



THE MARYLAND-NATIONAL CAPITAL  
Park and Planning Commission

# COMMISSION MEETING

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**June 12, 2024**

10:00 a.m. – 12:00 p.m.

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

6600 Kenilworth Avenue  
Riverdale, Maryland 20737

and via teleconference

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MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Wednesday, June 12, 2024

10:00 am to 12:00 noon

Prince George’s Parks and Recreation Administration Building Auditorium and via Teleconference

		<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 – May 15, 2024	(*) Page 3	
3.	<b>General Announcements (10:05 a.m.)</b>		
	a) National Caribbean American Heritage Month		
	b) Lesbian, Gay, Bisexual and Transgender (LGBT) Pride Month		
4.	<b>Committee and Board Reports (10:10 a.m.)</b>		
	a) Employees’ Retirement System Board of Trustees Regular Meeting Minutes from May 8, 2024		Page 9
5.	<b>Action and Presentation Items (10:15 a.m.)</b>		
	a) Resolution 06-17A Modifying M-NCPPC Resolution 06-17 Land Exchange Agreement In Patuxent River Park (Sun)	(*) Page 15	
	b) Resolution 24-11 Adoption of the FY2025 Commission Operating and Capital Budgets (Charles)	(*) LD	
	c) FY2024 Budget Adjustment for Bi-County Programs (Charles)	(*) LD	
	d) Proposed Clarifications to MSRR Sections 1072 Assignment of Anniversary Date, 1270 Premium Pay, and 1540 Holiday Leave (Harvin/Beckham) (Harvin/Beckham)	(*) Page 31	
	e) Proposed Amendments to MSRR Chapter 1600 Leave Status Programs Regarding FMLA Leave (Harvin/Beckham)	(*) Page 37	
6.	<b>Officers’ Reports (10:40 a.m.)</b>		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, May 2024 (For Information Only)		Page 47
	b) MFD Quarterly Purchasing Statistics (For Information Only)		Page 49
	c) Quarterly Budget Transfers (For Information Only)		Page 63
	<u>Secretary Treasurer</u>		
	<i>No report scheduled</i>		
	<u>General Counsel</u>		
	d) Litigation Report (For Information Only)		Page 65
<i>Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b), (9), a closed session is proposed to consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees’ Organization and the Fraternal Order of Police bargaining units to preserve the Commission’s negotiating position.</i>			
7.	<u>Closed Session</u>		
	a) Collective Bargaining Update		

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

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
May 15, 2024

The Maryland-National Capital Park and Planning Commission met virtually via videoconference. The meeting was broadcast by the Montgomery Planning Department.

PRESENT

Prince George’s County Commissioners

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

Montgomery County Commissioners

Artie Harris, Vice Chair  
Shawn Bartley  
James Hedrick  
Mitra Pedoeem

NOT PRESENT

Manuel Geraldo

Josh Linden

Chair Shapiro called the meeting to order at 10:00 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA  
ACTION: See item 2

ITEM 2 APPROVAL OF COMMISSION MINUTES  
Open Session – 4/17/24  
Motion by Commissioner Washington to adopt the 5/15/24 Agenda and 4/17/24 Open Session Minutes  
Seconded by Bailey

8 approved the 5/15/24 agenda  
7 approved the 4/17/24 minutes  
Pedoeem Abstained

ITEM 3 GENERAL ANNOUNCEMENTS  
a) National Prevention Week (Mental and/or Substance Use Disorders) May 12-18  
b) National Fitness Month/Fitness Days  
c) Asian Pacific American Heritage Month  
d) Jewish American History Month  
e) Military Appreciation Month  
f) Law Enforcement Officers Memorial Day (May 15)  
g) Reminder June Commission meeting will be Wednesday June 12 (regular schedule falls on Juneteenth M-NCPPC Holiday)

ITEM 4 COMMITTEE/BOARD REPORTS

- a) Employees' Retirement System Board of Trustees Regular Meeting Minutes from March 5, 2024 (for information only)

ITEM 5 ACTION/PRESENTATION ITEMS

- a) Rotation of Commission Chair effective July 1, 2024 (Shapiro)

ACTION: Motion of Chair Shapiro to have Artie Harris assume the Chairmanship of the M-NCPPC and Peter Shapiro to assume the Vice-Chairmanship of the M-NCPPC effective July 1, 2024.

Second by Commissioner Pedoeem  
8 in favor

- b) Resolution 24-09 Adoption of the Takoma Park Minor Master Plan Amendment (Williams)  
No discussion

ACTION: Motion of Vice Chair Harris to adopt Resolution 24-09

Second by Commissioner Pedoeem  
8 in favor

- c) Resolution 24-10 Employees' Retirement System FY25 Strategic Plan and Operating Budget (Rose)  
No discussion

ACTION: Motion of Vice Chair Harris to adopt Resolution 24-10

Second by Commissioner Washington  
8 in favor

- d) Employee's Retirement System Employer Funding Estimate (Spencer/Rose)

Acting Executive Director Spencer provided background on the Chairs' request to have Cheiron examine several different scenarios to determine if the employer contribution funding estimate for the Employees' Retirement System could be reduced without harming the pension system. The analysis by Cheiron actuaries was shared with the M-NCPPC and ERS leadership, which found there was no way to substantially reduce the employer contribution without detrimentally impacting the M-NCPPC's pension program. The Chairs accepted and approved this report, and Cheiron was on hand to discuss their findings and answer Commissioners' questions.

Chair Shapiro thanked Acting Executive Director Spencer, ERS Administrator Rose and the Cheiron actuaries for their time and their work. No further discussion.

e) FY2024 Budget Adjustment for Legal Department and Corporate IT (Charles)

Corporate Budget Director Charles requested Commissioners approve a reallocation and transfer of a portion of the FY2024 salary savings for non-personnel items in the Legal Department and in Corporate IT as described in the late delivery memo. She said she will be returning in June to request further salary savings transfers for other Central Administrative Services departments.

ACTION: Motion of Commissioner Washington to approve the budget transfers  
Second by Vice Chair Harris  
8 in favor

ITEM 5 OFFICERS' REPORTS

Executive Director's Report

a) Late Evaluation Report, April 2024 (For Information Only)

Secretary-Treasurer's Report

*No report scheduled*

General Counsel's Report

b) Litigation Report (For information only)

*Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b), (9), Commissioner Washington moved to enter a closed session to consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees' Organization and the Fraternal Order of Police bargaining units to preserve the Commission's negotiating position. Commissioner Pedoeem seconded. All Commissioners attending approved.*


Closed session commenced at 10:19 a.m.

ITEM 7. CLOSED SESSION

a) Collective Bargaining Update

Open Session resumed at 10:48 a.m. where Chair Shapiro acknowledged a vote was taken to approve closed session minutes and collective bargaining strategy was discussed. With no other business to discuss, Chair Shapiro adjourned the meeting at 10:48 a.m.

  
James Adams, Senior Technical Writer

  
Tracey Harvin, Corporate Policy and Management  
Operations Director, for  
Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

WRITTEN STATEMENT FOR CLOSING A MEETING  
UNDER THE OPEN MEETINGS ACT

Date: 05/15/2024 Time: 10:19 am  
Location: Via Videoconference

Motion to close meeting made by Commissioner Washington. Seconded by Commissioner Pedoeem.

Members voting in favor: Bailey, Bartley, Doerner, Harris, Hedrick, Pedoeem, Shapiro, Washington

Opposed:       N/A       Abstaining:       N/A       Absent: Geraldo, Pedoeem

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b)  
(check all that apply):

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- (15) To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information, such as information that is related to passwords, personal ID numbers, access codes, encryption, security devices, or vulnerability assessments or that a governmental entity collects or maintains to prevent, detect, or investigate criminal activity; or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

**FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:**

*Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(9), a closed session is proposed to consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees' Organization and the Fraternal Order of Police bargaining units to preserve the Commission's negotiating position.*


Topics to be discussed:

Collective Bargaining update of negotiations with Municipal and County Government Employees Organization (MCGEO) and Fraternal Order of Police (FOP) bargaining units.

This statement is made by:

Peter Shapiro, Chair, Presiding Officer.

**PRINT NAME**

  
\_\_\_\_\_  
SIGNATURE & DATE

5/15/2024

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

**BOARD OF TRUSTEES MEETING MINUTES**

**Wednesday, May 8, 2024; 9:00 a.m.**

**PRA Auditorium – 6600 Kenilworth Ave, 1<sup>st</sup> Floor, Riverdale, MD 20737**

The Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met in-person with CHAIR SHAPIRO leading the meeting on May 8, 2024. The meeting was called to order at 9:13 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  
Sheila Morgan-Johnson, Prince George’s County Public Member  
Theodore J. Russell III, Prince George’s County Open Trustee  
Elaine A. Stookey, Bi-County Open Trustee  
Anton White, FOP Represented Trustee  
Lisa Blackwell-Brown, MCGEO Represented Trustee

**Board Members Absent**

Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio  
James Hedrick, Board of Trustees Vice Chair, Montgomery County Commissioner

**Others Present**

Michael “Wes” Aniton, M-NCPPC Office of the General Counsel, Deputy General Counsel

**ERS Staff Present**

Andrea L. Rose, Executive Director  
Jaclyn Harris, Deputy Executive Director  
Sheila Joynes, Accounting Manager (*in attendance virtually via Microsoft TEAMS*)  
Alicia C. Stanford, Administrative Specialist

**Firm Presentations**

Marquette Associates, LLC – Patrick Wing, Managing Director; Lee H. Martin, Managing Director; and Jessica Noviskis, Associate Director of Alternatives  
Meketa Investment Group – Mary Mustard, Managing Principal Consultant and Aaron Lally, Managing Principal Consultant  
Wilshire Advisors, LLC – Bradley A. Baker, Managing Director; LouAnn Eisenhut, Assistant Vice President; Shawn Quinn, Managing Director; and Marc Friedberg, CFA, Managing Director (*in attendance virtually via Microsoft TEAMS*)

**ITEM 1. APPROVAL OF THE MAY 8, 2024, CONSENT AGENDA**

**ACTION:** MS. GOGOL made a motion, seconded by MS. MCCARTHY to approve the Consent Agenda of May 8, 2024. The motion PASSED (9-0) (Motion # 24-13).

**ITEM 2. CHAIR'S ITEMS**

**ITEM 2.A. Conference and Training Summary 2024**

No notable items discussed.

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

**ITEM 4. CONSULTANT/MANAGER PRESENTATIONS**

**ITEM 4.A. Format Guidelines for the Investment Consultant Presentations**

Presentation by Jaelyn Harris, Deputy Executive Director

Ms. Harris provided a summary of the questions and topics each firm was asked to cover in their presentation. It was recommended that the trustees look for responses and information to determine how much value the firm and consulting team could add to the ERS and the teams' ability to explain their recommendations for the ERS investment portfolio. Effective communication with the Board was highlighted as a key differentiator for the three firms.

**ITEM 4.A.i. MARQUETTE ASSOCIATES, LLC**

Presentation by Patrick Wing, Managing Partner; Lee Martin, Managing Partner; and Jessica Noviskis, Associate Director of Alternatives

Mr. Martin began the presentation by providing a firm overview, noting that Marquette Associates currently has more than \$366 billion in assets under advisement, has been in business for 38 years, and is 100% employee-owned with over 130 employees across five office locations in the U.S. Marquette has 77 public clients, including the Maryland 529 Plan, City of Frederick, Maryland, and WSSC Water. Public clients account for 52% of their client base with more than \$189 billion in assets under advisement. Mr. Martin added that Marquette's Maryland based public clients have an average tenure of 10 years and average portfolio size of more than \$1.5 billion. Mr. Martin stressed that Marquette is a fully independent consultant, and its consulting philosophy focuses on controlling risk, quality, and cost. Mr. Martin and Mr. Wing would act as the co-leads for the ERS relationship. Ms. Noviskis described Marquette's client-focused research and client education resources, which include comprehensive asset class position papers, webinars, trustee education, client conferences, and newsletters. Mr. Wing provided Marquette's recommendation on the ERS investment portfolio. Mr. Wing explained that the ERS should consider lowering exposure to private equity and real assets to reduce the portfolio's illiquidity and risk of becoming a forced seller in down markets, permanently impairing capital. Additionally, Mr. Wing suggested increasing the allocation to core fixed income given the low assumed rate of return and portfolio illiquidity via private markets and reducing the allocation to global minimum volatility by moving assets to defensive equity for a similar return profile.

Ms. Gogol asked if Marquette's employee ownership structure includes operational and back-office staff. Mr. Martin responded, yes. Mr. Cohen asked if the firm does their own forecasting. Ms. Noviskis confirmed that Marquette has a licensed actuarial consultant on staff, and they also conduct in-house independent research. Ms. McCarthy inquired about who would be the primary contact for staff. Mr. Wing said both him and Mr. Martin should be cc'd on all communications and added that any client recommendations are made by consensus in concert with the firm's research team. Ms. Morgan-Johnson inquired about the history of the CEO's 20% ownership interest and the reason



why there is a President staff position. Mr. Martin explained that the firm wants to move away from a top-heavy ownership structure and implement a phased reduction of the CEO's ownership percentage over the next 3 – 5-years. No one shareholder will have more than 10% ownership. He added that new responsibilities were created because of organizational changes to explain why the firm added the President position to the organizational structure. Mr. White asked how the ERS is unique compared to other clients. Mr. Wing replied that the ERS Board meets more often than most clients and having the Investment Monitoring Group as a key resource to focus on investments is a plus.

#### **ITEM 4.A.ii. MEKETA INVESTMENT GROUP**

Presentation by Aaron Lally, Managing Principal Consultant and Mary Mustard, Managing Principal Consultant

Ms. Mustard began the presentation with an overview of the firm, proposed client consulting team, and explanation of how Meketa Investment Group can best serve the ERS. Meketa is 100% employee-owned, currently has \$1.8 trillion in assets under advisement, 45 years of investment advisory experience, 243 employees, 252 clients, and the median public fund's assets under advisement is \$1.2 billion. Public pension fund assets account for 79% of its total client assets. Ms. Mustard and Mr. Lally would act as the co-leads for the ERS relationship. Next, Mr. Lally provided an example of Meketa's Client Executive Summary exhibit and described its client education tools including white papers, newsletters, webinars, educational retreats, memos, and online classes. Mr. Lally noted Meketa's ability to assist clients with managing cashflows, negotiating fees, creating a crisis response plan, and supervising transactions. As part of Meketa's recommendations for the ERS investment portfolio, Meketa would conduct an initial review of the ERS portfolio and create a 3-year plan. Mr. Lally shared Meketa's preliminary observations on the ERS portfolio, noting limited defensive assets, a strong funded status, high yield manager underperformance, private equity driven performance, a realistic target return rate of 6.75%, and a lack of passive exposure in fixed income. Ms. Mustard described its Mosaic approach to asset allocation and changes to the asset allocation policy. Ms. Mustard suggested implementing modest tweaks to the portfolio to reduce the volatility while still earning the same rate of return. Ms. Mustard explained Meketa's recommendation for reducing exposure to public credit in favor of increasing the allocation to high quality fixed income and public equity, reconfiguration of the real assets allocation by removing public real assets and introducing core infrastructure to provide long term revenue tied to inflation with higher expected returns.

Ms. Rose asked if Meketa considered the ERS portfolio to be too illiquid. Ms. Mustard replied, no. Ms. Gogol requested additional details on employee participation in ownership at Meketa. Mr. Lally responded that 72 out of 250 employees have ownership interests in Meketa. Ms. Gogol asked if Meketa was approached by a private equity company, would Meketa consider an offer of purchase. Mr. Lally replied that a shareholder vote would have to take place for any ownership change to the organization. Mr. Russell inquired about the use of the Mosaic simulation model instead of Monte Carlo and the difference between the two methods. Ms. Mustard explained that Meketa uses a variety of tools to build a more complete picture including both Monte Carlo and Mosaic models and that the Mosaic approach helps provide a better understanding of how the portfolio might behave within certain markets. Ms. Harris and Mr. White requested clarification about the suggestion of an active strategy in small cap equity and the risks associated with such a strategy. Mr. Lally explained Meketa's conviction that active management in the small cap equity strategy can outperform the market. Ms. Mustard explained why they typically recommend active management for U.S. small cap equity and described how some of Meketa's other recommendations for the portfolio would help to reduce portfolio volatility.

#### **ITEM 4.A.iii. WILSHIRE ADVISORS**

Presentation by Bradley Baker, Managing Director; Marc Friedberg, Managing Director; LouAnn Eisenhut, Assistant Vice President; and Shawn Quinn, Managing Director

Mr. Baker began the presentation by thanking the ERS for its business of more than 20 years. Mr. Baker described Wilshire Advisors' two primary focuses as the consultant for the pension plan: 1) maximize safety of promised benefits and 2) minimize cost of funding these benefits. Mr. Baker reviewed some of the relationship accomplishments and outlined future priorities for the ERS which included a continuation of strong governance practices, an Asset Liability Study in 2025, targeted trustee education, drawdown risk management, and the continual enhancement of returns from investments in private markets. Mr. Baker provided an overview of Wilshire Advisors, noting it has been in business for 52 years, has \$1.4 trillion in assets under advisement, more than 500 clients, and 268 employees worldwide. Mr. Baker and Ms. Eisenhut summarized Wilshire's institutional client base, public pension plan client performance in comparison to peers, and Wilshire's investment philosophy and process. Mr. Quinn and Mr. Friedberg highlighted Wilshire's private equity performance and private market capabilities.

Chair Shapiro thanked Wilshire Advisors for their long-standing relationship with the ERS. Mr. Cohen asked for details about Wilshire's acquisition by two private equity firms and who owned Wilshire prior to this transaction. Mr. Baker responded that Wilshire was privately owned prior to 2021 and that some employees still held equity ownership. Ms. Morgan-Johnson asked how Wilshire plans to improve communication with clients. Mr. Baker described how Wilshire provides weekly podcasts, white papers, and educational research for the benefit of its clients. Ms. Rose asked about Wilshire's view of the passive small cap equity strategy for the ERS. Mr. Baker said that 76% of managers in this space are underperforming, but the ERS is in the top quartile. Ms. Rose also inquired if Wilshire considered the ERS portfolio to be too illiquid. Mr. Baker said no. Ms. Stookey asked about Wilshire's 7:1 consultant to client ratio. Mr. Baker said that having more than a 10:1 consultant to client ratio is not recommended.

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

**ACTION:** MS. STOOKEY made a motion, seconded by MR. RUSSELL to go into closed session pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) to consider the investment of public funds and Section 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter under the authority of this Board. The motion PASSED (8-0). Lisa Blackwell-Brown was absent for this vote. (Motion # 24-14).

During Closed Session, the following occurred:

- The Board discussed the selection of an Investment Consulting Services firm and consulted with legal counsel.

*Board of Trustees in Closed Session:* Chair Shapiro, Gavin Cohen, Sheila Morgan-Johnson, Theodore Russell III, Elaine Stookey, Caroline McCarthy, Pamela Gogol, Anton White, and Lisa Blackwell-Brown

#### **ITEM 6. SELECTION OF THE INVESTMENT CONSULTING SERVICES FIRM**

**ACTION:** MR. COHEN made a motion, seconded by MS. MCCARTHY to award the ERS Investment Consulting Services contract to the Meketa Investment Group, contingent upon successful contract negotiations. The motion PASSED (9-0) (Motion # 24-15).

Chair Shapiro recognized Wilshire Advisors for the outstanding performance over the last two decades. The Board unanimously expressed appreciation to Brad Baker and LouAnn Eisenhut. Ms. Rose noted Wilshire Advisors is responsible for the investment results which have led to a strong funded status over the past decade, consistently ranking the ERS in the top quartile compared to other public plans with a lower risk profile.

**ITEM 7. EXECUTIVE DIRECTOR'S REPORT**

No notable items discussed. Report provided as information only.

**ITEM 8. COMMITTEE REPORTS/RECOMMENDATIONS****ITEM 8.A. Administration & Personnel Oversight Committee**

Ms. Harris provided an overview of the Proposed FY25 Operating Budget for the ERS totaling \$3,475,000, representing a 7.0% increase from FY24. Key changes included a recommendation by the Commission's IT Department for a funding allocation of \$55,000 for technical improvements; slight increases due to inflation in the cost for professional services and cost of travel for trustees and staff to attend conferences and other training opportunities; higher premiums for fiduciary and cyber insurance coverage due to risk factors and continued cyber-criminal activity; and a proposed new ERS staff position to support succession planning, representing an increase for personnel services of 9.3% from FY24. The Personnel Committee recommended the approval by the Board of the Proposed FY25 Operating Budget for the ERS.

**ACTION:** MR. RUSSELL made a motion, seconded by MS. GOGOL to approve the FY25 Operating Budget of \$3,475,000 for the ERS. The motion PASSED (9-0) (Motion # 24-16).

The Board meeting of May 8, 2024, adjourned at 2:17 p.m.

Respectfully,

*Alicia C. Stanford*

Alicia C. Stanford  
Administrative Specialist

*Andrea L. Rose*

Andrea L. Rose  
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

DATE: May 29, 2024

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

FROM: Paul J. Sun, Land Acquisition Specialist *PJS*  
Land Management and Environmental Stewardship Division  
Department of Parks and Recreation

SUBJECT: **PGCPB Resolution No. 06-210 (A) (M-NCPPC No. 06-17 Prior),  
for Full Commission**

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Attached, please find the amended Prince George' County Planning Board Resolution regarding a Land Exchange Agreement with the City of Bowie. There was a previous Full Commission action in 2006, but the project never moved forward for various reasons. We have made modifications to the properties that are to be included. With this land exchange agreement, there is a Disposal requirement for a portion of Commission owned property at Mt Oak Park.

The Department of Parks and Recreation has agreed to the land exchange agreement as we will be receiving additional property at Patuxent River Park. As per the exchange agreement, there will be no monetary considerations for the conveyance of these properties.

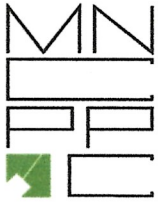
We request that the Prince George's County Planning Board Resolution be scheduled for adoption by the Full Commission in June.

Thank you for your attention to this matter.

Attachments:

- M-NCPPC Resolution No. 06-210 (A)
- M-NCPPC No. 06-17 (Prior)
- Planning Board- May 16<sup>th</sup> -PowerPoint

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation  
6600 Kenilworth Avenue Riverdale, Maryland 20737

PGCPB No. 06-210(A)

**RESOLUTION**

**WHEREAS**, The Maryland-National Capital Park and Planning Commission (“Commission”) is authorized under the Annotated Code of Maryland, Land Use Article § 17-101, et seq. to acquire land or other property located within the metropolitan district for parks, parkways, forests, streets, roads, boulevards, or other public ways, grounds, or spaces by means of donation, purchase, or condemnation; and

**WHEREAS**, in 2006, by resolution No. 06-17, the full Commission approved a no consideration land exchange of 69.33 acres of Commission-owned Mt. Oak Park (O89) for 61.41± acres of land owned by the City of Bowie; and

**WHEREAS**, in 2007, the Bowie City Council approved the land exchange, but the Commission and the City did not complete the exchange for several reasons, including the fact that one of the Commission-owned parcels is burdened with Maryland Department of Natural Resources Program Open Space (“POS”) covenants; and

**WHEREAS**, the Commission and the City are no longer including the POS-burdened parcel in the transaction and now wish to move forward with the land exchange;

**WHEREAS**, City of Bowie is the owner of certain forested property on the Patuxent River known as the Cora Bowie property, Mill Branch Road, Parcel 21, shown on Tax Map 64, Grid B2, Election District 07, Tax Parcel No. 0686766 (61.41± acres) (the “City of Bowie Property”); and

**WHEREAS**, the Commission desires to acquire the City of Bowie Property from the City as an addition to the Commission’s Patuxent River Park, and City of Bowie desires to convey the City of Bowie Property to the Commission, subject to a covenant that the Commission may only use the City of Bowie Property for public park and recreational purposes; and

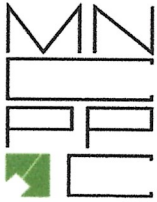
**WHEREAS**, the Commission is the owner of:

- Parcel C - Mount Oak Manor, Tax ID #0707687
- Parcel B, Block L - Tall Oak Estates, Tax ID #0743484
- Parcel A, Block L - Tall Oak Estates, Tax ID #0743476
- Parcel B, Block K - Tall Oak Estates, Tax ID #0743468
- Parcel A, Block K - Tall Oak Estates, Tax ID #0743450
- PT Parcel B, Block C - Tall Oak Estates, Tax ID #0743377
- PT Parcel A, Block C - Tall Oak Estates, Tax ID #0742684
- PT Parcel A, Block C - Tall Oak Estates, Tax ID #0743369
- PT Parcel B, Block C - Tall Oak Estates, Tax ID #0742692
- Parcel A, Block D - Tall Oak Estates, Tax ID #0742825

(collectively 56.33± acres) (the “Commission Property”); and

**WHEREAS**, the Commission is authorized under the Annotated Code of Maryland, Land Use Article § 17-205, to dispose of land that it determines not to be needed for park purposes; and





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation  
6600 Kenilworth Avenue Riverdale, Maryland 20737

**WHEREAS**, the Commission Property is no longer needed for park purposes because the Commission owns sufficient other park property in the Bowie area; and

**WHEREAS**, the City of Bowie desires to acquire the Commission Property from the Commission, and Commission desires to convey the Commission Property to the City of Bowie.

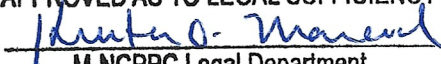
**NOW, THEREFORE BE IT RESOLVED** that the Commission may acquire the City of Bowie Property from the City of Bowie in even exchange (no cash changing hands; costs of appraisals to be split evenly) for the Commission’s conveyance of the Commission Property to City of Bowie (subject to a finding by full Commission that the Commission Property is not needed for park purposes and is eligible for disposal); and

**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 agreements (including Land Exchange Agreement), certificates, 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


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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shapiro, and Bailey voting in favor of the motion, and Commissioner Doerner absent during open session, at its regularly held meeting on Thursday, May 16, 2024, in Largo, Maryland.

Adopted by the Prince George’s County Planning Board this 16th day of May, 2024.

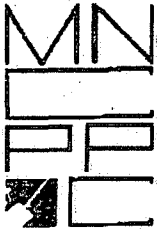
Peter A. Shapiro  
Chairman

APPROVED AS TO LEGAL SUFFICIENCY  
  
M-NCPPC Legal Department

Date May 19, 2024

By:   
Jessica Jones  
Planning Board Administrator





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

PGCPB No. 06-210  
M-NCPPC No. 06-17

RESOLUTION

WHEREAS, the City of Bowie is the owner of 61.41± acres situated in Prince George's County, Maryland, located in Election District 3, Tax Map 64, Grids F1 and B2, Parcel 21, and recorded at Liber 7801, Folio 468, and

WHEREAS, The Maryland-National Capital Park and Planning Commission is the owner of 69.33± acres, situated in Prince George's County, Maryland, located in Election District 7, Tax Maps 62 and 63, Grids F1 and F3, Parcels A, B, and D and Parcel C of Mount Oak Manor, and recorded at Liber/Folios 07684/522; 07991/914; 15068/442; and 15081/275 and known as Tall Oaks Community Park; and

WHEREAS, it is in the interests of both parties to exchange properties; and

WHEREAS, The City of Bowie has agreed to encumber the deed to those portions of Tall Oaks Community Park south of Mount Oak Road with a restriction indicating that those lands will be used as public parkland in perpetuity; and

WHEREAS, the parties have agreed to equally share the costs associated with the exchange of the above-referenced properties.

NOW, THEREFORE, BE IT RESOLVED that the exchange of the above-referenced properties is hereby APPROVED and the Executive Director is authorized to take all needed actions to dispose of the 69.33 acres described above as Tall Oaks Community Park.

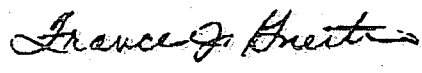
\* \* \* \* \*

PGCPB No. 06-210  
M-NCPPC No. 06-17

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 Clark, seconded by Commissioner Squire; with Commissioners Clark, Squire, Vaughns, Eley, and Parker voting in favor of the motion, at its regular meeting held on Thursday, September 14, 2006, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 28<sup>th</sup> day of September 2006.

Trudye Morgan Johnson  
Executive Director



By Frances J. Guertin  
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date: 10/16/06

**May 16, 2024**

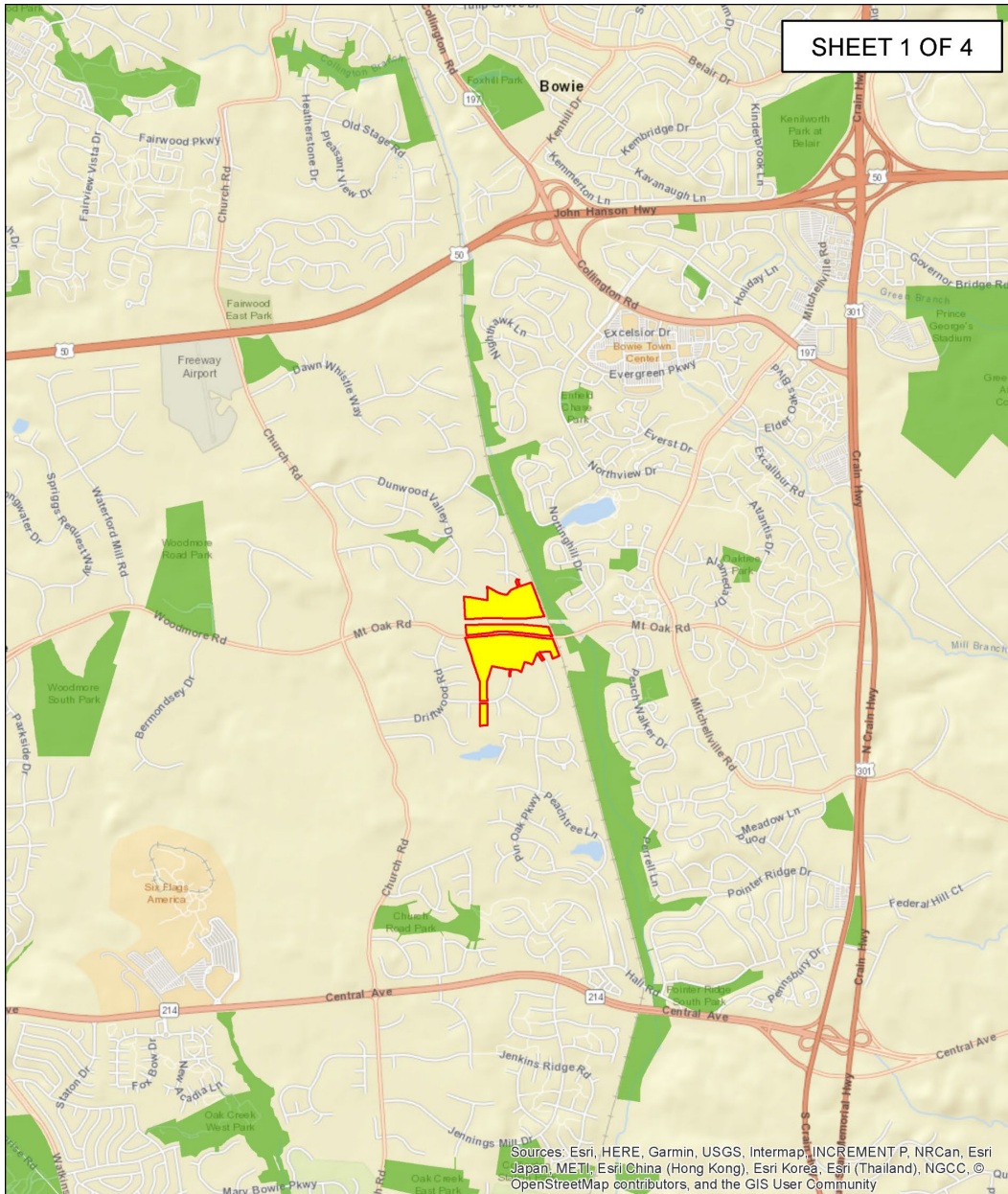
**Prince George's County Planning Board**

**Land Exchange with the City of Bowie**



# History

- In 2006, the Full Commission approved a Land Exchange of M-NCPPC owned Mt. Oak Park with land owned by the City of Bowie.
- As per M-NCPPC Resolution No. 06-17, 69.33 acres of Mount Oak Park was slated to be disposed.
- The basic term was a no-consideration even exchange of land.



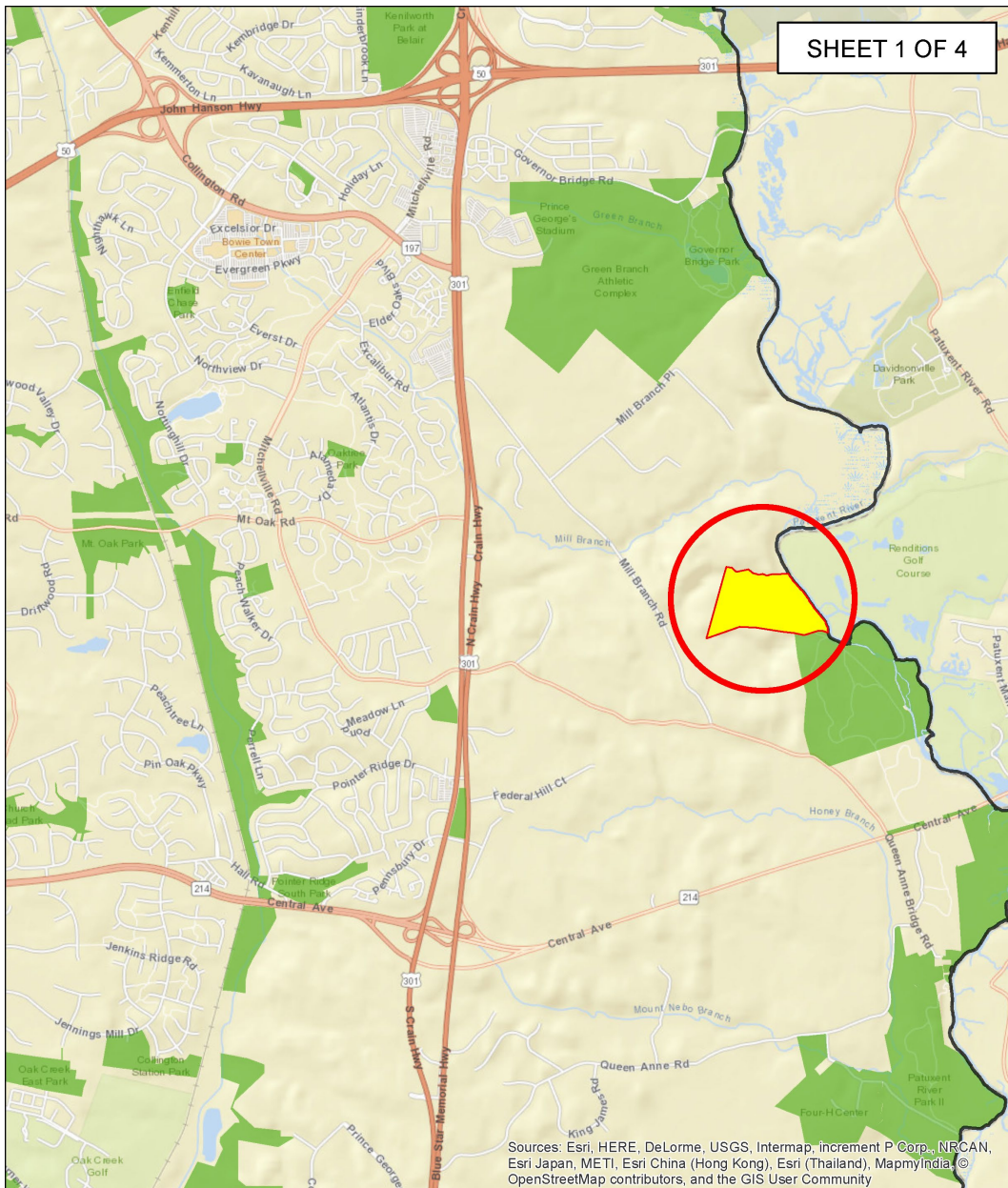
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

	<p>Parcels C - Mount Oak Manor; Parcels A &amp; B, Blocks L &amp; K - Tall Oaks Estates and Parcels A, B &amp; D, Blocks C &amp; D Tall Oak Estates O89 - Mount Oak Park</p>	<p>This information may not be reproduced, stored in a retrieval system or transmitted in any form, including electronic or by photographic reproduction, without the express written permission of the Maryland National Capital Park and Planning Commission.</p>	<p>DATE: 07/20/2018 SCALE: 3,000 Feet</p>	
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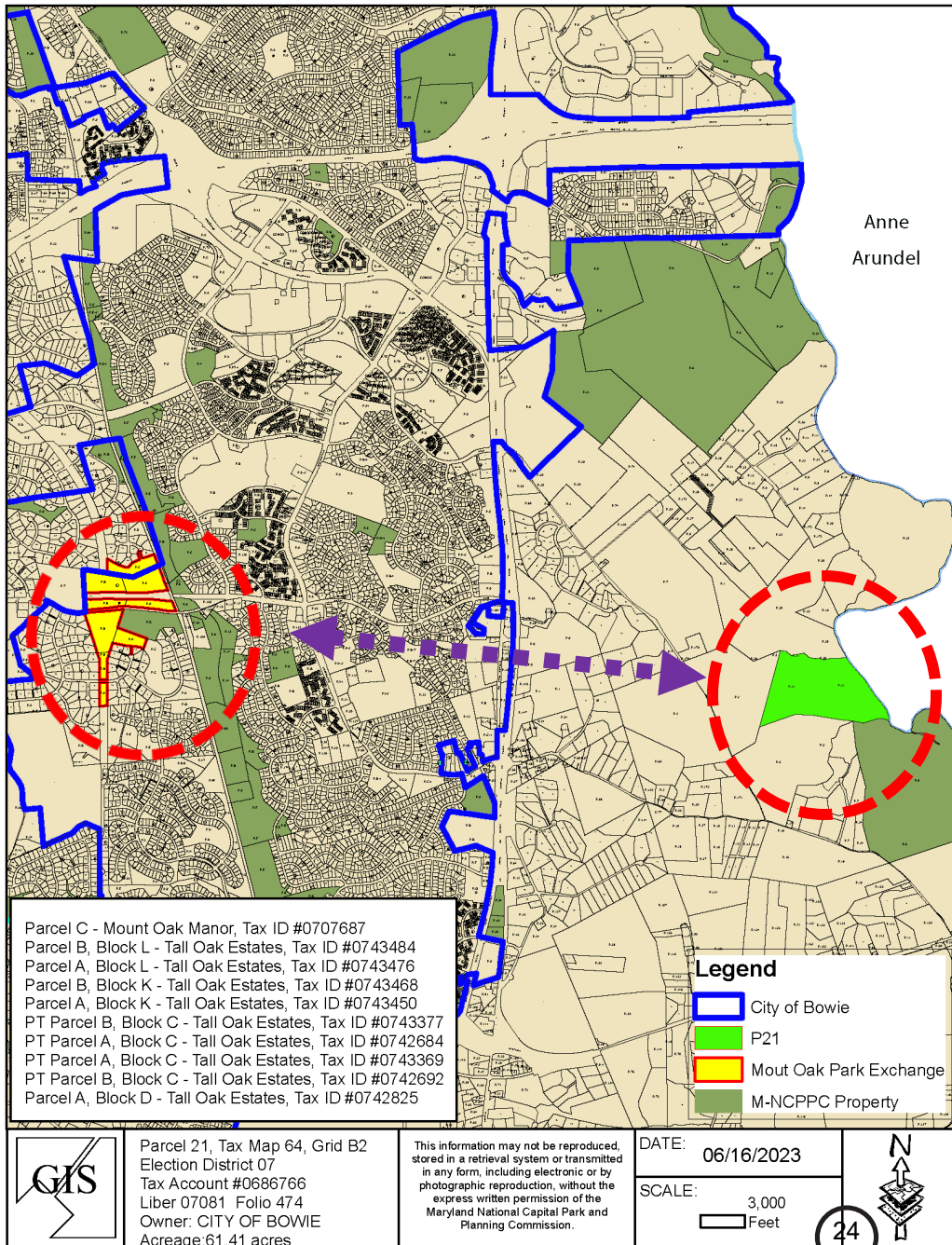
# History

In return, M-NCPPC was to receive 61.41 acres of land owned by the City of Bowie for additional land at Patuxent River Park.



	<p>Parcel 21 Tax Map 64, Grid B2 Mill Branch Road</p>	<p>This information may not be reproduced, stored in a retrieval system or transmitted in any form, including electronic or by photographic reproduction, without the express written permission of the Maryland National Capital Park and Planning Commission.</p>	<p>DATE: 07/18/2017 SCALE: 3,000 Feet</p>	<p>23</p>
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# History



- In 2007, the Land Exchange proposal was approved by the Bowie City Council.
- The City of Bowie ultimately terminated the proposal as they had HOA covenant issues with adjacent property owners on the Mt Oak property that was to be conveyed.



2018



- In 2018 the City Bowie requested a “restart” of the prior proposal and updated appraisals were obtained.
- We could not reach a consensus with the City of Bowie on how to mitigate the property value differential.

	<p>Parcels C - Mount Oak Manor; Parcels A &amp; B, Blocks L &amp; K - Tall Oaks Estates and Parcels A, B &amp; D, Blocks C &amp; D Tall Oak Estates O89 - Mount Oak Park</p>	<p>This information may not be reproduced, stored in a retrieval system or transmitted in any form, including electronic or by photographic reproduction, without the express written permission of the Maryland National Capital Park and Planning Commission.</p>	<p>DATE: 07/20/2018</p> <p>SCALE:  500 Feet</p>	<p></p>
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# Current

- In the summer of 2023, DPR staff started discussions with the City of Bowie again.
- We omitted the POS encumbered Parcel (15.5 acres) from the properties to be conveyed.
- The acreage of M-NCPPC owned land (Mt. Oak Park) was reduced to 56.33 acres.

Parcel C - Mount Oak Manor, Tax ID #0707687  
 Parcel B, Block L - Tall Oak Estates, Tax ID #0743484  
 Parcel A, Block L - Tall Oak Estates, Tax ID #0743476  
 Parcel B, Block K - Tall Oak Estates, Tax ID #0743468  
 Parcel A, Block K - Tall Oak Estates, Tax ID #0743450  
 PT Parcel B, Block C - Tall Oak Estates, Tax ID #0743377  
 PT Parcel A, Block C - Tall Oak Estates, Tax ID #0742684  
 PT Parcel A, Block C - Tall Oak Estates, Tax ID #0743369  
 PT Parcel B, Block C - Tall Oak Estates, Tax ID #0742692  
 Parcel A, Block D - Tall Oak Estates, Tax ID #0742825



Parcel C - Mount Oak Manor; Parcels A & B, Blocks L & K - Tall Oaks Estates and Parcels A, B & D, Block C & D Tall Oak Estates O89 - Mount Oak Park

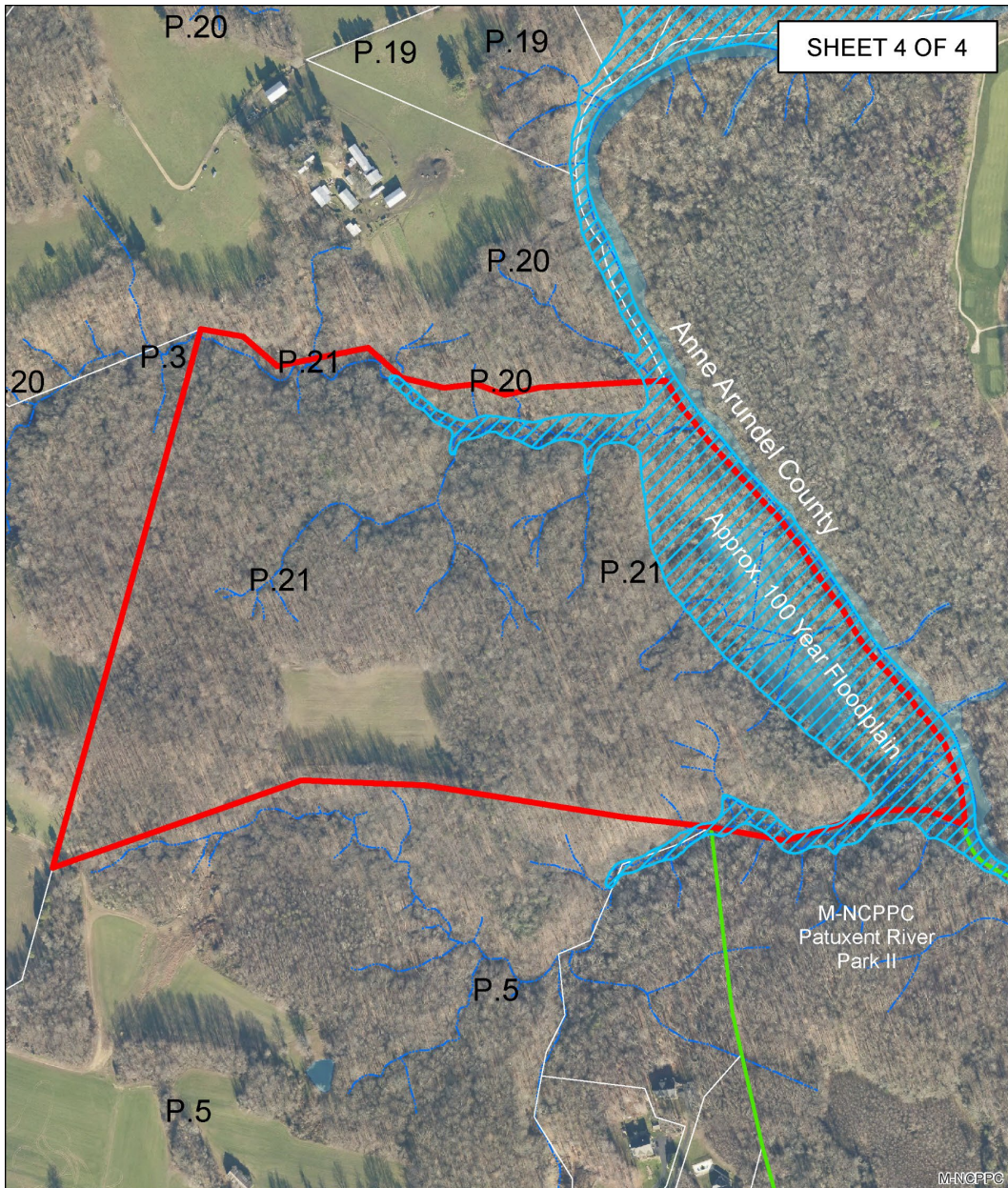
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DATE: 04/21/2023  
 SCALE: 1,000 Feet

26







# Current

The City of Bowie's property along the Patuxent River (the Cora Bowie site) remained the same at 61.4 acres.

- The property consists of over 50 acres of mature, unfragmented forest and priority habitat for preservation, which contributes to the Department's conservation and preservation goals.
- The property provides extensive frontage along the Patuxent River.

	<p>Parcel 21 Tax Map 64, Grid B2 Mill Branch Road</p>	<p>This information may not be reproduced, stored in a retrieval system or transmitted in any form, including electronic or by photographic reproduction, without the express written permission of the Maryland National Capital Park and Planning Commission.</p>	<p>DATE: 07/18/2017</p> <p>SCALE: 400 Feet</p>	<p>27</p>
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## Justification for the Exchange and Disposal

- M-NCPPC Mt. Oak Park (56.33 Acres)
- City of Bowie (Cora Bowie) (61.41 Acres)

M-NCPPC is receiving almost 5 additional acres of land which in turn corresponds to a higher value.

# Summary

- The Bowie City Council has requested a condition, that their (Cora Bowie) property shall be conveyed to M-NCPPC with a covenant restriction that the property can only be used for public park and recreational purposes.
- DPR staff has accepted this condition and still believes that this land exchange will benefit both the City of Bowie and M-NCPPC due to the geographies of the property.
- M-NCPPC will be receiving being a signature land asset.

## STAFF RECOMMENDATION:

Approval of the land exchange agreement  
(Tyler/McNeal/Sun)\*

\* Subject to Final Approval by the Full Commission





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

June 12, 2024

To: The Commission

Via: William Spencer, Deputy Executive Director

From: Tracey Harvin, Corporate Policy and Management Operations Director  
Michael Beckham, Corporate Policy & Archives Manager

Subject: Recommended Clarifications to Merit System Rules & Regulations Regarding Park Police Anniversary Dates, Premium Pay, and Holiday Leave

**Requested Action**

The Commission is asked to approve clarifications to the Merit System Rules and Regulations (Merit Rules) regarding (i) the assignment of an anniversary date for Park Police officers (Merit Rules, Section 1072); (ii) premium pay (Merit Rules, Section 1270); and, (iii) holiday leave (Merit Rules, Section 1540).

The proposed changes have been shared with and are supported by the Merit System Board and Executive Discussion. With the Commission's approval, these changes will be finalized and promulgated.

**Background**

- I. **Assignment of Anniversary Date (Merit Rules, Section 1072).** Clarifications are proposed to Section 1072 of the Merit System Rules, to reflect the provisions of the Collective Bargaining Agreement between the M-NCPPC and Fraternal Order of Police (FOP), Lodge No. 30. These clarifications indicate: (a) the anniversary date for officers hired on or after July 1, 2017, shall be twelve months after they complete the Academy, and (b) for advanced entry officers, their anniversary date shall be based on their date of hire.
  
- II. **Premium Pay (Merit Rules, Section 1270).** Clarifications are proposed to Section 1270 of the Merit Rules, to recognize the distinction between onsite work and telework during a declared emergency.

Except for work performed on a Commission Holiday, essential employees who are required to telework during a declared emergency closing are not entitled to premium pay. Subject to Section 1260 (Overtime Compensation), such Merit System employees receive their regular rate of pay for all work during an emergency closing.



Essential Merit System employees who are required to work onsite during an emergency closing continue to be entitled to premium pay, whether such time worked is within or outside the regular workweek.

III. **Holiday Leave (Merit Rules, Section 1540).** An update is proposed to Section 1541 of the Merit Rules, to reflect that Juneteenth is an official Commission holiday. Juneteenth became an official holiday of the Commission on September 15, 2021, through the adoption of Commission Resolution 21-22.

**Attachments:**

- A. Draft Amendments to Merit Rules, Section 1072, *Assignment of Anniversary Date*
- B. Draft Amendments to Merit Rules, Section 1270, *Premium Pay*
- C. Draft Amendments to Merit Rules, Section 1540, *Holiday Leave*

**DRAFT AMENDMENTS TO MERIT SYSTEM RULES AND REGULATIONS,  
SECTION 1072 (ASSIGNMENT OF ANNIVERSARY DATE)**

**Key to Revisions:**

**Grey Highlighted text:** Recommended additions.

**Stricken text:** Recommended deletions.

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

**1072 Assignment of Anniversary Date**

A Merit System employee shall be assigned an anniversary date (month and day) which shall be one (1) year from the date of initial employment as a Merit employee. Attainment of career status shall be administered pursuant to Chapter 500, Merit System Employees: Probationary and Career Status.

Park Police officers shall be assigned anniversary dates as follows:

1072.1 A Park Police Officer appointed before June 24, 1979, shall be assigned an anniversary date (month and day) which shall be one (1) year from the date of initial employment as a Merit employee.

1072.2 A Park Police Officer appointed as a candidate after June 24, 1979, through February 1, 2002, shall be assigned an anniversary date (month and day) which shall be ~~effective~~ one (1) year from the date of successful completion of Maryland State-mandated entrance level training for police.

1072.3 A Park Police Officer hired on or after February 2, 2002, through June 30, 2017, shall be assigned an anniversary date (month and day) which shall be one (1) year from the date of initial hire as a Merit employee.

1072.4 A Park Police Officer hired on or after July 1, 2017, shall be assigned an anniversary date (month and day) which shall be one (1) year from the date of successful completion of Maryland State-mandated entrance level training for police.

1072.5 For advanced entry officers, the anniversary date shall be based on the date of hire.

**DRAFT AMENDMENTS TO MERIT SYSTEM RULES AND REGULATIONS,  
SECTION 1270 (PREMIUM PAY)**

**Key to Revisions:**

Grey Highlighted text: Recommended additions.

Stricken text: Recommended deletions.

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

1270 Premium Pay

A Merit System employee who is required to work onsite during an emergency closing shall be entitled to premium pay whether such time worked is within or outside the regular work week. Except for work performed on a Commission Holiday, essential employees who are required to telework during a declared emergency closing are not entitled to premium pay. Subject to Section 1260 (Overtime Compensation), such employees shall receive their regular rate of pay for all work during an emergency closing.

Employees who are required to work in an emergency shall be designated as “essential” by the Department Head. The Executive Director shall review departmental designations and may also designate specific positions within the Commission to respond to declared emergencies (see also Chapter 1500, Commission Leave, Section 1531, General Emergencies or Impending Emergency Conditions).

1271 Department Heads may declare **Local Emergencies** when a closing affects a limited service or facility within a department. An essential employee who is required to work onsite during a local emergency shall be paid:

1271.1 The regular rate of pay for all hours that fall within an employee's regularly scheduled work day; **and/or**

1271.2 The rate of one and one-half (1½) times the assigned rate of pay for all hours worked during the declared emergency that fall outside an employee's regularly scheduled work day.

1272 **Area-wide Emergencies** may be declared when there is a need to close the Commission or one or more entire departments within the Commission. The Executive Director shall coordinate the declaration of area-wide emergencies after consultation with respective Planning Board Chair(s) for the affected area(s).

Essential employees who are required to work onsite during an area-wide emergency that affects their assigned department shall be paid:



1 1272.1 Two (2) times the assigned rate of pay for all hours worked during  
2 the declared emergency when the hours fall within an employee's  
3 regularly scheduled work day; **and/or**

4  
5 1272.2 Two and one-half (2½) times the assigned rate of pay for all hours  
6 worked during the declared emergency that fall outside an employee's  
7 regularly scheduled work day.

8  
9 1273 **General Emergencies** may be declared by the Executive Director with the  
10 approval of the two (2) Planning Board Chairs for emergency closings of the  
11 Commission due to catastrophic conditions. Catastrophic conditions include but  
12 are not limited to: Unusually extreme weather such as a blizzard; epidemics, or  
13 civil disturbances. Essential employees who are required to work onsite during  
14 the emergency shall be compensated at a rate of two and one-half (2½) times  
15 for all hours during the declared emergency.

16  
17 1274 **Emergency Work on a Commission Holiday:** Work performed onsite during any  
18 emergency which occurs on a Commission holiday shall be paid at the rate of two and  
19 one half (2½) times the employee's assigned rate of pay for all hours worked.

**DRAFT AMENDMENTS TO MERIT SYSTEM RULES AND REGULATIONS,  
SECTION 1540 (HOLIDAY LEAVE)**

**Key to Revisions:**

Highlight: Recommended additions

~~Strikethrough~~: Recommended deletions

*Italic Notes*: Comments on changes

1540 Holiday Leave

Holiday leave is paid leave from a standard work day for observance of an official holiday.

1541 The official holidays for the Commission are:

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
<u>Juneteenth</u>	<u>June 19</u>
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Employee Appreciation Day	Fourth Friday in November
Christmas Day	December 25

The Commission has the authority to designate on an annual basis any additional day(s) as official paid holidays.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

June 12, 2024

To: The Commission

Via: William Spencer, Deputy Executive Director

From: Tracey Harvin, Corporate Policy and Management Operations Director  
Michael Beckham, Corporate Policy & Archives Manager

Subject: Proposed Amendment to Merit System Rules & Regulations, Chapter 1600, Leave Status Programs, FMLA Leave

**Requested Action**

The Commission is asked to approve proposed amendments to Chapter 1600 of the Merit System Rules and Regulations (“Merit Rules”).

These amendments would treat employees with spouses who are also employed by the agency, as individuals for the purpose of leave benefits available under the Family Medical Leave Act (“FMLA”) (Attachment A). Currently, these married employees share certain allotted leave benefits with their spouse in accordance with the limits contained within FMLA.

Approval of the proposed amendments would result in these married individuals being eligible for the same benefits as their unmarried colleagues, as follows:

- a. 12 work weeks of FMLA leave for parental responsibilities and the care of a parent with a serious health condition, and
- b. 26 work weeks of FMLA leave for military caregiver leave.

The Merit System Board and the Department Heads support the proposed amendments. Non-represented Merit System employees have also been provided with a mandatory 30-day review period.<sup>1</sup> With the Commission’s approval, the amendments will be finalized and promulgated.

---

<sup>1</sup> Pursuant to Section 160 *et seq.* of the Merit System Rules and Regulations, non-represented Merit System employees must be provided a 30-day comment period for proposed amendments and revisions to the Merit Rules. Amendments do not apply to employees represented by the Municipal and County Government Employees Organization (MCGEO) or the Fraternal Order of Police (FOP), unless approved by the respective Union.

## **Background**

Earlier this calendar year, Montgomery Parks inquired about the amount of FMLA leave spouses, who both work for the agency, are entitled to under federal law. Generally, the FMLA entitles each eligible employee to take up to 12 work weeks of FMLA leave in a 12-month period for certain family and medical reasons. Employees may use their own accrued paid leave or take leave-without-pay. The FMLA also entitles employees to take up to 26 work weeks of FMLA leave in a single 12-month period for military caregiver leave.

In contrast, spouses who work for the same employer do not receive the same allotment of leave, but instead share: (i) 12 work weeks of FMLA leave for parental responsibilities and the care of a parent with a serious health condition, and (ii) 26 work weeks of FMLA leave for military caregiver leave. However, employers are permitted to provide greater FMLA leave benefits to employees than the minimum entitlement rights established by the Act.

On April 10, 2024, proposed amendments to Chapter 1600, which would establish parity between unmarried and married employees, were released to non-represented Merit System employees for comment. Six comments were received—five comments in support of the amendments and one comment suggested an increase in a leave benefit. (Attachment B).

No further amendments are proposed to increase the amount of parental leave for which employees would be eligible. Department Heads support providing 12 work weeks of leave for parental responsibilities per leave year, which is on par with the amount provided by the State of Maryland.

For comparison, Prince George’s County provides 15 work weeks of leave for parental responsibilities per 12-month period, while Montgomery County provides 18 work weeks of leave for parental responsibilities per 24-month period.

## **Attachments:**

- A. Draft Amendments to Merit Rules, Chapter 1600, *Leave Status Programs: Leave-Without-Pay, Parental Leave, Family And Medical Leave, Absence-Without-Leave, And Leave Under The Maryland Organ Donation Leave Act*
- B. Analysis of Comments Submitted on Notice 24-03 from Review Period

**DRAFT AMENDMENTS TO MERIT SYSTEM RULES AND REGULATIONS,  
CHAPTER 1600, LEAVE STATUS PROGRAMS: LEAVE-WITHOUT-PAY, PARENTAL LEAVE,  
FAMILY AND MEDICAL LEAVE, ABSENCE-WITHOUT-LEAVE, AND LEAVE UNDER THE  
MARYLAND ORGAN DONATION LEAVE ACT (EXCERPT)**

**Key to Revisions:**

**Highlight:** Recommended additions

**~~Strikethrough:~~** Recommended deletions

***Bold Italics:*** Comments on changes

1610 Basic Concepts

Authorized leave status programs overlay some forms of Employee and Commission leave. Leave Status Programs cover periods of approved absences during which employees may use sick, annual, personal, compensatory leave, or leave-without- pay under the circumstances described below. Leave Status Programs include leave-without- pay, parental leave and Family and Medical Leave. Employees are approved for leave subject to meeting eligibility requirements and prior approval from the Department Head.

Employees who are absent from work without authorization are considered to be in an absence-without-leave (AWOL) status. Any employee who is AWOL shall be placed in a non-pay status and shall be subject to disciplinary action (see Section 1650, Absence- Without-Leave).

[ . . . ]

\* 1630 Parental Leave Status *(as last amended September 26, 2018)*

1631 Merit System employees may be placed on approved leave status for parental responsibilities including maternity, paternity, adoption, or foster care as described below. During this leave status, employees may request use of any portion of the up to four hundred and eighty (480) hours of sick leave an employee may use each calendar year for reasons provided in §1470.3.b; or may request use of leave-without-pay. *(as last amended September 26, 2018)*

Use of sick leave for parental responsibilities shall be applied toward any eligible FMLA leave status. Additional paid leave or leave-without-pay can be granted if the Merit System employee applied for and qualifies under the Family and Medical Leave Act (see Section 1640). A Department Head also has discretion to approve, on a case-by-case basis, longer leave durations if the absence would not cause unmanageable disruptions to the employee's work program or services.

1 1631.1 In all cases, leave for parental responsibilities shall be taken within twelve (12)  
2 calendar months from the birth of the child, or from the placement of an  
3 adopted or foster child.

4  
5 1631.2 Any leave taken for parental responsibilities will count against the twelve (12)  
6 work week leave period allowable under the Family and Medical Leave Act,  
7 subject to Section 1640 (Family and Medical Leave Status).

8  
9 1632 Parental Leave may be approved for the following events:

10  
11 1632.1 Maternity: A Merit System employee may use parental leave for reasons of  
12 pregnancy, childbirth, miscarriage, abortion, or to care for her newborn child,  
13 including prenatal or postnatal care.

14  
15 1632.2 Paternity: A Merit System employee who is the paternal parent may request  
16 parental leave to care for his newborn child, including prenatal and postnatal  
17 care. Parental leave may also be taken to care for the maternal parent's  
18 pregnancy-related disabilities or childbirth.

19  
20 1632.3 Adoption or Foster Placement: An employee may request parental leave for the  
21 adoption or foster care placement of a child. The employee shall furnish proof  
22 of the placement for the intended adoption or foster care of a child up to the  
23 age of 18, or older if disabled, and demonstrate that the employee-s/he is the  
24 person primarily responsible for providing ~~furnishing~~ care to the child.

25  
26 1633 Employees may apply to use the following types of paid leave and leave-without pay  
27 during Parental Leave status. Types of leave applied shall be administered in accordance  
28 with respective sections of the Merit System Rules and Regulations.

29  
30 1633.1 Paid Leave:

31 1633.1.a Up to four hundred and eighty (480) hours of sick leave.  
32 Greater amounts may be approved when medically necessary  
33 subject to Section 1640 (Family and Medical Leave Status);

34 1633.1.b Accumulated annual leave;

35 1633.1.c Accumulated compensatory leave;

36 1633.1.d Available personal leave; or

37 1633.1.e Leave available under the Employees' Sick Leave Bank Program,  
38 if eligible.

39  
40 1633.2 Leave-Without-Pay: An eligible employee wishing to take authorized leave-  
41 without-pay, shall first use the following leave balances, if available:  
42  
43

- 1633.2.a Two hundred and forty (240) hours of sick leave; or
- 1633.2.b Two hundred and forty (240) hours of compensatory leave

1634 Application for Parental Leave Status

When foreseeable, application for parental leave shall be submitted in writing thirty (30) calendar days prior to the commencement of leave. A request shall be accompanied by a verifying medical certification from a licensed medical practitioner. All leave requests shall be approved by the employee's Department Head.

\* 1640 Family and Medical Leave Status (as amended June 17, 2020)

In accordance with the Family and Medical Leave Act (FMLA), employees generally may be eligible for up to twelve (12) work weeks of unpaid leave in a twelve (12) month eligibility period for FMLA-qualifying events. However, spouses who work for the agency each receive up to 12 work weeks of FMLA leave per twelve (12) month eligibility period for the birth of a child, placement of a child with the employee for adoption or foster care, and care for a parent with a serious health condition. Additionally, spouses who work for the agency each receive up to 26 work weeks of FMLA leave to care for a military family member with a serious injury or illness. (*Note to Draft Reviewer:* The preceding grey text reflects the Policy Office's recommendation to treat spouses as individuals for purposes of FMLA.)

~~Through December 31, 2015, a calendar year basis (January-December) is used to determine the twelve (12) month eligibility period for available FMLA leave.~~

~~Effective January 1, 2016, A "rolling" twelve (12) month period is used to determine eligibility for available FMLA leave. More specifically, the twelve (12) months are measured backward from the date of the employee's most recent FMLA leave request.~~

Each time an employee requests FMLA leave, the request is considered for the balance of the twelve (12) week leave entitlement that was not used during the immediately preceding twelve (12) months.

Any part of the FMLA status may be substituted with paid leave or leave-without-pay, as governed by Chapter 1400, Employee Leave; Chapter 1500, Commission Leave; and Chapter 1600, Leave Status Programs. As such, the FMLA leave runs concurrently with all leave programs offered by the Commission for events that qualify under the FMLA. Specific guidance on the administration of leave taken under the FMLA shall be set forth by the Executive Director.

1 \* 1641 **Eligibility for FMLA Leave Status** *(as amended November 18, 2015)*

2  
3 The FMLA coverage is available to all employees who have met the following minimum  
4 service and work hour requirements:

5  
6 1641.1 Twelve (12) months of employment service with the  
7 Commission, not necessarily consecutive; and

8  
9 1641.2 Twelve hundred and fifty (1,250) hours worked during the twelve  
10 (12) month period immediately preceding the start of the leave.  
11

12 \* 1642 **Qualified Events** *(as last amended June 17, 2020)*

13  
14 Except as provided in section 1642.5, FMLA may be granted for any of the following  
15 events. During the leave status, employees may use eligible types of paid leave and leave-  
16 without-pay listed for the following ~~under the respective~~ events:

17  
18 1642.1 Parental responsibilities including the birth, adoption, or foster care of a child  
19 of the employee up to the age of 18, older if disabled: Subject to Section 1640  
20 (Family and Medical Leave Status), employees may offset the 12-week FMLA  
21 unpaid leave entitlement with eligible types of paid leave and leave-without-  
22 pay available for parental responsibilities (see Section 1630).  
23

24 \* 1642.2 Care of a seriously ill or injured dependent: Leave may be taken to care for a  
25 seriously ill or injured dependent which includes the employee's spouse,  
26 domestic partner, parent, or child up to the age of 18, or older if disabled.  
27 Subject to Section 1640 (Family and Medical Leave Status), employees may  
28 apply the following types of paid leave during the FMLA leave status: any  
29 portion of up to four hundred and eighty (480) hours of sick leave per calendar  
30 year, and any accumulated annual leave, compensatory leave, or personal leave.  
31 An employee wishing to take authorized leave-without-pay shall first use  
32 accrued annual and compensatory leave. *(as last amended September 26, 2018)*  
33

34 1642.3 Care of the employee's own serious illness or injury: Employees may offset the  
35 unpaid FMLA entitlement with paid accrued sick, annual, compensatory, or  
36 personal leave. Disability leave, Workers' Compensation, or the leave under  
37 the Sick Leave Bank Program may also be used if eligible. Employees who  
38 wish to take leave-without-pay shall first use all accrued sick and compensatory  
39 leave.  
40  
41  
42  
43



1 1642.4 Care or comfort of a military service member (qualifying exigency and military  
2 caregiver leave): Employees may use the twelve (12) week leave entitlement to  
3 address certain qualifying exigencies when a spouse, domestic partner, son,  
4 daughter, or parent is on covered active duty or is called to covered active duty  
5 status. Qualifying exigencies may include attending certain military events,  
6 arranging for alternative childcare, addressing certain financial and legal  
7 arrangements, attending certain counseling sessions, and attending post-  
8 deployment reintegration briefings.

9  
10 ~~Subject to Section 1640 (Family and Medical Leave Status), the FMLA also~~  
11 ~~includes a special leave entitlement that permits~~ eligible employees may receive  
12 up to 26 weeks of leave during a single twelve (12) month period to care for a  
13 covered service member with a serious injury or illness.

14  
15 \* 1642.5 Organ or Bone Marrow Donation Leave cannot be counted against an  
16 employee's FMLA leave entitlement, consistent with the Maryland Organ  
17 Donation Leave Act. (See Section 1660.) *(as amended June 17, 2020)*

18  
19 1643 Application for FMLA Leave Status and Approval Authority

20  
21 Employees shall provide thirty (30) days' notice for placement on FMLA status when  
22 leave is foreseeable. FMLA leave status may be requested on a continuous or intermittent  
23 basis when medically necessary.

24  
25 A Department Head may also initiate placement of an employee on FMLA status when it  
26 is known the reasons why paid or unpaid leave is being used if the situation qualifies as a  
27 covered event under the FMLA and the employee has met FMLA eligibility requirements.

28  
29 1643.1 All Family and Medical Leave requests shall be approved by the Department  
30 Head.

31  
32 1643.2 Requests for leave shall be accompanied by a certificate of need from a licensed  
33 medical practitioner. Verification of need shall be administered pursuant to  
34 Commission leave policies and federal/state laws governing the FMLA.

**ANALYSIS OF COMMENTS SUBMITTED ON PROPOSED AMENDMENTS TO  
MERIT SYSTEM RULES AND REGULATIONS,  
CHAPTER 1600, LEAVE STATUS PROGRAMS REGARDING FMLA LEAVE**

1. **Comment by Montgomery County Department of Parks:** The policy is being reviewed to potentially "treat married spouses—who both work for the agency—as individuals for the purpose of leave benefits provided under the Family Medical Leave Act (“FMLA”)."

This seems quite obvious to me - married couples are still comprised of two individuals, and why shouldn't they have the same rights as other individuals? As it currently stands, it seems to make more sense for individuals who are engaged/simply dating to have/adopt a child! That seems ridiculous to me! Just because they are married doesn't mean they should have to "share" the allocated leave they are provided under FMLA. It doesn't lessen the burden/responsibility they have (and why they are using that leave) simply because they are legally married. That should have no bearing, for example, on whether or not their job is protected for 12 weeks of caring for a newborn. My spouse does not work for the Commission but i wholeheartedly support and STRONGLY believe that married spouses at the Commission should be given the same FMLA benefits as individuals have at the Commission. At the very least, it's an incentive for potential employees, right? And at most, it protects their job and their livelihoods while they care for a newborn, or an ailing family member. This is such an important benefit that should not be constricted at its capacity to non-married spouses.

2. **Comment by Montgomery County Department of Parks:** In ref to the proposed amendments to Merit System Rules....Leave Status regarding FMLA. I think this is a fair and equitable change for our staff.
3. **Comment by Montgomery County Department of Parks:** I support the change to treat spouses as individuals for purposes of FMLA.
4. **Comment by Montgomery County Department of Parks:** I fully support this change and appreciate the Board making this proposal to best support our staff.
5. **Comment by Montgomery County Department of Parks:** I am fully supportive of the Proposed Amendments to Merit System Rules & Regulations, Chapter 1600, Leave Status Programs, Regarding FMLA Leave. Because The U.S. Code, Title 29 § 2612(f)(1) allows employers to limit spouses of the same employer to share the 12 weeks of FMLA, I feel strongly that The Commission should opt to allow all employees the equal benefit of individual 12 weeks of FMLA regardless if their spouse is employed by the same employer. Families are a staple of The Commission whether it’s the communities we support, the parks we maintain for all people and families, or the facilities we run for children and adults. We should do the best for all our employees and that includes those that are family to one another. Implementing this policy will not bring hardship to our business. It will show that we support our employees equally.

**6. Comment by Montgomery County Department of Parks:** I propose that the amount of work weeks available under FMLA for parental duties be the same as military caregivers, 26 weeks in 1 year. It is inequitable for there to be a difference. Giving birth to a child or adopting requires a lot of time, mental energy, and is massive strain on the body. For those who give birth especially is that true because it is a life altering medical event. Some experience serious complications during pregnancy and birth. Even after birth there can be complications with the mother or the child. For a child to survive and thrive in the first year of life much time is needed to recover physically, adjust to new circumstances, and bond. If federal standards are being followed as a guidepost, then this Commission should follow the lead of the October 2020 amendments to parental leave. Some of this leave should also be paid leave instead of unpaid leave. Nor should anyone have to sacrifice any sick, annual, or personal leave just to have less than 2 months to recover and care for a child. If the employees of this Commission, especially the women, are actually valued and are not considered expendable, then this policy should be amended in the favor of expecting parents. At the very least this will benefit the Commission because there will be less employee turnover because we would now have an incentive to stay. We would feel like we have a future at our job here and we would feel like we are being treated with dignity as a human being.

**Staff Response:**

No other jurisdiction provides 26 weeks of FMLA leave for parental responsibilities, and the agency would be an outlier to do so. Department Heads support providing 12 work weeks of FMLA leave for parental responsibilities, on par with the amount provided by the State.

With regard to benefits provided by the federal government to federal employees, as of October 1, 2020, federal employees receive up to 12 work weeks of paid parental leave.

This item concerns job protection only, not paid parental leave benefits. The agency is awaiting the implementation of State regulations to comply with the Maryland Time to Care Act (TTCA) and family medical leave insurance which will provide eligible employees with up to 12 work weeks of paid leave for qualifying events like the birth, adoption, or foster placement of a child.

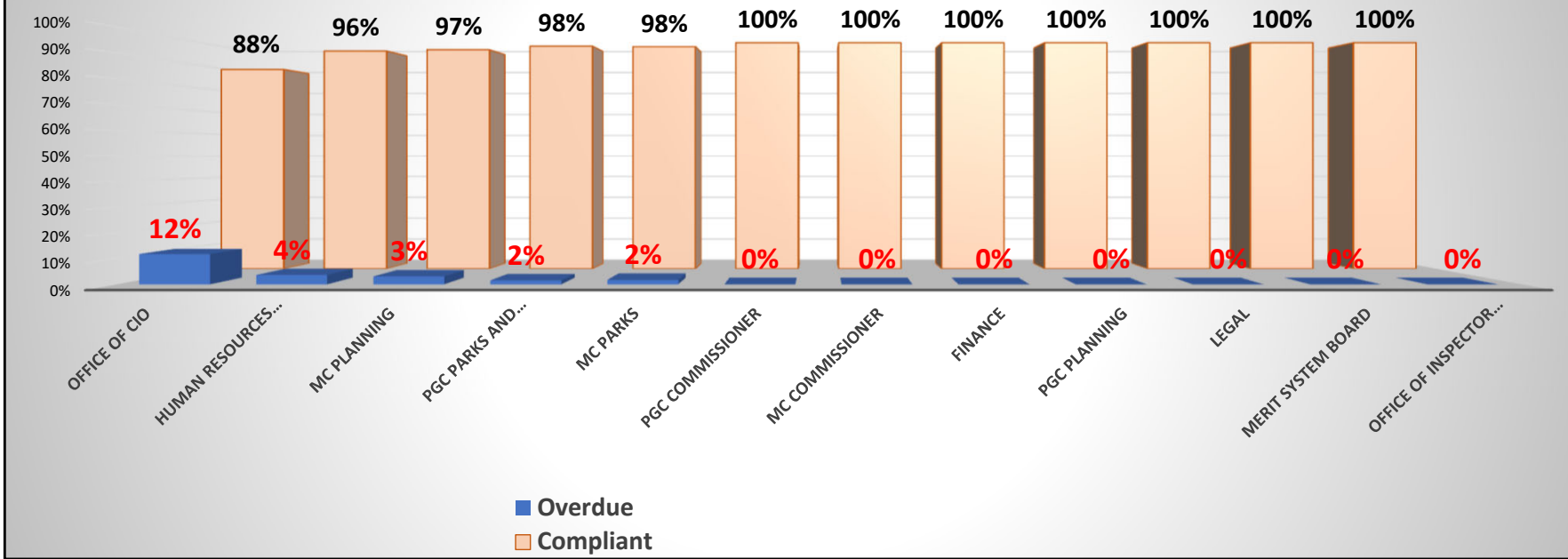
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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
BY DEPARTMENT AS OF MAY 2024**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	<u>Apr-24</u>	<u>May-24</u>	<u>Apr-24</u>	<u>May-24</u>	<u>Apr-24</u>	<u>May-24</u>	<u>Apr-24</u>	<u>May-24</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	1	1	1	2
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	0	0	0	1	2
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	0	0	0	0	0	0	0	0
PRINCE GEORGE'S PLANNING	0	0	0	0	0	0	0	0
PRINCE GEORGE'S PARKS & RECREATION	14	15	0	0	2	0	16	15
MONTGOMERY COUNTY PARKS	7	12	1	0	0	0	8	12
MONTGOMERY COUNTY PLANNING	2	4	0	0	1	0	3	4
<b>**DEPARTMENT TOTAL BY DAYS LATE**</b>	<b>24</b>	<b>34</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>1</b>		
<b>COMMISSION-WIDE TOTAL</b>							<b>29</b>	<b>35</b>

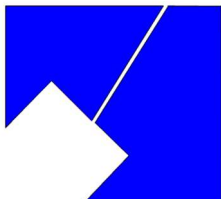
\*\*DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.

### Late Annual Performance Evaluation Report Career Employees



\*Data as of May 31, 2024

Employee Count	Evaluation Status		Total Employees
	Compliant	Overdue	
Finance	40		40
Human Resources and Mgt	54	2	56
Legal	26		26
MC Commissioner	3		3
MC Parks	708	12	720
MC Planning	129	4	133
Merit System Board	1		1
Office of CIO	16	2	18
Office of Inspector General	6		6
PGC Commissioner	10		10
PGC Parks and Recreation	1,027	15	1,042
PGC Planning	173		173
<b>Total Employees</b>	<b>2,193</b>	<b>35</b>	<b>2,228</b>



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

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6611 Kenilworth Avenue • Riverdale, Maryland 20737 • Phone: 301-454-1752

June 12, 2024

To: The Commission

Via: William Spencer, Deputy Executive Director  
 Tracey A. Harvin, Corporate Policy & Management Operations Director

From: Lawrence Taylor, Supplier Diversity and Inclusion Chief

Re: MFD Purchasing Statistics — Third Quarter FY24

The Commission's procurement policy (Practice 4-10, Purchasing) includes an anti-discrimination component which assures that fair and equitable vendor opportunities are made available to minority, female or disabled owned firms (MFDs). This program is administered jointly by the Office of the Executive Director and the Purchasing Division and includes an MFD subcontracting component based on the Commission procurement practices and the availability of MFD vendors in the marketplace.

Highlights of MFD participation for the Third Quarter of FY24 include:

- Attachment A indicates that through the Third Quarter of FY24, the Commission procured \$95,296,179 in goods, professional services, construction, and miscellaneous services and \$24,403,475 or 25.6% was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the Third Quarter of FY24, 25.6% was spent with minority, female, and disabled (MFD) owned firms.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the Third Quarter of FY24 was 39.8%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the largest operating departments—Prince George's Department of Parks and Recreation and Montgomery Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these Departments through the Third Quarter of FY24 are 38.4% and 40.2% respectively.
- Attachment D presents the FY24 activity for the Purchase Card program totaling \$10,108,323 of which 3.1% was spent with minority, female and disabled (MFD)

firms. The amount of procurement card activity represents 10.6% of the Commission's total procurement dollars.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY91 to Third Quarter FY24.
- Attachments F and G show the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the analysis, MFD vendors are participating, at an overall rate of 20.3% in informal (under \$30,000) and 25.6% in the formal (over \$30,000) procurements. For transactions under \$10k, MFD participation is 10.2%. For transactions over \$10k but under \$30k, MFD participation is 30.3%. MFD vendors are participating at an overall rate of 28.6% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$95,296,179 in total procurement, \$60,539,326 was procured from Maryland vendors. Of the \$60,539,326 procured from Maryland vendors, \$19,152,030 was procured from MFD vendors located in Maryland of which 78.4% or \$17,220,661 being procured from MFD vendors located in Montgomery and Prince George's Counties.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors.<sup>1</sup> The results show under-utilization in the following categories: African American, Asian, Native American, and Female. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy.<sup>2</sup>
- Attachments J and K show the number and dollar amount of waivers of the procurement policy by department and by reason for waiver.

For further information on the MFD report, please contact the Office of Supplier Diversity and Inclusion at 301-454-1752.

## Attachments

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

<sup>2</sup> Practice 4-10, *Purchasing Policy*, Section II.



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

MFD PROCUREMENT STATISTICS

FY 2024

FOR NINE MONTHS ENDED MARCH 31, 2024

**Attachment A**

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<b><u>Prince George's County</u></b>						
Commissioners' Office	\$ 93,568	\$	-	-	\$ 42,769	45.7%
Planning Department	2,554,315		62,100	1	577,289	22.6%
Parks and Recreation Department	54,681,991		2,384,818	13	14,769,119	27.0%
Total	<u>57,329,874</u>		<u>2,446,918</u>	<u>14</u>	<u>15,389,177</u>	<u>26.8%</u>
<b><u>Montgomery County</u></b>						
Commissioners' Office	111,901		-	-	725	0.6%
Planning Department	1,740,525		-	-	503,569	28.9%
Parks Department	32,304,389		927,571	11	7,432,632	23.0%
Total	<u>34,156,815</u>		<u>927,571</u>	<u>11</u>	<u>7,936,926</u>	<u>23.2%</u>
<b><u>Central Administrative Services</u></b>						
Dept. of Human Resources and Mgt.	1,569,333		1,135,995	10	699,531	44.6%
Finance Department	166,051		72,450	1	7,094	4.3%
Legal Department	148,335		97,769	3	7,065	4.8%
Merit Board	-		-	-	-	0.0%
Office of Chief Information Officer	1,911,482		353,240	4	363,664	19.0%
Office of Inspector General	14,289		-	-	-	0.0%
Total	<u>3,809,490</u>		<u>1,659,454</u>	<u>18</u>	<u>1,077,354</u>	<u>28.3%</u>
Grand Total	<u>\$ 95,296,179</u>	<u>\$</u>	<u>5,033,943</u>	<u>43</u>	<u>\$ 24,403,457</u>	<u>25.6%</u>

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

Prepared by the Office of Supplier Diversity & Inclusion, Corporate Policy & Management Operations Division

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

**MFD PROCUREMENT STATISTICS**

**FY 2024**

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

**Attachment B**

**CUMULATIVE BY QUARTER**

	SEPTEMBER	DECEMBER	MARCH	JUNE
<b><u>Prince George's County</u></b>				
Commissioners' Office	52.8%	55.5%	45.7%	
Planning Department	40.1%	22.8%	22.6%	
Parks and Recreation Department	22.2%	27.0%	27.0%	
Total	<u>22.6%</u>	<u>26.9%</u>	<u>26.8%</u>	
<b><u>Montgomery County</u></b>				
Commissioners' Office	0.0%	0.8%	0.6%	
Planning Department	54.5%	41.5%	28.9%	
Parks Department	20.5%	20.1%	23.0%	
Total	<u>22.3%</u>	<u>21.1%</u>	<u>23.2%</u>	
<b><u>Central Administrative Services</u></b>				
Dept. of Human Resources and Mgt.	79.4%	53.2%	44.6%	
Finance Department	6.7%	5.5%	4.3%	
Legal Department	0.0%	0.0%	4.8%	
Merit Board	0.0%	0.0%	0.0%	
Office of Chief Information Officer	29.3%	22.8%	19.0%	
Office of Inspector General	0.0%	0.0%	0.0%	
Total	<u>46.2%</u>	<u>33.7%</u>	<u>28.3%</u>	
Grand Total	<u><u>23.8%</u></u>	<u><u>25.3%</u></u>	<u><u>25.6%</u></u>	

**ACTIVITY BY QUARTER**

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<b><u>Prince George's County</u></b>					
Commissioners' Office	52.8%	57.7%	24.1%		45.7%
Planning Department	40.1%	17.0%	22.0%		22.6%
Parks and Recreation Department	22.2%	32.9%	27.0%		27.0%
Total	<u>22.6%</u>	<u>31.8%</u>	<u>26.8%</u>		<u>26.8%</u>
<b><u>Montgomery County</u></b>					
Commissioners' Office	0.0%	0.9%	0.0%		0.6%
Planning Department	54.5%	16.9%	12.0%		28.9%
Parks Department	20.5%	19.7%	28.0%		23.0%
Total	<u>22.3%</u>	<u>19.5%</u>	<u>27.0%</u>		<u>23.2%</u>
<b><u>Central Administrative Services</u></b>					
Dept. of Human Resources and Mgt.	79.4%	15.6%	3.3%		44.6%
Finance Department	6.7%	4.4%	0.0%		4.3%
Legal Department	0.0%	0.0%	26.1%		4.8%
Merit Board	0.0%	0.0%	0.0%		0.0%
Office of Chief Information Officer	29.3%	7.6%	1.4%		19.0%
Office of Inspector General	0.0%	0.0%	0.0%		0.0%
Total	<u>46.2%</u>	<u>11.0%</u>	<u>3.1%</u>		<u>28.3%</u>
Grand Total	<u><u>23.8%</u></u>	<u><u>27.0%</u></u>	<u><u>26.4%</u></u>		<u><u>25.6%</u></u>

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

MFD PROCUREMENT STATISTICS  
 BY MAJOR PROCUREMENT CATEGORY  
 FY 2024  
 FOR NINE MONTHS ENDED MARCH 31, 2024

**ATTACHMENT C**

	<b>Grand Total</b>	<b>Montgomery Planning</b>	<b>Montgomery Parks</b>	<b>Pr. Geo. Parks &amp; Recreation</b>	<b>Pr. Geo. Planning</b>	<b>Dept. of Human Resources</b>	<b>Finance Dept.</b>	<b>Legal Dept.</b>	<b>Office of Chief Information</b>
<b>Goods:</b>									
Total \$	\$ 28,886,969	\$ 319,850	\$ 10,184,982	\$ 17,128,641	\$ 587,619	\$ 113,961	\$ 66,988	\$ 22,250	\$ 462,678
MFD \$	\$ 1,689,331	\$ 1,399	\$ 249,625	\$ 957,785	\$ 151,068	\$ 0	\$ 4,122	\$ 7,000	\$ 318,332
Percentage	5.8%	0.4%	2.5%	5.6%	25.7%	0.0%	6.2%	31.5%	68.8%
<b>Miscellaneous Services:</b>									
Total \$	\$ 16,388,532	\$ 1,085,148	\$ 5,916,033	\$ 7,398,130	\$ 999,777	\$ 226,596	\$ 79,763	\$ 18,380	\$ 664,705
MFD \$	\$ 4,193,287	\$ 502,170	\$ 1,618,514	\$ 1,910,739	\$ 90,889	\$ 29,271	\$ 2,972	\$ 0	\$ 38,732
Percentage	25.6%	46.3%	27.4%	25.8%	9.1%	12.9%	3.7%	0.0%	5.8%
<b>Professional Services:</b>									
Total \$	\$ 11,569,224	\$ 335,527	\$ 4,561,431	\$ 4,487,239	\$ 966,919	\$ 307,004	\$ 19,300	\$ 107,705	\$ 784,099
MFD \$	\$ 3,267,647	\$ 0	\$ 883,763	\$ 2,041,887	\$ 335,332	\$ 0	\$ 0	\$ 65	\$ 6,600
Percentage	28.2%	0.0%	19.4%	45.5%	34.7%	0.0%	0.0%	0.1%	0.8%
<b>Construction:</b>									
Total \$	\$ 38,231,696	\$ 0	\$ 11,641,943	\$ 25,667,981	\$ 0	\$ 921,772	\$ 0	\$ 0	\$ 0
MFD \$	\$ 15,209,698	\$ 0	\$ 4,680,730	\$ 9,858,708	\$ 0	\$ 670,260	\$ 0	\$ 0	\$ 0
Percentage	39.8%	0.0%	40.2%	38.4%	0.0%	72.7%	0.0%	0.0%	0.0%
<b>SUBTOTAL</b>									
Total \$	\$ 95,076,421	\$ 1,740,525	\$ 32,304,389	\$ 54,681,991	\$ 2,554,315	\$ 1,569,333	\$ 166,051	\$ 148,335	\$ 1,911,482
MFD \$	\$ 24,359,963	\$ 503,569	\$ 7,432,632	\$ 14,769,119	\$ 577,289	\$ 699,531	\$ 7,094	\$ 7,065	\$ 363,664
Percentage	25.6%	28.9%	23.0%	27.0%	22.6%	44.6%	4.3%	4.8%	19.0%
<b>Pr. Geo. Commissioners' Office</b>									
Total \$	\$ 93,568								
MFD \$	\$ 42,769								
Percentage	45.7%								
<b>Mont. Commissioners' Office</b>									
Total \$	\$ 111,901								
MFD \$	\$ 725								
Percentage	0.6%								
<b>Merit Board</b>									
Total \$	\$ 0								
MFD \$	\$ 0								
Percentage	0.0%								
<b>Office of Inspector General</b>									
Total \$	\$ 14,289								
MFD \$	\$ 0								
Percentage	0.0%								
<b>GRAND TOTAL \$</b>									
Total \$	\$ 95,296,179								
MFD \$	\$ 24,403,457								
Percentage	25.6%								

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT STATISTICS**  
**Comparison of MFD % for Total Procurement and Purchase Card Procurement**  
**FY 2024**  
**FOR NINE MONTHS ENDED MARCH 31, 2024**

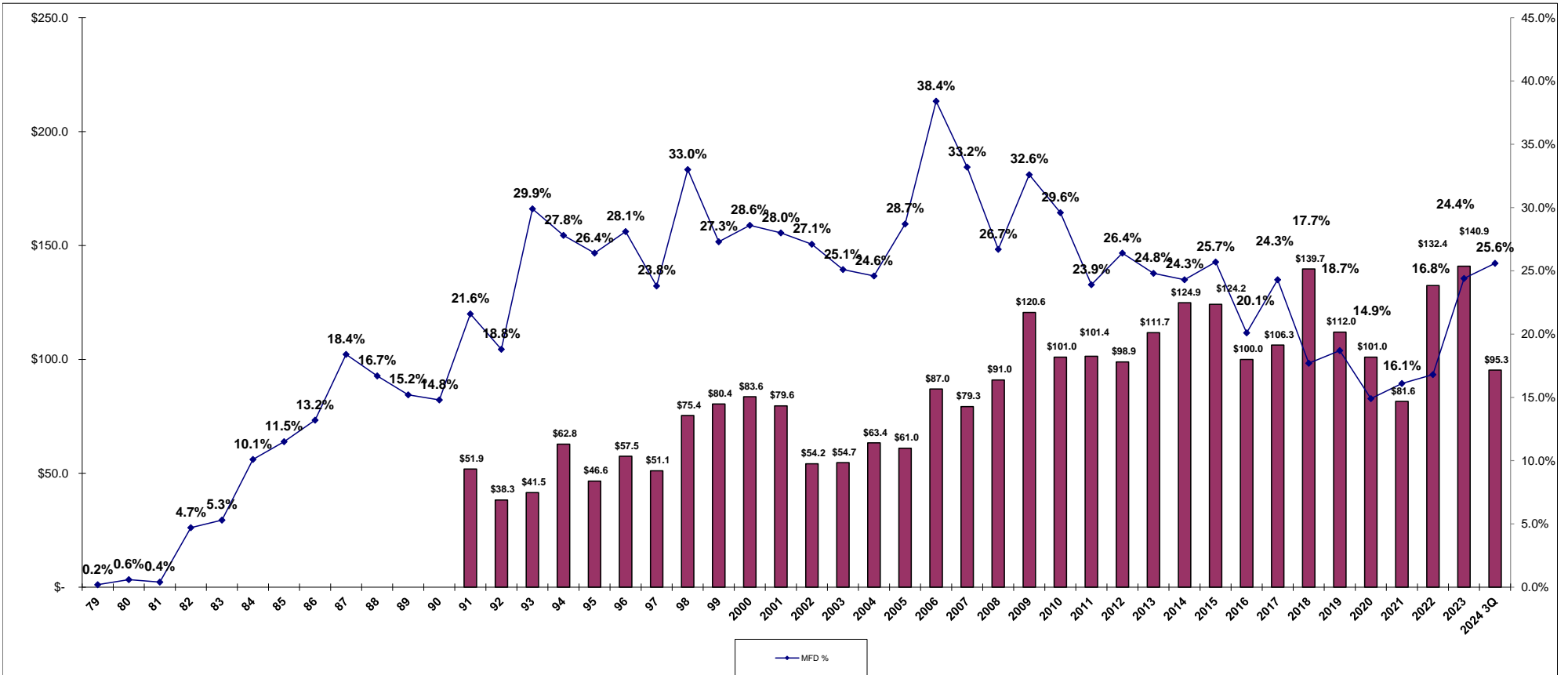
**Attachment D**

	<b>Total Procurement</b>		<b>Purchase Card Procurement</b>	
	<b>Total \$</b>	<b>MFD %</b>	<b>Total \$</b>	<b>MFD %</b>
<b><u>Prince George's County</u></b>				
Commissioners' Office	\$ 93,568	45.7%	\$ 51,289	29.5%
Planning Department	2,554,315	22.6%	157,007	0.0%
Parks and Recreation Department	54,681,991	27.0%	5,458,536	2.9%
Total	57,329,874	26.8%	5,666,832	3.1%
<b><u>Montgomery County</u></b>				
Commissioners' Office	111,901	0.6%	9,279	0.0%
Planning Department	1,740,525	28.9%	127,264	1.1%
Parks Department	32,304,389	23.0%	4,126,245	3.1%
Total	34,156,815	23.2%	4,262,788	3.1%
<b><u>Central Administrative Services</u></b>				
Dept. of Human Resources and Mgt.	1,569,333	44.6%	73,672	0.0%
Finance Department	166,051	4.3%	47,477	8.7%
Legal Department	148,335	4.8%	14,680	0.0%
Merit Board	-	0.0%	-	0.0%
Office of Chief Information Officer	1,911,482	19.0%	38,585	7.9%
Office of Inspector General	14,289	0.0%	4,289	0.0%
Total	3,809,490	28.3%	178,703	4.0%
Grand Total	\$ 95,296,179	25.6%	\$ 10,108,323	3.1%

**Percentage of Purchase Card Procurement to Total Procurement                      10.6%**

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

**Attachment E**

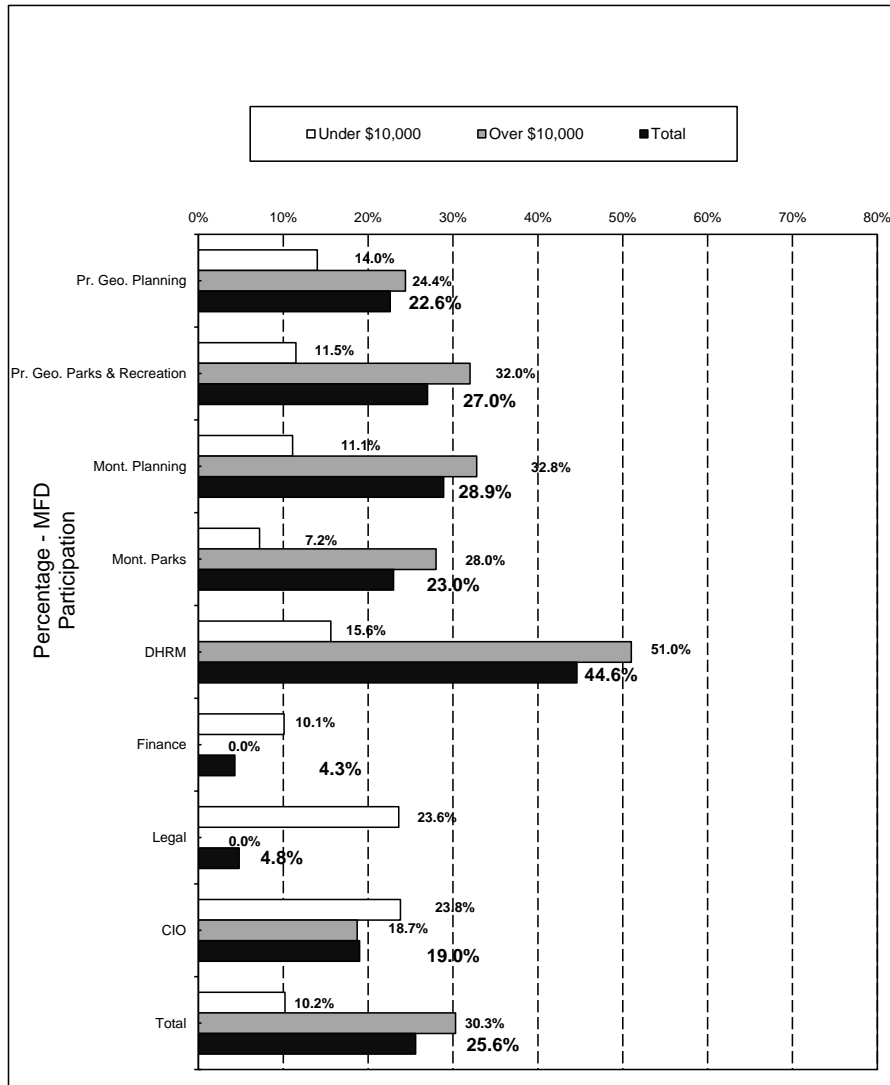


	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024 3Q
TOTAL PROCUREMENT \$ (MIL.)	\$124.2	\$100.0	\$106.3	\$139.7	\$112.0	\$101.0	\$81.6	\$132.4	\$140.9	\$95.3
MFD %	25.7%	20.1%	24.3%	17.7%	18.7%	14.9%	16.1%	16.8%	24.4%	25.6%

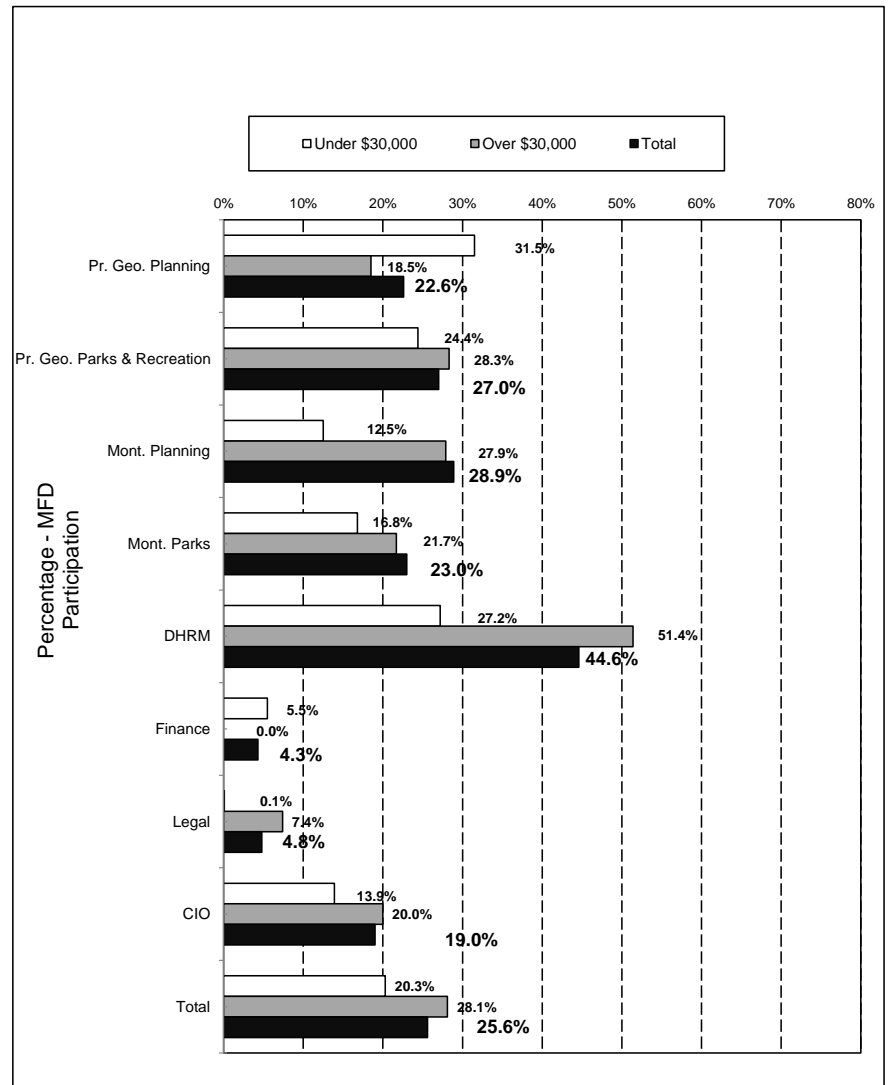
Prepared by the Office of Supplier Diversity & Inclusion, Corporate Policy & Management Operations Division

The Maryland-National Capital Park and Planning Commission  
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %  
 FY 2024 3Q

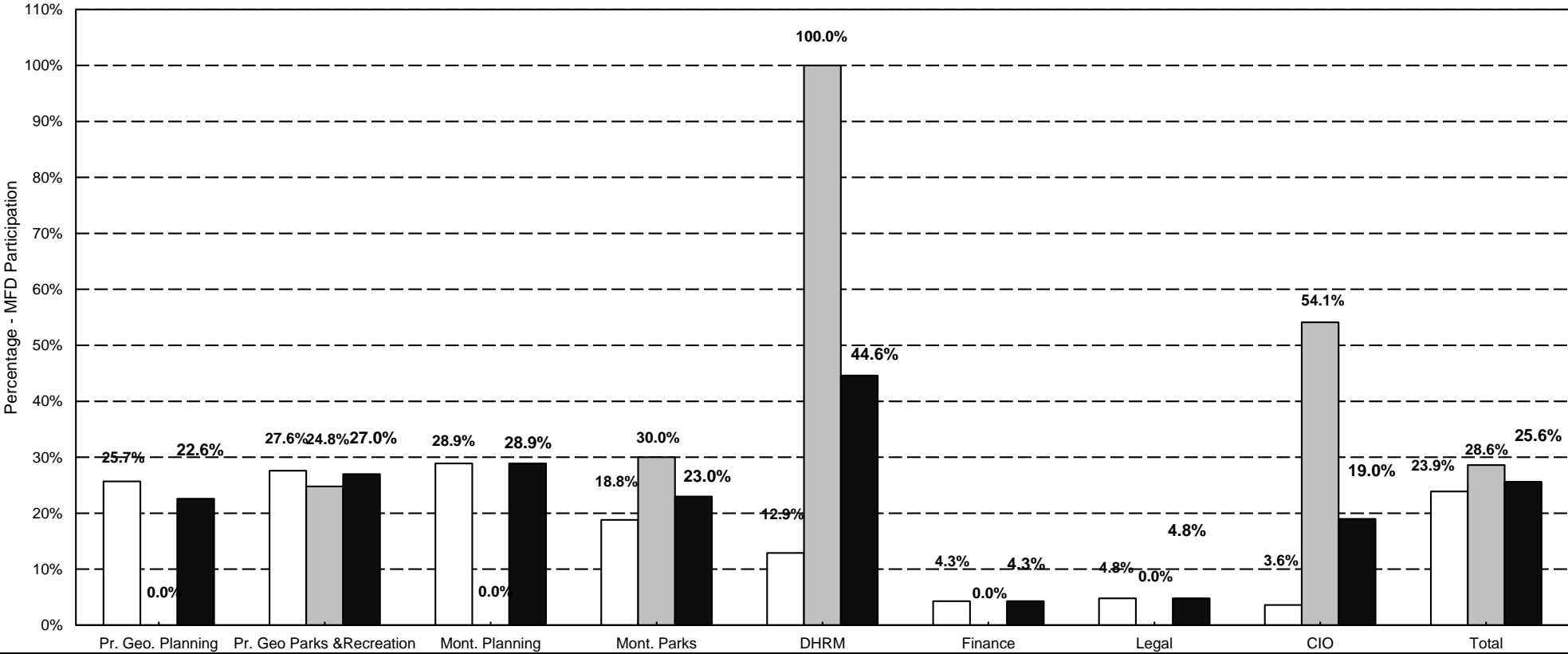
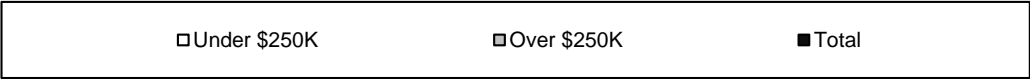
Under/Over \$10,000



Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission  
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %  
 FY 2024 3Q



Prepared by the Office of Supplier Diversity & Inclusion, Corporate Policy & Management Operations Division

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**Amount of Procurement and Number of Vendors by Location**  
**FY 2024**  
**FOR NINE MONTHS ENDED MARCH 31, 2024**

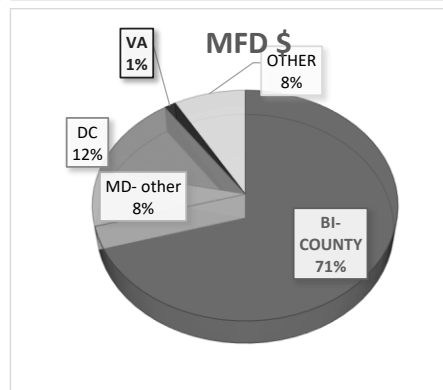
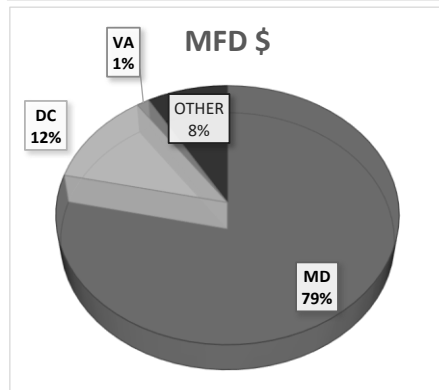
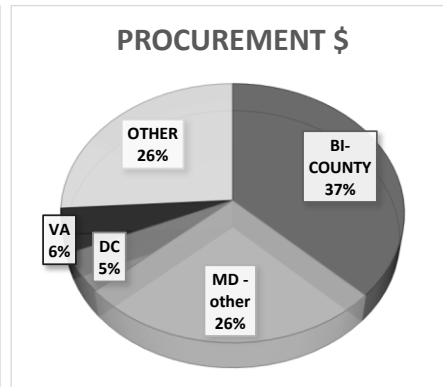
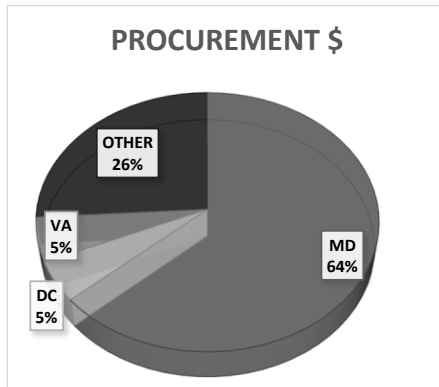
**Attachment H**

**ALL VENDORS**

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 13,780,969	14.5%	276	15.9%
Prince George's County	21,597,094	22.7%	428	24.6%
Subtotal	35,378,063	37.2%	704	40.5%
Maryland - other locations	25,161,263	26.4%	332	19.1%
Total Maryland	60,539,326	63.6%	1,036	59.6%
District of Columbia	4,789,932	5.0%	84	4.8%
Virginia	5,219,551	5.5%	139	8.0%
Other Locations	24,747,370	25.9%	482	27.6%
Total	\$ 95,296,179	100.0%	1,741	100.0%

**MFD Vendors**

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 3,444,359	14.1%	53	19.7%
Prince George's County	13,775,702	56.4%	90	33.5%
Subtotal	17,220,061	70.5%	143	53.2%
Maryland - other locations	1,931,969	7.9%	53	19.7%
Total Maryland	19,152,030	78.4%	196	72.9%
District of Columbia	2,892,344	11.9%	24	8.9%
Virginia	321,309	1.3%	15	5.6%
Other Locations	2,037,774	8.4%	34	12.6%
Total	\$ 24,403,457	100.0%	269	100.0%



Prepared by the Office of Supplier Diversity & Inclusion, Corporate Policy & Management Operations Division  
 Note: The number of vendors excludes purchase card vendors.



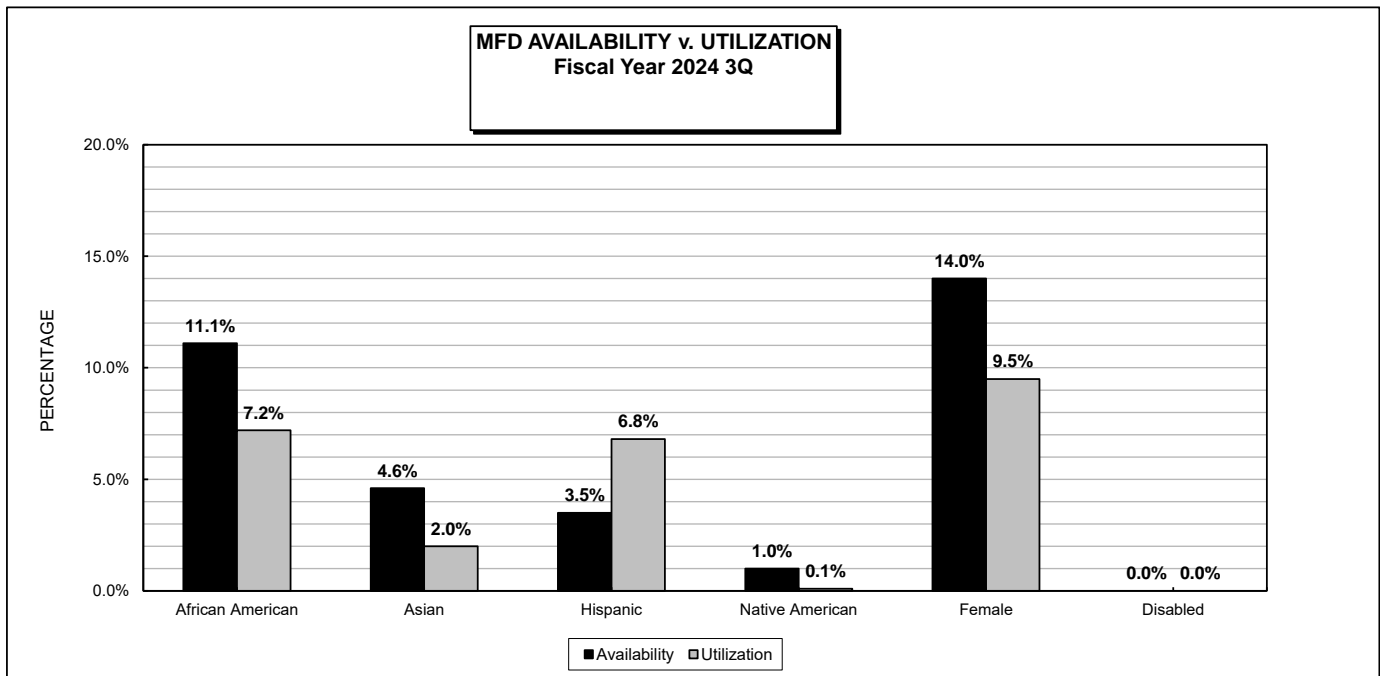
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT RESULTS**  
**FY 2024**  
**FOR NINE MONTHS ENDED MARCH 31, 2024**

**Attachment I**

**Total Amount of Procurement** \$ 95,296,179

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

	Procurement		Availability
	Amount	%	%
<b>Minority Owned Firms</b>			
<b>African American</b>	\$ 6,895,143	7.2%	11.1%
<b>Asian</b>	1,945,097	2.0%	4.6%
<b>Hispanic</b>	6,512,721	6.8%	3.5%
<b>Native American</b>	128,813	0.1%	1.0%
<b>Total Minority Owned Firms</b>	<b>15,481,774</b>	<b>16.1%</b>	<b>20.2%</b>
<b>Female Owned Firms</b>	<b>8,920,731</b>	<b>9.5%</b>	<b>14.0%</b>
<b>Disabled Owned Firms</b>	<b>952</b>	<b>0.0%</b>	<b>n/a</b>
<b>Total Minority, Female, and Disabled Owned Firms</b>	<b>\$ 24,403,457</b>	<b>25.6%</b>	<b>34.2%</b>



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

(2) n/a = not available

Prepared by the Office of Supplier Diversity & Inclusion, Corporate Policy & Management Operations Division

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

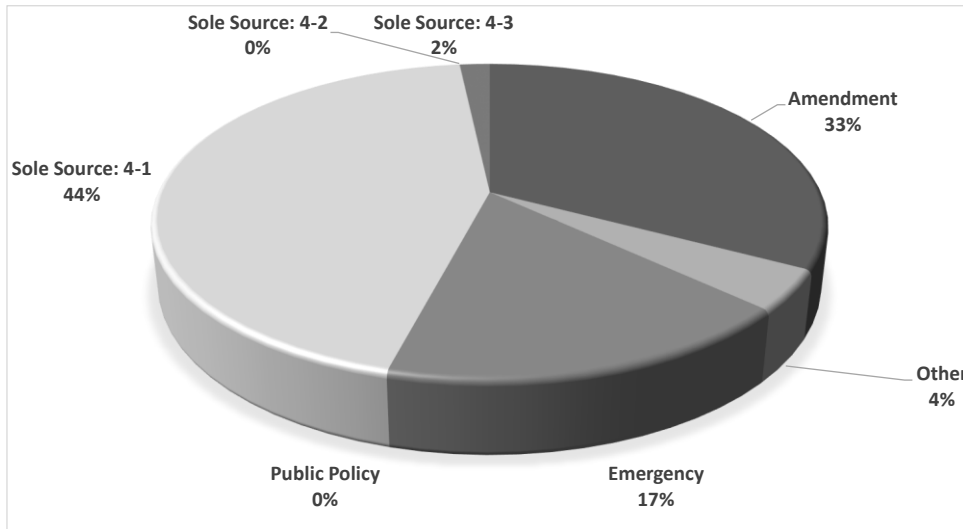
**CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS**

**FY 2024**

**FOR NINE MONTHS ENDED MARCH 31, 2024**

**Attachment J**

<b>REASON</b>	<b>NUMBER</b>	<b>AMOUNT</b>	<b>%</b>
Emergency	6	\$ 867,844	17.2%
Other	6	\$ 209,022	4.2%
Public Policy	0	\$ -	0.0%
Amendment	10	\$ 1,646,817	32.7%
Sole Source: 4-1	16	\$ 2,222,634	44.2%
Sole Source: 4-2	1	\$ 1,630	0.0%
Sole Source: 4-3	4	\$ 85,996	1.7%
<b>Total</b>	<b>43</b>	<b>\$ 5,033,943</b>	<b>100.0%</b>



**Waiver Reason Definitions:**

**Emergency:**

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

**Required by Law or Grant:**

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

**Amendment:**

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

**Sole Source 4:**

It has been determined that:

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

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT  
PROCESSED FY 2024  
FOR THE NINE MONTHS ENDED MARCH 31, 2024**

**Attachment K**

	Total Waivers		MFD/Waivers		% of MFD	Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		%Sole Source
	\$	Number	\$	Number	%	\$	Number	\$	Number	\$	Number	%
<b>Prince George's County</b>												
Commissioners' Office	\$ -	0	\$ -	0	0.0%	\$ -	0	\$ -	0	\$ -	0	0.0%
Planning Department	62,100	1	-	0	0.0%	62,100	1	-	0	-	0	100.0%
Parks and Recreation Department	2,384,818	13	-	0	0.0%	1,003,603	6	-	0	53,996	2	44.3%
Total	2,446,918	14	-	0	0.0%	1,065,703	7	-	0	53,996	2	45.8%
<b>Montgomery County</b>												
Commissioners' Office	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Planning Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Parks Department	927,571	11	-	0	0.0%	798,212	4	1,630	1	32,000	2	89.7%
Total	927,571	11	-	0	0.0%	798,212	4	1,630	1	32,000	2	89.7%
<b>Central Administrative Services</b>												
Dept. of Human Resources and Mgt.	1,135,995	10	-	0	0.0%	305,000	3	-	0	-	0	26.8%
Finance Department	72,450	1	-	0	0.0%	-	0	-	0	-	0	0.0%
Legal Department	97,769	3	-	0	0.0%	27,769	1	-	0	-	0	28.4%
OCIO	353,240	4	-	0	0.0%	25,950	1	-	0	-	0	7.3%
Merit Board	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Total	1,659,454	18	-	0	0.0%	358,719	5	-	0	-	0	21.6%
Grand Total	\$ 5,033,943	43	\$ -	0	0.0%	\$2,222,634	16	\$ 1,630	1	\$ 85,996	4	45.9%

**Purpose of Summary of Waiver Report:**

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

**Sole Source: 4**

It has been determined that:

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

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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
6611 Kenilworth Avenue • Riverdale, Maryland 20737

To: The Commission  
From: Terri Bacote-Charles, Corporate Budget Director  
Date: June 3, 2024  
Subject: Q3 2024 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 summary details for the two Operating budget transfers approved during the third quarter of FY 2024 by the Montgomery County Planning Board.

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		
MCPB Item #8	1/11/2024	201	MC Admin	Planning	Director Office & Information Technology and Innovation	165,100	201	MC Admin	Planning	Director Office & Information Technology and Innovation	165,100	Move personnel savings to Other Services and Charges to support the use of temp agency for the Director's Office and the ITI Division until the vacancies are filled	MCPB
MCPB Item #5	2/15/2024	202	MC Parks	Parks	Director Office, Southern Parks & Non-Departmental	906,150	202	Parks	Parks	Horticulture/Forestry and Environmental Education, Police, Southern Parks & Support Services	906,150	Move personnel savings for non-personnel expenses. Transfer \$617,500 from Non-Dept savings to Support Services to provide for additional payment to Risk Management to offset legals costs	MCPB





Reply to:

Debra S. Borden, General Counsel  
Office of the General Counsel  
6611 Kenilworth Avenue, Suite 200-201  
Riverdale, Maryland 20737  
Phone: 301-454-1670 • Fax: 301-454-1674

May 28, 2024

**MEMORANDUM**

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

---

Please find the attached litigation report we have prepared for your meeting scheduled for Wednesday, June 12, 2024. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

**Table of Contents – May 2024, Fiscal Year 2024 Report**

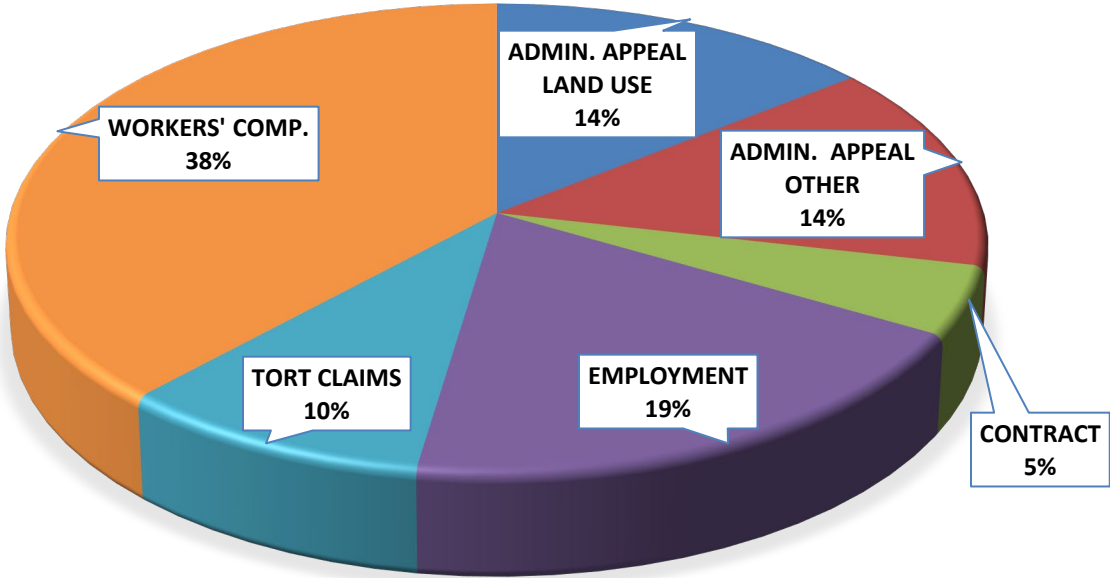
Composition of Pending Litigation ..... Page 01  
Overview of Pending Litigation (Chart)..... Page 02  
Litigation Activity Summary ..... Page 03  
Index of YTD New Cases ..... Page 04  
Index of YTD Resolved Cases ..... Page 05  
Disposition of FY24 Closed Cases Sorted by Department ..... Page 06  
Index of Reported Cases Sorted by Jurisdiction..... Page 10  
Litigation Report Ordered by Court Jurisdiction..... Page 11

**May 2024**  
**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	2	1					3
ADMIN APPEAL: OTHER	3						3
BANKRUPTCY							0
CIVIL ENFORCEMENT							0
CONTRACT DISPUTE	1						1
DEBT COLLECTION							0
EMPLOYMENT DISPUTE	3			1			4
LAND USE DISPUTE							0
MISCELLANEOUS							0
PROPERTY DISPUTE							0
TORT CLAIM	2						2
WORKERS' COMPENSATION	8						8
PER FORUM TOTALS	19	1		1			21

# OVERVIEW OF PENDING LITIGATION



## May 2024 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2024			
	Pending April 2024	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD	Resolved Cases F/YTD	Pending Current Month
Admin Appeal: Land Use (AALU)	3			4	5	6	3
Admin Appeal: Other (AAO)	3			2			3
Bankruptcy (B)	0						0
Civil Enforcement (CE)	0						0
Contract Disputes (CD)	1			2	1	2	1
Debt Collection (D)	0			2		2	0
Employment Disputes (ED)	4			3	6	4	4
Land Use Disputes (LD)	0			1		1	0
Miscellaneous (M)	0			1	1	3	0
Property Disputes (PD)	0				1	1	0
Tort Claims (T)	3		1	2	3	4	2
Workers' Compensation (WC)	8			6	9	4	8
<b>TOTALS</b>	22	0	1	23	26	27	21

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

<b>A. <u>New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Wright v. Commission	MC	Misc.	Mar.
Mays v. Commission, et al.	Charles	ED	July
Wallace v. Commission, et al.	PG	ED	July
Celey v. Commission	PG	ED	July
In the Matter of Pocahontas Drive Homeowners	MC	AALU	July
Fennell v. Commission	PG	ED	Aug.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
Carolyn Gray v. Commission, et al.	PG	PD	Oct.
Paige Industrial Services, Inc. v. Commission	MC	AAO	Nov.
In the Matter of Jeanne Kavinski	PG	WC	Nov.
Spriggs v. Brown	PG	Tort	Jan.
Weisman v. Commission, et al.	MC	ED	Jan.
In the Matter of Forest Grove Citizens Association, et al.	MC	AALU	Jan.
GEICO v. Commission, et al.	MC	Tort	Mar.
Commission v. Chen	MC	CD	Mar.
Joseph K. Chisley, Jr. v. Commission, et al.	PG	Tort	Apr.
In the Matter of Forest Grove Citizens Association, et al.	MC	AALU	Apr.

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

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

<b><u>A. Trial Court Cases Resolved</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
English-Figaro v. Planning Board of Prince George's County	PG	AALU	June
Fairwood Community Association, Inc. v. Prince George's County Planning Board	PG	AALU	July
Citizen Association of Kenwood, Inc. v. Commission	MC	LUD	Aug.
In the Matter of James Montville	PG	WC	Aug.
Wilmington Savings Fund Society FSB v. Burke, et al.	PG	Misc.	Aug.
Commission v. Faulk	PG	DC	Aug.
Deakins v. Commission, et al.	MC	ED	Sept.
Troublefield v. Prince George's County, et al.	PG	Tort	Oct.
In the Matter of Kenneth Rogers	PG	WC	Nov.
Wright v. Commission	MC	Misc.	Dec.
In the Matter of Pocahontas Drive Homeowners	MC	AALU	Jan.
Fennell v. Commission	PG	ED	Jan.
Izadjoo v. Commission	MC	ED	Jan.
Commission v. Lindsey	PG	D	Feb.
Carolyn Gray v. Commission, et al.	PG	PD	Feb.
Commission v. Build A Barn, LLC	MC	C	Mar.
GEICO v. Gaither, et al.	MC	Tort	Mar.
In the Matter of Joshua P. Scully	MC	WC	Mar.
Spriggs v. Brown	PG	Tort	April

<b><u>B. Appellate Court Cases Resolved</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
In the Matter of Friends of Ten Mile Creek, et al.	MC	AALU	July
In the Matter of Friends of Ten Mile Creek, et al.	MC	AALU	Oct.
Evans v. Commission, et. al.	MC	ED	Nov.
In the Matter of HMF Paving Contractors Inc.	MC	CD	Jan.
Wolf, et al. v. Planning Board of Prince George's County	PG	AALU	Jan.



<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>		
Fennell v. Maryland-National Capital Park and Planning Commission	Fennell filed suit arising out of her termination from employment related to her COVID vaccination status.	01/25/2024 – Case settled and dismissed. Order approving the parties’ stipulation of dismissal with prejudice.
<b>Montgomery County Department of Parks</b>		
Deakins v. Commission, et al.	Complaint by former employee relating to Commission’s COVID-19 vaccination mandate. Complaint alleged disability discrimination and unreasonable failure to accommodate	09/25/2023 – Case settled and dismissed.
In the Matter of HMF Paving Contractors Inc.	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.	01/05/2024 – Mandate of Court. Case Voluntarily Dismissed by appellant.
Izadjoo v. Commission	Former Montgomery Parks employee alleging employment discrimination	01/26/2024 - Case settled and dismissed.
Commission v. Build A Barn, LLC	Breach of Contract matter to recover funds expended for sheds that were never received.	03/04/2024 - Judgment awarded in favor of the Commission for \$9,218.50 plus costs.
GEICO v. Gaither, et al.	Subrogation matter against the Commission and a Commission employee arising out of a February 2021 motor vehicle accident.	03/14/2024 - Case dismissed. Claim paid previously.
In the Matter of Joshua P. Scully	Claimant seeks judicial review of Workers’ Compensation Order finding that claimant at maximum medical improvement and denying right shoulder surgery.	03/27/2024 - Order of the Court remanding matter to WCC for approval of resolution reached between the parties.

<b>Montgomery County Park Police</b>		
Evans v. Commission, et al.	Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.	11/21/2023 - Order of Court affirming decision of the District Court
<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 by Plaintiff without Prejudice
In the Matter of Friends of Ten Mile Creek, et al.	Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	07/18/2023 – Judgment of the Circuit Court for Montgomery County affirmed.
In the Matter of Friends of Ten Mile Creek, et al.	Petitioner seeks appeal of Decision of the Appeal's Court of Maryland affirming the Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	10/24/2023 – Petition denied.
Gwen Wright v. Maryland-National Park and Planning Commission	Plaintiff sought to enforce a request under the Maryland Public Information Act.	12/29/2023 – Settlement reached and stipulation of Dismissal without Prejudice
In the Matter of Pocahontas Drive Homeowners	Petitioners sought Judicial Review of the Montgomery County Planning Department's approval of Forest Conservation Act Exemption 4203166E to Davis Airport.	01/23/2024 - Decision of the Montgomery County Planning Department reversed.
<b>Prince George's County Department of Parks and Recreation</b>		
In the Matter of James Montville	Claimant sought judicial review of Workers' Compensation Commission decision dated October 3, 2022, which determined that he has a 12% permanent partial disability. Claimant was seeking an award that was much higher.	08/10/2023 - Case remanded to Workers' Compensation Commission for approval of agreement.
Commission v. Faulk	Subrogation action to recover losses for damage(s) to Commission property	08/28/2023 - Judgment in favor of the Commission for \$3,546.13.

Wilmington Savings Fund Society FSB v. Burke, et al.	Lawsuit to quiet title to deed of trust and extinguish the lien and debt associated with that deed, establishing that Plaintiff's deed is in full force and effect and has first priority over the Commission's lien on property owned by Tomel Burke, judgment Debtor.	08/30/2023 - Judgment by Consent against the Commission in favor of the Plaintiff
Troublefield v. Prince George's County, et al.	Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Pace Arena.	10/13/2023 – Case settled and dismissed.
In the Matter of Kenneth Rogers	Claimant sought judicial review of Workers' Compensation Commission decision dated March 30, 2023, which determined that the Claimant did not suffer from a serious disability.	10/19/2023 – Case settled and remanded to Workers' Compensation Commission for approval of agreement.
Commission v. Lindsey	Action to recover damage(s) to Commission property.	02/20/2024 – Affidavit Judgment in favor of the Commission for \$966.21 plus costs and post-judgment interest.
Carolyn Gray v. Commission, et al.	Plaintiff alleged the Commission caused damage to her property.	02/21/2024 – Commission voluntarily dismissed from the case.
Spriggs v. Brown	Tort suit for injuries allegedly sustained in a motor vehicle accident.	04/05/2024 – Case settled and dismissed.
<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.
Wolf, et al. v. Planning Board of Prince George's County	Appeal of decision affirming the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).	01/25/2024 - Decision of Planning Board Affirmed.

<b>Prince George's Park Police</b>		
<b>Office of Internal Audit</b>		

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**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Commission v. Chen**

Case No. D-06-CV-24-011000 (CD)

Lead Counsel: Thornton  
Other Counsel: Johnson

Abstract: Breach of Contract matter to recover funds for rental of recreational fields.

Status: In discovery.

Docket:

03/08/2024	Complaint filed
03/14/2024	Affidavit of Service
03/25/2024	Notice of Intent to Defend and Entry of Appearance filed on behalf of Defendant, Chen
04/01/2024	Consent Motion for Continuance
04/03/2024	Order of Court granting continuance
07/24/2024	Trial set

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

No Pending Matters

**CIRCUIT COURT FOR CHARLES COUNTY, MARYLAND**

**BETH MAYS V. MARYLAND-NATIONAL PARK AND PLANNING COMMISSION, ET AL.**

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

Lead Counsel: Ticer  
Other Counsel: Rupert

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: Alternative Dispute Resolution Conference set. In discovery.

Docket:

07/03/2023	Complaint filed
07/12/2023	Commission served
08/07/2023	Commission's Motion to Dismiss filed
08/21/2023	Consent Stipulation to Extend time for Plaintiff to Respond to Motion to Dismiss
09/05/2023	Response in Opposition to Motion to Dismiss
09/05/2023	Amended Complaint
09/13/2023	Order to Extend time
09/20/2023	Motion to Dismiss Amended Complaint
10/05/2023	Response in Opposition to Motion to Dismiss
10/16/2023	Reply to Plaintiff's Opposition to Motion to Dismiss
12/20/2023	Motion to Dismiss granted in part and denied in part. Counts 5-9 dismissed. All parties except for the Commission dismissed.
01/11/2024	Order of Court dismissing defendants, Christine Fanning, Thomas Baden, and the Prince George's County Planning Board. Counts V, VII, VIII and IX of Complaint are also dismissed.
02/09/2024	Answer to Amended Complaint filed
02/27/2024	Scheduling Order issued
03/08/2024	Order for ADR Conference
06/03/2024	ADR Conference
10/31/2024	Pre-Trial Conference
11/18/2024	Trial



**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**In the Matter of Forest Grove Citizens Association, et al.**

Case No. C-15-CV-24-000505 (AALU)

Lead Counsel: Mills  
Other Counsel:

Abstract: Petitioners seek Judicial Review of the Montgomery County Planning Department's decision regarding 9801 Georgia Avenue Sketch Plan 320230020.

Status: Motions Pending.

Docket:

01/30/2024	Petition for Administrative Mandamus
02/09/2024	Response to Petition for Administrative Mandamus
02/26/2024	Response to Petition for Administrative Mandamus
02/26/2024	Motion to Dismiss Administrative Mandamus
03/08/2024	Response to Co-Respondent's Motion to Dismiss
04/15/2024	Order of Court – Scheduling Order
04/26/2024	Administrative Record received
04/29/2024	Motion to Vacate and Remand
04/30/2024	Motion to Intervene
05/08/2024	Response to Motion to Intervene
05/14/2024	Opposition to Motion to Vacate and Remand
05/14/2024	Opposition to Motion to Reverse
05/15/2024	Opposition to Motion to Intervene
06/04/2024	Status Hearing

**In the Matter of Forest Grove Citizens Association, et al.**

Case No. C-15-CV-24-001622 (AALU)

Lead Counsel: Mills  
Other Counsel:

Abstract: Petitioners seek Judicial Review of the Montgomery County Planning Board's Decision in 9801 Georgia Avenue Plan no(s). 120230160, 820230130 and F20240040

Status: Petition for Judicial Review filed.

Docket:

04/08/2024	Petition for Judicial Review
04/17/2024	First Amended Petition for Judicial Review
05/01/2024	Answer to Petition for Judicial Review
05/08/2024	Answer to Petition for Judicial Review

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

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

Lead Counsel: Rupert  
Other Counsel: Mills (CCRC)

Abstract: Judicial review of the decision of the administrative agency (CCRC). Contractor's claim for additional payments for construction at Rock Creek Maintenance Yard.

Status: Hearing set.

Docket:

11/10/2023	Petition for Judicial Review
11/30/2023	Scheduling and Briefing Order of Court issued
12/08/2023	Notice of Intent to Participate filed by Commission
01/17/2024	Order Granting Extension of Time
03/12/2024	Administrative Record received
04/17/2024	Motion for Leave to Exceed Page Limit and Motion to Shorten Time for Response
04/19/2024	Opposition to Motion for Leave to Exceed Page Limit and Opposition to Motion to Shorten Time for Response
04/22/2024	Order of Court Motion to Shorten Time denied as Moot
04/22/2024	Order of Court Motion for Leave to Exceed Page Limit granted in part.
04/23/2024	Line to file Amended Administrative Record Index
04/30/2024	Paige Industrial Services, Inc.'s Appeal Memorandum and Supporting Exhibits
05/03/2024	Notice of Hearing
06/26/2024	Hearing set

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

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

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

Lead Counsel: Ticer  
Other Counsel: Johnson; Rupert

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

Status: In discovery.

Docket:

07/12/2023	Complaint filed
09/26/2023	Summons reissued
12/28/2023	Complaint received from SDAT via certified mail.
01/03/2024	Answer filed
02/14/2024	Stipulation Order Regarding Confidentiality of Discovery Material filed
02/28/2024	Order of Court regarding Confidentiality of Discovery Material

**Joseph Chisley, Jr. v. Maryland-National Capital Park and Planning Commission**

Case No. C-16-CV-23-004648 (Tort)

Lead Counsel: Rupert  
Other Counsel:

Abstract: Plaintiff alleges he tripped and fell in a concealed hole at Enterprise Golf Course.

Status: The Commission has yet to be served. Dismissal pending for lack of service.

Docket:

10/10/2023	Complaint filed
10/11/2023	Summons reissued
04/02/2024	Notice of Contemplated Dismissal
05/01/2024	Motion – Defer Lack of Prosecution

**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: Decision of Employees Retirement System affirmed.

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
05/01/2024	Oral Argument
05/10/2024	Decision Affirmed. Case Closed Statistically.

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

Lead Counsel: Ticer  
Other Counsel:

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

Status: Decision of Merit Board Affirmed.

Docket:

11/20/2022	Petition for Judicial Review filed
11/29/2022	Response to Petition for Judicial Review
02/08/2023	Memorandum for Petitioner
03/09/2023	Commission’s Answering Memorandum
11/20/2023	Motion for Continuance
01/29/2024	Hearing reset to 05/02/2024
05/02/2024	Hearing
05/07/2024	Matter taken under advisement
05/23/2024	Order of Court affirming Merit Board’s decision, denying employee’s appeal of termination.

**In the Matter of Jeanne Kavinski**

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

Lead Counsel: Ticer  
Other Counsel:

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

Status: Case settled in principle and remanded to Workers' Compensation Commission for approval of settlement.

Docket:

04/18/2023	Petition for Judicial Review filed
05/02/2023	Response to Petition for Judicial Review filed in all cases
05/02/2023	Commission's Designation of Experts filed in case C-16-CV-23-001827
06/27/2023	Order of the Court. Cases C-16-CV23-001821 and C-16-CV-23-001826 are consolidated. Case C-16-CV-23-001821 to serve as the lead case.
08/29/2023	Scheduling Order issued in C-16-CV-23-001827
05/06/2024	Mediation set
05/21/2024	Order of Court that case be Remanded to Workers' Compensation Commission, Claimant to pay court costs and further ordered that either party may reinstate the appeal if the settlement is not approved in 90 days from the date of the order.

**In the Matter of Jeanne Kavinsky**

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

Consolidated with C-16-CV-23-004296, C-16-CV-23-004297, C-16-CV-23-004298, C-16-CV-23-004975

Lead Counsel: Ticer  
Other Counsel:

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

Status: Mediation set.

Docket:

09/08/2023	Petition for Judicial Review filed
09/29/2023	Response to Petition for Judicial Review
09/29/2023	Expert Designation

01/03/2024	Consent Motion to Consolidate Cases
01/23/2024	Motion to Consolidate Granted
06/10/2024	Mediation set
08/13/2024	Trial

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

Lead Counsel: Thornton

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

Status: Case settled and dismissed.

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 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
02/02/2024	Plaintiff's Expert Designation
03/05/2024	Defendant's Expert Designation
03/05/2024	ADR Order. Case did not settle
05/06/2024	Case dismissed without prejudice

**Rakiya-Rae Wallace v. Commission, et al. v. Commission, et al.**  
Case No. C-16-CV-23-003055 (ED)

Lead Counsel: Ticer  
Other Counsel: Johnson

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

Status: In discovery.

Docket:

07/03/2023	Complaint filed
07/12/2023	Commission served
08/07/2023	Motion to Dismiss and Supporting Memorandum
08/21/2023	Consent Stipulation to Extend Time to Respond to Motion to Dismiss
09/05/2023	Response in Opposition to Defendants' Motion to Dismiss
09/05/2023	Amended Complaint
09/18/2023	Order of Court. Motion to Dismiss Denied as Moot
09/22/2023	Motion to Dismiss Amended Complaint
10/06/2023	Response in Opposition to Dismiss Amended Complaint
10/18/2023	Reply to Opposition to Motion to Dismiss
02/16/2024	Motion to Stay and/or Modify Scheduling Order
02/27/2024	Order of Court striking scheduling order issued on 10/12/2023.
03/28/2024	Motion for Postponement of Hearing on Defendants' Motion to Dismiss
03/29/2024	Hearing held. Order of Court – Motion to Postpone hearing on Motion to Dismiss granted. Parties to brief issue raised. Decision to be made without further hearing.
04/10/2024	Defendants' Motion to Dismiss withdrawn by consent.
04/10/2024	Order of Court – Motions Withdrawn. Plaintiff to file a Second Amended Complaint within thirty days.
04/30/2024	Second Amended Complaint filed
05/06/2024	Red-lined Second Amended Complaint



**APPELLATE COURT OF MARYLAND**

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

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: Oral argument set.

Docket:

05/31/2023	Appeal filed
06/27/2023	Order to Proceed
08/25/2023	Briefing Notice
08/30/2023	Joint Stipulation to Modify Briefing Schedule
10/11/2023	Record Extract
10/13/2023	Appellant Brief
12/01/2023	Appellees Brief filed
12/21/2023	Reply Brief
01/25/2024	Scheduling Notice
03/12/2024	Oral argument reset for June.
06/04/2024	Oral argument set

**SUPREME COURT OF MARYLAND**

No Pending Matters

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

**Weisman v. Commission, et al.**

1:24-cv-00009 GLR (ED)

Lead Counsel: Ticer  
Other Counsel: Thornton

Abstract: Plaintiff, a former police sergeant, filed a complaint against the Commission and the Montgomery County Chief of Police, alleging a hostile work environment due to discrimination based on sex, sexual orientation, and religion.

Status: Motion to Dismiss pending.

Docket:

01/03/2024	Complaint filed
01/05/2024	Commission served
01/22/2024	Motion to Dismiss filed by Commission
02/05/2024	Opposition to Motion to Dismiss
02/16/2024	Reply to Opposition to Motion to Dismiss

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

No Pending Matters