. The Maryland-National Capital Park and Planning Commission**  
8:23-cv-02314-DLB (ED)

Lead Counsel: Thornton  
Other Counsel: Ticer; Rupert

Abstract: Fennell has filed suit arising out of her termination from employment related to her COVID vaccination status.

Status: Complaint filed.

Docket:

08/24/2023	Complaint filed
09/07/2023	Disclosure statement by Fennell
10/31/2023	Correspondence regarding Waiver of Service, Extension of Time and/or Stay
10/31/2023	Order Granting Extension of Time
11/29/2023	Case Reassigned to Judge D. Boardman
12/15/2023	Waiver of service as to M-NCPPC

**Izadjoo v. Commission, et al.**  
8:23-cv-00142 GLS (ED)

Lead Counsel: Ticer  
Other Counsel: Thornton

Abstract: Former Montgomery Parks employee alleging employment discrimination

Status: Motion to dismiss pending.

Docket:

01/19/2023	Complaint filed
01/25/2023	Case Management Order
02/07/2023	Commission served
02/13/2023	Request for Pre-Motion Conference re: Intent to File Motion to Dismiss
09/01/2023	Order granting Defendant Leave to file Proposed Motion
09/06/2023	Consent to Magistrate Judge
09/08/2023	Order referring case to Magistrate
09/22/2023	Motion to Dismiss for Failure to State a Claim
10/06/2023	Response in Opposition to Motion to Dismiss



**U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT**

**Evans v. Commission, et al.**  
Case No. 23-1475  
(Appeal from 8:19-cv-02651) (ED)

Lead Counsel: Ticer  
Other Counsel: Levan

Abstract: Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.

Status: District Court decision affirmed.

Docket:

04/25/2023	Appeal filed
05/25/2023	Briefing Order filed
07/05/2023	Joint Appendix by Evans
07/05/2023	Brief of Evans
08/04/2023	Brief of Commission, et al.
08/07/2023	Docket Correction requested by Commission, et al.
08/08/2023	Brief of Commission, et al.
08/25/2023	Evans' Reply Brief filed
11/21/2023	Order of Court affirming decision of the District Court
12/13/2023	Mandate. Judgment of the Court entered on November 21, 2023 takes effect as of this day