



THE MARYLAND-NATIONAL CAPITAL  
Park and Planning Commission

# COMMISSION MEETING

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**September 20, 2023**

10:00 a.m. – 12:00 p.m.

**Prince George's  
Parks and Recreation Administration**  
*Auditorium*

6600 Kenilworth Avenue  
Riverdale, Maryland 20737

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MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MEETING AGENDA

Wednesday, September 20, 2023  
10:00 am to 12:00 noon  
Hybrid – Online & Prince George’s Parks and Recreation  
Administration Building Auditorium, Riverdale

		<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 – July 19, 2023	(*)	Page 3
3.	<b>General Announcements (10:05 a.m.)</b>		
	a. Hispanic Heritage Festival September 15. (Hispanic Heritage Month – September 15 <sup>th</sup> to October 15 <sup>th</sup> )		
	b. HIV/AIDS Awareness Day (Sept 18th)		
	c. Aging Awareness Day (Sept 18th)		
	d. National Prostate Cancer Awareness Month		
4.	<b>Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)</b>		
	a) Employees Retirement Association Board of Trustees Regular Meeting - July 11th, 2023		Page 9
5.	<b>Action and Presentation Items (10:15 a.m.)</b>		
	a) Resolution 23-17 Updated and Amended M-NCPPC Investment Policy (Cohen)	(*)	Page 13
	b) Resolution 23-20 Perpetual Easement of Back Branch Stream Valley Park to Prince George’s County, Maryland (Sun)	(*)	Page 31
	c) CAS Cost Allocation (Knaupe)	(*)	Page 43
	d) Resolution 23-19 Leave Carryover Recommendation (Harvin/Beckham)	(*)	Page 49
6.	<b>Officers’ Reports (11:40 a.m.)</b>		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, July-Aug 2023 (For Information Only)		Page 53
	b) 4 <sup>th</sup> Quarter MFD Purchasing Statistics		LD
	c) Quarterly Budget Transfers Report		Page 57
	<u>Secretary Treasurer</u>		
	d) 4 <sup>th</sup> Quarter Investment Report (For Information Only)		Page 61
	<u>General Counsel</u>		
	e) Litigation Report (For Information Only)		Page 67

(\*) Vote      (LD) Late Delivery      (H) Handout      (D) Discussion Only

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Commission Meeting  
Open Session Minutes  
July 19, 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  
Dorothy Bailey  
William Doerner  
Manuel Geraldo

Montgomery County Commissioners

Artie Harris, Vice Chair  
Shawn Bartley  
James Hedrick  
Josh Linden  
Mitra Pedoeem

NOT PRESENT

A. Shuanise Washington

Chair Shapiro called the meeting to order at 10:03 a.m.

ITEM 1      APPROVAL OF COMMISSION AGENDA  
ACTION: See item 2

ITEM 2      APPROVAL OF COMMISSION MINUTES  
Open Session – June 21, 2023  
Motion by Commissioner Geraldo to adopt the 7/19/23 Agenda  
and 6/21/23 Open Session Minutes  
Seconded by Vice Chair Harris

8 approved the 7/19/23 agenda  
8 approved the 6/21/23 minutes

ITEM 3      GENERAL ANNOUNCEMENTS  
a) Bereaved Parents' Month  
b) Upcoming Hispanic Heritage Month (Sept 15-Oct 15)

ITEM 4      COMMITTEE AND BOARD REPORTS (For Information Only)  
a) Employees' Retirement System Board of Trustees Regular Meeting Minutes, June 6, 2023

ITEM 5      ACTION/PRESENTATION ITEMS  
a) Liaison Board Appointments:  
i. Appointment of Mitra Pedoeem to the Audit Committee  
ii. Resolution 23-15 Josh Linden to the 115 Trust

iii. Resolution 23-16 James Hedrick to the Employees' Retirement System Board of Trustees

ACTION:

Motion by Commissioner Geraldo to adopt Resolutions 23-15 and 23-16

Seconded by Commissioner Bailey

8 voted in favor

b) Recommendation for Deferred Compensation (457 Plan) & the Federal SECURE Act 2.0 (Spencer/McDonald)

Benefits Manager Jennifer McDonald asked Commissioners to consider optional enhancements to the deferred compensation benefit plan (457 Plan) from the passing of the recently enacted federal SECURE act (Setting Every Community Up for Retirement Enhancement). Commissioners were asked to consider enacting the following provisions, which Department Heads supported:

- Penalty free withdraw for domestic abuse victims of \$10,000 or up to 50% of their total savings, whichever is less.
- Emergency withdrawal of up to \$1000.
- Emergency savings accounts for non-HCEs (Highly compensated employees) of up to \$2,500.

She also described the background details for each of the options (e.g., repayment, certification, penalty waiver). Commissioners Linden and Geraldo asked if an employee would be permitted to take multiple withdrawals totaling the sums described. Ms. McDonald confirmed they would, up to the total cap as described.

Commissioner Doerner asked about the self-certification process for emergency withdrawals and who is responsible for certifying the employee is following the approved IRS conditions for Emergency Family Hardship. Ms. McDonald said that would be the responsibility of the employee. Commissioner Doerner asked if the agency would provide education, IRS links, brochures or other guides to help employees navigate the process at the time of the employee's request. Ms. McDonald replied the agency will provide that material and will reinforce those consequences at the time of the request.

Ms. McDonald clarified the Emergency savings accounts will not be a pre-tax benefit. Up to \$2,500 (funds in excess will be transferred to the retirement account) can be used at any time for any reason, penalty-free, and with no certification required. The benefit is only for employees who have earned less than \$150,000 per year. Commissioner Doerner asked if the employee can transfer money from the 457 Plan account, pay taxes on it, and be able to spend that amount annually. Ms. McDonald replied she believes so, but will request confirmation from the 457 Plan provider, Mission Square. Commissioner Doerner said the agency might not want to allow that, or perhaps only allow it once every few years.

ACTION:

Motion by Commissioner Geraldo to approve the recommendation.

Seconded by Commissioner Doerner

8 voted in favor

c) Budget Transfer Request (Knaupe)

Deputy Corporate Budget Director Knaupe requested a budget transfer from the Departmental FY24 salary markers to be distributed to the respective departments.

ACTION:

Motion by Commissioner Geraldo to approve the transfer.

Seconded by Vice-Chair Harris

8 voted in favor

d) Mapping Segregation Project (Stern/Ballo)

Acting Director Stern introduced Historic Preservation Supervisor Rebecca Ballo who discussed in detail Montgomery Planning's Mapping Segregation Project supporting Montgomery County Racial Equity initiatives. The Historic Preservation division provided information and documents detailing the county's history of housing segregation.

Ms. Ballo discussed the history of the project and explained the maps included in the packet. The scope of the Mapping Segregation Project was to document racial restrictions and examine the legacy of red lining and other discriminatory housing practices.

Ms. Ballo explained and provided examples of discriminatory housing practices, including the federal Home Owners Loan Corporation, the Federal Housing Administration, and Racial Restrictive Covenants. She noted there were very few maps remaining of the two federal programs, but many records remain of Racial Restrictive Covenants, where private landowners could write discriminatory provisions into land records through 1952.

Many of these records were at the subdivision plat level and she provided a demonstration of the project's interactive maps, which allows the user to research a variety of factors, including racial restrictive covenants.

She showed the use, and an increase in the use, of restrictive covenants through the decades from 1900s through 1950s. Starting in the 1920s-30s, restrictive covenants were expanded from African Americans to include Asian and Jewish residents. By 1948, more than 50 percent of deeds had racially restrictive covenant language, echoing much of the anti-immigrant and racial discrimination sentiment in the nation.

The project provided a special focus on the history of the City of Tacoma Park, depicting black homeownership in the city through the decades and the history of racially restrictive covenants. Many covenants started from a community or citizens association which limited memberships to Caucasians. Black residents needed to form their own citizens associations.

She shared outreach, feedback, and engagement with the public. The project has been shared in national newspapers, local interest articles, conference panels and lectures, neighborhood meetings, focus groups and museum panels and interpretations. There have been dramatic spikes in use of GIS by the public after each of these events. The project has been very well received.

The State of Maryland Restrictive Covenant Intake sheet allows homeowners to research if there are any restrictive covenants still in their deed and will allow the homeowner to strike them, if desired.

Commissioners praised the project and the work put into it, calling it "truly wonderful," "fascinating amazing work, heart wrenching and eye opening," "excellent and powerful," and a "herculean effort."

Commissioner Pedoeem asked if this pattern of discrimination applied to other parts of the county or the state of Maryland. Ms. Ballo said while these covenants existed in other parts of Montgomery County, the focus was on the down-county area because of the funding. We needed a methodology to examine a more manageable and limited area to test it. She added she expected the practice to be pervasive and anticipated the team would find this same information if we were to receive more funding and get more researchers. Acting Director Stern said the department received feedback from the Montgomery County Council's Planning, Housing and Parks Committee for a Phase 2, including an updated scope and more funding.

Commissioner Bartley voiced concern over the current homeowner's ability to remove the language from current deeds, correcting the historical record and the erasing of history, cautioning if we erase the record, we no longer have that historical marker to ensure it won't happen again. He also asked how the agency would use this report in making land use decisions. Ms. Ballo replied when the team went to community meetings, there is a profound desire to be open and welcome to all people who want to come to the neighborhood and said the existence of these covenants gives a feeling that the area does not make a welcome environment. The request to change the current deed would only be changed in the digital copy. She assured the Commissioners this change would not change the original covenant, but only the current title. Chief of Countywide Planning Jason Sartori added this project is an excellent example of ensuring how this information never gets lost. Now people know these covenants existed and may be on their property. Director Stern noted the project makes sure we document the history and allows the department to be aware of the development history to help us examine conditions for current Master Plans.

Commissioner Linden praised the researchers, analysts, and planners' product adding that the county will benefit from the project. He asked what the next areas of interest are and if they have looked into other funding sources – university or federal grants that could support this work. He also asked if there is correlation between these covenants and housing affordability. Mr. Sartori said the team may try expanding the scope not only geographically, but also by examining other practices that have made neighborhoods and communities exclusionary or restrictive in relation to how the county has grown demographically over the decades. Director Stern said many ideas have been shared for Phase 2, including working with other agencies and confirmed how many of these original covenants dictated that only single-family homes be built in this area, with a minimum cost specified, restricting by affordability. Ms. Ballo said there is an urgent need to undertake this research to examine the suburbs in a different way. She said the office routinely applies for state grants and is also looking at grants from the National Endowment for Humanities.

Commissioner Doerner asked if Montgomery County is still reviewing and changing street names to remove names dedicated to Confederate or slaveholder figures. Ms. Ballo said the department still has that GIS map internally, but they are not undertaking additional research at this time. Commissioner Doerner suggested looking at the long-term versus short-term value of these discoveries, adding the housing segregation project had a long-term effect that is robust, which led to lack of infrastructure in these neighborhoods and could still have an impact decades later. Staff could also examine the impact of price data, homeownership versus renting, etc.

Commissioner Doerner asked what lessons have been learned on how to do this faster and asked to figure out a way to include Prince George's County and loop them in if you can get additional funding. He suggested the study could be put in HUD journals, saying they would be interested in this and he would be happy to connect the project leaders to the HUD



representative. Acting Director Stern agreed the team would absolutely want to leverage this work with HUD resources and said this is the type of work we want to share with our peers, both regionally and nationally. She said the team will present multiple sessions at the regional and national planning association meetings. Ms. Ballo said when they were initially planning the project, the team asked the Maryland State Archives for advice on using Artificial Intelligence. She said there was no way to access the servers and review all the scanned data; there was simply too much data to pull. She said if there's a request from both counties, an MOU might be created to assign more people and researchers to transcribe the data.

ITEM 6      OFFICERS' REPORTS

Executive Director's Report

a) Late Evaluation Report (June 2023) (For information only)

Secretary-Treasurer's Report

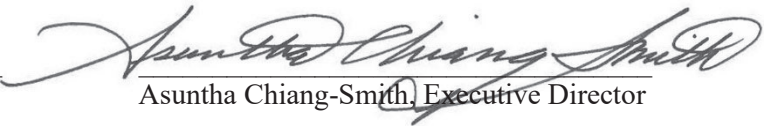
No report scheduled.

General Counsel's Report

b) Litigation Report (For information only)

With no other business to discuss, Chair Shapiro adjourned the meeting at 11:52 a.m.

  
James F. Adams, Senior Technical Writer

  
Asuntha Chiang-Smith, Executive Director

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**EMPLOYEES' RETIREMENT SYSTEM**  
The Maryland-National Capital Park and Planning Commission

Item 4a

**BOARD OF TRUSTEES MEETING MINUTES**  
**Tuesday, July 11, 2023; 9:00 a.m.**  
**Kenilworth Office Building, Riverdale, MD**  
**(Virtual Meeting via Microsoft Teams)**

The Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually via Microsoft Teams with CHAIR SHAPIRO leading the call on Tuesday, July 11, 2023. The meeting was called to order at 9:04 a.m. by CHAIR SHAPIRO.

**Board Members Present**

Peter A. Shapiro, Board of Trustees Chair, Prince George’s County Commissioner

Gavin Cohen, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

Pamela F. Gogol, Montgomery County Public Member

Caroline McCarthy, Montgomery County Open Trustee

*Arrived at 9:05 a.m.*

Sheila Morgan-Johnson, Prince George’s County Public Member

*Arrived at 10:13 a.m.*

Theodore J. Russell III, Prince George’s County Open Trustee

Elaine A. Stookey, Bi-County Open Trustee

Howard Brown, F.O.P Represented Trustee

Lisa Blackwell-Brown, MCGEO Represented Trustee

*Arrived at 10:11 a.m.*

Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio

*Arrived at 9:13 a.m.*

**Board Members Absent**

Vacant, Montgomery County Commissioner

**ERS Staff Present**

Andrea L. Rose, Executive Director

Jaclyn F. Harris, Deputy Executive Director

Sheila Joynes, Accounting Manager

Alicia C. Stanford, Administrative Specialist

**Presentations**

Wilshire Advisors, LLC – Bradley A. Baker, Managing Director and LouAnn Eisenhut, Assistant Vice President

Audax Group – Michael McGonigle, Managing Director & Head of Audax Senior Debt; Michael Petroff,

Managing Director, Investor Relations; and Sean O’Keefe, Managing Director

Golub Capital Partners – Ross Van der Linden, Managing Director, Investor Partners Group and Dan Kaminski,

Managing Director, Investor Partners Group

**Other Attendees**

Ben Rupert – M-NCPPC Office of General Counsel, Principal Counsel

**ITEM 1. APPROVAL OF THE JULY 11, 2023, CONSENT AGENDA**

**ACTION:** MR. RUSSELL made a motion, seconded by MS. GOGOL to approve the Consent Agenda of July 11, 2023. The motion PASSED (7-0). Lisa Blackwell-Brown, Asuntha Chiang-Smith, and Sheila Morgan-Johnson were absent for this vote. (Motion # 23-27).

**ITEM 2. CHAIR’S ITEMS – No discussion or questions from the Trustees.**

Caroline McCarthy arrived at 9:05 a.m.

**ITEM 3. MISCELLANEOUS - No items to report.**

Asuntha Chiang-Smith arrived at 9:13 a.m.

**ITEM 4. CONSULTANT PRESENTATIONS****ITEM 4.A. Wilshire Advisors, LLC**

Mr. Baker summarized the Opportunistic Fixed Income finalists, Audax Group and Golub Capital Partners, and the respective funds, Audax Senior Loan Fund V and Golub Capital Fund 15, L.P. (“GCP 15”). Wilshire recommended a commitment of \$50 million to provide continued exposure and reach the 10% target allocation to the Opportunistic Fixed Income strategy. New commitments within the Opportunistic Fixed Income portfolio will focus on first lien secured loans. Audax Group and Golub Capital Partners were identified as the two finalist candidates because each demonstrated 1) best in class firm/team resources and architecture for their respective strategies over multiple decades; 2) consistent and time-tested philosophy, process and execution of investment strategy; 3) a strong investment performance track record across multiple market cycles and credit environments with low default rates; and 4) appropriate investment strategy for the ERS’ Opportunistic Fixed Income mandate with the benefit of providing broad diversification. The Audax Group Senior Loan Fund V investment strategy focuses on safety and preservation of capital. The portfolio includes a broad diversification of first lien senior secured loans providing consistent income, lower risk of default, and an attractive fee structure. The Golub Capital Partners GCP 15 investment strategy blends first lien and uni-tranche/one-stop senior secured floating rate loans. This Fund has a unique portfolio structure allowing investors immediate access to a seasoned healthy portfolio and distributions. GCP 15 focuses on private equity sponsor-backed companies and recession-resilient industries with expertise in software, healthcare, specialty consumer and financial service industries.

**ITEM 4.B. Audax Group**

Mr. Petroff provided an overview of the Audax Group, which was founded in 1999 and has raised \$43 billion in capital since inception, including \$27 billion for the firm’s private debt strategy. The Audax Group platform includes senior debt, uni-tranche, junior debt, and private equity investments in the middle market. This provides Audax with an information advantage as its multi-asset class structure helps drive sourcing and enables an underwriting advantage. Mr. McGonigle described the senior debt investment strategy, emphasizing that the strategy focuses on safety and return with a priority towards avoiding losses. The strategy centers on traditional first lien senior secured loans; is highly diversified by borrower, industry and sponsor; targets 10% to 12% distribution yields; and has low historical losses that average 4 bps since 2007. Audax Group executes disciplined credit underwriting and avoids highly cyclical industries like airlines, energy, gaming, hospitality, restaurants, and retail. The Senior Loan Fund V is expected to replicate Senior Loan Fund IV with an estimated expected net return of 12.0%. Ms. Harris inquired

about the General Partner's Commitment to the Senior Loan Fund V. Mr. McGonigle indicated the General Partner's Commitment will be consistent with other funds but agreed to follow up with a precise amount and/or percentage.

Lisa Blackwell-Brown arrived at 10:11 a.m.

Sheila Morgan-Johnson arrived at 10:13 a.m.

#### **ITEM 4.C. Golub Capital Partners**

Mr. Van Der Linden provided an overview of Golub Capital, which was founded in 1994 and has more than \$60 billion in capital under management as of April 1, 2023. Golub Capital's investment focus is on first lien senior secured floating rate loans, private equity sponsor-backed companies with \$10-\$100 million of EBITDA, recession-resilient industries with expertise in software, healthcare, specialty consumer and financial services. Golub seeks to generate consistent net returns and current income by limiting loan defaults and credit losses. Golub has a long-standing track record of low default rates due to the avoidance of risk, standing at 0.54% for payment defaults and 0.91% for capital defaults from 2004 - Q12023. Golub Capital's competitive advantage incorporates a strategy of lending to sponsor-backed companies and building strong relationships with private equity firms. Mr. Kaminski added that Golub has more than 350 private equity sponsor relationships, of which more than 250 are repeat sponsors. This allows Golub to hold an incumbency advantage to lend to over 300 middle market companies and capture attractive deal flow from existing borrowers. Golub Capital is the lead lender in approximately 90% of its deals which provides distinct advantages, including control of pricing, deal structure, terms, and greater access to management during the due diligence process prior to investing. Golub Capital Partners 15 ("GCP 15") has a targeted net return of 10.5%-13.5%, 2-2.5x leverage, an investor-friendly fee structure with no "J" curve, and \$950 million in employee commitments to align with investors. Mr. Van Der Linden confirmed the possibility of investment overlap between GCP 11, which is currently in the ERS portfolio, and GCP 15 over the next 2-3 years.

Pamela Gogol left temporarily at 10:59 a.m.

#### **ITEM 4.D. Selection of Opportunistic Fixed Income Manager**

**ACTION:** MR. COHEN made a motion, seconded by MS. GOGOL to award \$25 million to Audax Group for investment in Audax Senior Loan V and \$25 million to Golub Capital Partners for investment in Golub Capital Partners 15, L.P., contingent upon contract negotiations. The motion PASSED (10-0) (Motion # 23-29).

#### **ITEM 5. CLOSED SESSION**

**ACTION:** At 11:07 a.m., MS. MCCARTHY made a motion, seconded by MR. COHEN to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b) (5) to consider matters directly concerning the actual investment of public funds under the authority of the Board. Pamela Gogol was absent from this vote. The motion PASSED (9-0) (Motion #23-28).

During Closed Session, the Board considered matters related to the investment of public funds under the authority of the Board. *Board of Trustees in Closed Session:* Chair Shapiro, Gavin Cohen, Lisa Blackwell-Brown, Sheila Morgan-Johnson, Theodore Russell III, Elaine Stookey, Caroline McCarthy, Howard Brown, Asuntha Chiang-Smith, and Pamela Gogol.

**ITEM 6. EXECUTIVE DIRECTOR'S REPORT**

Ms. Rose presented the Executive Director's Report dated June 28, 2023. Ms. Rose reminded the Board there are no Committee or Board meetings until the next Board meeting on September 5, 2023. Ms. Rose also informed the Board in accordance with the Pension Funding Policy, a Request for Proposal will be issued mid-July 2023 to conduct a full scope audit of the June 30, 2023 actuarial valuation; to audit the work of the consulting actuary; and to confirm the accuracy of work and adequacy of methods, assumptions, and conclusions. The annual audit is scheduled to begin in August with most of the work being done remotely. Staff will be preparing the Financial Statements, Annual Comprehensive Financial Report, Popular Annual Financial Report, and data for the annual actuarial valuation. Additionally, staff are working towards rolling out MemberDirect and a Website re-design project this Fall.

The Board meeting of July 11, 2023, adjourned at 11:39 a.m.

Respectfully,

*Alicia C. Stanford*

Alicia C. Stanford  
Administrative Specialist

*Andrea L. Rose*

Andrea L. Rose  
Executive Director

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## **MEMORANDUM**


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**The Maryland-National Capital Park and Planning Commission**  
 Department of Finance, Office of The Secretary-Treasurer  
 6611 Kenilworth Avenue  
 Riverdale, Maryland 20737  
 (301) 454-1540 - Telephone

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**TO:** Commissioners

**FROM:** **Gavin Cohen**, Secretary-Treasurer   
Gavin Cohen (Aug 11, 2023 02:05 EDT)

**DATE:** September 20, 2023

**SUBJECT:** **Adoption of Resolution for an Updated and Amended M-NCPPC Investment Policy**

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### **BACKGROUND:**

The Commission invests public funds on behalf of the taxpayers and residents of Prince George's and Montgomery Counties. The Commission's Investment Policy is one of the main Policy documents of the Department of Finance that is utilized to manage and invest over \$500 million annually.

Maryland Code, Local Government Article, Section 17-205 requires that local governments adopt an investment policy that "(1) meets the needs of the government entity: and (2) is consistent with the local government investment guidelines adopted by the State Treasurer under Section 17-204.."

The Commission's current Investment Policy was approved on May 18, 2022. This memo explains and summarizes changes in the Commission's Investment Policy being recommended by Finance staff for adoption by the Commission.

### **DISCUSSION:**

It is important that the Commission's Investment Policy be updated periodically to reflect legislative changes, best practices in municipal finance, changing business decisions and is reflective of the current economic and investment environments.

Effective 11/16/2022, Practice 1-11 Organization and Functions of the Executive Committee was rescinded by Commission Resolution 22-39. Section XIII. Reporting Requirements under the current adopted Investment Policy, item (a) requires submission of the monthly Investment Report to the Executive Committee.

Recommended changes to the Investment Policy are as follows:

1. [Section VIII, \(a\)](#) - deletion of the requirement to submit monthly Investment Reports to the Executive Committee.
2. [Section VIII, \(b\)](#) - Changed the requirement for the Secretary-Treasurer to provide Quarterly Investment Reports to the Commission. Included Monthly Investment Reports will be added to the Commission's website under The Finance Department. Investment Reports will be posted online providing public access to reports which provide enhanced transparency with Commission investment activity.

**RECOMMENDATION/ACTION:**

Finance staff recommends that the Commission formally adopt the attached Resolution (attachment A) for an updated and amended M-NCPPC Investment Policy as presented in attachment B.

Attachment(s):

A – Resolution to adopt Updated and Amended M-NCPPC Investment Policy

B – Updated and Amended Investment Policy clean version





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**M-NCPPC Resolution 23-17**

**Updated and Amended M-NCPPC Investment Policy**

**WHEREAS**, the M-NCPPC invests public funds on behalf of the taxpayers and residents of Montgomery and Prince George’s Counties; and

**WHEREAS**, the M-NCPPC is required by *Md. Code Ann., Local Govt. Art.*, §17-204 and *Local Govt. Art.*, §17-205 to adopt an investment policy that meets the needs of the government entity and is consistent with the local government investment guidelines adopted by the State Treasurer; and

**WHEREAS**, in accordance with the aforementioned investment policy requirements, the M-NCPPC last approved its Investment Policy on May 18, 2022; and

**WHEREAS**, the Secretary-Treasurer has recommended certain amendments and updates to the M-NCPPC’s Investment Policy to reflect changes in Maryland laws, guidelines, changing business decisions, as well as changes in the investment and economic environments.

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission hereby approves and adopts the attached Investment Policy as the Investment Policy for the M-NCPPC, effective September 20, 2023.

**BE IT FURTHER RESOLVED**, that the attached Investment Policy may be modified in the future, as necessary, to conform to the requirements of Maryland law regarding local government investments and/or for any of the reasons stated above.

**BE IT FURTHER RESOLVED**, that the M-NCPPC does hereby authorize the Secretary-Treasurer to take action as may be necessary to implement this Resolution.

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Asuntha Chiang-Smith, Executive Director

APPROVED FOR LEGAL SUFFICIENCY:

/s/ Ben Rupert

M-NCPPC Legal Department

August 4, 2023

*The Maryland-National Capital Park & Planning Commission*



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**INVESTMENT POLICY**

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**Prepared by the Office of Secretary-Treasurer  
Department of Finance**

**Gavin Cohen, Secretary-Treasurer  
Abbey Rodman, Corporate Accounting Director  
Tanya Hankton, Corporate Treasury & Investment Manager**

Updated September 20, 2023

## INVESTMENT POLICY

### I. SCOPE

This policy applies to the investment of all unexpended or surplus funds of The Maryland-National Capital Park and Planning Commission ("Commission"). Funds not required for immediate expenditure will be invested in a manner that will preserve capital while conforming to all State of Maryland statutes governing the investment of public funds and in accordance with best investment practices of public funds as promulgated by industry trade associations.

The Secretary-Treasurer and/or designee is authorized to invest such funds until such time that the Commission requires liquid funds for ongoing operating needs.

Except for cash in certain restricted and special funds, the entity consolidates cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration.

Investment income is allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles. These funds are reported in the Commission's Annual Comprehensive Financial Report and include:

- (a) General Fund
- (b) Capital Project Funds
- (c) Enterprise Funds
- (d) Special Revenue Funds
- (e) Debt Service Funds
- (f) Internal Service Funds
- (g) New funds authorized by the Commission unless specifically exempted.

This Investment Policy (Policy) does not cover the investment activities of: Pension Funds or certain Trust or Agency Funds, which are administered by separate trustees; and certain indentured funds and certain escrow funds, which are controlled by the respective indenture and escrow agreements.

This Policy represents the financial boundaries within which the Commission's cash and investment management process will operate.

## II. INVESTMENT OBJECTIVES

The Commission's primary objectives for the investment and management of public funds are as follows:

- (a) **Safety of principle:** The protection of investment principal is the foremost objective in the overall portfolio. Investments of the Commission shall be undertaken in a manner that seeks to ensure the preservation of capital. To attain this objective, the Commission will mitigate both credit risk and interest rate risk. Credit Risk is defined as the risk of loss due to the failure of the security issuer or backer and this risk will be mitigated by:
- (1) limiting investments to the safest types of securities listed in Section VII of this investment policy;
  - (2) pre-qualifying the financial institutions, broker/dealers, intermediaries and advisers with which the Commission will do business in accordance with Section VIII;
  - (3) diversifying the investment portfolio such that the impact of potential losses from any one type of security or from any one individual issuer will be minimized;
  - (4) requiring third-party collateralization and safekeeping, and delivery-versus-payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds.
  - (5) monitoring the portfolio regularly to anticipate and respond appropriately to a reduction in the credit worthiness of any of the issuers.

Market or interest rate risk is defined as the risk that the market value of portfolio securities will fall due to an increase in general interest rates and this risk will be mitigated by:

- (1) structuring the Commission's portfolio so that securities mature to meet the Commission's working capital requirements for ongoing operations;
  - (2) avoiding the need to sell securities on the open market prior to their maturation to meet those specific needs;
  - (3) periodically restructuring the portfolio to minimize the loss of market value and/or maximize cash flows subject to the constraints described in Section X of this Policy.
- (b) **Liquidity:** The Commission's investment portfolio will remain sufficiently liquid to enable the Commission to meet all operating and capital spending requirements which might be reasonably anticipated

It is the full intent of the Commission to hold all investments until maturity to ensure the return of all invested principal. However, securities may be sold prior to maturity as needed to comply with this Policy. This Policy specifically prohibits trading securities for the sole purpose of speculating or taking an unhedged position on the future direction of interest rates.

- (c) **Return on Investments:** The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, with consideration of investment risk constraints and liquidity needs. Return on investment is of secondary importance to the safety and liquidity objectives described above, and consistent with the risk limitations and prudent investment guidelines described in this policy.

### **III. DELEGATION OF AUTHORITY**

- (a) In accordance with the Annotated Code of Maryland, Article 95, Section 22F, State Finance & Procurement Article Section 6-222, the responsibility for conducting investment transactions rests with the Secretary-Treasurer, Department of Finance.
- (b) The Secretary-Treasurer or designee (Investment Officials) are authorized to invest surplus Commission funds, until such time as they will be needed in such investments as outlined in this Policy.
- (c) Investment Officials shall have sole authority to buy and sell securities on behalf of the Commission. Investment Officials may utilize qualified outside financial consultants or investment advisory firms to provide the necessary technical expertise, tools, and resources that are required to buy and sell securities, and to analyze the Commission's cash flow requirements or other investment needs.
- (d) The Secretary-Treasurer shall establish written procedures for the operation of the Commission's investment programs consistent with this Policy. Such procedures must include:
  - 1. Explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under terms of this Policy and the procedures approved by the Secretary-Treasurer.
  - 2. Procedures should include reference to safekeeping, master repurchase agreements, tri-party custodial agreements, delivery vs. payment, wire transfers, collateral depository agreements, accounting, and banking service contracts.
- (e) Responsibility for the operation of the Commission's investment program is hereby delegated to the Corporate Treasury and Investment Manager, who shall carry out established written procedures and internal controls for the operation of the investment program consistent with this Policy.

#### **IV. PRUDENT PERSON RULE**

The standard of prudence to be applied by the Investment Officials shall be the "Prudent Person Rule", which states, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived." The Prudent Person Rule shall be applied in the context of managing the overall portfolio.

Investment Officials making a good faith effort to act in accordance with written procedures and the Investment Policy and exercising due diligence, shall not be held personally responsible for an individual security's credit risk or market price change, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

#### **V. ETHICS AND CONFLICTS OF INTEREST**

Commission employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or that could impair their ability to make impartial investment decisions.

Commission employees shall disclose to the Secretary-Treasurer any material interests in financial institutions with which they conduct personal business. They shall further disclose to the Secretary-Treasurer any personal financial /investment positions that could be related to the performance of the investment portfolio, and refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Commission.

Investment Officials shall subordinate their personal investment transactions to those of the Commission, particularly with regard to the time of purchases and sales. Investment Officials shall comply with the Commission's Ethics Practice 2-24.

#### **VI. INVESTMENT STRATEGY**

The Secretary-Treasurer shall hold periodic investment strategy meetings with the delegated Investment Officials and/or outside professional consultants and shall document the resulting investment strategies approved to meet the objectives of this Investment Policy.

## **VII. AUTHORIZED, SUITABLE AND PROHIBITED INVESTMENTS**

In accordance with the State Finance and Procurement Article Section 6-222, Investment Officials may invest Commission funds in the following investments:

- (a) Any obligation for which the United States has pledged its full faith and credit for the payment of principal and interest, with the exception of certificates representing only the interest portion of such securities (IOs).
- (b) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an Act of Congress. Callable agency or federal instrumentality securities may be purchased provided the securities are not subject to call more often than four times per year.
- (c) Repurchase agreements collateralized in an amount not less than 102% of the principal amount by an obligation of the United States, its agencies or instrumentalities, provided the collateral is held by a custodian other than the seller, as designated by the Commission. Margin requirements will be calculated daily by the third-party custodian. Substitution of collateral is permitted without express approval by the Commission, provided the substituted collateral conforms with all margin and structure requirements of the Commission.

The Commission may purchase repurchase agreements overnight and up to seven days' duration with its primary collection and disbursement bank, provided that collateral securities are held separately in the Commission's name, and a statement is submitted monthly reflecting these transactions.

- (d) Certificates of Deposit and Time Deposits - Deposits in federally insured banks chartered to operate in the State of Maryland or in any federally insured savings and loan association or savings bank in the State of Maryland which maintain collateralization at 102% of the market value and held by a custodian, designated by the Commission and other than the seller.
- (e) Brokered Certificates of Deposits: Pursuant to Article 95, Treasurer-In General, Annotated Code of Maryland, Section 22-O, the Commission is authorized to invest in Certificates of Deposit Account Registry Program (CDARS).
- (f) Bankers' acceptances (BA's), including those of non-U.S. banks, guaranteed by a financial institution with a short-term debt rating in the highest letter and numerical rating by at least one of the National Recognized Statistical Rating Organizations (NRSRO) as designated by either the SEC or the State Treasurer.
- (g) Commercial paper that has received a minimum rating of A1/P1 by at least two NRSRO as designated by the SEC.

- (h) Money market mutual funds that maintain a net asset value (NAV) of \$1.00 at all times and provide investors with daily liquidity. The funds must be registered with the SEC and operate under the Investment Company Act of 1940, 15 U.S.C. Section 80 (A), as amended and operated in accordance with Rule 2A-7 of the Investment Company Act of 1940, 17 C.F.R. Section 270.2A-7, as amended, and in accordance with Maryland State Code. The funds must have received the highest possible rating from at least one NRSRO, and may only include the following:
  - (1) obligations for which the United States has pledged its full faith and credit for the payment of the principal and interest,
  - (2) obligations of federal agencies or federal instrumentalities issued pursuant to an act of Congress, and
  - (3) repurchase agreements collateralized by obligations of the United States, its agencies or instrumentalities.
- (i) Any investment portfolio created under the Maryland Local Government Investment Pool defined under Article 95, Section 22G of the Annotated Code of Maryland that is administered by the State Treasurer.

Investments may be purchased directly from the issuer of the investment if the investment meets credit quality standards and is included on the approved list of investments.

With respect to amounts treated by the Internal Revenue Service as bond sale proceeds only:

- (1) Bonds, notes, or other obligations of investment grade in the highest quality letter and numerical rating by at least one NRSRO, issued by or on behalf of this or any other state or any agency, department, county, municipal or public corporation, special district, authority, or political subdivision thereof, or in any fund or trust that invests only in securities of the type described in this paragraph.
- (2) Money market mutual funds registered with the SEC under the Investment Company Act of 1940, 15 U.S.C. Section 80 (A), as amended and operated in accordance with Rule 2A-7 of the Investment Company Act of 1940, 17 C.F.R. Section 270.2A-7, as amended and in accordance with Maryland State Code. The investments should include those referenced in Section VII (h) and municipal money market mutual funds of the highest possible rating from at least one NRSRO. Up to 10% may be invested in money market mutual funds that have not received the highest rating but are still recognized as investment grade.
- (3) The Commission is required under the U.S. Tax Reform Act of 1986 to



perform periodic arbitrage calculations and to rebate excess earnings to the United States Treasury from the investment of gross proceeds of tax-exempt bonds. The Commission may contract with qualified outside financial consultants to provide the necessary technical expertise that is required to comply with this law.

- (j) All investments purchased must be denominated in U.S. Dollars.
- (k) Investment Officials are prohibited from borrowing money for the express purpose of reinvesting these funds, otherwise known as leveraging.
- (l) It is the policy of the Commission not to invest in derivative securities; these are financial contracts whose values are derived from the value of underlying securities such as stocks, bonds, currencies, and commodities.

### **VIII. AUTHORIZED DEALERS AND FINANCIAL INSTITUTIONS**

- (a) The Secretary-Treasurer shall establish and maintain a listing of financial institutions and broker/dealers authorized to provide investment services to the Commission's Finance Department. All authorized securities dealers and financial institutions must:
  - (1) be on the published "List of the Primary Government Securities Dealers Reporting to the Market Reports Division of the Federal Reserve Bank of New York", and qualified under SEC Rule 15c3-1: or,
  - (2) be a financial institution (including securities dealers and commercial banks) having a local office within the State of Maryland; or,
  - (3) be a Securities and Exchange Commission registered Government Securities Dealer; and,
  - (4) have been incorporated as a financial institution for a period of at least five years; and,
  - (5) maintain at least \$100 million in net capital per current financial statements and have a short-term or long-term debt rating of investment grade by at least one NRSRO if acting as principal (e.g., for Repurchase Agreements), or at least \$4 million in net capital for allowed securities if acting as agent,
    - i. carry adequate insurance coverage including liability, errors and omissions, and worker's compensation (if applicable),
    - ii be licensed and registered by the Financial Industry Regulatory Authority (FINRA).

- (b) All dealers, including primary dealers, are required to send annually to the Secretary-Treasurer their most recent audited financial statements and FOCUS reports, if applicable.
- (c) All dealers and financial institutions with which the Commission conducts business will be sent a copy of the Commission's current Investment Policy by the Finance Department, and a list of employees authorized by the Secretary-Treasurer to undertake investment transactions on behalf of the Commission. Each dealer and financial institution will be required to provide written certification that it will conform with the Policy.
- (d) The Commission may purchase repurchase agreements from dealers as defined in VIII (a) (5) above and with which the Commission has executed a master repurchase agreement. The master repurchase agreement is the industry standard as developed by the Bond Market Association/International Securities Market Association.
- (e) The Secretary-Treasurer is authorized to execute agreements on behalf of the Commission where an agreement and/or contract is required under this Section.

This list must be reviewed periodically, but no less often than annually to determine that approved dealers continue to fulfill the above requirements and whether they should remain on the approved list.

The Commission may choose to work with an external investment advisor in the review and/or selection of broker/dealers or in the purchase of investment instruments. If used, the selection of an investment advisor will be based on a competitive procurement process.

## **IX. COMPETITIVE BIDDING**

Investments shall be awarded on a competitive bid basis to the institution whose percentage yield produces the greatest interest income to the Commission and complies with safekeeping requirements, investment diversification objectives and investment limitations. In the event multiple dealers offer identical desired investments and prices, the investment will be purchased from the dealer submitting the earliest response to the investment solicitation.

Comparative rates must be documented by the Investment Official for each competitive trade executed.

Investments may be awarded on a non-competitive basis when the investment security is a new issue that can only be purchased from one source or can be purchased at the same yield from any source.

Competitive bidding is not required for pooled investments or investments managed by contracted outside managers. Market information systems may be used to assess the market and determine that an offering is at or above the market for a comparable maturity and investment type when a situation makes competitive bidding impractical.

**X. DIVERSIFICATION AND INVESTMENT LIMITATIONS INCLUDING MAXIMUM MATURITIES**

The Commission must diversify its investment portfolio to avoid incurring unacceptable risks inherent in over-investing in specific investments, individual financial institutions, or maturities.

If the balance of the Commission’s investment portfolio drops below a level determined appropriate by the Secretary-Treasurer such that adequate diversification becomes difficult to obtain, or that the daily cash needs of the Commission requires the Commission to invest in daily liquidity, these maximum percentages may be temporary suspended by the Secretary-Treasurer. To further protect the Commission, increasing maximum percentages should be directed at traditionally diversified investments such as Money Market Mutual Funds and/or the Maryland Local Government Investment Pool.

- (a) ***Diversification of Maturities*** – Investment maturities shall be adequate to cover anticipated cash flow requirements.

The majority of the investments shall be for a short-term basis of maximum maturity of up to 18 months. However, a portion of the portfolio may be invested in instruments with longer maturities, up to 3 years (36 months) as long as such action does not jeopardize the adequate safety and liquidity standards of the portfolio and at the same time increases the overall yield of the portfolio. These longer-term investments will be limited to U.S. Government and U.S. Agency securities.

0 – 1.5 yr.	1.5 yr. - 3 yrs.
60%	40%

- (b) ***Bankers' Acceptances*** shall not exceed a twelve (12) month maturity and shall meet the eligibility requirements of the Federal Reserve System.
- (c) ***Diversification by Investment Type*** - In order to minimize market, maturity and counterparty risk, maximum percentages of the portfolio have been established for individual investment instrument classes and dealers. These percentages apply at the time the investment is purchased. These percentages may be modified to satisfy liquidity requirements if approved by the Secretary-Treasurer prior to execution.

	<u>Maximum % of Portfolio At Time of Investment</u>
U.S. Government Securities	100%
U.S. Agency Securities	75%
Repurchase Agreements	50%
Certificates of Deposit (Including Time Deposits)	50%
Bankers' Acceptances	25%
Bankers' Acceptances – Non-U.S.	5%
Commercial Paper	10%
Pooled Investments (MLGIP)	50%
Money Market Mutual Funds (25%/fund)	50%
Bond Proceeds:	
Municipal Securities	100%
Money Market Mutual Funds – Highest Rating	100%
Money Market Mutual Funds – Investment Grade	10%

- (d) ***Diversification by Institution*** – Purchases from individual institutions are limited to a maximum percentage of the Commission’s total investment portfolio at the time of investment. The maximum percent limitation of the portfolio at the time of investment purchase is shown for each.
- (1) Approved Broker/Dealers and Financial Institutions are limited to a maximum value of 30% of the Commission’s total investment portfolio. This limit may be overridden for the overnight investment of funds remaining at the end of the day with the primary collection and disbursement banks,
  - (2) Bankers Acceptances by Institution are limited to a maximum dollar value of 15% of the Commission’s total investment portfolio,
  - (3) Commercial Banks for CD’s and Time Deposits are limited to a maximum dollar value of 10% of the Commission’s total investment portfolio,
  - (4) U.S. Government Agencies by Agency are limited to a maximum dollar value of 20% of the Commission’s total investment portfolio.
- (e) ***Pooled Investment Fund Size*** - The total investment in a pooled investment fund shall not exceed more than 25% of that fund's net assets.
- (f) ***Reverse Repurchase Agreements*** - The Commission shall not leverage (borrow money for the sole purpose of investment) the portfolio through the use of reverse repurchase agreements.

## **XI. COLLATERALIZATION**

- (a) Collateral shall be maintained in excess of Federal insurance coverage for all Commission bank accounts, certificates of deposit and time deposits. Acceptable collateral is specified under Section 6-202 of Title 6 of the State Finance and Procurement Article of the Annotated Code of Maryland.
- (b) Collateralization is required for all repurchase agreements and Certificates of deposit, including time deposits, of at least 102% of the market value of principal and accrued interest. Acceptable collateral shall consist of obligations of the United States, its agencies or instrumentalities as specified under Section VII (d).
- (c) The collateral shall be held by an independent third party with whom the Commission has a custodial agreement as specified under Section XII.
- (d) Securities pledged as collateral are subject to substitution, provided the substituted collateral conforms with all margin and security type restrictions and all associated costs are paid by the pledging entity.

## **XII. SAFEKEEPING AND CUSTODY**

- (a) All security transactions, including collateral for repurchase agreements, entered into by the Commission shall be conducted on a delivery-versus payment (DVP) basis except pooled investments, certificates of deposit and time deposits. Securities will be held by a third-party custodian designated by the Secretary-Treasurer and pursuant to signed tri-party agreements among all participants. All repurchase agreements will be governed by a Master Repurchase Agreement signed by the Secretary-Treasurer of the Commission and the appropriate official of the approved broker/dealer or financial institution.
- (b) The Custodian may not be a counterparty to the transaction, unless the custodian is one of the Commission's primary banks and the securities purchased from the bank, including collateral for repurchase agreements, certificates of deposit and time deposits, are held in the Commission's name and account.
- (c) A Federal Reserve Bank may serve as custodian for pledged collateral.

## **XIII. REPORTING REQUIREMENTS**

- (a) A monthly investment report of investment activities will be submitted by the Investment Manager to the Secretary-Treasurer for review. This report will include information such as type of investments held, the rate of return on the portfolio and each investment type, value of securities held by broker-dealers, and that all transactions are in compliance with the Commission Investment Policy.

- (b) The monthly Investment Report will be posted to the Commission's website.
- (c) A statement of the market value of the portfolio shall be issued at least annually as part of the Commissions' Annual Comprehensive Financial Report. This disclosure shall comply with all current applicable accounting standards consistent with statements issued by the Government Accounting Standards Board (GASB).
- (d) The Investment Manager shall maintain a complete record of all investment transactions.

#### **XIV. INTERNAL CONTROLS**

The Secretary-Treasurer shall establish and maintain a system of internal controls. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties or imprudent actions by employees of the Commission. Accordingly, the Secretary-Treasurer shall establish written procedures for the operation of the Commissions' investment program that are consistent with the provisions of this Investment Policy.

The internal control structure shall address the following points:

- (a) Avoidance of collusion
- (b) Custodial safekeeping
- (c) Separation of transaction authority from accounting controls
- (d) Avoidance of physical delivery securities
- (e) Clear delegation of authority to subordinate staff members
- (f) Written confirmation of transactions for investments and wire transfers
- (g) Wire transfer agreement with the lead bank and third-party custodian(s)
- (h) Documentation of investment transactions
- (i) Monitoring and reporting of compliance and results

An Independent Auditor, as part of the Annual Financial Audit, will review the internal controls of the investment program.

#### **XV. INVESTMENT POLICY ADOPTION**

The investment policy is approved by the Corporate Treasury & Investment Manager and the Secretary Treasurer and adopted by resolution by the Commission. The Secretary-Treasurer may institute changes in these policies from time to time. Such changes shall be approved by the Commission and distributed to all those assigned investment responsibilities.

**ADOPTED BY:** The Maryland-National Capital Park and Planning Commission approved this Investment Policy on September 20, 2023.

**APPROVED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Tanya Hankton, Corporate Treasury & Investment Manager

**APPROVED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Gavin Cohen, Secretary-Treasurer

**APPROVED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Asuntha Chiang-Smith, Executive Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

**MEMORANDUM**

Item 5b

DATE: August 30, 2023

TO: The Maryland-National Capital Park and Planning, Full Commission

FROM: Paul J. Sun, Land Acquisition Specialist *PJS*  
Park Planning and Development Division  
Department of Parks and Recreation

SUBJECT: **PGCPB Resolution No. 2023-69 (M-NCPPC No. 2023-20), for Full Commission**

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Attached, please find the above referenced Resolution regarding the granting of a perpetual easement on Commission owned property (Back Branch Stream Valley Park located in Upper Marlboro) to Prince George's County, Maryland.

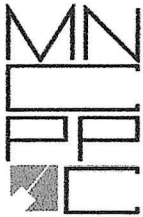
The Commission agrees to grant this easement to bring the existing stormwater management pond to comply with the current County code requirements.

We request that the Prince George's County Planning Board Resolution be scheduled for adoption by the Full Commission in September of 2023.

Thank you for your attention to this matter.

Attachment:

- M-NCPPC Resolution No. 2023-69



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

PGCPB No. 2023-69

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission ("Commission") is authorized under the Annotated Code of Maryland, Land Use §17-205 to transfer any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

WHEREAS, the Commission owns Back Branch Stream Valley Park in Upper Marlboro, approximately 3.62 ± acres, known as Parcel BB, Block Q (tax account 3855673) and further identified as Tax Map 91, Grid D-3; and

WHEREAS, Prince George's County, Maryland ("the County") has requested that the Commission grant to it, for no monetary consideration, a 5,627 ± square foot (0.13 ± acre) perpetual stormwater management easement agreement to prohibit vegetation growth from impairing the existing dam for stormwater management pond #5, within the Marlboro Ridge subdivision; and

WHEREAS, for the benefit of bringing the existing stormwater management pond #5 into compliance with the County's current standards; and the Commission desires to grant to the County, for no monetary consideration, such 5,627 ± acre perpetual stormwater management easement agreement as requested by the County.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby approves the grant of the above-referenced easement to the County, subject to the approval of the full Commission.

BE IT FURTHER RESOLVED, that, in connection with the transactions contemplated herein, the Executive Director is authorized to execute and deliver, on behalf of the Commission, any and all such certificates, documents, and/or instruments, and to do or cause to be done, any and all such acts, as the Executive Director deems necessary or appropriate to make effective or to implement the intended purposes of the foregoing resolution, without limitation, and the taking of such actions shall be deemed conclusively to be authorized hereby.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Doerner, with Commissioners Bailey, Shapiro, and Doerner voting in favor of the motion, and Commissioners Washington and Geraldo absent, during open session at its regular meeting on June 22, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of July, 2023.

Peter A. Shapiro  
Chair

APPROVED AS TO LEGAL SUFFICIENCY

*Krista & Marnel*  
M-NCPPC Legal Department

Date 8/3/23

By: *Jessica Jones*  
Jessica Jones  
Planning Board Administrator

**Proposed Stormwater Management Easement  
Property of The Maryland-National Capital Park and Planning  
Commission (M-NCPPC)**

**Grant of Easement to Prince George's County**

**Prince George's County Planning Board**

June 22, 2023

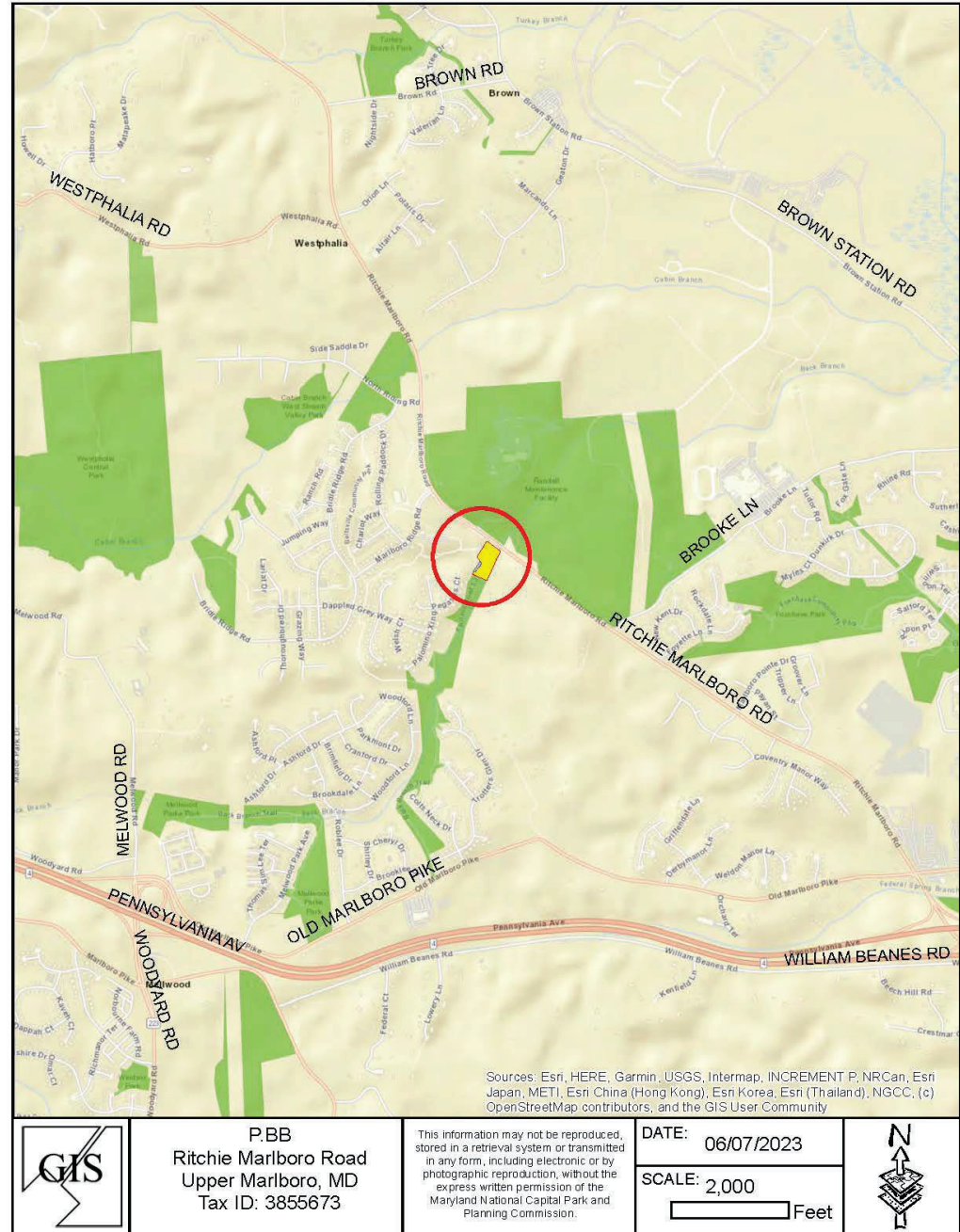
**Item #**

# Property of M-NCPPC

## Black Branch Stream Valley Park

Map: 91 Grid: D 4  
Parcel BB

Location Map



# Property of M-NCPPC

## Black Branch Stream Valley Park

Map: 91 Grid: D 4  
Parcel BB

Property Map



# Property of M-NCPPC

## Black Branch Stream Valley Park

Map: 91 Grid: D 4  
Parcel BB

Aerial Map



## Proposed Storm Drain Easement at Black Branch SVP

- Applicant has requested that M-NCPPC to grant a 5,627 square foot permanent easement to Prince George's County
- The easement will prohibit trees and shrubs on M-NCPPC property within 15' of the toe of the dam of existing SWM Pond # 5 (which is entirely located on a parcel not owned by M-NCPPC) so that roots do not damage the dam. DPIE needs the easement from M-NCPPC to bring the non-woody buffer area into compliance with the County's current standards
- There will be no cost considerations for the granting of this easement.

STAFF  
RECOMMENDATION

Approval

(Tyler/McNeal/Sun)



END



PGCPB No. 2023-69  
MNCPPC No. 2023-20

**RESOLUTION**

**WHEREAS**, The Maryland-National Capital Park and Planning Commission (“Commission”) is authorized under the Annotated Code of Maryland, Land Use §17-205 to transfer any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

**WHEREAS**, the Commission owns Back Branch Stream Valley Park in Upper Marlboro, approximately 3.62 ± acres, known as Parcel BB, Block Q (tax account 3855673) and further identified as Tax Map 91, Grid D-3; and

**WHEREAS**, Prince George’s County, Maryland (“the County”) has requested that the Commission grant to it, for no monetary consideration, a 5,627 ± square foot (0.13 ± acre) perpetual stormwater management easement agreement to prohibit vegetation growth from impairing the existing dam for stormwater management pond #5, within the Marlboro Ridge subdivision; and

**WHEREAS**, for the benefit of bringing the existing stormwater management pond #5 into compliance with the County’s current standards; and the Commission desires to grant to the County, for no monetary consideration, such 5,627 ± acre perpetual stormwater management easement agreement as requested by the County.

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Board hereby approves the grant of the above-referenced easement to the County, subject to the approval of the full Commission.

**BE IT FURTHER RESOLVED**, that, in connection with the transactions contemplated herein, the Executive Director is authorized to execute and deliver, on behalf of the Commission, any and all such certificates, documents, and/or instruments, and to do or cause to be done, any and all such acts, as the Executive Director deems necessary or appropriate to make effective or to implement the intended purposes of the foregoing resolution, without limitation, and the taking of such actions shall be deemed conclusively to be authorized hereby.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Doerner, with Commissioners Bailey, Shapiro, and Doerner voting in favor of the motion, and Commissioners Washington and Geraldo absent, during open session at its regular meeting on June 22, 2023, in Upper Marlboro, Maryland.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

PGCPB No. 2023-69  
M-NCPPC No. 2023-20

Adopted by the Prince George’s County Planning Board this 27<sup>th</sup> day of July, 2023.

Peter A. Shapiro  
Chair

APPROVED AS TO LEGAL SUFFICIENCY

Krista O. Maserel  
M-NCPPC Legal Department

Date 8/3/23

By: Jessica Jones  
Jessica Jones  
Planning Board Administrator

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 2023-20 adopted by the Maryland-National Capital Park and Planning Commission on motion of \_\_\_\_\_, seconded by \_\_\_\_\_, with \_\_\_\_\_ voting in favor of the motion, with Commissioners \_\_\_\_\_ being absent for the vote, at its regular meeting held on September 20, 2023, virtually and in person at the Parks and Recreation Administration building auditorium in Riverdale, Maryland.

\_\_\_\_\_  
Asuntha Chiang-Smith  
Executive Director

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# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

Item 5c

Date: August 30, 2023

To: Executive Committee

Via: Asuntha Chiang-Smith, Executive Director  
Katie Knaupe, Acting Corporate Budget Director

From: Melinda Duong, Corporate Budget Analyst III *MD*

Subject: Bi-county Operations Labor Cost Allocation Analysis for the FY25 Budget

## Recommendation

It is recommended that the Commission adopt the update to the labor cost percentages used to allocate bi-county operations budgets between Montgomery and Prince George's counties for the FY25 Proposed Budget. The bi-county operations are commonly known as the Central Administrative Services (CAS).

## Background

Developed annually by the Corporate Budget Office, the analysis looked at the six bi-county departments/operations providing services to the departments in the two counties. These six operations include:

- Department of Human Resources and Management (DHRM)
- Finance Department
- Legal Department
- Office of the Chief Information Officer (Corporate IT)
- Inspector General's Office
- Merit System Board

This analysis determines the percentage of time allocated to each county, and hence how much of each budget should be charged to each of the funding sources.

Within the six operations, there are three bi-county functions that are not addressed in this analysis: 1) Group Insurance – labor costs are factored into the rates set for the employer and employee/retiree, and, since FY14, no longer allocated and are charged directly to the operating departments in each county; 2) CIO – Labor costs are allocated by the percentage of subscriptions to the Cloud and included in the CIO Fund budget; 3) Risk Management – in the past the administrative costs have been allocated 50/50. After analyzing staff time records for

the three-year period from FY21 to FY23, even though the allocation is slightly different each year, the annualized allocation for Risk Management remains 50/50.

## Methodology

Fiscal year data is extracted from the timecard system. For those divisions for which cost drivers are not applied, work hours are classified as Montgomery County, Prince George’s County or bi-county, according to the description of the labor codes used. If the labor code does not indicate a specific county for the work/leave hours, the hours are classified as bi-county. Bi-county hours are allocated 50/50 between the two counties.

For Accounts Payable, Treasury/Investments, Payroll and Purchasing units of the Finance Department, and Employee Records and Recruitment units of the Department of Human Resources and Management, the labor cost allocations are done using cost drivers, i.e., work hours are classified and distributed as Montgomery or Prince George’s according to the Cost Driver table below. For Accounts Payable and Payroll, the driver is number of payments issued; for Purchasing the driver is total document volume (including PO’s, contracts and purchase card transactions); for Treasury the driver is the number of cash receipts and deposits; for Employee Records the driver is the number of PA2’s processed; for Recruitment the driver is the number of applications.

Whether utilizing the labor hour allocations or the cost drivers, the results are then factored into a three-year moving average to smooth individual year variations.

Two bi-county operations do not utilize either of these methodologies. For the Merit System Board, it is assumed that the decisions they render are applicable to the Commission as a whole. Therefore, their budget is allocated on a 50/50 basis.

CAS Support Services – Historically allocated on a 50/50 basis, beginning with FY15 these expenses are now allocated based upon the three-year labor allocation average of the bi-county departments/units that are supported.

## Results

Cost drivers were updated for FY23 by Finance and DHRM and these results are shown below along with the drivers used for prior periods.

Cost Drivers	FY19		FY20		FY21		FY22		FY23		% shift in Share	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
Accounts Payable	43.60%	56.40%	43.10%	56.90%	43.70%	56.30%	44.40%	55.60%	44.70%	55.30%	0.3%	-0.3%
Payroll	24.82%	75.18%	25.31%	74.69%	31.78%	68.22%	27.57%	72.43%	25.87%	74.13%	-1.7%	1.7%
Purchasing	48.89%	51.11%	48.56%	51.44%	48.10%	51.90%	48.26%	51.74%	45.07%	54.93%	-3.2%	3.2%
Treasury/Investment	20.00%	80.00%	20.00%	80.00%	20.00%	80.00%	20.00%	80.00%	20.00%	80.00%	0.0%	0.0%
Employee Records	19.78%	80.22%	16.76%	83.24%	15.47%	84.53%	18.91%	81.09%	19.74%	80.26%	0.8%	-0.8%
Recruitment	44.40%	55.60%	43.50%	56.50%	43.60%	56.40%	47.88%	52.12%	45.40%	54.60%	-2.5%	2.5%

The unavailability of Kronos from December 2021 through February 2022 does not appear to have skewed the results.

Using the labor hour splits for some divisions, the cost driver calculations for other divisions, and the assumptions noted above under Methodology for Merit Board and Support Services resulted in the allocation percentages shown below.

**ALLOCATION OF CAS BUDGET TO EACH COUNTY FY19 TO FY24**

	FY24		FY25 Proposed		Change from FY24	
	MC	PGC	MC	PGC	MC	PGC
DHRM	40.8%	59.2%	42.1%	57.9%	1.3%	-1.3%
Finance	42.9%	57.1%	42.9%	57.1%	0.0%	0.0%
Legal	49.7%	50.3%	50.7%	49.3%	1.0%	-1.0%
Office of Inspector General	38.2%	61.8%	40.9%	59.1%	2.7%	-2.7%
Corporate IT	49.9%	50.1%	50.0%	50.0%	0.1%	-0.1%
Merit System Board	50.0%	50.0%	50.0%	50.0%	0.0%	0.0%
Support Services	44.2%	55.8%	44.9%	55.1%	0.7%	-0.7%
<b>Total CAS Before Chargebacks</b>	44.5%	55.5%				

**ALLOCATION OF CAS BUDGET TO EACH COUNTY FY19 TO FY24**

	FY19		FY20		FY21		FY22		FY23		FY24		FY25 Proposed		Change from FY24	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
DHRM	43.0%	57.0%	42.6%	57.4%	41.7%	58.3%	41.1%	58.9%	40.4%	59.6%	40.8%	59.2%	42.1%	57.9%	1.3%	-1.3%
Finance	43.9%	56.1%	44.6%	55.4%	42.4%	57.6%	43.0%	57.0%	42.9%	57.1%	42.9%	57.1%	42.9%	57.1%	0.0%	0.0%
Legal	49.9%	50.1%	50.4%	49.6%	50.5%	49.5%	50.5%	49.5%	51.8%	48.2%	49.7%	50.3%	50.7%	49.3%	1.0%	-1.0%
Office of Inspector General	34.8%	65.2%	34.8%	65.2%	37.9%	62.1%	41.8%	58.2%	36.0%	64.0%	38.2%	61.8%	40.9%	59.1%	2.7%	-2.7%
Corporate IT	44.4%	55.6%	45.2%	54.8%	49.2%	50.8%	49.6%	50.4%	50.0%	50.0%	49.9%	50.1%	50.0%	50.0%	0.1%	-0.1%
Merit System Board	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	0.0%	0.0%
Support Services	44.3%	55.7%	44.8%	55.2%	44.5%	55.5%	44.5%	55.5%	44.2%	55.8%	44.2%	55.8%	44.9%	55.1%	0.7%	-0.7%
<b>Total CAS Before Chargebacks</b>	44.6%	55.4%	44.9%	55.1%	45.1%	54.9%	45.0%	55.0%	44.8%	55.2%	44.5%	55.5%				

Below is an expanded summary showing the budgeted allocations from FY19 through FY24.



**LABOR COST ALLOCATION SUMMARY AND COMPARISON TO FY24 BUDGETED ALLOCATION**

	FY 19			FY 20			FY 21			FY 22			FY 23		
	MC	PGC	Total	MC	PGC	Total	MC	PGC	Total	MC	PGC	Total	MC	PGC	Total
<b>30 - Dept Human Resources &amp; Mgmt</b>	<b>41.3%</b>	<b>58.7%</b>	<b>100%</b>	<b>39.9%</b>	<b>60.1%</b>	<b>100%</b>	<b>38.6%</b>	<b>61.4%</b>	<b>100%</b>	<b>43.1%</b>	<b>56.9%</b>	<b>100%</b>	<b>44.6%</b>	<b>55.4%</b>	<b>100%</b>
OFFICE OF THE EXEC. DIR.	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%	45.0%	55.0%	100%
BUDGET DIVISION	49.4%	50.6%	100%	50.4%	49.6%	100%	50.2%	49.8%	100%	49.9%	50.1%	100%	50.6%	49.4%	100%
CLASSIFICATION COMPENSATION	43.1%	56.9%	100%	41.7%	58.3%	100%	35.9%	64.1%	100%	49.2%	50.8%	100%	50.2%	49.8%	100%
CORP. POLICY & MGMT SVCS	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%
EMPLOYEE LABOR RELATIONS	49.7%	50.3%	100%	45.0%	55.0%	100%	50.5%	49.5%	100%	46.5%	53.5%	100%	55.8%	44.2%	100%
HRIS/EMP. RECORDS	19.8%	80.2%	100%	16.8%	83.2%	100%	15.5%	84.5%	100%	18.9%	81.1%	100%	19.7%	80.3%	100%
RECRUITMENT	44.4%	55.6%	100%	43.5%	56.5%	100%	43.6%	56.4%	100%	47.9%	52.1%	100%	45.4%	54.6%	100%
<b>31 - Legal</b>	<b>49.1%</b>	<b>50.9%</b>	<b>100%</b>	<b>49.1%</b>	<b>50.9%</b>	<b>100%</b>	<b>49.8%</b>	<b>50.2%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>52.4%</b>	<b>47.6%</b>	<b>100%</b>
<b>32 - Finance Department</b>	<b>42.7%</b>	<b>57.3%</b>	<b>100%</b>	<b>42.3%</b>	<b>57.7%</b>	<b>100%</b>	<b>43.2%</b>	<b>56.8%</b>	<b>100%</b>	<b>42.8%</b>	<b>57.2%</b>	<b>100%</b>	<b>42.6%</b>	<b>57.4%</b>	<b>100%</b>
ACCOUNTING	50.3%	49.7%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%
ACCOUNTS PAYABLE	43.6%	56.4%	100%	43.1%	56.9%	100%	43.7%	56.3%	100%	44.4%	55.6%	100%	44.7%	55.3%	100%
ADMINISTRATIVE SERVICES	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%
INVESTMENTS	20.0%	80.0%	100%	20.0%	80.0%	100%	20.0%	80.0%	100%	20.0%	80.0%	100%	20.0%	80.0%	100%
OFFICE OF THE SEC-TREAS.	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%
PAYROLL	24.8%	75.2%	100%	25.3%	74.7%	100%	31.8%	68.2%	100%	27.6%	72.4%	100%	25.9%	74.1%	100%
PURCHASING	48.9%	51.1%	100%	48.6%	51.4%	100%	48.1%	51.9%	100%	48.3%	51.7%	100%	45.1%	54.9%	100%
<b>37 - Corporate IT</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>
<b>33 - Merit System</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>
<b>34 - Office of Inspector General</b>	<b>45.8%</b>	<b>54.2%</b>	<b>100%</b>	<b>41.6%</b>	<b>58.4%</b>	<b>100%</b>	<b>35.3%</b>	<b>64.7%</b>	<b>100%</b>	<b>51.9%</b>	<b>48.1%</b>	<b>100%</b>	<b>35.6%</b>	<b>64.4%</b>	<b>100%</b>
<b>Total CAS</b>	<b>44.5%</b>	<b>55.5%</b>	<b>100%</b>	<b>43.8%</b>	<b>56.2%</b>	<b>100%</b>	<b>43.5%</b>	<b>56.5%</b>	<b>100%</b>	<b>45.6%</b>	<b>54.4%</b>	<b>100%</b>	<b>45.7%</b>	<b>54.3%</b>	<b>100%</b>

Notes:

- 1) Highlighted rows represents labor cost allocations are done with cost drivers
- 2) Result include chargeback positions based on time card records

**LABOR COST ALLOCATION SUMMARY AND COMPARISON TO FY24 BUDGETED ALLOCATION**

	FY 19 - FY 21			FY 20 - FY 22			FY 21 - FY 23			FY24 Budget			3 Year Average vs FY24 Budget		
	MC	PGC	Total	MC	PGC	Total	MC	PGC	Total	MC	PGC	Total	MC	PGC	Total
<b>30 - Dept Human Resources &amp; Mgmt</b>	<b>39.9%</b>	<b>60.1%</b>	<b>100%</b>	<b>40.6%</b>	<b>59.4%</b>	<b>100%</b>	<b>42.1%</b>	<b>57.9%</b>	<b>100%</b>	<b>40.8%</b>	<b>59.2%</b>	<b>100%</b>	<b>1.3%</b>	<b>-1.3%</b>	<b>0.0%</b>
OFFICE OF THE EXEC. DIR.	50.0%	50.0%	100%	50.0%	50.0%	100%	48.3%	51.7%	100%						
BUDGET DIVISION	50.0%	50.0%	100%	50.2%	49.8%	100%	50.2%	49.8%	100%						
CLASSIFICATION COMPENSATION	40.2%	59.8%	100%	42.3%	57.7%	100%	45.1%	54.9%	100%						
CORP. POLICY & MGMT SVCS	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%						
EMPLOYEE LABOR RELATIONS	48.4%	51.6%	100%	47.3%	52.7%	100%	50.9%	49.1%	100%						
HRIS/EMP. RECORDS	17.3%	82.7%	100%	17.0%	83.0%	100%	18.0%	82.0%	100%						
RECRUITMENT	43.8%	56.2%	100%	45.0%	55.0%	100%	45.6%	54.4%	100%						
<b>31 - Legal</b>	<b>49.3%</b>	<b>50.7%</b>	<b>100%</b>	<b>49.6%</b>	<b>50.4%</b>	<b>100%</b>	<b>50.7%</b>	<b>49.3%</b>	<b>100%</b>	<b>49.7%</b>	<b>50.3%</b>	<b>100%</b>	<b>1.0%</b>	<b>-1.0%</b>	<b>0.0%</b>
<b>32 - Finance Department</b>	<b>42.7%</b>	<b>57.3%</b>	<b>100%</b>	<b>42.8%</b>	<b>57.2%</b>	<b>100%</b>	<b>42.9%</b>	<b>57.1%</b>	<b>100%</b>	<b>42.9%</b>	<b>57.1%</b>	<b>100%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>
ACCOUNTING	50.1%	49.9%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%						
ACCOUNTS PAYABLE	43.5%	56.5%	100%	43.7%	56.3%	100%	44.3%	55.7%	100%						
ADMINISTRATIVE SERVICES	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%						
INVESTMENTS	20.0%	80.0%	100%	20.0%	80.0%	100%	20.0%	80.0%	100%						
OFFICE OF THE SEC-TREAS.	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%						
PAYROLL	27.3%	72.7%	100%	28.2%	71.8%	100%	28.4%	71.6%	100%						
PURCHASING	48.5%	51.5%	100%	48.3%	51.7%	100%	47.1%	52.9%	100%						
<b>37 - Corporate IT</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>49.9%</b>	<b>50.1%</b>	<b>100%</b>	<b>0.1%</b>	<b>-0.1%</b>	<b>0.0%</b>
<b>33 - Merit System</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>50.0%</b>	<b>50.0%</b>	<b>100%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>
<b>34 - Office of Inspector General</b>	<b>40.9%</b>	<b>59.1%</b>	<b>100%</b>	<b>42.9%</b>	<b>57.1%</b>	<b>100%</b>	<b>40.9%</b>	<b>59.1%</b>	<b>100%</b>	<b>38.2%</b>	<b>61.8%</b>	<b>100%</b>	<b>2.8%</b>	<b>-2.8%</b>	<b>0.0%</b>
<b>Total CAS</b>	<b>43.9%</b>	<b>56.1%</b>	<b>100%</b>	<b>44.3%</b>	<b>55.7%</b>	<b>100%</b>	<b>44.9%</b>	<b>55.1%</b>	<b>100%</b>	<b>44.5%</b>	<b>55.5%</b>	<b>100%</b>	<b>0.4%</b>	<b>-0.4%</b>	<b>0.0%</b>

This table provides the divisional labor allocation in detail, including the three-year average which forms the basis for each year's proposed allocation.

## Multi-Year Change Summary

The table below shows the change from year to year, including the proposed change for FY25.

### Change from Prior Year

	FY20		FY21		FY22		FY23		FY24		FY25	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
DHRM	-0.4%	0.4%	-0.8%	0.8%	-0.7%	0.7%	-0.7%	0.7%	0.5%	-0.5%	1.3%	-1.3%
Finance	0.7%	-0.7%	-2.2%	2.2%	0.6%	-0.6%	-0.1%	0.1%	0.0%	0.0%	0.0%	0.0%
Legal	0.5%	-0.5%	0.1%	-0.1%	0.0%	0.0%	1.3%	-1.3%	-2.1%	2.1%	1.0%	-1.0%
Office of Inspector General	0.0%	0.0%	3.1%	-3.1%	3.9%	-3.9%	-5.9%	5.9%	2.2%	-2.2%	2.7%	-2.7%
Corporate IT	0.8%	-0.8%	4.0%	-4.0%	0.4%	-0.4%	0.4%	-0.4%	-0.1%	0.1%	0.1%	-0.1%
Merit System Board	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Support Services	0.5%	-0.5%	-0.3%	0.3%	0.0%	0.0%	-0.3%	0.3%	0.0%	0.0%	0.7%	-0.7%
<b>Total CAS Before Chargebacks</b>	0.4%	-0.4%	0.1%	-0.1%	0.0%	0.0%	-0.2%	0.2%	-0.3%	0.3%		

## Recommendation

The recommendation is to adopt the results of this year's analysis and direction be given to staff to utilize in developing the FY25 Proposed Budget. Using FY24 budget numbers, this would shift approximately \$221,780 from Prince George's County to Montgomery County.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

## M-NCPPC Resolution 23-19

### Fifth Temporary Extension in Annual/Generic Leave Carryover

#### (Merit and Term Contract Employees)

WHEREAS, the agency recognizes that our Merit System and Term Contract employees and leaders have diligently responded to the unprecedented circumstances caused by the COVID-19 pandemic, often without the ability to utilize their annual/generic leave; and

WHEREAS, annual leave policies are covered in the agency's personnel regulations, Section 1460 of the Merit System Rules and Regulations (Merit Rules); and

WHEREAS, generic leave policies applicable to Term Contract employees are covered in the agency's Contract Employment Manual, Administrative Procedures 00-02, Section VI(D)(1)(c)(i); and

WHEREAS, the Merit Rules establish limits on annual leave balances based on hire date, and requires automatic transfer of excess annual leave to sick leave beyond established limits at the end of the calendar year; and

WHEREAS, the Merit Rules permit a Department Head, upon request of the employee, to grant a delay in the transfer of excess annual leave to sick leave no later than April 30 of the new calendar year, when the employee's use of annual leave could not be approved due to work program considerations; and

WHEREAS, the Contract Employment Manual establishes a limit on generic leave balances, and requires automatic payout of excess generic leave beyond a certain limit at the end of the calendar year.

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby authorizes a temporary modification of: (1) Sections 1461.1.a-c of the Merit System Rules and Regulations, and (2) Section VI(D)(c)(i) of Administrative Procedures 00-02 of the Contract Employment Manual, by increasing the established limits on annual/generic leave balances that may be carried from one calendar year to the next by 25%, as follows:

- a. Non-represented Merit System employees hired:

- i. Prior to July 1, 2013, shall be able to carry over a maximum of five hundred and fifty (550) hours of annual leave to the 2024 calendar year.
  - ii. On or after July 1, 2013, shall be able to carry over a maximum of four hundred and six (406) hours of annual leave to the 2024 calendar year.
  - iii. On or after January 1, 2019, shall be able to carry over a maximum of three hundred (300) hours of annual leave to the 2024 calendar year.
- b. Term Contract employees shall be able to carry over a maximum of ninety-four (94) hours of generic leave to the 2024 calendar year; and

BE IT FURTHER RESOLVED that this increase will be automatically applied for excess annual/generic leave as of December 31, 2023, to all non-represented Merit System positions, as well as Term Contract positions, unless written notification is made by an employee to the Corporate Human Resources Office no later than close of business on December 8, 2023.

BE IT FURTHER RESOLVED that a Department Head, upon request of a non-represented Merit System employee, may grant a delay in the transfer of excess annual leave to sick leave no later than April 30, 2024, if the employee's previously requested use of annual leave could not be approved due to work program considerations.

BE IT FURTHER RESOLVED that the Executive Director is authorized to enter into an agreement with the Municipal and County Government Employee's Organization/United Food and Commercial Workers, Local 1994 (MCGEO) and Fraternal Order of Police, Lodge #30 (FOP), respectively, regarding:

- a. The applicability of the extension to those employees represented by MCGEO and FOP, and
- b. The deadline by which written notification must be made to the Corporate Human Resources Office to opt out of the automatic increase in annual/generic leave carry-over limits.

BE IT FURTHER RESOLVED that the Secretary-Treasurer is hereby authorized to take action as may be necessary to implement this Resolution.

.....

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 motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with Commissioners \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ voting in favor of the motion, (note absence of any Commissioner), at its regular meeting held on \_\_\_\_\_, \_\_\_\_\_, 2023, virtually and in person at the \_\_\_\_\_ Auditorium in \_\_\_\_\_, Maryland.

\_\_\_\_\_  
Asuntha Chiang-Smith  
Executive Director

REVIEWED AND APPROVED FOR LEGAL SUFFICIENCY:

\_\_\_\_\_  
M-NCPPC Legal Department      Date

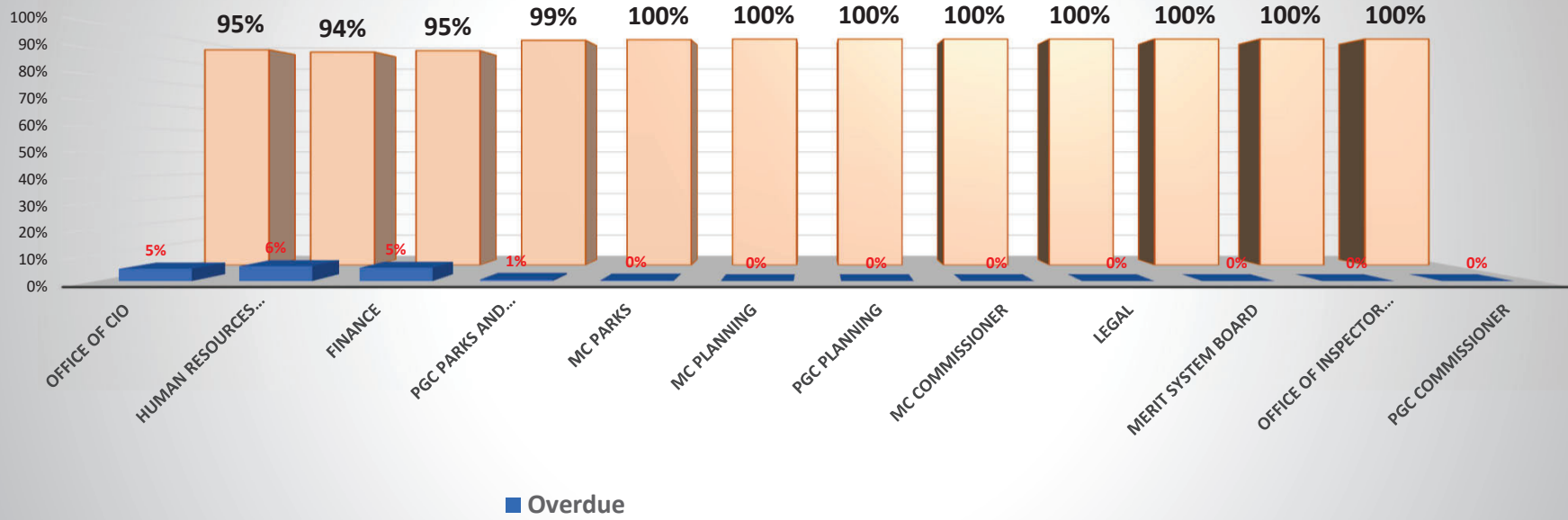
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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
BY DEPARTMENT AS OF JULY 2023**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	<u>Jun-23</u>	<u>Jul-23</u>	<u>Jun-23</u>	<u>Jul-23</u>	<u>Jun-23</u>	<u>Jul-23</u>	<u>Jun-23</u>	<u>Jul-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	1	0	0	0	0	0	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.	1	2	0	1	0	0	1	3
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	1	1	0	1	0	0	1	2
PRINCE GEORGE'S PLANNING	2	0	0	0	0	0	2	0
PRINCE GEORGE'S PARKS & RECREATION	14	4	3	0	0	2	17	6
MONTGOMERY COUNTY PARKS	9	2	0	0	0	0	9	2
MONTGOMERY COUNTY PLANNING	3	0	0	0	0	0	3	0
<b>**DEPARTMENT TOTAL BY DAYS LATE**</b>	<b>30</b>	<b>10</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>2</b>		
<b>COMMISSION-WIDE TOTAL</b>							<b>33</b>	<b>14</b>

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

### Late Annual Performance Evaluation Report Career Employees



\*Data as of July 31, 2023

Employee Count	Evaluation Status		Total Employees
	Compliant	Overdue	
Finance	37	2	39
Human Resources and Mgt	49	3	52
Legal	25	0	25
MC Commissioner	2	0	2
MC Parks	723	2	725
MC Planning	132	0	132
Merit System Board	1	0	1
Office of CIO	20	1	21
Office of Inspector General	6	0	6
PGC Commissioner	9	0	9
PGC Parks and Recreation	1,008	6	1,014
PGC Planning	173	0	173
<b>Total Employees</b>	<b>2,185</b>	<b>14</b>	<b>2,199</b>

54

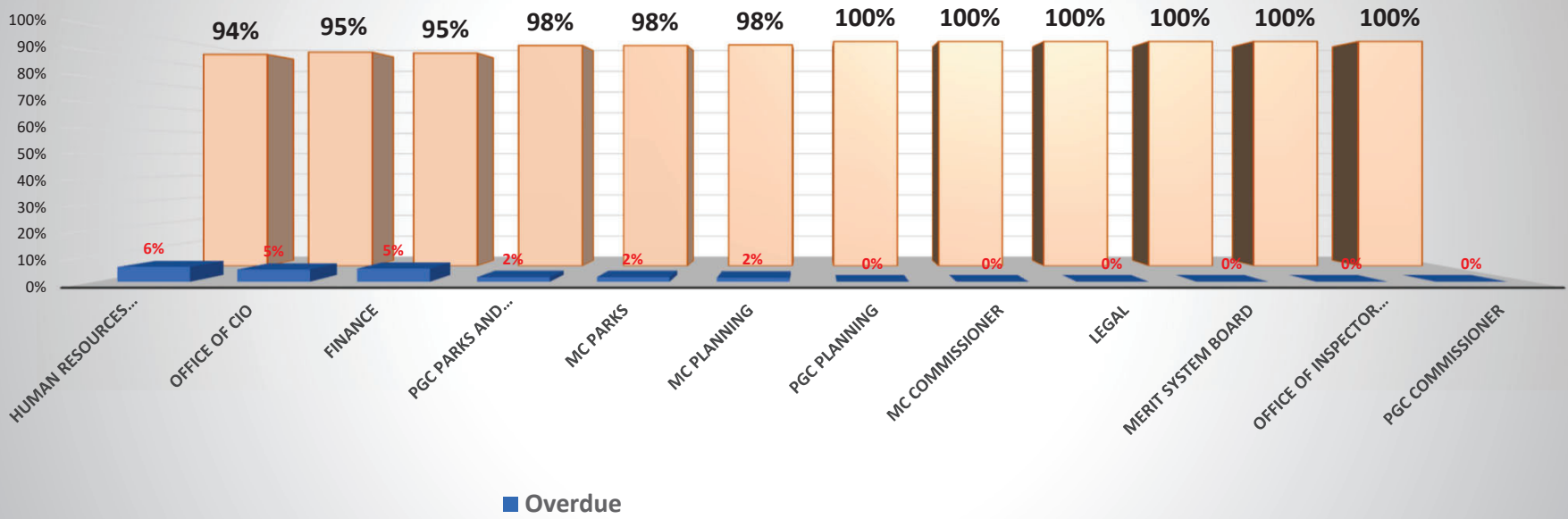


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
BY DEPARTMENT AS OF AUGUST 2023**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Jul-23	Aug-23	Jul-23	Aug-23	Jul-23	Aug-23	Jul-23	Aug-23
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	1	1	0	0	0	0	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	1	1	0	0	3	3
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	1	1	1	0	0	1	2	2
PRINCE GEORGE'S PLANNING	0	0	0	0	0	0	0	0
PRINCE GEORGE'S PARKS & RECREATION	4	16	0	0	2	2	6	18
MONTGOMERY COUNTY PARKS	2	13	0	0	0	0	2	13
MONTGOMERY COUNTY PLANNING	0	2	0	0	0	0	0	2
<b>**DEPARTMENT TOTAL BY DAYS LATE**</b>	<b>10</b>	<b>35</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>3</b>		
<b>COMMISSION-WIDE TOTAL</b>							<b>14</b>	<b>39</b>

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

### Late Annual Performance Evaluation Report Career Employees



\*Data as of August 31, 2023

<u>Employee Count</u>	Evaluation Status		
Department	Compliant	Overdue	Total Employees
Finance	37	2	39
Human Resources and Mgt	49	3	52
Legal	25		25
MC Commissioner	2		2
MC Parks	712	13	725
MC Planning	130	2	132
Merit System Board	1		1
Office of CIO	20	1	21
Office of Inspector General	6		6
PGC Commissioner	9		9
PGC Parks and Recreation	996	18	1,014
PGC Planning	173		173
<b>Total Employees</b>	<b>2,160</b>	<b>39</b>	<b>2,199</b>



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Item 6c

To: The Commission  
From: Katie Knaupe, Acting Corporate Budget Director  
Date: September 6, 2023  
Subject: Q4 2023 Budget Transfer Report

**BACKGROUND**

Commission *Practice 3-60, Budget Adjustments (Amendments and Transfers)* requires the Corporate Budget Office to provide a summary of all approved operating budget and capital project budget transfers and amendments to the Commission on a quarterly basis.

**REPORT (For Information Only – No Action Required)**

The attached report provides details for the following Operating and Capital budget transfers approved during the fourth quarter of FY23:

- Transfer #23-13 approved by the Commission
- Transfer #23-14 approved by the Commission
- Transfer #23-15 approved by the Montgomery Planning Board
- Transfer #23-16 approved by the Montgomery Planning Board
- Transfer #23-17 approved by the Montgomery Planning Board
- Transfer #23-18 approved by the Secretary-Treasurer
- Transfer #23-19 approved by the Secretary-Treasurer
- Transfer #23-20 approved by the Montgomery County Council
- Transfer #23-21 approved by the Commission
- Transfer #23-22 approved by the Prince George’s County Council
- Transfer #23-23 approved by the Commission
- Transfer #23-24 approved by the Commission
- Transfer #23-25 approved by the Commission
- Transfer #23-26 approved by the Commission
- Transfer #23-27 approved by the Commission

I would be happy to answer any questions relating to this report or individual budget adjustments.

Attachment

## Operating Budget Adjustment Log

BA #	Date	Transfer From					Transfer To					Description	Approval
		Fund	Fund Name	Department	Division	Amount	Fund #	Fund Name	Department	Division	Amount		
23-13	4/26/2023	101	PGC Admin	Non-Departmental		175,262	101	PGC Admin	DHRM	HR Director	6,210	Spread reclassification markers in MC and PGC Administration funds to affected MC Planning and CAS Departments	Commission
										Class & Comp	15,641		
										HRIS	12,908		
										Recruitment	15,623		
										Labor Relations	9,976		
										Corporate IT	Enterprise IT		
		EOB IT	11,265										
		201	MC Admin	Non-Departmental		655,310	201	MC Admin	MC Planning	Communications	31,252		
										Downcounty Planning	40,000		
										Midcounty Planning	110,463		
										Upcounty Planning	60,000		
										Countywide Planning	139,478		
										Intake and Regulatory	69,686		
										Information Tech	49,121		
DHRM	HR Director									4,158			
	Class & Comp	10,470											
	HRIS	8,642											
	Recruitment	1,048											
	Labor Relations	6,679											
	Corporate IT	Enterprise IT	103,639										
EOB IT	11,264												
23-14	4/26/2023	101	PGC Admin	Legal	OGC	192,448	101	PGC Admin	Legal	OGC	133,920	Moving salary savings to legal services, furniture, CWIT, professional services, printing and DHRM professional services	Commission
		201	MC Admin			195,552	201	MC Admin	Legal	OGC	136,080		
							535	CWIT	Office of the CIO	CWIT Projects	100,000		
23-15	5/4/2023	202	MC Park	MC Parks	Multiple	4,932,526	202	MC Park	MC Parks	Multiple	4,932,526	Reallocate personnel funding to non-personnel and reallocate non-departmental to divisional funding	MCPB
23-16	5/25/2023	201	MC Admin	MC Planning	Multiple	150,000	201	MC Admin	MC Planning	Multiple	150,000	Moving salary savings to professional services	MCPB
23-17	6/13/2023	201	MC Admin	MC Planning	Multiple	15,000	201	MC Admin	MC Planning	Multiple	15,000	Correction to #23-16	MCPB
23-18	6/15/2023	201	MC Admin	MC Planning	Director's Office	60,275	201	MC Admin	MC Planning	Director's Office	60,275	Moving salary savings to temp agency fees	Sec/Treas
23-19	6/15/2023	201	MC Admin	MC Planning	Info Tech & Innovation	13,000	201	MC Admin	MC Planning	Info Tech & Innovation	13,000	Moving salary savings to temp agency fees	Sec/Treas
23-20	6/14/2023	205	MC CIP	MC Parks	MC CIP Projects	8,932,000	205	MC CIP	MC Parks	MC CIP Projects	8,932,000	Special appropriation and amendment to FY23 Capital Budget for Bethesda Lots by the Montgomery County Council	MC County Council
23-21	6/30/2023	101	PGC Admin	Finance	Admin	33,147	535	CWIT	CIO	CWIT Projects	57,950	Moving salary savings to CWIT for the Kronos upgrade	Commission
		201	MC Admin			24,803							
23-22	6/30/2023	103	PGC Recreation	PGC Parks & Recreation	Non-Departmental	9,588,514	103	PGC Recreation	PGC Parks & Recreation	Subsidy Transfers Out	9,588,514	Move funding for athletic field improvements from non-departmental to CIP	PGC County Council
23-23	6/30/2023	101	PGC Admin	Office of the Inspector General	OIG	70,920	101	PGC Admin	DHRM	Mngmnt Ops	70,920	Moving salary savings to DHRM professional services	Commission
		201	MC Admin			49,080	201	MC Admin			49,080		
23-24	6/30/2023	202	MC Park	MC Parks	Non-Departmental	72,700	202	MC Park	MC Parks	Facilities Mgmt Park Police	47,402 25,298	Spread reclassification markers in MC Park fund to divisions	Commission
23-25	6/30/2023	101	PGC Admin	Office of the CIO	Corporate IT	80,000	520	Capital Equipment	Office of the CIO	CAS	160,000	Moving salary savings to CAS Capital Equipment Fund	Commission
		201	MC Admin			80,000							
23-26	6/30/2023	101	PGC Admin	Legal	OGC	77,425	535	CWIT	CIO	CWIT Projects	452,000	Moving salary savings to CWIT for ERP project	Commission
		201	MC Admin			75,288							
23-27	6/30/2023	101	PGC Admin	DHRM	Mngmt Ops	446,255	535	CWIT	CIO	CWIT Projects	745,000	Moving salary savings to CWIT for ERP project	Commission
		201	MC Admin			298,745							

### Capital Budget Adjustment Log

BA#	Date	Transfer From					Transfer To					Description	Approval
		Fund #	Department	Project #	Project	Amount	Fund #	Department	Project #	Project	Amount		
23-14	4/26/2023						535	CWIT	96067	ERP Upgrade	100,000	Transfer savings to the ERP upgrade project	Commission
23-20	6/14/2023						205	MC Parks	872302	Bethesda Lots 10 - 24 Parks	8,932,000	Special appropriation and amendment to FY23 Capital Budget for Bethesda Lots by the Montgomery County Council	MC County Council
23-21	6/30/2023						535	CWIT	96068	Kronos Upgrade	57,950	Transfer savings to the Kronos upgrade project	Commission
23-22	6/30/2023					105	PGC Parks & Rec	499287	SAARC Outdoor Fields	1,750,000	Move funding for athletic field improvements from CIP transfers in to the project	PGC County Council	
								510380	Beltsville Area Sports Park	3,181,000			
								521984	Northern Gateway Park	400,757			
								542086	Prince George's Stadium	250,000			
								561250	Westphalia Central Park	825,757			
900000	Wilmer's Park	3,181,000											
23-26	6/30/2023					535	CWIT	96067	ERP Upgrade	452,000	Transfer savings to the ERP upgrade project	Commission	
23-27	6/30/2023					535	CWIT	96067	ERP Upgrade	745,000	Transfer savings to the ERP upgrade project	Commission	

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*The Maryland-National Capital Park & Planning Commission*



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**INVESTMENT REPORT**  
**June 2023**

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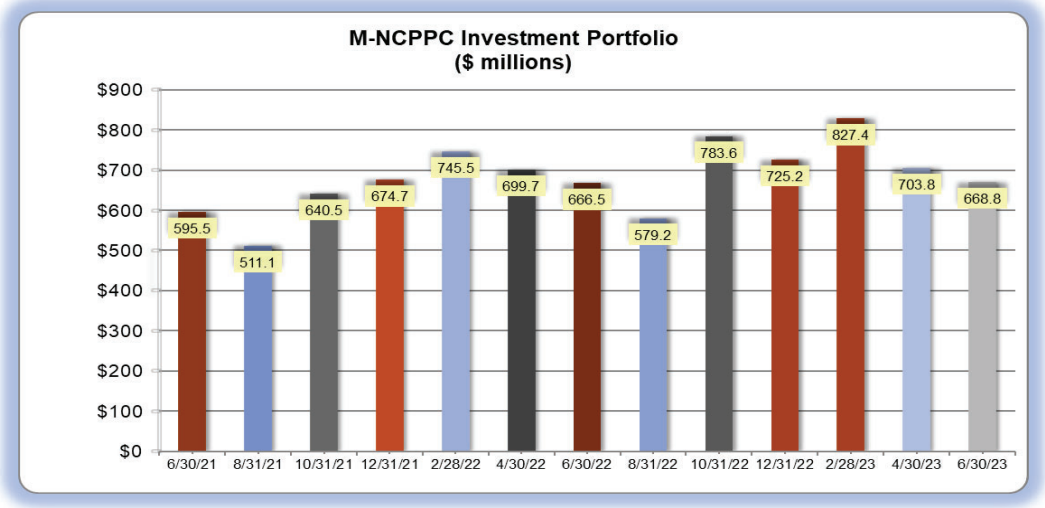
**Gavin Cohen, Secretary-Treasurer**

**Tanya Hankton, Corporate Treasury & Investment Manager**

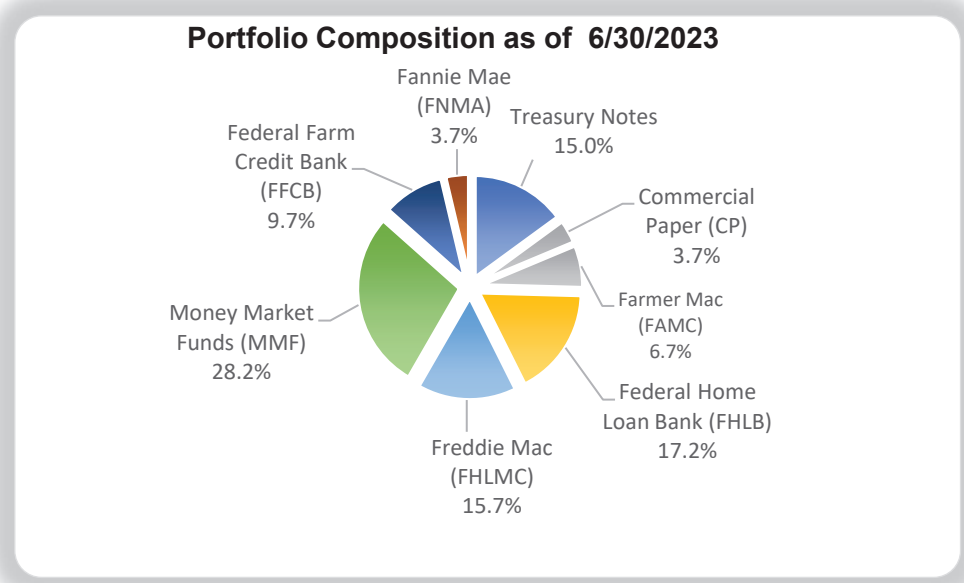
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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – FY23  
INVESTMENT REPORT FOR THE PERIOD JUNE 2023**

The Commission’s pooled cash investment portfolio totaled \$668.8 million as of June 30, 2023, with a 3.4% decrease from May 31, 2023. Details of the portfolio are shown below:



The composition of the pooled cash portfolio as of June 30, 2023, is summarized below:





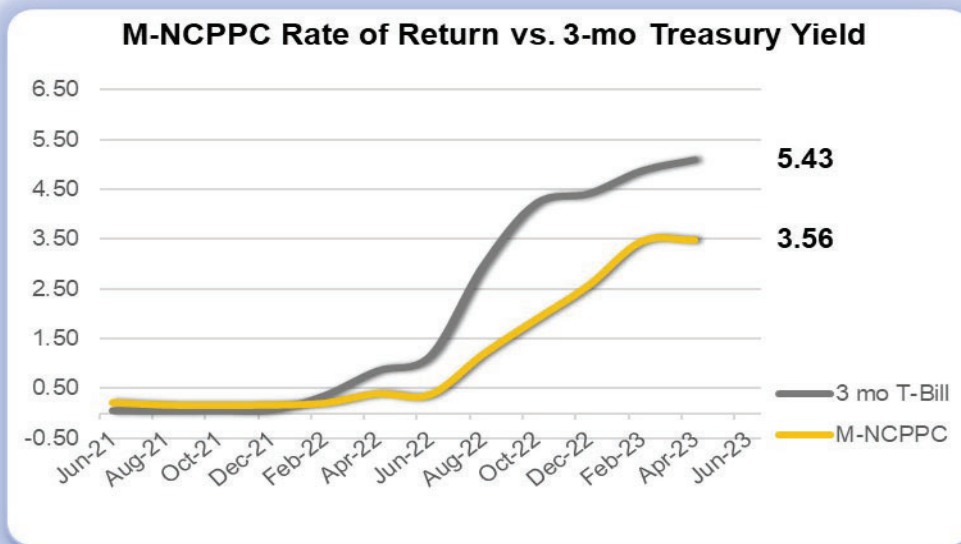
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – FY23  
INVESTMENT REPORT FOR THE PERIOD JUNE 2023**

<b>Current Investment Portfolio - June 2023</b>					
<b>Instrument</b>	<b>Policy Limit</b>	<b>Actual</b>	<b>Par Value</b>	<b>Wtd. Avg. Return (B/E)</b>	
Money Funds	* 50%	28.2%	\$ 188,816,743	5.03%	
Federal Home Loan Banks	20%	17.2%	115,000,000	2.10%	
Freddie Mac	20%	15.7%	105,000,000	3.34%	
Treasury Notes	100%	15.0%	100,000,000	3.53%	
Federal Farm Credit Bank	20%	9.7%	65,000,000	3.33%	
Farmer Mac	20%	6.7%	45,000,000	1.90%	
Commercial Paper	10%	3.7%	25,000,000	5.40%	
Fannie Mae	20%	3.7%	25,000,000	5.23%	
Treasury Bills	100%	0.0%	-	0.00%	
Certificates of Deposit	50%	0.0%	-	0.00%	
Bankers Acceptances	25%	0.0%	-	0.00%	
Repurchase Agreements	50%	0.0%	-	0.00%	
		100%	<b>\$668,816,743</b>	<b>3.56%</b>	

\*As of 6/30/2023

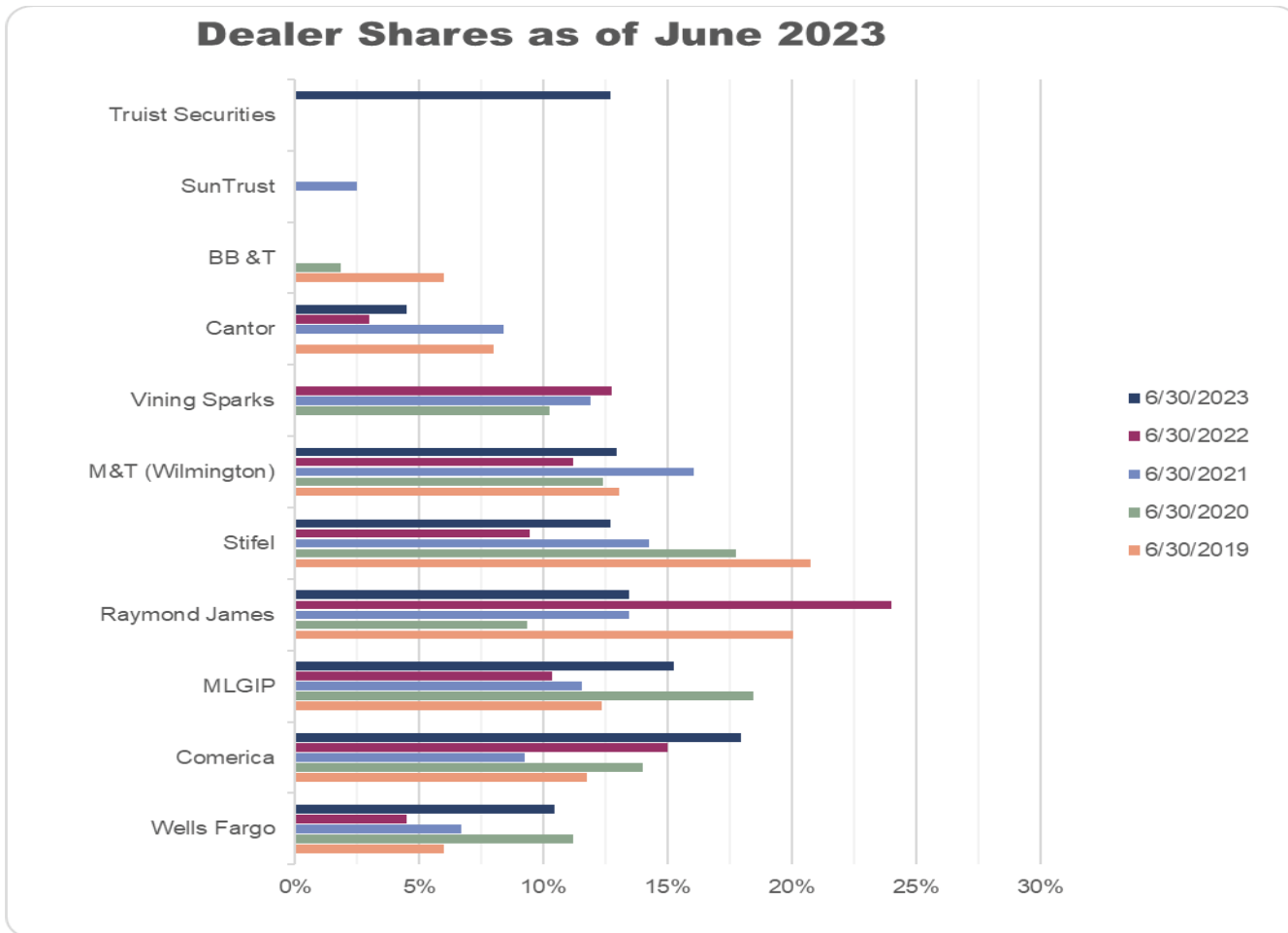
Weighted (Wtd) Average Return measures the effect each asset class as a whole has on the performance of the total portfolio.

The pooled cash portfolio complied with all policy limits with regards to product types and proportions throughout the month.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – FY23  
INVESTMENT REPORT FOR THE PERIOD JUNE 2023

In addition to the product limits, portfolio purchases also adhered to the 30% limit per dealer. Dealer participation is shown below:



The total value of securities held by Broker-Dealer are shown below, includes Money Market Funds:

Institution	Current Par Value	% of Portfolio	Policy Limits
Cantor Fitzgerald	30,000,000	4.49%	30%
Comerica	120,000,000	17.94%	30%
M&T - (Money Market Fund)	86,654,728	12.96%	25%
MLGIP - (Money Market Fund)	102,162,015	15.28%	25%
Raymond James (Morgan Keegan)	90,000,000	13.46%	30%
Stifel Nicolaus	85,000,000	12.71%	30%
Truist Securities, Inc.	85,000,000	12.71%	30%
Wells Fargo	70,000,000	10.47%	30%
<b>Total Value of Securities Held</b>	<b>\$ 668,816,743</b>	<b>100.00%</b>	

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – FY23  
INVESTMENT REPORT FOR THE PERIOD JUNE 2023**

The market values of unspent debt balances (invested by T. Rowe Price) were as follows:

<b>Market Value - June 2023</b>		
Bond Series	Amount	Total Return (YTW Nominal)*
Prince George's County (PGC-2022A)	\$ 7,196,413	5.19%
Montgomery County (MC-2022A)	5,861,227	5.36%
	<b>\$ 13,057,640</b>	
<b>T. Rowe Price Bond Draws</b>		
Montgomery County last draw date	6/22/2023	
Prince George's County last draw date	6/22/2023	

\* Total Returns for each bond issue conservatively calculates the Year to Worst (YTW) Nominal Return throughout the bond tenor.

<b>Debt Payments</b>		
Principal	Interest	Total Pmt
-	121,438	121,438

Details by issue of debt outstanding as of June 30, 2023, appear below:

<b>Debt Balances - June 2023</b>					
	Initial Par/Refunding Value	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
<b>Bi-County</b>					
<b>Total Bi-County</b>	\$ -	\$ -	<b>0%</b>		
<b>Prince George's County</b>					
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	870,000	8%	Jun-12	Jan-24
PGC-2015A (Refunded JJ-2)*	24,820,000	16,630,000	67%	Oct-15	Jan-36
PGC-2017A	33,000,000	23,100,000	70%	Jul-17	Jan-37
PGC-2018A	31,000,000	24,800,000	80%	Nov-19	Nov-38
PGC-2020 (Refunded PGC-2014A)	19,119,615	17,462,964	91%	Oct-20	Jan-34
PGC-2021A	25,100,000	23,845,000	95%	Nov-21	Nov-41
PGC-2022A	12,000,000	12,000,000	100%	Sep-22	Nov-42
<b>Total Prince George's County</b>	<b>\$ 156,459,615</b>	<b>\$ 118,707,964</b>	<b>76%</b>		
<b>Montgomery County</b>					
MC-2016A	12,000,000	8,640,000	72%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	3,510,000	57%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	240,000	22%	Apr-16	Nov-24
MC-2017A	8,000,000	5,600,000	70%	Apr-17	Nov-36
MC-2018A	12,000,000	9,600,000	80%	Oct-18	Nov-38
MC-2018B	3,000,000	600,000	20%	Oct-18	Nov-23
MC-2020A	10,000,000	9,000,000	90%	Jun-20	Nov-40
MC-2020B (Refunded MC-2012A)	4,895,487	4,895,487	100%	Oct-20	Dec-32
MC-2020C (Refunded MC-2012B)	1,866,095	1,866,095	100%	Oct-20	Dec-32
MC-2020D (Refunded MC-2014A)	9,655,588	9,655,588	100%	Oct-20	Dec-33
MC-2022A	13,100,000	13,100,000	100%	Sep-22	Jan-43
<b>Total Montgomery County</b>	<b>\$ 81,712,170</b>	<b>\$ 66,707,170</b>	<b>82%</b>		
<b>Total</b>	<b>\$ 238,171,785</b>	<b>\$ 185,415,134</b>	<b>78%</b>		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved May 18, 2022  
**FISCAL YEAR 2023 – June 30, 2023**

OBJECTIVES	Met Objective	Within Limits	Policy
<b>INVESTMENT POLICY SCOPE</b>	Yes	-	Policy applies to all unexpended or surplus funds of the Commission and funds not required for immediate expenditure was invested to preserve capital and in conformity to Maryland statutes
<b>INVESTMENT OBJECTIVES</b>	Yes	-	Primary Objectives met for Investment and Management of Public Funds
Safety of Principal	Yes	-	Protection of investment principal and ensuring preservation of capital while mitigating both credit and interest rate risk
Maintain Sufficient Liquidity	Yes	Yes	Sufficient funds available for all cash requirements during period
Return on Investments	No	-	Attain a market rate of return with consideration for investment risk and liquidity needs. Return on Investment is secondary importance to safety and liquidity needs
Less than market by 1.87 basis points			The pro-rated rates of return for the 3-month benchmark for Treasury Bills and the portfolio were 5.43% and 3.56%, respectively
<b>AUTHORIZED DEALERS AND FINANCIAL INSTITUTIONS</b>	Yes	Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Pre-qualify financial institutions, brokers/dealers, intermediaries and advisers			
<b>COMPETITIVE BIDDING</b>	Yes	-	Investments competitively bid except for new issue securities
<b>DIVERSIFICATION AND INVESTMENT LIMITATIONS INCLUDING MAXIMUM SECURITIES</b>			
Diversification of Maturities	Yes	Yes	All maturities within limits
The length majority of investments will not exceed 1.5 years and 60% of portfolio. A portion of investments will range from 1.5 years not to exceed 3 years and 40% of the portfolio			
Diversification by Investment Type	Yes	Yes	All securities purchased were within the limits established by the Investment Policy at the time of purchase. This report is prepared for the Secretary-Treasurer to demonstrate compliance with the investment policy and limitations
Diversification by Institution	Yes	Yes	No dealer shares exceeded 30% of the total investment portfolio
Ensures competitive bidding among participants			
<b>COLLATERALIZATION</b>	Yes	-	Collateral maintained in excess of Federal insurance coverage for all Commission bank accounts, certificates of deposits, repurchase agreements and held by an independent third party as a custodian
<b>SAFEKEEPING AND CUSTODY</b>	Yes	-	Require third-party collateral and safekeeping and delivery-versus payment settlement. M&T Investments serves as custodian, monitoring daily compliance. T. Rowe Price invests and manages all bond funds within limits
<b>REPORTING REQUIREMENTS</b>	Yes	-	(a) Investment Manager submits monthly investment reports to the Secretary-Treasurer for review and to the Executive Committee for information; (b) quarterly reports provided to the Commission; (c) annual reports with portfolio's market value consistent with Government Accounting Standards Board (GASB) and (d) Investment manager maintain a record of all transactions
<b>INVESTMENT POLICY ADOPTION</b>	Yes	-	Investment Policy approved by the Commission May 18, 2022 and signed by the Corporate Treasury & Investment Manager, Secretary-Treasurer on 6/1/2022



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

*Reply To*

September 5, 2023

**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 August 2024 – FY 2024

---

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, September 20, 2023. 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.

**Table of Contents – August 2024 FY 2024 Report**

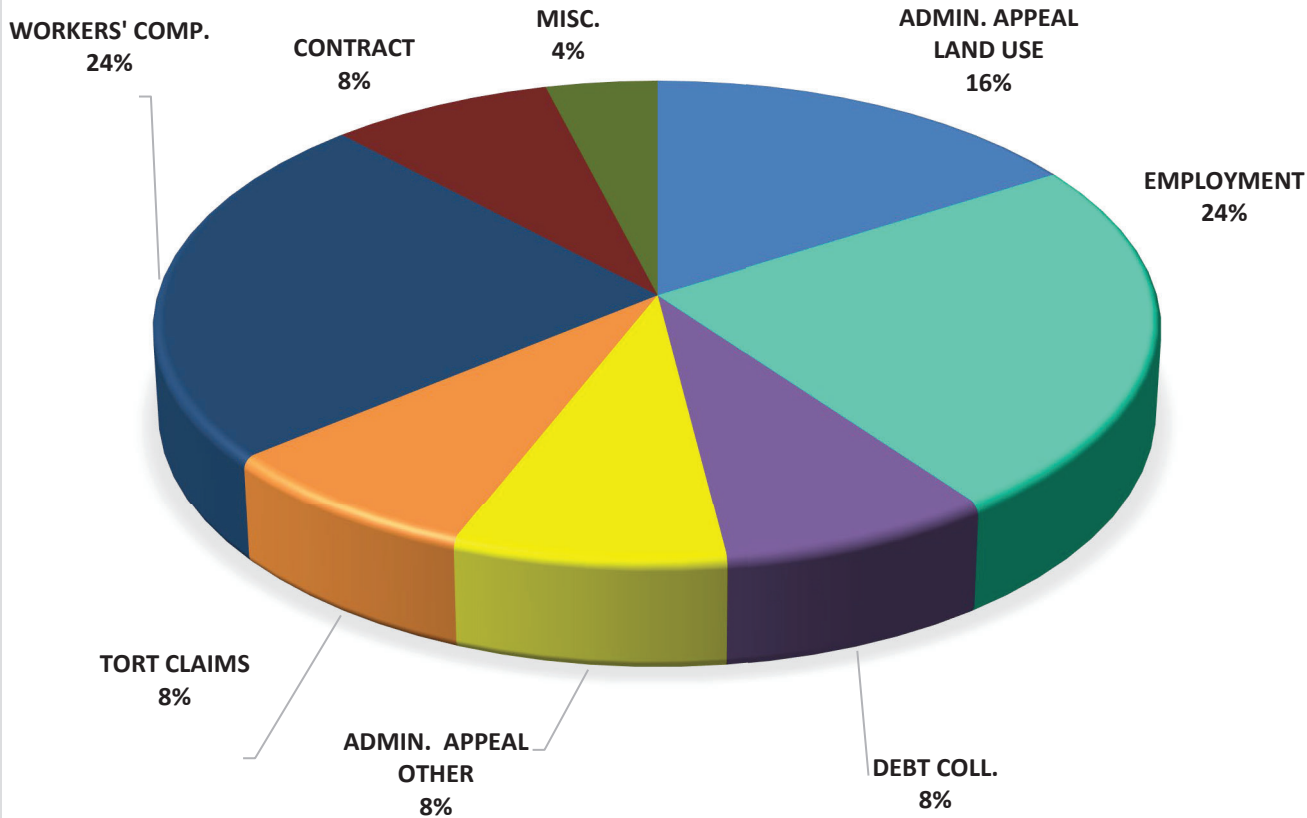
Composition of Pending Litigation.....Page 01  
Overview of Pending Litigation (Chart).....Page 02  
Litigation Activity Summary .....Page 03  
Index of New YTD Cases (FY24) .....Page 04  
Index of Resolved YTD Cases (FY24) .....Page 05  
Disposition of FY24 Closed Cases Sorted by Department .....Page 06  
Index of Reported Cases Sorted by Jurisdiction.....Page 07  
Litigation Report Ordered by Court Jurisdiction.....Page 08

**August 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	1				4
ADMIN APPEAL: OTHER	2						2
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	1	1					2
DEBT COLLECTION	2						2
EMPLOYMENT DISPUTE	3			2	1		6
LAND USE DISPUTE							
MISCELLANEOUS	1						1
PROPERTY DISPUTE							
TORT CLAIM	2						2
WORKERS' COMPENSATION	6						6
PER FORUM TOTALS	18	3	1	2	1		25

# OVERVIEW OF PENDING LITIGATION



## August 2023 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2024			
	Pending June 2023 End of FY23	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	4	3	3	4	3	3	4
Admin Appeal: Other (AAO)	2			2			2
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	2			2			2
Debt Collection (D)	2			2			2
Employment Disputes (ED)	3	3		3	3		6
Land Use Disputes (LD)	1		1	1		1	
Miscellaneous (M)	1			1			1
Property Disputes (PD)							
Tort Claims (T)	2			2			2
Workers' Compensation (WC)	6			6			6
<b>TOTALS</b>	<b>23</b>	<b>6</b>	<b>4</b>	<b>23</b>	<b>6</b>	<b>4</b>	<b>25</b>



**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>
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 Pocahonta Drive Homeowners	MC	AALU	July

<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>A. <u>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.
<b>B. <u>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

	<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>		
<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.
<b>Prince George's County Department of Parks and Recreation</b>		
<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>		

**INDEX OF CASES**

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND ..... 8  
Commission v. Build A Barn, LLC ..... 8  
DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND ..... 8  
Commission v. Faulk ..... 8  
Commission v. Lindsey ..... 9  
CIRCUIT COURT FOR CHARLES COUNTY, MARYLAND ..... 9  
Beth Mays v. Maryland-National Park and Planning Commission, et al. .... 9  
CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND ..... 10  
In the Matter of Joshua P. Scully ..... 10  
In the Matter of Pocahontas Drive Homeowners ..... 10  
CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND ..... 10  
Tiffany Celey v. Maryland-National Capital Park and Planning Commission ..... 10  
In the Matter of William Dickerson ..... 11  
In the Matter of Danielle Jones-Dawson ..... 11  
In the Matter of Jeanne Kavinski ..... 12  
In the Matter of James Montville ..... 12  
In the Matter of Kenneth L. Rogers ..... 13  
Simmons v. Commission, et al. .... 13  
Troublefield v. Prince George’s County, et al. .... 14  
Rakiya-Rae Wallace v. Commission, et al. v. Commission, et al. .... 14  
Wilmington Savings Fund Society v. Tomel Burke, Jr., et al. .... 15  
APPELLATE COURT OF MARYLAND ..... 16  
Brij Bhargava, et al. v. Prince George’s County Public Schools ..... 16  
Proposed Southern K-8 Middle School ..... 16  
HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission ..... 16  
Wolf, et al. v. Planning Board of Prince George’s County ..... 17  
SUPREME COURT OF MARYLAND ..... 17  
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board ..... 17  
U.S. DISTRICT COURT OF MARYLAND ..... 18  
Deakins v. Commission, et al. .... 18  
Izadjoo v. Commission, et al. .... 19  
U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT ..... 19  
Evans v. Commission, et al. .... 19

**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

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

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

Lead Counsel: Johnson  
Other Counsel:

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

Status: Hearing set.

Docket:

05/11/2023	Complaint filed
08/18/2023	Defendant served
11/29/2023	Hearing set

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

**Commission v. Faulk**

Case No. 050200086392022 (D)

Lead Counsel: Johnson  
Other Counsel:

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

Status: Judgment in favor of the Commission for \$3,546.13.

Docket:

04/25/2022	Complaint filed
10/18/2022	Request for summons renewal filed
01/23/2023	Affidavit of Non-service filed
01/23/2023	Post Office request mailed
02/14/2023	Motion for Alternative Service
02/22/2023	Order – Motion for Alternative Service denied
03/29/2023	Second Motion for Alternative Service
04/12/2023	Order – Motion/Request Granted
04/21/2023	Service upon Maryland MVA pursuant to Court Order
05/03/2023	Request for summons renewal filed
8/28/2023	Judgment granted.

**Commission v. Lindsey**  
Case No. 050200183742022 (D)

Lead Counsel: Johnson  
Other Counsel:

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

Status: Motion pending.

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

**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: Foster  
Other Counsel: Crowe

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 pending.

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

**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

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

Lead Counsel: Foster  
Other Counsel:

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

Status: Hearing set.

Docket:

06/27/2023	Petition for Judicial Review filed
12/01/2023	Hearing 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: Petition filed.

Docket:

07/05/2023	Petition for Judicial Review filed
07/14/2023	Response to Petition for Judicial Review

**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: Foster  
Other Counsel: Johnson

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

Status: Commission has yet to be served.

Docket:

07/12/2023	Complaint filed
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**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

**In the Matter of Danielle Jones-Dawson**  
Case No. C-16-CV-22-000675 (AAO)

Lead Counsel: Crowe  
Other Counsel: Foster

Abstract: Claimant seeks judicial review of Merit Board decision dated October 20, 2022, terminating employment 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
12/04/2023	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: Foster  
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.

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

**In the Matter of James Montville**

Case No. C-16-CV-22-000489 (WC)

Lead Counsel: Foster  
Other Counsel:

Abstract: Claimant seeks 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.

Status: Case remanded to Workers' Compensation Commission for approval of agreement.

Docket:

11/03/2022	Petition for Judicial Review filed
11/17/2022	Response to Petition for Judicial Review
12/05/2022	Response to Petition for Judicial Review
12/05/2022	Designation of Expert Witnesses
12/05/2022	Cross-Petition for Judicial Review
07/27/2023	Joint Motion to Remand to Workers' Compensation Commission
08/10/2023	Order dismissing appeal and remanding matter to WCC

**In the Matter of Kenneth L. Rogers**  
Case No. C-16-CV-23-001935 (WC)

Lead Counsel: Foster  
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Commission decision dated March 30, 2023, which determined that the Claimant did not suffer from a serious disability.

Status: Response to Petition filed.

Docket:

04/26/2023	Petition filed
05/10/2023	Response to Petition for Judicial Review Filed
05/10/2023	Designation of Expert Witnesses

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

Lead Counsel: Rupert; Thornton  
Other Counsel: Crowe

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
05/07/2024	Trial

**Troublefield v. Prince George's County, et al.**

Case No. CAL 22-12298 (Tort)

Lead Counsel: Thornton  
Other Counsel: Rupert

Abstract: Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Pace Arena.

Status: In discovery.

Docket:

04/11/2022	Complaint filed
04/27/2022	Commission served
05/09/2022	Stipulation/Line of Dismissal as to Prince George's County only
05/20/2022	Commission's Answer filed
08/15/2023	Motion to Dismiss Show Place Arena and supporting Memorandum
08/15/2023	Notice of Appearance
08/18/2023	Plaintiff's Response to Motion to Dismiss
08/30/2023	Order Granting Motion to Dismiss as to Show Place Arena
11/14/2023	ADR
01/24/2024	Trial

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

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

Lead Counsel: Foster  
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 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

**Wilmington Savings Fund Society v. Tomel Burke, Jr., et al.**

Case No. CAE20-11813 (Misc.)

Lead Counsel: Rupert  
Other Counsel:

Abstract: 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.

Status: Consent Judgment entered.

Docket:

04/24/2020	Complaint filed
04/05/2022	Motion for Default as to Commission filed
04/19/2022	Commission's Opposition to Plaintiff's Motion for Default
05/09/2022	Order of Court. Motion for Default as to Commission denied.
11/18/2022	Complaint received
12/07/2022	Amended Motion for Entry of Default
12/30/2022	Commission's Consent to Judgment without Answer
05/23/2023	Ex Parte Hearing cancelled by court.
06/02/2023	Order of the Court Plaintiff's Motion for Deferral of Order of Dismissal granted. Order of Dismissal is deferred as to Defendant Villages of Marlborough Community Association, Inc.
06/21/2023	Order of Default granting Motion for Entry of Default Order as to all named defendants
08/30/2023	Motion for Entry of Default/Consent Judgment
08/31/2023	Final Order – Judgment by Consent against the Commission in favor of the Plaintiff

**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: Appeal filed.

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

**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: Appeal filed.

Docket:

06/26/2023	Notice of Appeal
07/11/2023	Civil Information Report
08/03/2023	Order to Proceed

**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: Briefs filed.

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

**SUPREME COURT OF MARYLAND**

**Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board**

Case No. SCM-PET-0177-2023 (AALU)

(Originally filed under 487649-V in Montgomery County and CSA-REG-1094-2022)

Lead Counsel: Mills  
Other Counsel:

Abstract: 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.

Status: Petition for Certiorari filed.

Docket:

08/17/2023	Appeal filed
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**U.S. DISTRICT COURT OF MARYLAND**

**Deakins v. Commission, et al.**

8:23-cv-00138 AAQ (ED)

Lead Counsel: Foster  
Other Counsel: Rupert

Abstract: Complaint by former employee relating to Commission's COVID-19 vaccination mandate. Complaint alleges disability discrimination and unreasonable failure to accommodate.

Status: Settlement Conference set.  
Docket:

01/19/2023	Complaint filed
01/24/2023	Case Management Order
01/24/2023	Commission served
01/30/2023	Notice of Intent to file Motion to Dismiss by Defendants Riley and Spencer
02/01/2023	Order – all parties have voluntarily consent to proceed before Magistrate
02/27/2023	Answer to Complaint
03/06/2023	Order regarding Motion to Dismiss
03/20/2023	Joint Status Report
03/20/2023	Order approving briefing schedule
04/19/2023	Commission's Partial Motion to Dismiss filed
05/05/2023	Response in Opposition to Motion to Dismiss for Failure to State a Claim filed
5/19/2023	Reply to Response to Motion to Dismiss for Failure to State a Claim filed
07/05/2023	Joint Motion Early Settlement Conference
07/05/2023	Order referring case to Magistrate Judge T. Sullivan for settlement
07/06/2023	Order granting Motion for Referral for Settlement Conference
07/22/2023	Motion to Withdraw as Attorney for D. Deakins
07/24/2023	Order granting Motion to Withdraw
07/26/2023	Order scheduling settlement conference
08/10/2023	Order approving the parties' joint request for an in-person settlement conference
09/07/2023	Settlement conference set

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

Lead Counsel: Foster  
Other Counsel: Johnson

Abstract: Former Montgomery Parks employee alleging employment discrimination

Status: Complaint filed. Commission served.

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

**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: Foster  
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: Appeal filed.

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.
08/25/2034	Evans' Reply Brief filed