

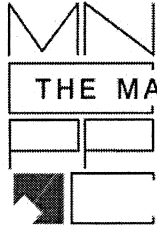
Item 1

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

**Wednesday, April 16, 2014
(PRA) 9:30 a.m. – 11:30 a.m.**

			<u>ACTION</u>	
			Motion	Second
1.	Approval of Commission Agenda	(+*) Page 1	_____	_____
2.	Approval of Commission Minutes			
	a) March 19, 2014 – Open Session	(+*) Page 3	_____	_____
	b) March 19, 2014 – Closed Session	(++*)	_____	_____
3.	General Announcements			
	JP Morgan Chase Check Presentation (JP Morgan Chase/Barney/Zimmerman)			
4.	Committee/Board Reports (For Information Only):			
	a) Executive Committee Meeting Minutes – Open Session - March 11, 2014	(+) Page 11		
	b) Executive Committee Meeting Minutes – Closed Session March 11, 2014	(++)		
5.	Action and Presentation Items			
	a) Commission for Accreditation of Parks & Recreation Agencies (CAPRA): Comprehensive Recreation Program Plan (Conforti/Horrigan)	(+*) Page 15	_____	_____
	b) Resolution #14-04 – Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment	(+*) Page 17	_____	_____
	c) Resolution #14-08 – Montgomery County Bond Sale (Zimmerman)	(+*) Page 39	_____	_____
	d) Resolution #14-10 – Transfer of Wheaton Veteran’s Urban Park to Montgomery County, Maryland in exchange for air rights to a Portion of the Wheaton Town Square that serves as the entry plaza to the new Montgomery Regional Office in Wheaton, Maryland (Riley)	(+*) Page 69	_____	_____
	e) Annual Audit Report Pursuant to Practice 1-31, Audit Committee (Presley)	(+) Page 77	_____	_____
6.	Officers’ Reports			
	a) Executive Director – (For Information Only)			
	Employee Evaluations Not Completed by Due Date – (March 2014).....	(+) Page 89		
	b) Secretary-Treasurer – (For Information Only)			
	1. Investment Report (February 2014).....	(+) Page 91		
	2. Enterprise Resource Planning (ERP) Briefing			
	c) General Counsel			
	1. Litigation Report (March 2014).....	(+) Page 97		
	2. Legislative Year End Report.....	(LD)		
7.	Pursuant to Maryland State Government Article of the Annotated Code of Maryland, Section 10-508(a) (7) & (9), a closed session is proposed to consult with counsel for legal advice, conduct collective bargaining discussions, and consider matters that relate to negotiations.			

(+) Attachment (++) Commissioners Only (*) Vote (H) Handout (LD) Late Delivery



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
March 19, 2014

The Maryland-National Capital Park and Planning Commission met at 9:30 a.m., on March 19, 2014, at the Montgomery Regional Office in Silver Spring, Maryland.

PRESENT

Montgomery County Commissioners
Françoise M. Carrier, M-NCPPC Chair
Casey Anderson
Norman Dreyfuss
Marye Wells-Harley

Prince George's County Commissioners
Elizabeth M. Hewlett, M-NCPPC Vice-Chair
Manuel Geraldo
John Shoaff
Dorothy Bailey (Arrived during Item 5d,
WSSC Discussion)

ABSENT

Amy Presley

A. Shuanise Washington

M-NCPPC Chair Carrier convened the meeting at 9:50 a.m.

The Commission meeting proceeded in the following order:

ITEM 1 APPROVAL OF COMMISSION AGENDA WITH AMENDMENTS

The order of the Action and Presentation Items was amended to minimize the amount of time presenters would have to spend hearing public testimony of Item #5a.

- Item 5d – Status Report on Washington Suburban Sanitary Commission (WSSC) Large Diameter Main Task Force (Gardner, Krasnow, Piret, and Rubin)
- Item 5b – Resolution #14-01 – Resolution of Adoption of the Approved Bethesda Purple Line Station Minor Master Plan Amendment (Hizel-McCoy)
- Item 5a – Resolution #14-02 – Batchellors Forest Subdivision: Abandonment of Deed of Dedication in Exchange for Permanent Use Easement (Rubin and Gries)
- Item 5c – Resolution 14-03 – Prince George's County Bond Sale (Zimmerman)

ACTION: Motion of Geraldo
Seconded by Wells-Harley
8 approved the motion (Presley and Washington were absent)

ITEM 2

APPROVAL OF COMMISSION MINUTES

February 19, 2014 – Open Session

February 19, 2014 – Closed Session

ACTION: Motion of Geraldo

Seconded by Wells-Harley

8 approved the motion (Presley and Washington were absent)

ITEM 3

GENERAL ANNOUNCEMENTS

Chair Carrier announced:

- Director of Montgomery County Parks is retiring. The Commissioners wished Ms. Bradford well and thanked her for her excellent service and outstanding management of the Parks system noting that she joined the agency when a significant amount of work was needed in its transition.
- Vice-Chair Elizabeth M. Hewlett has been named an Influential Marylander by the Daily Record Magazine. The Influential Marylander's Award's program was created in 2006 to honor individuals who have made significant impacts in their fields and continue to be leaders in Maryland. Vice-Chair Hewlett is being honored in the category of "Civic Leadership". The award will be presented at a special ceremony in Baltimore next Thursday night. This award is the latest among several prestigious awards she has received over the years including Washingtonian Magazine's 100 Most Powerful Women.
- Clare Kelly, Montgomery County Planning Environmental Planning Division has been awarded the "Montgomery Prize" by Montgomery Preservation in recognition of twenty-five years of exemplary professional public service for protecting county historic resources. The award will be given at an awards ceremony next Friday night at the National Parks Seminary.
- Montgomery Parks won two showcase awards from the Maryland Recreation and Parks Association (MRPA). The first award was in the website category for Historyintheparks.org and the second award was in the photo category for a portrait taken during the Woodstock Equestrian Park opening.
- March is Women's History Month. The agency sponsored an exciting guest from the Employee Assistance Program (EAP) to speak at the Women's History Month event. A self-defense demonstration was given by the M-NCPPC Park Police. A separate presentation will be given by Montgomery County next Friday in the MRO auditorium at lunch time. Macy's is sponsoring a "Heart Your Park" fundraising promotion for the Montgomery County Parks Department through March 31st, in which shoppers can donate one dollar or more to support several Montgomery County Regional Parks. Macy's will match up to \$250,000 in donations.

Vice-Chair Hewlett shared:

- Prince George's County Department of Parks and Recreation has partnered with Wegman's grocery store to provide shoppers with Prince George's County Department of Parks and Recreation booklets promoting health and wellness.
- Congratulations to Prince George's County Planning Board Vice-Chair Dorothy F. Bailey on her induction into the Maryland Women's Hall of Fame. The induction will take place on March 20, 2014 and honors women of Maryland who have contributed to the state's growth, economy, politics, cultural, and social life, and are models of achievement for tomorrow's women leaders. A plaque listing the names of award recipients will be on display at the state Law Library in Annapolis. Commissioner Bailey has an esteemed record of public service to Prince George's County and the State of Maryland including working with the Executive Branch of Prince George's County; and serving as a County Council member for two terms, parent liaison for the Prince George's County Public School System, and a National Board Member of the National Council of Negro Women. Commissioner Bailey expressed her appreciation for the acknowledgement.

ITEM 4 COMMITTEE/BOARD REPORTS (For Information Only)
Regular Board of Trustees Meeting Minutes – February 4, 2014

ITEM 5 ACTION AND PRESENTATION ITEMS (presented in the order items were heard (5d,b,a, and c))

d) STATUS REPORT ON WASHINGTON SUBURBAN SANITARY COMMISSION (WSSC) LARGE DIAMETER MAIN TASK FORCE

This item was introduced by Montgomery County Planning Deputy Director and WSSC Task Force member Rose Krasnow. She introduced the other M-NCPPC task force members): General Counsel Adrian Gardner, Planning Director Fern Piret, and Associate General Counsel Carol Rubin. Ms. Krasnow stated the M-NCPPC participated in the WSSC Ad Hoc Committee that was comprised of various agencies and the community to examine issues associated with large diameter water mains ranging between 36 and 96 inches that occurred because of breaks in Pre-stressed Concrete Cylinder Pipes (PCCP). The M-NCPPC task force members provided background information, and reviewed 22 recommendations as outlined in the Commission packet and requested feedback from the Commissioners about the report.

Staff responded to Commissioners' questions. Commissioner Shoaff suggested that we take advantage of the Visualization Mapping to incorporate water quality information. For example, the Map should include known condition of streams that may be impacted so that appropriate attention can be paid to the potential environmental impacts as a result of PCCP failures. Commissioners received the recommendations favorably and had no substantive objections.

The Ad Hoc Committee will meet on March 31st, at which time the group will determine the content of the final report that is expected to be completed by April 10th for presentation to the WSSC Board on April 16th.

The Commissioners commended the Task Force for their willingness to participate on the Ad Hoc Committee, and for their outstanding work. Chair Carrier and Vice-Chair Hewlett agreed that the Committee has devised powerful suggestions and it will take an interdisciplinary team to be effective. General Counsel Gardner stated that it has been an honor working with the group.

ANNOUNCEMENTS (CONTINUED)

Vice-Chair Hewlett added an announcement about Commissioner Bailey between Items 5d and 5b. Background on the item is reflected under Item 3.

b) RESOLUTION #14-01 – RESOLUTION OF ADOPTION OF THE APPROVED BETHESDA PURPLE LINE STATION MINOR MASTER PLAN AMENDMENT

Item included in meeting packet. Voted without further discussion.

ACTION: Motion of Hewlett

Seconded by Geraldo

8 approved the motion (Presley and Washington were absent)

a) RESOLUTION #14-02 – BATCHELLORS FOREST SUBDIVISION: ABANDONMENT OF DEED OF DEDICATION IN EXCHANGE FOR PERMANENT USE EASEMENT

Chair Carrier stated that in accordance with the Land Use Article, the decision before the Commission involves the exchange of Batchellors Forest Local Park property for the adjacent Farquhar Middle School property. The decision before this body is simple and straight forward; whether the school property is more suitable for the recreational purpose than the existing park property. She announced that this item is being presented for a vote and two members of the public have asked to provide testimony. Each speaker will be provided 3 minutes. The speakers include:

- Mr. William J. Chen, Jr., Chen & McCabe, L.L.P., representing Mr. and Mrs. Hyde and the Stanmore Family Limited Partnership will provide testimony challenging the land exchange.
- Mr. Troy Kimmel will present testimony to the Commission about the land exchange on behalf of The Farquhar Middle School Parent Teachers Association (PTA), The Brooke Grove Elementary PTA, and The Future Farquhar Community Coalition Executive Committee.

Associate General Counsel Carol Rubin provided background, as contained in the meeting packet, about the proposed land exchange involving Batchellors Forest Local Park owned by M-NCPPC for the Farquhar Middle School

property that is currently owned by the Montgomery County Public Schools (MCPS). Ms. Rubin stated that the Montgomery County Planning Board is asking the Commission to grant approval of this land exchange because the school property is more suitable for recreational purposes than the existing park property. She also shared that MCPS will convey the school site after developing ball fields; that no development costs will be incurred by M-NCPPC; the school property will be available to the community residents many years before the park property would otherwise have been available for recreational use as a local park; and the school property is three acres larger than the park property.

Mr. William Chen's Testimony

Mr. Chen shared that the proposed abandonment of the deed of dedication is a violation of State and County law referencing letters and background materials he had included as part of the meeting record. He shared that the existing site of Farquhar Middle School is not more suitable as rural open space, the purpose for which it was dedicated, than the park property. Lastly, he did not believe that §17-206(b) of the Land Use Article, MD Annotated Code, is applicable to this procedure. He stated that the decision before the board is not related to a land exchange, but a subdivision dedication abandonment proceeding, thus the statutory section on land exchange referenced in the vote is not applicable to this type of proceeding. He stated that the abandonment of a Deed of Dedication requires a different process to be followed.

Mr. Kimmel's Testimony

Mr. Kimmel distributed a letter with an attachment. He reviewed a handout supporting the exchange of land between the M-NCPPC and the MCPS. He shared that the exchange benefits the community, allows students to attend school locally rather than being bused to a temporary school in Bethesda, and provides for greater recreation space. He shared that the exchange is supported by the Farquhar Middle School PTA, the Brooke Grove Elementary School PTA, and the future Farquhar Community Coalition Executive Committee.

Mr. Chen's Rebuttal Testimony Following Mr. Kimmel's Declaration and Presentation of Letter and Attachment

Mr. Chen asked to use his remaining portion of his 3 minutes of testimony to respond to Mr. Kimmel's testimony. Mr. Chen stated the transportation of children is common policy in [Montgomery] County and the busing is a temporary condition. He indicated that the dedication issue before the Commission is for a Rural Open Space (ROS) Dedication.

Following the testimony of Mr. Chen and Mr. Kimmel, Commissioner Geraldo requested clarification of the matter from Mr. Chen. Mr. Chen shared that his clients reside virtually next to the property that would be developed within the school setting and that there were assurances that the site was supposed to be ROS and not to be developed.

Chair Carrier stated that it is clear that the Rural Open Space Easement can be used for the purposes of recreational opportunities, and the Master Plan calls for a park for recreational uses, not an open space park. She also clarified that the matter before the Commission is not whether the Deed of Dedication satisfies Montgomery County rules with regard to rural open space easements. She added that the Commission's sole role in this proceeding is to determine whether the property interest that the Commission would have at the end of the day is better for recreational purposes than the property interest that we currently have. Commissioner Dreyfuss conveyed support for agencies working cooperatively to reach a common goal which provides best solution for Montgomery County residents. He felt the legal advice of Commission's counsel is sound for supporting the exchange.

Following Mr. Chen's testimony objecting to the Deed of Dedication, and Mr. Kimmel's testimony and presentation of supporting documentation clarifying benefits of the Land Exchange for M-NCPPC, the Commissioners voted.

ACTION: Motion of Dreyfuss to grant the Abandonment of Deed of Dedication in Exchange for Permanent Use Easement
Seconded by Geraldo
8 approved the motion (Presley and Washington were absent)

Please note a transcript of this item is on record.

- c) RESOLUTION 14-03 – PRINCE GEORGE'S COUNTY BOND SALE
Secretary-Treasurer Joseph Zimmerman presented the draft resolution for consideration of adoption to authorize the issuance of \$26,565,000 in Park Acquisition and Development Project Bonds for projects to be funded as specified in the meeting packet.

ACTION: Motion of Hewlett
Seconded by Bailey
8 approved the motion (Presley and Washington were absent)

ITEM 6

OFFICER'S REPORTS

- a) Employee Evaluations Not Completed By Due Date - February 2014
Executive Director Barney reported that Directors are working on completing evaluations.
- b) Secretary-Treasurer's Report
The agency is in full compliance with the investment policy per January 2014 report.
- c) General Counsel
1. Litigation Report (For Information Only)
 2. Legislative Update – A legislative item requiring discussion will be heard in closed session.

ITEM 7 1) COLLECTIVE BARGAINING
2) SENATE BILL 688 – FAIR EMPLOYMENT RESERVATION ACT OF 2014

Pursuant to the Maryland State Government Article of the Annotated Code, Section 10-508(a)(7) & (9), the Maryland-National Capital Park and Planning Commission adjourned to closed session at 11:20 a.m., to consult with counsel for legal advice, conduct collective bargaining discussions, and consider matters that relate to negotiations.

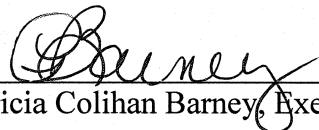
ACTION: Motion of Geraldo
Seconded by Hewlett
8 approved the motion (Presley and Washington were absent)

Closed session convened to open session and the meeting adjourned at 11:55 a.m.

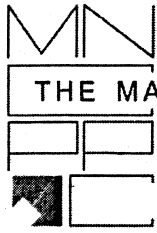
ACTION: Motion of Hewlett
Seconded by Dreyfuss
8 approved the motion (Presley and Washington were absent)



Gayla L. William, Senior Technical Writer



Patricia Colihan Barney, Executive Director



Executive Committee
March 11, 2014
OPEN SESSION - MINUTES

A meeting of The Maryland-National Capital Park and Planning Commission's Executive Committee was held at 3:00 p.m. on March 11, 2014, in the Executive Director's Conference Room, 6611 Kenilworth Avenue, Riverdale, Maryland. Present at the meeting were Chair Françoise M. Carrier, Vice-Chair Elizabeth M. Hewlett, and Executive Director Patricia C. Barney. Also in attendance were:

Department Directors/Deputies/Presenters/Staff

Mary Bradford, Director, Montgomery County Parks
William Dickerson, Associate General Counsel (for General Counsel Adrian Gardner)
Ronnie Gathers, Director, Prince George's County Parks and Recreation
Fern Piret, Director, Prince George's County Planning
Gwen Wright, Director, Montgomery County Planning
Joe Zimmerman, Secretary-Treasurer
Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief
William Spencer, Human Resources Director
Lisa Dupree, Senior Management Analyst (CPMO)

Executive Director Barney convened the meeting at 3:20 p.m.

ITEM 1

AGENDA APPROVALS

a) EXECUTIVE COMMITTEE AGENDA

accepted without changes

b) COMMISSION MEETING AGENDA

- The Prince George's County General Plan presentation was moved to the May Commission meeting agenda.
- The Status Report on WSSC Large Diameter Main Task Force was moved to Item 5e.
- The Annual Audit Committee Reports Pursuant to Practice 1-31 were moved to Item 5f.

Chair Carrier inquired about requirements for changing the Montgomery County Planning Board's Audit Committee member. Ms. Barney and Ms. Bennett indicated that they would research this request and forward information to Executive Committee members.

c) ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

The Executive Committee requested the following changes:

- April
 - With regard to the Salary Equity and Counteroffers Policy, Corporate Policy and Management Operations Division Chief Anju Bennett informed the Executive Committee that this item may need to move to May. Her team has reviewed comments submitted during the policy review period and some areas require input from the Human Resources Division before responses are forwarded to the Merit System Board for final consideration. If input is received in time for the March Merit System Board meeting, she will review the complete packet with the Board. If the Board does not get an opportunity to review at that time, the packet will not be ready for the April Commission meeting. The Executive Committee acknowledged the move.
 - Add the Montgomery County Bond Sale Resolution to be presented by Secretary-Treasurer Zimmerman.
- May
 - Add the Prince George's County General Plan
 - Add the Salary Equity and Counteroffers Policy
- June
 - Add the Market Study
 - Add the 3rd Quarter MFD Statistical Report

ADDITIONAL TOPIC

Executive Director Barney will consult with General Counsel Gardner on requirements for changing the Commission's chairmanship mid-term to plan for any actions that must be taken once Chair Carrier leaves this summer.

ITEM 2

a) ENTERPRISE RESOURCE PLANNING (ERP) BRIEFING

No report at this time.

b) INVESTMENT REPORT – FEBRUARY 2014

Secretary-Treasurer Zimmerman reviewed the report as presented in the meeting packet. He noted that the agency is in compliance with the investment policy.

c) DECLARATION OF EMERGENCY CLOSINGS/DELAYS/LIBERAL LEAVE

Corporate Policy and Management Operations (CPMO) Division Chief Anju Bennett requested the Executive Committee consider recommendations that the policy team has prepared to help clarify the agency's handling of emergency declarations, particularly those stemming from inclement weather. Ms. Bennett provided background information relative to the Merit System Rules and Regulations (MSR&R) Section 1270 (Attachment A).

She explained that the authorizations of emergency closings are codified through the MSR&R, and covered a three-tiered approach: local, area and general emergencies, related compensation policies, and the internal agency authority responsible for declaring each emergency. These emergency closings can be

implemented for a number of reasons including weather, health concerns, civil disturbances, natural disasters, mechanical or system failures.

She also explained that as a practical matter, the agency has long followed the two respective County governments on inclement weather closings. This may be due to the fact that many emergency staff required to work during closings assists the County governments in cleanup efforts. Therefore, if one County declares a closing or delay, Commission offices in that county follow the same decision. In very few cases, the Commission has decided to deviate from County agency decisions when it felt that weather conditions did not allow operations to function safely and effectively. She also noted that emergencies outside of weather are routinely announced independent of county decisions.

Ms. Bennett explained that while guidance currently exists on M-NCPPC's handling of both weather and non-weather related emergencies, recent weather incidents highlighted the need to clarify our agency's ability to issue an emergency closing decision separate from or as a modification of the County government's decision. She also indicated that there was one older policy that should have been rescinded with the adoption of the most recent Merit Rule updates; however, her team's research found that a formal action had not been taken to do so. As a result of these concerns, Ms. Bennett presented two recommendations:

- 1) Issuing an updated M-NCPPC Notice 14-02, Notification of Emergency Closings/Delays/Liberal Leave Decisions, which explains that employees would continue to follow County government decisions on weather related closings unless M-NCPPC issued its own decision. This item was presented only for input as Notices are issued by the Executive Director.
- 2) Rescind outdated Practice 5-15, Closing Commissions Offices/Facilities and Establishing Leave Status in Emergency Situations (Attachment C). She explained that since the Practice was enacted by the Executive Committee, it should have been rescinded by the Executive Committee in 2008, but that action was never formalized. (This item was presented for vote of Executive Committee.)

The Executive Committee had an extensive discussion about the authority to close departments and facilities, and when that authorization should be exercised. At the request of Executive Director Barney, and pursuant to Section 10-508 (a) 7 and 9 of the State Government Article of the Annotated Code of Maryland, The Maryland-National Capital Park and Planning Commission's Executive Committee moved to closed session at 4:02 p.m., for purposes of consultation with legal counsel and to discuss matters relating to collective bargaining and policy recommendations pertaining to compensation.

Following the closed session discussion, the Executive Committee decided on the following items:

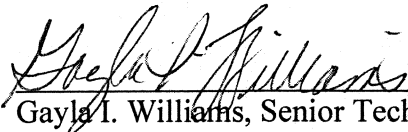
1) Rescission of Practice 5-15 Closing Commission Offices/Facilities and Establishing Leave Status in Emergency Situations

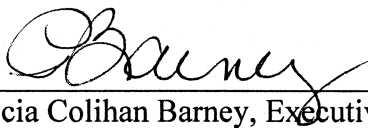
There was a consensus among the Executive Committee to rescind Practice 5-15.

ACTION: Motion of Chair Carrier to rescind Practice 5-15

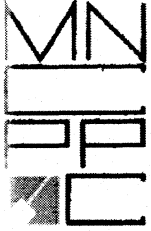
Vice Chair Hewlett and Executive Director Barney agreed to the motion

2) Implementation of updated M-NCPPC Notice 14-02, Notification of Emergency Closings/Delays/Liberal Leave Decisions. The Executive Committee asked to hold off on issuing an updated Notice until the matter could be further reviewed. Corporate Policy and Management Operations Division Chief Anju Bennett will continue amending the Notice. She will combine the Notice with 11-08. A decision was made to continue to follow declarations made by the Montgomery County and Prince George's County governments unless modified by the Executive Director after consultation with respective Planning Board Chair.


Gayla I. Williams, Senior Technical Writer


Patricia Colihan Barney, Executive Director

ACT/PRESENT



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MEMORANDUM

DATE: April 16, 2014
TO: The Maryland-National Capital Park and Planning Commission
VIA: Ronnie Gathers, Director, Parks and Recreation, Prince George's County *RG*
Mary Bradford, Director, Montgomery Parks *M Bradford*
FROM: Edith Michel, CAPRA Project Manager *E Michel*
Christine Brett, Division Chief, Enterprise, Montgomery Parks *CBrett*
RE: Commission for Accreditation of Park and Recreation Agencies (CAPRA) and
Comprehensive Recreation Programming Plan – Summary

Staff Recommendation: Approval

Background:

In 2004, the Commission received national accreditation from the Commission for Accreditation of Park and Recreation Agencies (CAPRA) certifying that the Commission had complied with and successfully addressed 153 best park and recreation agency management standards. The Commission's national CAPRA accreditation period is for five years. This year, the Commission is required to re-certify its compliance with the CAPRA standards. One significant component of this requirement is an update of the Commission's Comprehensive Recreation Program Plan.

The attached Draft Comprehensive Recreation Program Plan (CRPP) is an update of the original adopted by the Commission in 2004 and the revised plan of 2009. It is a bi-county plan and, therefore, requires adoption by the Commission for the upcoming accreditation in July, 2014. The plan meets the mandated accreditation requirements of CAPRA for Standard Category 6.0 – Programs and Services Management. There are 15 standards that pertain to the Comprehensive Recreation Program Plan. This CRPP builds on the previous two plans as well as on the programmatic recommendations of the recently adopted *Vision 2030* and *FORMULA 2040* strategic planning documents.

The CRPP plan was developed through a series of work sessions with each county and will provide a direction to meet the needs of the community through a clear and concise document. Thank you for your approval and adoption of this plan.

Attachment: Comprehensive Recreation Program Plan

M-NCPPC No. 14-04

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Article of the Annotated Code of Maryland, including Title 21, Part III therein, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to a General Plan for Physical Development of the Maryland-Washington Regional District; and

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, held a duly advertised joint public hearing with the Prince George's County Council, sitting as the District Council, on September 23, 2013 to consider the Preliminary Eastover/Forest Heights/Glassmanor Sector Plan and Proposed Sectional Map Amendment, being also an amendment to the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*, the 2002 *Prince George's County Approved General Plan*, the 1983 *Functional Master Plan for Public School Sites*, the 2005 *Countywide Green Infrastructure Functional Master Plan*, the 2008 *Approved Public Safety Facilities Master Plan*, the 2009 *Approved Countywide Master Plan of Transportation*, the 2010 *Approved Historic Sites and Districts Plan*, and the 2010 *Approved Water Resources Functional Master Plan*; and

WHEREAS, the Prince George's County Planning Board on December 5, 2013, after due deliberation and consideration of the public hearing testimony, adopted the sector plan and endorsed the sectional map amendment with revisions, as described in Prince George's County Planning Board Resolution PGCPB No. 13-140, and transmitted the plan to the District Council on January 3, 2014; and

WHEREAS, the Prince George's County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Prince George's County, held a work session on November 14, 2013, to consider hearing testimony and the Planning Board's resolution; and

WHEREAS, upon consideration of the testimony received through the hearing process, the District Council on February 18, 2014, determined that the adopted plan should be approved as the sector plan and sectional map amendment for the Eastover/Forest Heights/Glassmanor Sector Plan area (portion of Planning Area 76A) for Prince George's County, Maryland, subject to the modifications and revisions set forth in Resolutions CR-004-2014 and CR-005-2014.

NOW, THEREFORE, BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby certify said sector plan and sectional map amendment for the Eastover/Forest Heights/Glassmanor Sector Plan area (portion of Planning Area 76A) as an amendment to the General Plan for physical development of the Maryland-Washington Regional District within Prince George's County as approved by the Prince George's County District Council in the attached Resolutions CR-004-2014 and CR-005-2014; and

BE IT FURTHER RESOLVED, that the Recitals are hereby incorporated into this Resolution by reference; and

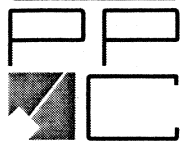
BE IT FURTHER RESOLVED, that copies of said amendment shall be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of Prince George's and Montgomery Counties, as required by law.

* * * * *

Patricia Colihan Barney
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY
[Signature]
M-NCPPC Legal Department
Date 3/20/14

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



Prince George's County Planning Department
Community Planning Division

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
301-952-3646

April 16, 2014

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

VIA: Fern Piret, Planning Director *J.P.*
Ivy A. Lewis, Chief, Community Planning Division *AL*
Steve Kaii-Ziegler, Planning Supervisor, Community Planning Division *SK*

FROM: Karen Buxbaum, Planner Coordinator, Community Planning Division *KBP*

SUBJECT: **The Maryland-National Capital Park and Planning Commission Resolution to certify the *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment***

Attached for your review and approval is the Full Commission Resolution Number 14-04 to certify the *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* (Part of Planning Area 76A). Also attached for your information are the Prince George's County Council Resolutions CR-004-2014 and CR-005-2014, dated February 18, 2014, and the Prince George's County Planning Board Resolution PGCPB No. 13-140 dated December 5, 2013.

RECOMMENDATION

Staff recommends that the Full Commission approve the resolution to certify.

Attachments

1. Full Commission Resolution Number 14-04
2. Prince George's County Resolutions CR-004-2014 and CR-005-2014
3. Prince George's County Planning Board Resolution PGCPB No. 13-140
4. Certificate of Adoption and Approval

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2014 Legislative Session**

Resolution No. CR-4-2014
Proposed by The Chairman (by request – Planning Board)
Introduced by Council Member Patterson
Co-Sponsors _____
Date of Introduction February 18, 2014

RESOLUTION

1 A RESOLUTION concerning
2 The Eastover / Forest Heights / Glassmanor Sector Plan
3 For the purpose of approving, with revisions, as an Act of the County Council of Prince George’s
4 County, Maryland, sitting as the District Council, the Eastover / Forest Heights / Glassmanor
5 Sector Plan, thereby defining long-range land use and development policies in portions of
6 Planning Area 76A, previously part of the 2000 *Approved Master Plan and Sectional Map*
7 *Amendment for the Heights and Vicinity* for the area generally bounded by Interstate 95/495 (the
8 “Capital Beltway”) as the southern boundary, Southern Avenue as the northern boundary,
9 Livingston Road and Owens Road generally as the eastern boundary, and Oxon Run as the
10 western boundary.

11 WHEREAS, on May 15, 2012, the County Council of Prince George’s County,
12 Maryland, sitting as the District Council, adopted CR-28-2012, thereby authorizing initiation of
13 an amendment to the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights*
14 *and Vicinity* (Planning Area 76A), and further authorized the Prince George’s County Planning
15 Board to initiate a sector plan and concurrent sectional map amendment pursuant to Sections 27-
16 225.01 and 27-641 of the Zoning Ordinance; and

17 WHEREAS, the District Council, by way of CR-28-2012, also endorsed the Goals,
18 Concepts, Guidelines and Public Participation Program as approved by the Planning Board, and
19 established Plan boundaries for portions of Planning Area 76A pursuant to Sections 27-641 and
20 27-643 of the Zoning Ordinance; and

21

1 WHEREAS, as part of the Public Participation Program, Planning staff held numerous
2 meetings with community and agency stakeholders, including a major community-wide design
3 workshop, a business roundtable, civic association discussions, meetings with the Forest
4 Heights/Oxon Hill Community Development Corporation (“CDC”), and held municipal briefings
5 with the Mayor and Town Council for the Town of Forest Heights as well as other municipal,
6 county, state, and regional agencies, and environmental stakeholders; and

7 WHEREAS, on November 7, 2012, the District Council granted a six-month extension of
8 the timeframe to prepare the Preliminary Eastover / Forest Heights / Glassmanor Sector Plan and
9 Proposed Sectional Map Amendment pursuant to Section 27-644(a)(3) of the Zoning Ordinance,
10 in order to incorporate a detailed transportation analysis, to continue community outreach and
11 education, and to coordinate with residents and agencies to achieve consensus; and

12 WHEREAS, on July 11, 2013, the Planning Board granted permission to print the
13 Preliminary Eastover / Forest Heights / Glassmanor Sector Plan and Proposed Sectional Map
14 Amendment; and

15 WHEREAS, the District Council and the Planning Board held a duly-advertised joint public
16 hearing on the Preliminary Eastover / Forest Heights / Glassmanor Sector Plan and Proposed
17 Sectional Map Amendment on September 23, 2013; and

18 WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, the County Executive
19 and the District Council reviewed the public facilities element of the Preliminary Eastover /
20 Forest Heights / Glassmanor Sector Plan and Proposed Sectional Map Amendment in order to
21 identify inconsistencies between the proposed public facilities recommended within the
22 preliminary sector plan and proposed sectional map amendment and existing County or State
23 public facilities; and

24 WHEREAS, on October 15, 2013, the District Council adopted CR-131-2013, thereby
25 approving the Public Facilities Element of the Preliminary Eastover / Forest Heights /
26 Glassmanor Sector Plan and Proposed Sectional Map Amendment for inclusion in the adopted
27 sector plan and endorsed sectional map amendment by the Planning Board; and

28 WHEREAS, the Planning Board held a work session to consider the public hearing
29 testimony on November 14, 2013; and

30 WHEREAS, on December 5, 2012, the Planning Board, in response to the public hearing
31 testimony, adopted the Sector Plan in Prince George’s County Planning Board Resolution

1 PGCPB No. 13-140, and transmitted the Sectional Map Amendment to the District Council on
2 January 3, 2014; and

3 WHEREAS, on January 28, 2014, the District Council held a work session to consider the
4 record of public hearing testimony and the Planning Board's recommendations embodied in
5 PGCPB No. 13-140 and, after discussion, directed Technical Staff to prepare a Resolution of
6 Approval for the Eastover / Forest Heights / Glassmanor Sector Plan incorporating certain
7 revisions; and

8 WHEREAS, upon approval by the District Council, this Sector Plan will amend portions of
9 the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity*, the
10 2002 *Prince George's County Approved General Plan*, the 1983 *Functional Master Plan for*
11 *Public School Sites*, the 2005 *Countywide Green Infrastructure Functional Master Plan*, the
12 2008 *Approved Public Safety Facilities Master Plan*, the 2009 *Approved Countywide Master*
13 *Plan of Transportation*, the 2010 *Approved Historic Sites and Districts Plan*, and the 2010
14 *Approved Water Resources Functional Master Plan*.

15 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
16 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
17 Regional District in Prince George's County, Maryland, that the Eastover / Forest Heights /
18 Glassmanor Sector Plan, as adopted on December 5, 2013, by the Planning Board in Resolution
19 PGCPB No. 13-140, be and the same is hereby approved, with the following revision:

20 **REVISION ONE:**

- 21 (a) All references in the plan; both text and charts, to senior housing shall delete senior and
22 reference housing only.

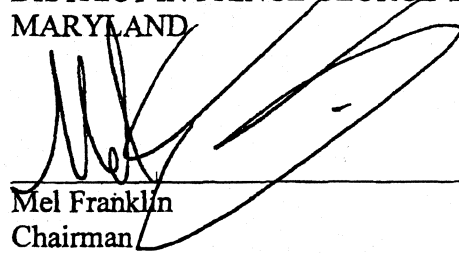
1 BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate
2 textual and graphical revisions to the sector plan to correct identified errors, reflect updated
3 information and revisions, and otherwise incorporate the change reflected in this Resolution.

4 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If any
5 provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid,
6 unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or
7 unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses,
8 sections, zones, zoning maps, or parts hereof or their application to other zones, persons, or
9 circumstances. It is hereby declared to be the legislative intent that this Resolution would have
10 been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence,
11 clause, section, zone, zoning map, or part had not been included therein.

Adopted this 18th day of February, 2014.

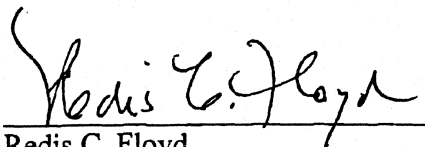
COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY:



Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

Prince George's County Council
Agenda Item Summary

Meeting Date: 2/18/2014
Reference No.: CR-004-2014
Draft No.: 1
Proposer(s): Park & Planning
Sponsor(s): Patterson
Item Title: A Resolution concerning The Eastover / Forest Heights / Glassmanor Sector Plan for the purpose of approving, with revisions, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council, the Eastover / Forest Heights / Glassmanor Sector Plan, thereby defining long-range land use and development policies in portions of Planning Area 76A, previously part of the 2000 Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity for the area generally bounded by Interstate 95/495 (the "Capital Beltway") as the southern boundary, Southern Avenue as the northern boundary, Livingston Road and Owens Road generally as the eastern boundary, and Oxon Run as the western boundary.

Drafter: M-NCPPC,
Resource Personnel: M-NCPPC

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:
Committee Referral:		Effective Date:
Committee Action:		
Date Introduced:	2/18/2014	
Public Hearing:		
Council Action (1)	2/18/2014 - ADOPTED	
Council Votes:	WC:A, DLD:A, MRF:A, AH:-, ML:A, EO:A, OP:A, IT:A, KT:A	
Pass/Fail:	P	
Remarks:		

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

BACKGROUND INFORMATION/FISCAL IMPACT:
(Includes reason for proposal, as well as any unique statutory requirements)
This Resolution approves the Eastover / Forest Heights / Glassmanor Sector Plan.

CODE INDEX TOPICS:

INCLUSION FILES:

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL**

2014 Legislative Session

Resolution No. CR-5-2014
Proposed by The Chairman (by request – Planning Board)
Introduced by Council Member Patterson
Co-Sponsors _____
Date of Introduction February 18, 2014

RESOLUTION

1 A RESOLUTION concerning
2 The Eastover/Forest Heights/Glassmanor Sectional Map Amendment
3 For the purpose of approving, as an Act of the County Council of Prince George’s County,
4 Maryland, sitting as the District Council, for that part of the Maryland-Washington Regional
5 District in Prince George’s County, the Eastover /Forest Heights/Glassmanor Sectional Map
6 Amendment (“SMA”), thereby setting forth and adopting detailed zoning proposals in a portion
7 of Planning Area 76A, previously part of the 2000 *Approved Master Plan and Sectional Map*
8 *Amendment for the Heights and Vicinity*, for the area generally bounded by Interstate 95/495
9 (the “Capital Beltway”) as the southern boundary, Southern Avenue as the northern boundary,
10 Livingston Road and Owens Road generally as the eastern boundary, and Oxon Run as the
11 western boundary.

12 WHEREAS, on May 15, 2012, the County Council of Prince George’s County,
13 Maryland, sitting as the District Council, adopted CR-28-2012, thereby authorizing initiation of
14 an amendment to the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights*
15 *and Vicinity* (Planning Area 76A), and further authorized the Prince George’s County Planning
16 Board to initiate a sector plan and concurrent sectional map amendment pursuant to Sections 27-
17 225.01 and 27-641 of the Zoning Ordinance; and

18 WHEREAS, the District Council, by way of CR-28-2012, also endorsed the Goals,
19 Concepts, Guidelines and Public Participation Program as approved by the Planning Board, and
20 established Plan boundaries for portions of Planning Area 76A pursuant to Sections 27-641 and
21 27-643 of the Zoning Ordinance; and

1 WHEREAS, as part of the Public Participation Program, Planning staff held numerous
2 meetings with community and agency stakeholders, including a major community-wide design
3 workshop, a business roundtable, civic association discussions, meetings with the Forest
4 Heights/Oxon Hill Community Development Corporation ("CDC"), and held municipal briefings
5 with the Mayor and Town Council for the Town of Forest Heights as well as other municipal,
6 county, state, and regional agencies, and environmental stakeholders; and

7 WHEREAS, on November 7, 2012, the District Council granted a six-month extension of
8 the timeframe to prepare the Preliminary Eastover / Forest Heights / Glassmanor Sector Plan and
9 Proposed Sectional Map Amendment pursuant to Section 27-644(a)(3) of the Zoning Ordinance,
10 in order to incorporate a detailed transportation analysis, to continue community outreach and
11 education, and to coordinate with residents and agencies to achieve consensus; and

12 WHEREAS, on July 11, 2013, the Planning Board granted permission to print the
13 Preliminary Eastover / Forest Heights / Glassmanor Sector Plan and Proposed Sectional Map
14 Amendment; and

15 WHEREAS, the District Council and the Planning Board held a duly-advertised joint public
16 hearing on the Preliminary Eastover / Forest Heights / Glassmanor Sector Plan and Proposed
17 Sectional Map Amendment on September 23, 2013; and

18 WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, the County Executive
19 and the District Council reviewed the public facilities element of the Preliminary Eastover /
20 Forest Heights / Glassmanor Sector Plan and Proposed Sectional Map Amendment in order to
21 identify inconsistencies between the proposed public facilities recommended within the
22 preliminary sector plan and proposed sectional map amendment and existing County or State
23 public facilities; and

24 WHEREAS, on October 15, 2013, the District Council adopted CR-131-2013, thereby
25 approving the Public Facilities Element of the Preliminary Eastover / Forest Heights /
26 Glassmanor Sector Plan and Proposed Sectional Map Amendment for inclusion in the adopted
27 sector plan and endorsed sectional map amendment by the Planning Board; and

28 WHEREAS, the Planning Board held a work session to consider the public hearing
29 testimony on November 14, 2013; and

30 WHEREAS, on December 5, 2012, the Planning Board, in response to the public hearing
31 testimony, endorsed the Sectional Map Amendment in Prince George's County Planning Board

1 Resolution PGCPB No. 13-140, and transmitted the Sectional Map Amendment to the District
2 Council on January 3, 2014; and

3 WHEREAS, on January 28, 2014, the District Council held a work session to consider the
4 record of public hearing testimony and the Planning Board's recommendations embodied in
5 PGCPB No. 13-140 and, after discussion, directed Technical Staff to prepare a Resolution of
6 Approval for the Eastover / Forest Heights / Glassmanor Sectional Map Amendment; and

7 WHEREAS, upon approval by the District Council, this SMA will amend portions of the
8 Prince George's County Zoning Ordinance and the Zoning Map located in Planning Area 76A.

9 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
10 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
11 Regional District in Prince George's County, Maryland, that the Eastover/Forest
12 Heights/Glassmanor Sectional Map Amendment as endorsed on December 5, 2013, in PGCPB
13 No. 13-140, be and the same is hereby approved.

14 BE IT FURTHER RESOLVED that this Sectional Map Amendment is an amendment to
15 the Zoning Ordinance and to the official Zoning Map for the Maryland-Washington Regional
16 District in Prince George's County. The zoning changes approved by this Resolution shall be
17 depicted on the official Zoning Map of the County.

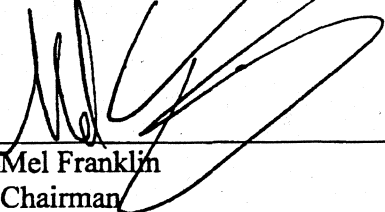
18 BE IT FURTHER RESOLVED that the planning staff is authorized to make
19 appropriate textual, graphical, and map revisions to correct identified errors, reflect updated
20 information and revisions, and incorporate the zoning map changes reflected in this Resolution.

21

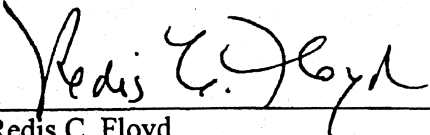
1 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If
2 any provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid,
3 unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or
4 unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses,
5 sections, zones, zoning maps, or parts hereof or their application to other zones, persons, or
6 circumstances. It is hereby declared to be the legislative intent that this Resolution would have
7 been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence,
8 clause, section, zone, zoning map, or part had not been included therein.

Adopted this 18th day of February, 2014.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: 
Mel Franklin
Chairman

ATTEST:


Redis C. Floyd
Clerk of the Council

**Prince George's County Council
Agenda Item Summary**

Meeting Date: 2/18/2014
Reference No.: CR-005-2014
Draft No.: 1
Proposer(s): Park & Planning
Sponsor(s): Patterson
Item Title: A Resolution concerning the Eastover / Forest Heights / Glassmanor Sectional Map Amendment for the purpose of approving, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, the Eastover / Forest Heights / Glassmanor Sectional Map Amendment ("SMA"), thereby setting forth and adopting detailed zoning proposals in a portion of Planning Area 76A, previously part of the 2000 Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity, for the area generally bounded by Interstate 95/495 (the "Capital Beltway") as the southern boundary, Southern Avenue as the northern boundary, Livingston Road and Owens Road generally as the eastern boundary, and Oxon Run as the western boundary.

Drafter: M-NCPPC,
Resource Personnel:

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:
Committee Referral:		Effective Date:
Committee Action:		
Date Introduced:	2/18/2014	
Public Hearing:		
Council Action (1)	2/18/2014 - ADOPTED	
Council Votes:	WC:A, DLD:A, MRF:A, AH:-, ML:A, EO:A, OP:A, IT:A, KT:A	
Pass/Fail:	P	
Remarks:		

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This Resolution approves the Eastover / Forest Heights / Glassmanor Sectional Map Amendment.

CODE INDEX TOPICS:

INCLUSION FILES:

PGCPB No. 13-140

RESOLUTION

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, in conjunction with the Prince George's County Council, pursuant to Section 27-644 of the Zoning Ordinance of Prince George's County, held a duly advertised public hearing on the *Preliminary Eastover/Forest Heights/Glassmanor Sector Plan and Proposed Sectional Map Amendment*, on September 23, 2013; and

WHEREAS, the *Preliminary Eastover/Forest Heights/Glassmanor Sector Plan and Proposed Sectional Map Amendment* is proposed to amend the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*, the 2002 *Prince George's County Approved General Plan*, and all approved functional master plans; and

WHEREAS, the sector plan area of the *Preliminary Eastover/Forest Heights/Glassmanor Sector Plan and Proposed Sectional Map Amendment* is defined by Interstate 95/495 (the "Capital Beltway") as the southern boundary, Southern Avenue as the northern boundary and Livingston Road and Owens Roads generally as the eastern boundary and Oxon Run as the western boundary; and

WHEREAS, the purpose of the *Preliminary Eastover/Forest Heights/Glassmanor Sector Plan and Proposed Sectional Map Amendment* is to set forth a vision, goals, policies and strategies that will implement the 2002 *Prince George's County Approved General Plan* vision for Developed Tier and facilitate future development in the sector plan area; and

WHEREAS, the plan (1) addresses the potential impact of future development in the area on existing communities, roadways, public facilities, the visual environment, and the green infrastructure network, (2) responds to the potential development opportunities presented by regional activities both in the District of Columbia and in Oxon Hill at the National Harbor, and (3) sets forth recommendations for urban design, economic development, and the coordination and concurrency of future private development and capital improvements; and

WHEREAS, the *Preliminary Eastover/Forest Heights/Glassmanor Sector Plan and Proposed Sectional Map Amendment* contain a comprehensive rezoning element known as the Proposed Sectional Map Amendment intended to implement the land use recommendations of the sector plan for the foreseeable future by proposing zoning amendments; and

WHEREAS, on November 14, 2013, the Planning Board held a public work session on the *Preliminary Eastover/Forest Heights/Glassmanor Sector Plan and Proposed Sectional Map Amendment* to examine the transcript analysis of testimony which had been presented at the September 23, 2013 joint public hearing and exhibits received before the close of the record on October 7, 2013; and

WHEREAS, the Prince George's County Planning Board determined to amend said *Preliminary Eastover/Forest Heights/Glassmanor Sector Plan and Proposed Sectional Map Amendment*, in response to said public testimony and Planning Department recommendations presented to the Planning Board on November 14, 2013, as part of the transcript analysis of testimony, and to adopt the sector plan, endorse the sectional map amendment, and transmit both the plan and sectional map amendment with further

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III. CHAPTER VI: IMPLEMENTATION

1. Amend the proposed re-zoning, p. 82 Zoning Change Table and Map to delete SMA change item 4.

IV. APPENDIX VII - IMPLEMENTATION AND STEWARDSHIP

1. Amend p. 160, Table 28, item 6 of the Eastover/Forest Heights/Glassmanor Sector Plan Public Facilities Report to add:

6	Pedestrian Facilities	Livingston Road	Add [8'-10'] <u>5' – 6'</u> wide sidewalk along Livingston Road, connecting to MD 210. (Safe Routes to School Priority). <u>Perform a hydrology and stormwater conveyance study and cost estimate prior to construction of the sidewalks in order to replace the open channel with a covered system that can carry the stormwater volumes and provide an area for a sidewalk</u>	DPW&T	[Medium] <u>Medium/high</u>
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WHEREAS, an objective of the proposed sectional map amendment for the Eastover/ Forest Heights/Glassmanor sector plan area is to protect the health, safety, and general welfare of all citizens in Prince George's County; and

WHEREAS, the proposed sectional map amendment for the Eastover/ Forest Heights/Glassmanor sector plan area is an amendment to the Prince George's County Zoning Ordinance, being an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County; and

WHEREAS, the Sectional Map Amendment includes zoning changes enumerated and transmitted herein, accounting for varying acreage and zoning categories; and

WHEREAS, in accordance with Section 27-645(d)(1) of the Zoning Ordinance of Prince George's County, the acceptance and processing of Zoning Map Amendment applications within the subject sector plan area shall be postponed in accordance with the provisions of Sections 27-225.01(f), 27-225.01.05(f), and 27-226(a); and

WHEREAS, pursuant to Section 27-646(d) of the Zoning Ordinance of Prince George's County, building permit recommendations by the Planning Board and the issuance of building permits by the

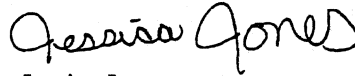
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[indicates deleted text]

approved as an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County.

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 Geraldo, seconded by Commissioner Washington, with Commissioners Geraldo, Washington, Hewlett, Bailey, and Shoaff voting in favor of the motion at its regular meeting held on Thursday, December 5, 2013 in Upper Marlboro, Maryland.

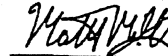
Adopted by the Prince George's County Planning Board this 5th day of December, 2013.

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 12/16/13

CERTIFICATE OF ADOPTION AND APPROVAL

The Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment (portion of Planning Area 76A), being an amendment of the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity*; the 2002 *Prince George's County Approved General Plan*; the 1983 *Functional Master Plan for Public School Sites*; the 2005 *Countywide Green Infrastructure Functional Master Plan*; the 2008 *Approved Public Safety Facilities Master Plan*; the 2009 *Approved Countywide Master Plan of Transportation*; the 2010 *Approved Historic Sites and Districts Plan*; and the 2010 *Approved Water Resources Functional Master Plan*, has been adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by Resolution No. 13-140 on December 5, 2013, after a duly advertised joint public hearing held on September 23, 2013 in conjunction with the Prince George's County Council, sitting as the District Council. The Prince George's County Council, sitting as the District Council, approved this sector plan and sectional map amendment by Resolution Nos. CR-4-2014 and CR-5-2014 on February 18, 2014.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Elizabeth M. Hewlett
Chairman

Françoise M. Carrier
Vice Chair

Joseph Zimmerman
Secretary-Treasurer

RESOLUTION NO. 14-08

**\$14,000,000
Montgomery County
General Obligation
Park Acquisition and Development Project Bonds,
Series MC-2014A**

RECITALS

The Maryland-National Capital Park and Planning Commission (the “Commission”) has determined to authorize the issuance of one or more series of its Montgomery County General Obligation Park Acquisition and Development Project Bonds, Series MC-2014A in an aggregate amount not to exceed \$14,000,000 (collectively, the “Bonds”), pursuant to Sections 18-201 through 18-211, inclusive, of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2013 Supplement) (the “Land Use Article”). The Commission is authorizing the issuance of the Bonds (1) to finance and refinance the cost of certain park acquisition and development projects in Montgomery County, Maryland (the “Projects”) and (2) to pay the cost of issuance related to the Bonds.

The Bonds may be issued in the form of serial bonds, term bonds, commercial paper, variable rate demand bonds or such other form as the Commission or its authorized designee may determine is advisable in consultation with the financial advisor to the Commission and its bond counsel.

BE IT RESOLVED BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION:

Section 1: Authorization of Bonds. Acting pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article, the Commission hereby authorizes the borrowing of a sum not to exceed \$14,000,000 and the evidencing of such borrowing by the issuance of one or more series of its Bonds in like aggregate principal amount, to be designated

“Montgomery County General Obligation Park Acquisition and Development Project Bonds, Series MC-2014A”, or as further designated by the Secretary-Treasurer. The Bonds are being issued in order to provide funds (i) to pay the costs of the Projects and (ii) to pay, at the discretion of the Secretary-Treasurer, all or a portion of the cost of issuance of the Bonds.

Section 2: Terms of the Bonds.

(a) General Provisions. The Bonds shall be issued as fully registered bonds. The Commission hereby authorizes the Chairman or Vice Chairman and the Secretary-Treasurer of the Commission, in consultation with its bond counsel and financial advisor, to determine and approve on behalf of the Commission the denominations, the form, terms and conditions, the method of determining the interest rates (variable or fixed), the maturity schedule, the redemption provisions, if any, the amount of the good faith deposit, if any, the dates and the terms and conditions of the sale and delivery of the Bonds, and all other terms, conditions and provisions relating to the issuance, sale and delivery of the Bonds, in accordance with the provisions of this Resolution.

The Bonds shall be numbered from No. R-1 upward, shall be dated and mature (subject to the right of prior redemption, if any) as determined by the Secretary-Treasurer, in the principal amounts approved by the Chairman or Vice Chairman and the Secretary-Treasurer of the Commission, at or prior to the sale of the Bonds; provided however, that in no event shall the Bonds mature later than 50 years from the date of issue as required by Section 18-203(e) of the Land Use Article.

(b) Book-Entry. The Bonds shall initially be maintained under a book-entry system with The Depository Trust Company, New York, New York, or other securities depository, and shall be registered in the name of the nominee of such securities depository, all as more fully set forth in an official statement or offering memorandum with respect to the issuance and sale of the Bonds, *provided* the Secretary-Treasurer does not determine that it is in the best interest of the Commission to initially maintain the Bonds under a system other than the book-entry system. The Secretary-Treasurer is hereby authorized to take all action necessary or appropriate to

provide for the issuance of the Bonds in book-entry form, including (without limitation) execution of letters of representations with The Depository Trust Company, or such other securities depository. If in the judgment of the Secretary-Treasurer it is in the best interests of the Commission to maintain the Bonds or any series of the Bonds under a system other than the book-entry system or to discontinue the maintenance of the Bonds or any series of the Bonds under a book-entry system, the Secretary-Treasurer is hereby authorized to provide for the termination of the book-entry system, if necessary, and the delivery of printed certificates for such Bonds in lieu thereof. The Secretary-Treasurer may designate a different securities depository.

(c) County Guarantee. The Bonds shall be guaranteed as to payment of principal and interest by Montgomery County, Maryland (“Montgomery County”), as required by Section 18-204(c) of the Land Use Article, and such guaranty shall be endorsed on each bond certificate in the manner hereinafter provided as required by Section 18-204(c) of the Land Use Article.

(d) Interest Provisions. The Chairman or Vice Chairman and the Secretary-Treasurer shall determine and approve the method for setting the rates of interest for the Bonds. The rates of interest for the Bonds shall be as determined and approved by the Chairman or Vice Chairman and the Secretary-Treasurer to be in the best interest of the Commission. If the Bonds are competitively sold, the Bonds shall bear interest at the rate or rates for each maturity named by the successful bidder for the Bonds, in accordance with the terms of the Notice of Sale hereinafter adopted. Interest shall be payable on the dates (each an “Interest Payment Date”) and in the manner determined by the Secretary-Treasurer. The Bonds shall bear interest from the most recent Interest Payment Date to which interest has been paid or duly provided for, or from their date if no interest has been paid on the Bonds.

(e) Redemption Provisions. The Bonds may be subject to redemption at the times, upon the terms and conditions and at the redemption prices approved by the Chairman or Vice Chairman and the Secretary-Treasurer in consultation with the Commission’s financial advisor and bond counsel, at or prior to the sale of the Bonds.

Section 3: Execution. The Bonds shall be signed by the manual or facsimile signature of the Chairman of the Commission and shall be attested by the manual or facsimile signature of the Secretary-Treasurer of the Commission. There shall be printed on each of the Bonds a facsimile of the seal of the Commission. In case any officer of the Commission whose manual or facsimile signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, or in the case that any such officer shall take office subsequent to the date of issue of any such Bond, such signature or facsimile shall nevertheless be valid and sufficient for the purposes herein intended.

Section 4: Authentication. No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication of such Bond substantially in the form hereinafter adopted shall have been duly executed by the Registrar (hereinafter defined) and such executed certificate of the Registrar on such Bond shall be conclusive evidence that such Bond has been authenticated and delivered under this Resolution. The Registrar's certificate of authentication on any Bond shall be deemed to have been executed by it if signed by an authorized officer or signatory of the Registrar. It shall not be necessary that the same officer or signatory of the Registrar sign the certificate of authentication for all the Bonds issued hereunder.

Section 5: Payment of Bonds. The principal of, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America at the time of payment. So long as the Bonds or any series of the Bonds are maintained under a book-entry system with The Depository Trust Company, principal of and premium, if any, and interest on such Bonds shall be payable to Cede & Co., as nominee of The Depository Trust Company, all as described in an official statement or offering memorandum related to such Bonds. If the book-entry system for the Bonds or any series of the Bonds shall be discontinued in accordance with this Resolution, the principal of and premium, if any, on such Bonds shall be payable upon presentation thereof at a designated corporate trust office of a bank or other entity hereafter to be determined by the Secretary-Treasurer, which bank or other entity, or any successor thereof,

shall be designated as paying agent for such Bonds (the "Paying Agent"). Interest on such Bonds shall be payable by wire transfer, check or draft mailed by the Paying Agent to the registered owners thereof as of the record date immediately preceding each Interest Payment Date (the "Record Date") at their addresses as they appear on the Bond Register (hereinafter defined) or to such other address as is furnished to the Paying Agent by a registered owner. The Secretary-Treasurer may determine that the Office of the Secretary-Treasurer of the Commission will act as the Paying Agent or designate a Paying Agent as provided in this Resolution. Such designation by the Secretary-Treasurer may be done at any time and from time to time.

When there is no existing default in the payment of interest on the Bonds, the person in whose name any Bond is registered on the Record Date with respect to an Interest Payment Date shall be entitled to receive the interest payable on such Interest Payment Date (unless such Bond has been called for redemption on a redemption date which is prior to such Interest Payment Date) notwithstanding the cancellation of such Bond upon any registration of transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date.

Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner of the Bond on the relevant Record Date by virtue of having been such owner; and such Defaulted Interest shall be paid by the Paying Agent to the person in whose name the Bond is registered at the close of business on a date (the "Special Record Date") which shall be fixed by the Secretary-Treasurer in consultation with the Paying Agent and bond counsel. Defaulted Interest shall be paid to the persons in whose names the Bonds are registered on such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered under this Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 6: Registration, Transfer or Exchange of Bonds. The Commission shall cause to be kept at a designated corporate trust office of a bank or another designated entity

hereafter to be determined by the Secretary-Treasurer, which shall be appointed the Registrar for the Bonds (the “Registrar”), a register (the “Bond Register”) for the registration of the transfer or exchange of any Bonds. The Secretary-Treasurer may determine that the Office of the Secretary-Treasurer of the Commission will serve as the Registrar or the Secretary-Treasurer may appoint a Registrar as provided in this Resolution. Such designation by the Secretary-Treasurer may be done at any time and from time to time. Each Bond shall be registered and transferred or exchanged in accordance with the terms and conditions with respect thereto set forth on the face of such Bond, the form of which is hereinafter adopted.

Section 7: Cancellation of Bonds. The Bonds paid at maturity or upon prior redemption shall be canceled and destroyed by the Bond Registrar in accordance with practices that are commonly used in the marketplace at that time and certificates of such action shall be transmitted to the Commission.

Section 8: Form of Bonds. The Bonds hereby authorized shall be in substantially the form attached hereto as Exhibit A, with appropriate insertions as therein set forth, which is hereby adopted by the Commission as the approved form of the obligations to be incurred by it, and all the covenants, conditions and representations contained in said form are hereby declared to be binding on the Commission and to constitute contracts between the Commission and the holders from time to time of the Bonds, said contracts to become binding when the Bonds are executed and delivered as herein authorized. Such form may be modified by the Secretary-Treasurer in accordance with the provisions of this Resolution, including but not limited to, modifications for the issuance of bonds in the form of serial bonds, term bonds, commercial paper, variable rate demand bonds or such other form as the Secretary-Treasurer may determine advisable in consultation with the financial advisor to the Commission and its bond counsel and modifications to reflect the maintenance of the Bonds under a book-entry system or the termination of a book-entry system as provided herein.

Section 9: Negotiated Sale. The Secretary-Treasurer is hereby authorized to sell the Bonds or any series of the Bonds by private negotiated sale on behalf of the Commission as

authorized by Section 18-203(f) of the Land Use Article. The Chairman or Vice Chairman and the Secretary-Treasurer of the Commission, in consultation with bond counsel and the financial advisor to the Commission, are hereby authorized to determine on behalf of the Commission the method for conducting such private negotiated sale. The Secretary-Treasurer is hereby authorized to solicit and accept proposals for the sale of such Bonds on a private, negotiated basis. The Secretary-Treasurer of the Commission is hereby authorized to negotiate an agreement for the purchase of such Bonds (the "Bond Purchase Agreement"), to be approved by the Secretary-Treasurer in consultation with the Planning Board of Montgomery County, in accordance with the limitations set forth in this Resolution.

Section 10: Public Sale; Notice of Sale. The Secretary-Treasurer is hereby authorized to sell the Bonds or any series of the Bonds by public competitive sale. In the event of a public sale, the Secretary-Treasurer is hereby authorized to advertise such sale by any electronic medium or financial journal or to publish a notice of sale or a summary thereof calling for bids for such Bonds in such other manner as the Secretary-Treasurer shall deem appropriate, such publication to be at least five days before the date for the receipt of bids. The Secretary-Treasurer is authorized to offer the Bonds or any series of the Bonds for sale by competitive bid and accept bids, including but not limited to electronic bids via such service provider as the Secretary-Treasurer deems appropriate and is approved by bond counsel to the Commission or the financial advisor to the Commission. Said notice of sale shall be substantially in the form of Exhibit B attached hereto, subject to such changes, insertions (including without limitation the insertion of the appropriate amounts and dates in the respective spaces provided therefor in such form) and amendments as the Secretary-Treasurer deems necessary and approves upon the advice of bond counsel and the financial advisor to the Commission, the Secretary-Treasurer's publication of such notice to constitute conclusive evidence of the approval of the Secretary-Treasurer of all changes from the form set forth in Exhibit B. In lieu of publishing the entire notice of sale as set forth in Exhibit B in a financial journal or by electronic medium as above

specified, the Secretary-Treasurer, upon the advice of the financial advisor to the Commission, may determine to publish a summary of said notice of sale.

Section 11: Official Statement; Guaranty.

(a) The Secretary-Treasurer may prepare a private placement memorandum, a preliminary official statement, a final official statement or another form of offering memorandum (collectively, the "Official Statement") and a notice of sale with respect to the issuance and sale of any series of the Bonds, including any financial and other information about the Commission, Montgomery County and Montgomery County, Maryland deemed appropriate by the Secretary-Treasurer.

(b) The Secretary-Treasurer is hereby authorized and directed to make all arrangements for the printing, execution and delivery of the Official Statement and certificates for any series of the Bonds.

(c) The Secretary-Treasurer is hereby authorized and directed to arrange with the County Executive of Montgomery County for the endorsement on the Bonds of the guarantee of the payment of the principal thereof and interest thereon, as herein outlined and as required by law. The Bonds shall not be delivered until after the endorsement of such guaranty thereon.

Section 12: Use of Bond Proceeds. The proceeds of the sale of the Bonds (i) shall be used to pay the costs of the Projects, and (ii) may be used to pay all or a portion of the issuance costs of the Bonds.

Section 13: Tax Pledge. The Commission hereby pledges its full faith and credit and the proceeds of the taxes required to be levied and collected for the Commission by Montgomery County under Section 18-304 of the Land Use Article, to the payment of the principal of and premium and interest on the Bonds as they become due.

The Commission covenants with each and every holder, from time to time, of the Bonds issued hereunder to allocate the proceeds of said taxes, as received, *pari passu*, to debt service on all outstanding bonds and notes issued by it, including this issue of Bonds, payable from said taxes, subject only to the prior rights of the holders of bonds of the Commission which are

secured by a pledge of a specific portion of said tax. The Commission further covenants not to issue any additional bonds or notes payable from said taxes in excess of the limits prescribed, from time to time, by Section 18-203(d) of the Land Use Article.

With respect to the Bonds hereby authorized, the Commission covenants with the holders thereof annually to submit to Montgomery County a budget requesting levy of said taxes to produce the revenues to pay the debt service to which the revenues from said taxes is pledged hereby, and to take all action it legally can take to compel Montgomery County to levy taxes at rates sufficient for the purpose and to fulfill and perform its guarantee of the payment, when due, of the principal of and interest on the Bonds.

Section 14: Tax and Arbitrage Covenants. The Chairman or the Vice Chairman and the Secretary-Treasurer shall be the officers of the Commission responsible for the issuance of the Bonds within the meaning of the Arbitrage Regulations (defined herein). The Chairman or the Vice Chairman and the Secretary-Treasurer shall also be the officers of the Commission responsible for the execution and delivery (on the date of issuance of the Bonds) of a certificate of the Commission (the "Section 148 Certificate") which complies with the requirements of Section 148 of the Internal Revenue Code of 1986, as amended ("Section 148"), and the applicable regulations thereunder (the "Arbitrage Regulations"), and such officials are hereby directed to execute the Section 148 Certificate and to deliver the same to bond counsel on the date of the issuance of the Bonds.

The Commission shall set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds, or of any moneys, securities or other obligations to the credit of any account of the Commission which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, "Bond Proceeds"). The Commission covenants that the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the Commission's reasonable expectations on the date of issuance of the Bonds and will be, to the best of the certifying officials' knowledge, true and correct as of that date.

The Commission covenants and agrees with each of the holders of any of the Bonds that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds which would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 and the Arbitrage Regulations. The Commission further covenants that it will comply with Section 148 and the regulations thereunder which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds.

The Commission further covenants that it shall make such use of the proceeds of the Bonds, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on the Bonds. All officers, employees and agents of the Commission are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Bonds, as may be necessary or appropriate from time to time to comply with, or to evidence the Commission’s compliance with, the covenants set forth in this Section.

The Chairman or Vice Chairman and the Secretary-Treasurer, on behalf of the Commission, may make such covenants or agreements in connection with the issuance of the Bonds issued hereunder as such official shall deem advisable in order to assure the registered owners of the Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes, and such covenants or agreements shall be binding on the Commission so long as the observance by the Commission of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The foregoing covenants and agreements may include such covenants or agreements on behalf of the Commission regarding compliance with the provisions of the Internal Revenue Code of 1986, as amended, as the Chairman or Vice Chairman and the Secretary-Treasurer shall deem advisable in order to assure the registered owners of the Bonds that the interest thereon shall be and remain excludable from gross income

for federal income tax purposes, including (without limitation) covenants or agreements relating to the investment of the proceeds of the Bonds, the payment of rebate (or payments in lieu of rebate) to the United States, limitations on the times within which, and the purpose for which, such proceeds may be expended, or the use of specified procedures for accounting for and segregating such proceeds.

Section 15: Appointment of Trustee and other Service Providers. The Secretary-Treasurer is hereby authorized to engage the services of a trustee, a registrar, a paying agent, a credit facility provider, a broker-dealer, a placement agent, a remarketing agent, an underwriter, a liquidity facility provider and such other service provider as the Secretary-Treasurer deems appropriate from time to time with respect to the Bonds.

Section 16: Approval, Execution and Delivery of Documents. The Secretary-Treasurer may prepare, as appropriate and shall submit for the approval of the Chairman or the Vice Chairman any agreement with a registrar, a paying agent, a trustee, credit facility provider, a placement agent, a broker-dealer, a remarketing agent, an underwriter, a liquidity facility provider and such other service provider as the Secretary-Treasurer deems appropriate from time to time with respect to the Bonds or any series of the Bonds (collectively, the "Transaction Documents"). The Chairman or Vice Chairman is hereby authorized to execute and deliver, as appropriate, such Transaction Documents. The Chairman, Vice Chairman, Secretary-Treasurer and all other authorized officers of the Commission are hereby authorized to execute and deliver such other and further documents, certifications and forms as may be necessary, appropriate or advisable in order to effectuate the transaction authorized by this Resolution.

Section 17: Continuing Disclosure Agreement. The Secretary-Treasurer is expressly authorized to approve the form of, and execute and deliver on behalf of the Commission, a continuing disclosure agreement or certificate to assist bidders and/or underwriters in complying with the requirements of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

Section 18: Award of Bonds. The Chairman or the Vice Chairman with prior consultation with the Planning Board of Montgomery County, and the Secretary-Treasurer are hereby authorized with respect to the Bonds or any series of the Bonds to accept the best bid for such Bonds, reject all other bids for such Bonds, set the interest rates of such Bonds and set the maturity schedules and terms of redemption of the Bonds, in accordance with the limitations set forth in this Resolution.

Section 19: Effective Date. This Resolution shall take effect from the date of its passage.

I, JOSEPH C. ZIMMERMAN, the duly appointed, qualified and acting Secretary-Treasurer of The Maryland-National Capital Park and Planning Commission, do hereby certify that the foregoing is a true copy of Resolution No. 14-, adopted by said Commission at a regular meeting thereof duly called and held on April 23, 2014.

I do further certify that Commissioners Anderson, Bailey, Carrier, Dreyfuss, Geraldo, Hewlett, Presley, Shoaff, Wells-Harley and Washington were present. A motion to adopt was made and seconded. The Resolution was adopted unanimously.

I do further certify that said Resolution has not been amended and is still in force and effect on the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of The Maryland-National Capital Park and Planning Commission, this 23rd day of April, 2014.

Secretary-Treasurer

CERTIFICATION

Patricia Colihan Barney
Executive Director

UNITED STATES OF AMERICA

STATE OF MARYLAND

No. R- _____

\$ _____

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Montgomery County
General Obligation
Park Acquisition and Development Project Bond,
Series MC-2014A

<u>Dated Date</u>	<u>Interest Rate</u>	<u>Maturity Date</u>	<u>CUSIP</u>
[_____], 2014	___ % per annum	_____, 20__	_____

Registered Owner: Cede & Co.

Principal Amount: _____ DOLLARS

The Maryland-National Capital Park and Planning Commission (the "Commission"), a public body corporate, organized and existing under the laws of the State of Maryland, hereby acknowledges itself indebted for value received and, upon presentation and surrender hereof, promises to pay to the Registered Owner shown above, or his registered assigns, on the Maturity Date shown above, unless this bond shall have been called for prior redemption and payment of the redemption price made or provided for, the Principal Amount shown above, and to pay interest on the outstanding principal amount hereof from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, or, if no interest has been paid on this bond, from the date of this bond, at the annual rate of interest set forth above, payable semi-annually on [January 15] and [July 15] each year, beginning [January 15, 2015] (each an "Interest Payment Date") until payment of such Principal Amount shall be discharged as provided in the Resolution (hereinafter defined), by wire transfer or check mailed by the Commission or banking institution or other entity designated as paying agent by the Commission

(the "Paying Agent"), or any successor thereto, to the person in whose name this bond is registered on the registration books maintained by the Registrar (identified herein) at the close of business on the [first day of the month in which such Interest Payment Date occurs] (the "Record Date"). Notwithstanding the preceding sentence, interest on this bond which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date shall forthwith cease to be payable to the owner of this Bond on the relevant Record Date by virtue of having been such owner and such interest shall be paid by the Paying Agent to the person in whose name this bond is registered at the close of business on a Special Record Date for the payment of such interest, which shall be fixed as provided in the Resolution.

Principal of, premium, if any, and interest on this bond are payable in lawful money of the United States of America, at the time of payment. Principal and premium, if any, hereon will be payable upon presentation and surrender of this bond by the registered owner hereof in person or by his duly authorized attorney, at the designated office of the Paying Agent.

This Bond is a general obligation of the Commission and of Montgomery County, Maryland (the "County"), to the payment, in accordance with its terms, of the principal of and interest on which the Commission and said County hereby each pledge their respective full faith and credit and taxing power.

The principal of and premium and interest on this bond are payable in the first instance from mandatory limited annual ad valorem property taxes which the County is required by Section 18-304 of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2013 Supplement) (the "Land Use Article") to levy at a fixed rate against all property assessed for the purposes of county taxation in the portion of the Maryland-Washington Metropolitan District (the "District") established by Title 19 of the Land Use Article located in said County. Section 18-209 of the Land Use Article provides that, if said mandatory tax is insufficient to pay the principal of and interest on this bond, said County shall levy an additional tax upon all assessable property within the portion of the District in the County, and, if the proceeds of such additional tax are still inadequate for such purposes, upon all assessable

property within the corporate limits of said County, to pay such deficiency. By the guaranty endorsed hereon, the full faith and credit of said County is pledged to the payment, when due, of the principal of and interest on this bond.

This bond is one of an issue of bonds (the "Bonds") each of a par value of \$5,000 or an integral multiple thereof in the aggregate principal amount of \$_____, numbered from No. R-1 upwards, all dated as of the Dated Date and all known as: "The Maryland-National Capital Park and Planning Commission Montgomery County General Obligation Park Acquisition and Development Project Bonds, Series MC-2014A". Unless previously redeemed as herein provided, the Bonds mature and are payable in consecutive annual installments on [January 15] in each of the years [2015] through [2034], and bear interest payable on each [January 15] and [July 15], commencing [January 15, 2015], until their respective maturities or prior redemption. The Bonds are issued pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article and in accordance with the Resolution of the Commission duly adopted on [_____] , 2014 (the "Resolution").

The Bonds which mature on or after [January 15, 2023], are subject to redemption prior to their respective maturities, at the option of the Commission, in whole or in part in any order of their maturities, at any time on or after [January 15, 2022], at the redemption price of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds are called for redemption, the particular maturities to be redeemed shall be selected by the Commission. If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds to be redeemed from such maturity shall be selected by lot or other random means by the Paying Agent in such manner as the Paying Agent in its discretion may determine, provided that each \$5,000 of the principal amount of any Bond shall be treated as a separate Bond for this purpose.

Notice of call for redemption shall be delivered to the Depository (as defined herein) prior to the date fixed for redemption in accordance with the Depository's procedures. If the

book-entry system is discontinued for the Bonds, a notice calling for redemption of the Bonds to be redeemed shall be mailed by the Commission as Paying Agent, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (the "Redemption Date"), to all registered owners of Bonds to be redeemed, at their last addresses appearing on the registration books kept by the Registrar. Failure to deliver or mail any such notice, or any defect in such notice, or in the delivery or mailing thereof, shall not affect the validity of any redemption proceedings. Such notice shall specify the issue, the numbers and the maturities of the Bonds to be redeemed, which statement of numbers may be from one number to another, inclusive, the Redemption Date and the redemption price, any conditions to such redemption, and shall further state that on such date the Bonds called for redemption will be due and become payable at the offices of the Paying Agent, and that, from and after such date, interest thereon shall cease to accrue.

From and after the date fixed for redemption, if notice has been given as herein provided, and the funds sufficient for payment of the redemption price and accrued interest shall be available therefore on such date, the Bonds so designated for redemption shall cease to bear interest. Upon presentation and surrender in compliance with such notice, the Bonds so called for redemption shall be paid by the Paying Agent at the redemption price. If not so paid on presentation thereof, such Bonds so called shall continue to bear interest at the rates expressed therein until paid.

This bond shall be registered as to principal and interest in the owner's name on the registration books kept for that purpose at the office of the Secretary-Treasurer or a designated office of the banking institution or other entity, or any successor thereto, designated by the Secretary-Treasurer (the "Registrar").

The transfer of this Bond is registerable by the registered owner hereof in person or by his attorney or legal representative at a principal office of the Registrar upon surrender and cancellation of this Bond together with a duly executed assignment in the form attached hereto and satisfactory to the Registrar. Upon any such registration of transfer the Registrar shall authenticate and deliver in exchange for this Bond a registered Bond or Bonds registered in the

name of the transferee of authorized denomination or denominations, in the aggregate principal amount equal to the principal amount of this Bond or the unredeemed portion hereof, of the same maturity and bearing interest at the same rate. Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, bearing interest at the same rate, of other authorized denominations, at a principal office of the Registrar. The Commission and the Registrar may make a charge for every such exchange or transfer sufficient to reimburse it for any tax, fee, or other governmental charge, shipping charges and insurance required to be paid with respect to such exchange or transfer, and in addition, may charge a sum sufficient to reimburse them for expenses incurred in connection with such exchange or transfer. All Bonds surrendered in such exchange or registration of transfer shall forthwith be canceled by the Registrar. The Registrar shall not be required to register the transfer of this bond or make any such exchange of this bond after the mailing of notice calling this bond or any portion hereof for redemption.

So long as all of the Bonds shall be maintained in Book-Entry Form with The Depository Trust Company or another securities depository (the "Depository"): (1) in the event that fewer than all Bonds of any one maturity shall be called for redemption, the Depository, and not the Registrar, will select the particular accounts from which Bonds or portions thereof will be redeemed in accordance with the Depository's standard procedures for redemption of obligations such as the Bonds; (2) in the event that part, but not all, of this bond shall be called for redemption, the holder of this bond may elect not to surrender this bond in exchange for a new bond in accordance with the provisions hereof and in such event shall make a notation indicating the principal amount of such redemption and the date thereof on the Payment Grid attached hereto; and (3) payments of principal or redemption price of and interest on this bond shall be payable to the Depository or its assigns in accordance with the provisions of the Resolution. For all purposes, the principal amount of this bond outstanding at any time shall be equal to the lesser of (A) the principal sum shown on the face hereof and (B) such principal sum reduced by the principal amount of any partial redemption of this bond following which the holder of this bond

has elected not to surrender this bond in accordance with the provisions hereof. The failure of the holder hereof to note the principal amount of any partial redemption on the Payment Grid attached hereto, or any inaccuracy therein, shall not affect the payment obligation of the Commission hereunder. THEREFORE, IT CANNOT BE DETERMINED FROM THE FACE OF THIS BOND WHETHER A PART OF THE PRINCIPAL OF THIS BOND HAS BEEN PAID.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened and to be performed precedent to and in the issuance of this bond, does exist, has been done, has happened and has been performed, in full and strict compliance with the Constitution and laws of the State of Maryland and the proceedings of the Commission and of the County, and that the issue of bonds of which this bond is one, together with all other indebtedness of said Commission, and of said County, is within every debt and other limit prescribed by the Constitution and laws of said State.

IN WITNESS WHEREOF, The Maryland-National Capital Park and Planning Commission, in the State of Maryland, has caused this bond to be signed in its name by the signature of its Chairman and attested by the signature of its Secretary-Treasurer and has caused the facsimile of its corporate seal to be imprinted hereon, all as of Dated Date set forth above.

ATTEST:

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Secretary-Treasurer

By: _____
Chairman

(CORPORATE SEAL)

GUARANTY

The payment of interest when due, and of the principal on maturity, is guaranteed by Montgomery County, Maryland.

ATTEST:

MONTGOMERY COUNTY,
MARYLAND

Clerk

By: _____
County Executive

(CORPORATE SEAL)

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds issued under the provisions of and described in the within mentioned Resolution of The Maryland-National Capital Park and Planning Commission.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Registrar

By: _____
Authorized Officer

Date of Authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto
(Please Insert Social Security or Other Identifying Number of Assignee) _____

(Print or Type Name and Address, Including Zip Code of Assignee)

the within bond and all rights thereunder, and does hereby constitute and appoint _____
_____ attorney to transfer the within bond on the books kept for the registration thereof,
with full power of substitution in the premises.

NOTICE: Signature must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

(Signature of registered owner)
NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

PAYMENT GRID

Date of Payment	Principal Amount Paid	Principal Amount Outstanding	Holder Signature

NOTICE OF SALE

§ _____
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Montgomery County
General Obligation
Park Acquisition and Development Project Bonds,
Series MC-2014A

**Electronic Bids only will be received until 11:00 a.m.,
 Local Baltimore, Maryland Time, on _____, 2014**

by The Maryland-National Capital Park and Planning Commission (the “Commission”), for the purchase of the above-named issue of bonds (the “Bonds”) of the Commission, to be dated as of the date of their delivery and to be issued pursuant to the authority of the laws of the State of Maryland governing the Commission as the same appear in Sections 18-201 through 18-211, inclusive, of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2013 Supplement) (the “Land Use Article”) and a Resolution of the Commission adopted on [_____], 2014. The Bonds will bear interest from the date of their delivery payable semi-annually on each [January 15] and [July 15], commencing [January 15, 2015] until maturity or prior redemption.

The payment of the principal of and interest on all of the Bonds will be unconditionally guaranteed by Montgomery County, Maryland (the “County”).

Book-Entry System: The Bonds shall be issued only in fully registered form without coupons. One bond certificate representing each maturity will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), as registered owner of the Bonds and each bond certificate shall be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The successful bidder, as a condition to delivery of the Bonds, will be required to deposit the bond certificates representing each maturity with DTC.

Maturities: The Bonds will be separately numbered from No. R-1 upward, and will mature, subject to prior redemption, in consecutive annual installments beginning on [January 15, 2015] in the amounts and years set forth in the following table:

MATURITY SCHEDULE

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
	\$		\$

**The Maryland-National Capital Park and Planning Commission will act as Registrar
and Paying Agent.**

As promptly as reasonably possible after the bids are received, the Chairman, the Vice Chairman or Secretary-Treasurer of the Commission will notify the bidder to whom the Bonds will be awarded, if and when such award is made, and such bidder, upon such notice, shall advise the Chairman or the Vice Chairman or the Secretary-Treasurer of the Commission of the initial reoffering prices to the public of each maturity of the Bonds (the "Initial Reoffering Prices"). THE SUCCESSFUL BIDDER SHALL MAKE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL OFFERING PRICES AND SHALL PROVIDE THE RELATED CERTIFICATION DESCRIBED BELOW.

Electronic Bids: Notice is hereby given that electronic proposals will be received via [PARITY], in the manner described below, until 11:00 a.m., local Baltimore, Maryland time, on _____, 2014.

Bids may be submitted electronically pursuant to this Notice until 11:00 a.m., local Baltimore, Maryland time, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in [PARITY] conflict with this Notice, the terms of this Notice shall control. For further information about [PARITY], potential bidders may contact [PARITY] at (212) 849-5021.

Disclaimer: Each prospective electronic bidder shall be solely responsible to submit its bid via [PARITY] as described above. Each prospective electronic bidder shall be solely responsible to make necessary arrangements to access [PARITY] for the purpose of submitting its bid in a timely manner and in compliance with the requirements of the Notice of Sale. Neither the Commission nor [PARITY] shall have any duty or obligation to provide or assure access to [PARITY] to any prospective bidder, and neither the Commission nor [PARITY] shall be responsible for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, [PARITY]. The Commission is using [PARITY] as a communication mechanism, and not as the Commission's agent, to conduct the electronic bidding for the Bonds. The Commission is not bound by any advice and determination of [PARITY] to the effect that any particular bid complies with the terms of this Notice of Sale and in particular the "Bid Specifications" hereinafter set forth. All costs and expenses incurred by prospective bidders in connection with their submission of bids via [PARITY] are the sole responsibility of the bidders; and the Commission is not responsible, directly or indirectly, for any of such costs or expenses. If a prospective bidder encounters any difficulty in submitting, modifying, or withdrawing a bid for the Bonds, the prospective bidder should telephone [PARITY] at (212) 849-5021 and notify the Commission's Financial Advisor, Davenport & Company LLC, by facsimile at (866) 932-6660.

Electronic Bidding Procedures: Electronic bids must be submitted for the purchase of the Bonds (all or none) via [PARITY]. Bids will be communicated electronically to the Commission at 11:00 a.m. local Baltimore, Maryland time, on [_____], 2014. Prior to that time, a prospective bidder may (1) submit the proposed terms of its bid via [PARITY], (2) modify the proposed terms of its bid, in which event the proposed terms as last modified will

(unless the bid is withdrawn as described herein) constitute its bid for the Bonds or (3) withdraw its proposed bid. Once the bids are communicated electronically via **[PARITY]** to the Commission, each bid will constitute an irrevocable offer to purchase the Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on **[PARITY]** shall constitute the official time.

Security: All of the Bonds will be general obligations of the Commission and of the County for the payment, in accordance with their terms, of the principal of and interest on which the Commission and the County will each pledge their respective full faith and credit and taxing power.

The Bonds will be payable as to both principal and interest first from limited ad valorem property taxes which the County is required by law to impose in the portion of the Maryland-Washington Metropolitan District (the "District") established by Title 19 of the Land Use Article located in the County and remit to the Commission. By its guarantee of the Bonds, the full faith and credit of the County is pledged, as required by law, for the payment of the principal thereof and interest thereon. To the extent that the aforesaid taxes imposed for the benefit of the Commission are inadequate in any year to pay such principal and interest, Section 18-209 of the Land Use Article provides that the County shall impose an additional tax upon all assessable property within the portion of the District in the County, and if the proceeds of such additional tax are still inadequate for such purposes, upon all assessable property within the corporate limits of the County, to pay such deficiency.

Redemption: The Bonds which mature on or after [January 15, 2025], are subject to redemption prior to their respective maturities at any time on or after [January 15, 2024], at the option of the Commission, in whole or in part, in any order of maturities, at a redemption price of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

Bid Specifications: Proposals for purchase of the Bonds must be for all of the Bonds herein described and must be submitted electronically pursuant to this Notice of Sale until 11:00 a.m., local Baltimore, Maryland time on [_____], 2014. Bidders must pay not less than par and not more than [105]% of par. In their proposals, bidders are requested to specify the annual rate or rates of interest to be borne by the Bonds. Bidders are requested to name the interest rate or rates in multiples of 1/8 or 1/20 of 1%. Bidders may specify more than one rate of interest to be borne by the Bonds, but all Bonds maturing on the same date must bear interest at the same rate. Bonds on successive maturity dates may bear the same interest rate. No Bond shall bear more than one rate of interest, which rate shall be uniform for the life of the Bond and no interest rate may be named that exceeds [5.50]%. The difference between the highest and lowest interest rates may not exceed [three] percent ([3]%).

Award of Bid: The successful bidder will be determined based on the lowest interest cost to the Commission. The lowest interest cost shall be determined in accordance with the true interest cost ("TIC") method by doubling the semi-annual interest rate, compounded semi-annually, necessary to discount the debt service payments from the payment dates to the date of the Bonds, and to the price bid. Where the proposals of two or more bidders result in the same lowest interest cost, the Bonds may be apportioned between such bidders, but if this shall not be

acceptable, the Commission shall have the right to award all of the Bonds to one bidder. The Commission reserves the right to reject any or all proposals and to waive any irregularities in any of the proposals. The Secretary-Treasurer's judgment shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity to the terms of this Notice of Sale. Any award of the Bonds may be made as late as 4:00 P.M. on the sale date. All bids shall remain firm until an award is made.

Good Faith Deposit: The successful bidder is required to submit a good faith deposit in the amount of \$[] (the "Good Faith Deposit") payable to the order of the Commission in the form of a wire transfer in federal funds as instructed by the Commission. The successful bidder shall submit the Good Faith Deposit not more than two hours after the verbal award is made. The successful bidder should provide as quickly as it is available, evidence of wire transfer by providing the Commission the federal funds reference number. If the Good Faith Deposit is not received in the time allotted, the bid of the successful bidder may be rejected and the Commission may direct the next lowest bidder to submit a Good Faith Deposit and thereafter may award the sale of the Bonds to the same. If the successful bidder fails to comply with the Good Faith Deposit requirement as described herein, that bidder is nonetheless obligated to pay to the Commission the sum of \$[] as liquidated damages due to the failure of the successful bidder to timely deposit the Good Faith Deposit.

Submission of a bid to purchase the Bonds serves as acknowledgement and acceptance of the terms of the Good Faith Deposit requirement.

The Good Faith Deposit so wired will be retained by the Commission until the delivery of the Bonds, at which time the Good Faith Deposit will be applied against the purchase price of the Bonds or the Good Faith Deposit will be retained by the Commission as partial liquidated damages in the event of the failure of the successful bidder to take up and pay for such Bonds in compliance with the terms of this Notice of Sale and of its bid. No interest on the Good Faith Deposit will be paid by the Commission. The balance of the purchase price must be wired in federal funds to the account detailed in the closing memorandum, simultaneously with delivery of the Bonds.

CUSIP Numbers; Expenses of the Bidder: It is anticipated that CUSIP numbers will be assigned to each maturity of the Bonds, but neither the failure to type or print such numbers on any of the Bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds. The policies of the CUSIP Service Bureau will govern the assignment of specific numbers to the Bonds. The successful bidder will be responsible for applying for and obtaining, subject to the CUSIP Service Bureau policy and procedures, CUSIP numbers for the Bonds promptly upon award of the bid. All expenses of typing or printing CUSIP numbers for the Bonds will be paid for by the Commission; provided the CUSIP Service Bureau charges for the assignment of the numbers shall be the responsibility of and shall be paid for by the successful bidder.

All charges of DTC and all other expenses of the successful bidder will be the responsibility of the successful bidder for the Bonds.

Official Statement: Not later than seven (7) business days after the date of sale, the Commission will deliver to the successful bidder an Official Statement, which is expected to be substantially in the form of the Preliminary Official Statement referred to below. If so requested by the successful bidder for the Bonds at or before the close of business on the date of the sale, the Commission will include in the Official Statement such pricing and other information with respect to the terms of the reoffering of the Bonds of such issue by the successful bidder therefor, if any, as may be specified and furnished in writing by such bidder (the “Reoffering Information”). If no such information is specified and furnished by the successful bidder, the Official Statement will include the interest rate or rates on the Bonds resulting from the bid of such successful bidder. The successful bidder shall be responsible to the Commission and its officials for such Reoffering Information furnished by such bidder, and for all decisions made by such bidder with respect to the use or omission of the Reoffering Information in any reoffering of the Bonds. The successful bidder will also be furnished, without cost, with a reasonable number of copies of the Official Statement as determined by the Secretary-Treasurer (and any amendments or supplements thereto).

Legal Opinion: The Bonds described above will be issued and sold subject to approval as to legality by McGuireWoods LLP, Bond Counsel, whose approving opinion will be delivered, upon request, to the successful bidder for the Bonds without charge. Such opinion will be substantially in the form included in Appendix [] to the Preliminary Official Statement referred to below.

Continuing Disclosure: In order to assist bidders in complying with SEC Rule 15c2-12, the Commission will execute and deliver a continuing disclosure certificate on or before the date of issuance of the Bonds pursuant to which the Commission will undertake to provide certain information annually and notices of certain events. A description of this certificate is set forth in the Preliminary Official Statement and will also be set forth in the Official Statement.

Delivery and Payment: It shall be a condition of the obligation of the successful bidder to accept delivery of and pay for the Bonds, that, simultaneously with or before delivery and payment for the Bonds, said bidder shall be furnished, without cost, with a certificate of the Secretary-Treasurer of the Commission to the effect that, to the best of his knowledge, the Official Statement and any amendment or supplement thereto (except for the Reoffering Information provided by the successful bidder, as to which no view will be expressed) does not contain, as of the date of sale and as of the date of delivery of the Bonds, any untrue statement of a material fact, required to be stated or necessary to be stated, to make such statements, in light of the circumstances under which they were made, not misleading.

SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE BONDS, THE SUCCESSFUL BIDDER SHALL FURNISH TO THE COMMISSION A CERTIFICATE ACCEPTABLE TO BOND COUNSEL TO THE EFFECT THAT (I) THE SUCCESSFUL BIDDER HAS MADE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL REOFFERING PRICES, (II) AS OF THE DATE OF THE SALE OF THE BONDS, THE SUCCESSFUL BIDDER REASONABLY EXPECTED TO SELL A SUBSTANTIAL AMOUNT OF EACH MATURITY OF THE BONDS AT THE APPLICABLE INITIAL REOFFERING PRICES, AND (III) A SUBSTANTIAL PORTION OF EACH MATURITY OF THE BONDS WERE SOLD TO THE PUBLIC

(EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT SUCH INITIAL REOFFERING PRICES. Bond Counsel advises that (i) such certifications shall be made based on actual facts known to the successful bidder as of the sale date and (ii) a substantial portion of the Bonds is at least 10% in par amount of each maturity of the Bonds. If the successful bidder cannot deliver the certificate as described above, the County's bond counsel will be required to evaluate the facts and circumstances of the offering and sale of the Bonds to confirm compliance with statutory requirements of avoiding the establishment of an artificial price for the Bonds.

Delivery of the Bonds, without expense, will be made by the Commission to the purchaser within thirty (30) days from the date of sale, or as soon as practicable thereafter, through the facilities of DTC in New York, New York, and, thereupon, said purchaser will be required to accept delivery of the Bonds purchased and pay the balance of the purchase price thereon in federal or other immediately available funds. The Bonds will be accompanied by the customary closing documents including a no-litigation certificate effective as of the date of delivery.

Contacts: A preliminary official statement, which is in form "deemed final" as of its date by the Commission for purposes of SEC Rule 15c2-12 (the "Preliminary Official Statement") but is subject to revision, amendment and completion in the final official statement (the "Official Statement"), together with this Notice of Sale, may be obtained from Joseph C. Zimmerman, Secretary-Treasurer, The Maryland-National Capital Park and Planning Commission, 6611 Kenilworth Avenue, Riverdale, Maryland 20737, (301) 454-1540 or Davenport & Company LLC, 8600 LaSalle Road, Suite 324, Towson, Maryland 21286-2011, (410) 296-9426.

Right to Change Notice of Sale and Postpone Offering: The Commission reserves the right to change the Notice of Sale and to postpone, from time to time, the date established for the receipt of bids. In the event of a postponement, the new date and time of sale will be announced via TM3 News Service at least 24 hours prior to the time proposals are to be submitted. On any such alternative sale date, bidders may submit electronic bids for the purchase of the Bonds in conformity with the provision of this Notice of Sale, except for any changes to this Notice of Sale, the change of the date of sale and the changes described in the next sentence. If the date fixed for receipt of bids is postponed, the expected date of delivery of the Bonds also may be postponed. Such changes, if any, will be announced via TM3 News Service at the time any alternative sale date is announced.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

By: _____
Chairman



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date: April 9, 2014

MEMORANDUM

TO: Patricia Colihan Barney, Executive Director

FROM: Mike Riley, Deputy Director, M. C. Department of Parks

A handwritten signature in blue ink, appearing to be 'M. Riley'.

RE: Full Commission Agenda Item for April 16, 2014

Please include the below listed item on the Full Commission's agenda for its meeting scheduled on April 16, 2014:

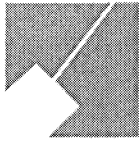
M-NCPPC Resolution #14-10

Resolution Authorizing the Conveyance of Wheaton Veteran's Urban Park to Montgomery County, Maryland in exchange for air rights to a portion of the Wheaton Town Square that serves as the entry plaza to the new Montgomery Regional Office (MRO) in Wheaton, Maryland.

STAFF RECOMMENDATION: Approval

Attached as back-up material is a copy of the staff Memorandum and Resolution on this matter which was presented to the Montgomery County Planning Board on Thursday, April 10, 2010.

Thank you for including this item on the full Commission's agenda, as requested. Give me a call or email me if you have any questions in this regard.



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Agenda Item # 8
MCPB Date: April 10, 2014

DATE: April 3, 2014
TO: Montgomery County Planning Board
FROM: Mike Riley, Deputy Director, Department of Parks **MR**
RE: Transfer of Wheaton Veteran's Urban Park to Montgomery County, Maryland in exchange for air rights to a portion of the Wheaton Town Square that serves as the entry plaza to the new Montgomery Regional Office in Wheaton, Maryland

Staff Recommendation:

Recommend that the Commission authorize the conveyance of fee simple ownership in the 0.67 acre Wheaton Veterans Urban Park to Montgomery County, Maryland in exchange for air rights to a portion of the Wheaton Town Square that serves as the entry plaza to the new Montgomery Regional Office (MRO) headquarters in Wheaton, Maryland .

Background:

According to a Memorandum of Understanding (MOU) dated May 31, 2013 between Montgomery County Maryland and the M-NCPPC, and also according to the Montgomery County Council approved capital project for the Wheaton Redevelopment Program, Montgomery County will fund, design, construct, and deliver a new building for The M-NCPPC to serve as a new MRO headquarters in Wheaton, as a key component of the broader Wheaton Redevelopment Program. The Wheaton Redevelopment Program consists of the new MRO headquarters atop a public parking garage, a privately owned and managed residential building, and a Wheaton Town Square, all located in the heart of the Wheaton CBD next to the Wheaton Metro. M-NCPPC will own the air rights above the land over the County parking garage including the space comprising the MRO headquarters building and that portion of the Town Square that serves as the building entry plaza – from the building entrance to the Reddie Drive right-of-way. As consideration for delivery and ownership of the MRO headquarters building, M-NCPPC agreed to convey the site of its current Montgomery Regional Office at 8787 Georgia Avenue to the County. This action was approved by the Full Commission prior to the execution of the referenced MOU. (A copy of the Commission Resolution is attached.)

Montgomery County is in the process of negotiating with a developer to design and build the new MRO building. In response to a Request for Proposals, the developer proposed a design that

called for the entry plaza in front of the new MRO headquarters bounded by Reddie Drive and Grandview Avenue to serve as an integral component of the new Wheaton Town Square. This component of the Town Square (see Exhibit A) will sit on property owned by the County. The County's Parking Lot District (PLD) will operate a subterranean parking garage under the entry plaza and the headquarters building.

The MOU provided for the development of a subsequent binding agreement to put forth the principal terms and conditions between the County and the M-NCPPC detailing the rights, and obligations of the parties for the development, ownership, and operation the MRO headquarters building and supporting real estate. During negotiation of the binding development agreement with the County, M-NCPPC expressed its desire to have an ownership right to the entry plaza / Town Square component in order to assure unimpeded access to its building, and also to assure that the area served the dual purpose of being an exemplary public open space associated with a Class A headquarters building, as well as being a key component of the Town Square. The County has agreed to provide the air rights for that portion of the Town Square that serves as the building entry plaza in exchange for title to the Wheaton Veterans Urban Park (see Exhibit B). The area included in the air rights is estimated to be 10,350 square feet (0.24 acres), to be more specifically established through a survey.

The M-NCPPC is authorized under the Annotated Code of Maryland, Land Use Article, §17-206(b), to exchange land held by it for any other land held by any other public body or agency, which the Commission determines to be more suitable for playground and recreational purposes.

The Department of Parks finds that the entry plaza / Town Square is more suitable for recreational purposes than the Veteran's Park for the following reasons:

1. Whereas the Department of Parks currently maintains the Veteran's Park, it has limited programming opportunity. The County will maintain and program both the Veteran's Park and the Wheaton Town Square, including the entry plaza through the Wheaton Urban District. There will be efficiencies and synergy of a single entity programing and operating these two public spaces in the Wheaton Central Business District.
2. The entry plaza component of the Town Square will be integrated with County and WMATA owned property across Reddie Drive to form the greater Town Square of approximately $\frac{3}{4}$ acre with direct access to the Wheaton Metro station. The entire Town Square will be a highly visible space activated with a water feature, artwork, trees and landscape beds, and benches.

Conclusion:

The Department of Parks recommends that the Planning Board approve this exchange of real estate interests pursuant to Land Use Article, Section 17-206(b). Staff requests the Board's approval of the attached resolution to convey fee simple interest in Wheaton Veterans Urban Park to Montgomery County, Maryland in exchange for air rights of approximately 10,350 square feet (0.24 acres) of the proposed entry plaza component of the Town Square, which portion is located between the front building line the of the new headquarters and the rights-of-way for Reddie Drive and Grandview Avenue. Following the Planning Board's approval of this resolution, it will be presented to the Full Commission for final action.

RESOLUTION
(Transfer / Exchange Property)

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

WHEREAS, the Commission owns two parcels of property, collectively known as 8787 Georgia Avenue, located in Silver Spring, Maryland, containing a total of 3.2 acres, more or less, further described as Lot 2, Block "C" of J. C. Wilson Estate, WOODSIDE PARK, as per plat thereof recorded among the Land Records of Montgomery County, Maryland at Plat #11049, and Parcel D, Block "C" of J. C. Wilson Estate, WOODSIDE PARK, as per plat thereof recorded among the aforesaid Land Records at Plat #21574 (the "Commission Property"); and

WHEREAS, the Commission Property is improved with a building of approximately 49,500 square feet with ancillary surface parking that is currently used as the Montgomery County Regional Headquarters, which houses the Montgomery County Planning Department, offices for the Montgomery County Planning Board, the Montgomery County Planning Board Chair's office, and the Montgomery County Land Use Team of the Office of General Counsel; and

WHEREAS, the Commission and Montgomery County, Maryland ("County") desire to enter into a Memorandum of Understanding ("MOU") whereby, through issuance of County General Obligation Bonds, the County will fund the design, development, and construction of a new building of approximately 142,000 square feet that will be owned by the Commission with perpetual right to the land necessary for the building and will be suitable for use in lieu of the Commission Property; and

WHEREAS, the Commission has reviewed the terms and conditions set forth in the MOU as proposed; and

WHEREAS, no less than 132,000 square feet of the new building will be dedicated to serve as the Montgomery County Regional Headquarters, which in addition to housing the current functions at the Commission Property, will house a portion of the Montgomery County Parks Department and certain shared services; and

WHEREAS, any available space above the 132,000 square feet dedicated to Commission use will be made available to the County's Wheaton Regional Services Center, the Wheaton Urban District, and other County Departments as a tenant of the Commission; and

WHEREAS, as consideration for the new building, and subject to strict compliance with the MOU, the Montgomery County Planning Board has recommended that the Commission transfer the Commission Property to the County or its lawful designee determined according to the MOU, together

with all buildings, improvements, ways, easements, rights, waters, privileges, covenants, and appurtenances to the same belonging, benefiting or in any way appertaining, and all estate, title, right, interest and claim of the Commission pertaining to the Commission Property.

NOW, THEREFORE, BE IT RESOLVED that, subject to the County's strict compliance with the MOU and the various definitive agreements required thereunder, the Commission has determined that the Commission Property will not be needed for park purposes or other authorized purposes, and authorizes and approves the transfer of the Commission Property to the County or its lawful designee determined according to the MOU; and

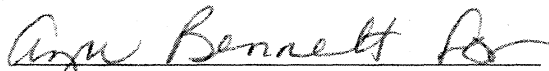
BE IT FURTHER RESOLVED that, prior to the execution and delivery of any deed necessary or appropriate to convey the Commission Property as contemplated herein, the Montgomery County Planning Board shall evaluate and determine the County's compliance with the MOU and the various definitive agreements required thereunder; 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 certificates, documents, and/or instruments, and to do or cause to be done, any and all such acts, as the Executive Director deems necessary or appropriate to make effective or to implement the intended purposes of the foregoing resolution, without limitation, and the taking of such actions shall be deemed conclusively to be authorized hereby.

* * * * *

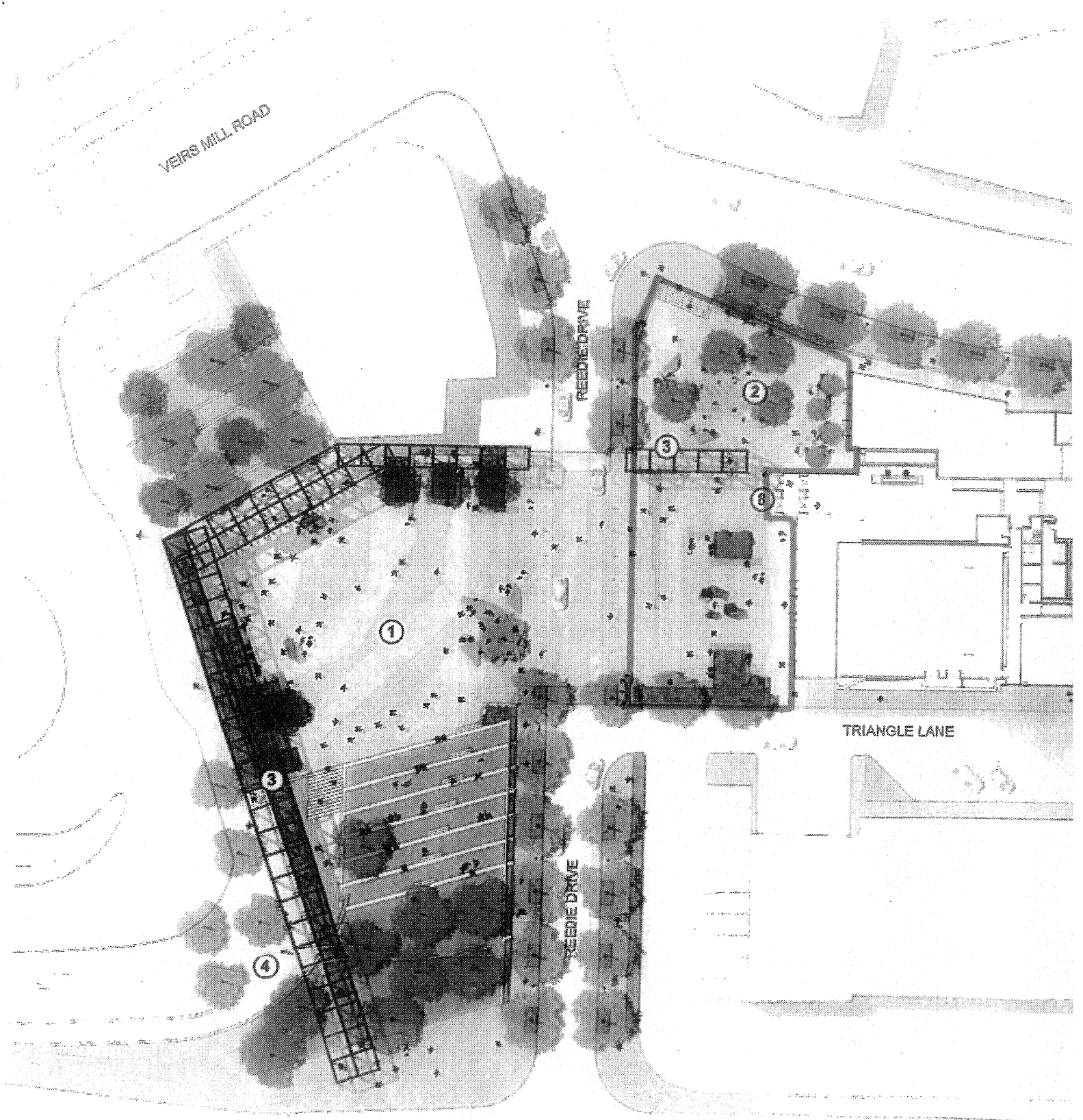
Commission Certification

This is to certify the foregoing is a true and correct copy of a resolution adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner Washington, seconded by Commissioner Presley, with Commissioners Anderson, Carrier, Dreyfuss, Geraldo, Hewlett, Presley, Shoaff, Washington, and Wells-Harley, voting 9-0 in favor of the motion at a special telephonic meeting held on May 30, 2013, by conference call, with Commissioner Bailey being absent.


Patricia Colihan Barney
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department
Date 5/30/13



GEORGIA AVENUE

STORAGE AND SERVICE AREA BOZZUTO
OCULUS

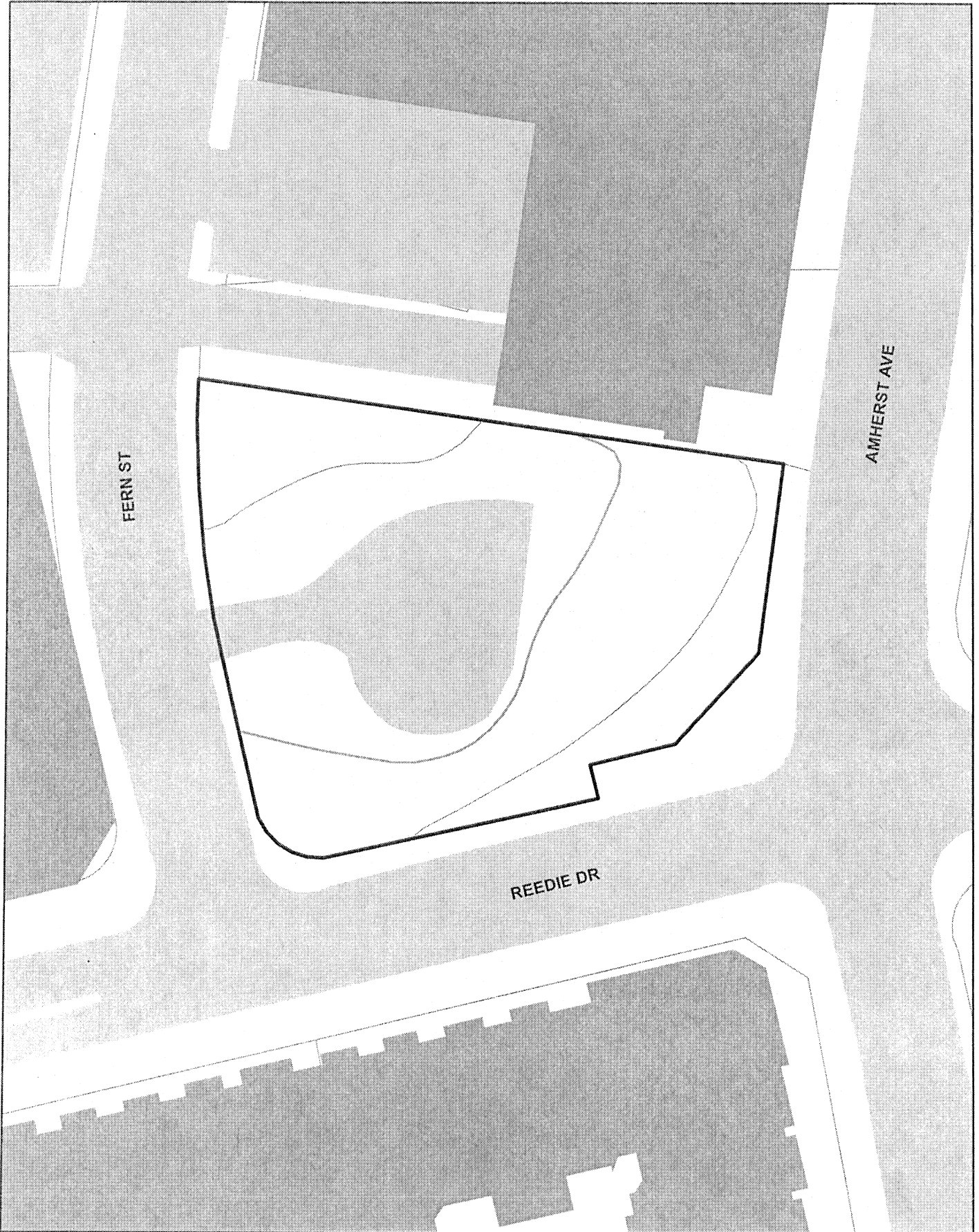
WHEATON REDEVELOPMENT

ILLUSTRATIVE SITE

Wheaton Veterans' Urban Park

Exhibit "B"

11200 Amherst Ave., Wheaton, MD 20902



MANET PPK
Acreage 0.67
Facility Code A20

Region S
Area MB

Date 01-30-2014



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB No. 14-21
M-NCPPC No. 14-10

RESOLUTION
(Transfer / Exchange Property)

WHEREAS, The Maryland-National Capital Park and Planning Commission ("Commission") is authorized under the Annotated Code of Maryland, Land Use Article §17-206(b), to exchange land held by it for any other land held by any other public body or agency, which the Commission determines to be more suitable for playground and recreational purposes; and

WHEREAS, the Commission holds fee simple title to a parcel of property known as the Wheaton Veteran's Urban Park, containing approximately 0.67 acres of parkland along Reddie Drive between Amherst Avenue and Fern Street in Wheaton, Maryland ("Veteran's Park"), which was acquired with Program Open Space funding through the State of Maryland; and

WHEREAS, the Program Open Space funding requires Maryland Board of Public Works approval to change the use¹; and

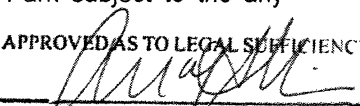
WHEREAS, Montgomery County, Maryland ("County") owns and operates a public parking lot known as Parking Lot 13 located along Reddie Drive between Triangle Lane and Grandview Avenue in the Wheaton Central Business District; and

WHEREAS, the Montgomery County Council approved a capital project known as the Wheaton Redevelopment Program consisting of a new Montgomery Regional Office ("MRO") headquarters, the reconstruction of Parking Lot 13 into an underground public parking garage, a privately owned and managed residential building, and a Town Square; and

WHEREAS, the County has agreed to convey the air rights above the new public parking garage, including the space comprising the new MRO headquarters building and that portion of the Town Square that serves as the building entry plaza – from the building entrance to the Reddie Drive right-of-way; and

¹ The County has indicated it will continue to operate and maintain Veteran's Park in its current state. The deed of conveyance will require the County to accept title to Veteran's Park subject to the any obligations imposed as a consequence of such funding.

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date

4/10/14

WHEREAS, the County has accepted as consideration for delivery and ownership of the MRO headquarters, together with the air rights to support the building, the site of the Commission's current MRO at 8787 Georgia Avenue to the County; and

WHEREAS, on May 30, 2013 by Resolution No. 13-05, the Commission authorized such conveyance; and

WHEREAS, as consideration for the air rights over approximately 10,350 square feet (0.24 acres) of land for that portion of the Town Square that serves as the building entry plaza, the County has requested that the Commission convey title to Veterans Park ("Exchange"); and

WHEREAS, following review and analysis of the Exchange by the Montgomery County Department of Parks ("Staff"), Staff issued a memorandum to the Montgomery County Planning Board, dated April 3, 2014, setting forth its analysis and recommendation for approval; and

WHEREAS, on April 10, 2014, the Planning Board held a public hearing on the Exchange, at which the Planning Board heard testimony and received evidence submitted for the record and voted to recommend that the Commission approve the Exchange by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board has determined that the entry plaza portion of the Town Square is more suitable for recreational purposes than Veterans Park for the following reasons:

1. The Department of Parks currently maintains Veteran's Park with limited programming opportunity. The County will maintain and program both Veteran's Park and the Wheaton Town Square, including the entry plaza, which provides efficiencies and synergy of a single entity programming and operating these two public spaces in the Wheaton Central Business District.
2. The entry plaza component of the Town Square will be integrated with the County and Metro-owned properties across Reddie Drive to form the greater Town Square of approximately $\frac{3}{4}$ acre with direct access to the Wheaton Metro station. The entire Town Square will be a highly visible space activated with a water feature, artwork, trees and landscape beds, and benches.

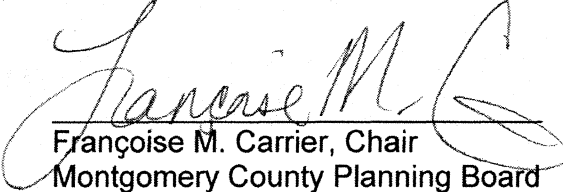
BE IT FURTHER RESOLVED that, the Planning Board hereby recommends that the Commission approve conveyance of Veteran's Park to the County, conditioned on

the County accepting title subject to any obligations imposed as a consequence of the Program Open Space funding; and

BE IT FURTHER RESOLVED that, the Commission hereby adopts the Planning Board's finding, accepts the Planning Board's recommendation and approves the conveyance of Veteran's Park to the County in accordance with the terms and conditions recommended and imposed by the Planning Board.

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Norman Dreyfuss, seconded by Commissioner Casey Anderson, with Chair Carrier and Commissioners Anderson, Dreyfuss, and Wells-Harley voting in favor, and Commissioner Presley being absent, at its regular meeting held on Thursday, April 10, 2014, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

* * * * *

AUDIT COMMITTEE ACTIVITY REPORT

FY2013 (July 1, 2012 – June 30, 2013)

Prepared by the Audit Committee for the Commission Chair and Vice-Chair, and
Submission to the Full Commission

Report Date: April 16, 2014

Audit Committee Members*:

Amy Presley, Commissioner, Montgomery County Planning Board
Norman Dreyfuss, Commissioner, Montgomery County Planning Board
A. Shuanise Washington, Commissioner, Prince George's County Planning Board
John P. Shoaff, Prince George's County Planning Board

Committee seeking public member of Audit Committee

** Ms. Washington's fulfilled her term as a member of Maryland-National Capital Park and Planning Commission's Audit Committee on October 16, 2013 and Mr. Shoaff was subsequently named.*

Ms. Presley fulfilled her term as a member of Maryland-National Capital Park and Planning Commission's Audit Committee on March 14, 2014 and Mr. Norman Dreyfuss was subsequently named.

INTRODUCTION

The Audit Committee serves as a forum, separate from management, in which auditors and other interested parties may identify and discuss concerns related to financial reporting and internal controls.

Maryland-National Capital Park and Planning Commission (M-NCPPC) Practice No. 1-31, *Organizations and Functions of the Audit Committee*, governs the establishment, composition and function of the Audit Committee.

The Audit Committee hereby submits its written annual report of our activity and findings for fiscal year 2013 (July 1, 2012 – June 30, 2013).

DISCHARGE OF DUTIES

Audit Committee Meetings and Communications

The Audit Committee is required to hold at least four (4) meetings during each calendar year to discuss proposed audits and investigations. To meet this requirement, informal meetings are held on a monthly basis, mornings of the M-NCPPC Commission meetings. Other participants (e.g. Chief Internal Auditor and/or External Auditor) participate as needed.

External Auditor

The Audit Committee is responsible for appointment, compensation, retention, and oversight of the work of any External Auditor engaged for the purpose of performing independent audit services, reviews or attest services.

Each fiscal year, the Office of the Secretary-Treasurer submits a Comprehensive Annual Financial Report (CAFR), in accordance with Article 28, which was recodified effective October 1, 2012 as part of the Land Use Article of the Annotated Code of Maryland. In conjunction with the CAFR, State statute requires an annual audit by independent certified public accountants. The commission selected the accounting firm of CliftonLarsonAllen LLP. Their work included obtaining an understating of M-NCPPC and its environment (including internal controls) sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. The final independent report for FY13 was issued on October 14, 2013. The auditors issued an unqualified opinion and stated, "the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, the discretely presented component unit and the aggregate remaining fund information of the commission as of June 30, 2013."

Through Commission and Planning meetings, the Audit Committee provided the necessary guidance and advice relating to the selection and retention of CliftonLarsonAllen LLP.

Internal Auditor

The Audit Committee provides technical and substantive oversight and direction for the internal audit program. During fiscal year 2013, the Office of Internal Audit endured a change in leadership. The previous Chief Internal Auditor resigned in March 2012, and an Acting/Interim Chief was subsequently named until the search for a permanent Chief Internal Auditor was concluded. Ms. Renee Kenney, CPA, CIA, CISA assumed the role of Chief Internal Auditor in August 2013. As such, many of the Audit Committee responsibilities for FY13 were deferred until the appointment of the new Chief Internal Auditor.

- Review and Approval of Internal Audit Plan – For FY13, the Office of Internal Audit did not have a formal, approved internal audit plan. The Office of Internal Audit identified and completed audits that would help identify possible operational internal control weaknesses. The Office of Internal Audit completed 39 audits in FY13, including 23 Montgomery County facilities, 14 Prince George’s County facilities and 2 Central Administrative Service Units. In September 2013, the Chief Internal Auditor submitted an internal audit plan for FY14. The Audit Committee approved the plan upon submission.
- Adoption of Written Operating Procedures – In October 2013, the Chief Internal Auditor submitted “M-NCPPC Office of Internal Audit Principles and Procedures” (procedures) to the Audit Committee for their approval. The procedures complied with the requirements specified in Practice No. 1-31, *Organization and Functions of the Audit Committee* (Responsibilities/Functions, section 2, paragraph 5). The Audit Committee approved the procedures upon submission.
- Review and Approval of the Internal Audit Charter – The Office of Internal Audit Principles and Procedures manual included language addressing the Office of Internal Audit’s charter, mission and responsibility.
- Review of Final Audit and Investigations – For FY13, The Office of Internal Audit completed 39 commission wide audits. The Audit Committee was included on the final distribution of all audit reports.

SUMMARY OF AUDIT FINDINGS

The Chief Internal Auditor submitted the “Fiscal Year 2013 Annual Report” to the Audit Committee on October 24, 2013. The report included a summary of all completed audits, issues and recommendations.

FY13 Completed Audits:

Audit Type	# of Audits	# Issues	# Significant Issues	Comment
Purchase Card	21	9	0	Findings were all minor in nature
Petty Cash	5	6	0	Findings were all minor in nature
Fixed Assets	2	4	4	Findings were minor, however, as issues were systemic throughout the commission, the OIA identified as a significant
Other	4	8	0	Findings were all minor in nature
Fraud, Waste, & Abuse	7	7	0	The OIA recommended opportunities for strengthening internal controls for all 7 areas reviewed, however, only 1 financial irregularity was identified
TOTAL	39	34	4	

Significant Audit Findings

In FY13, the Office of Internal Audit completed two fixed asset audits. Both reports contained similar audit recommendations. Recommendations included:

- Ensure a current, well documented inventory of fixed assets is performed
- Increase communications between the Fixed Asset System Administrator in Finance and the Fixed Assed Coordinator at the facility

Although the findings alone were considered minor, the issues were deemed pervasive throughout the commission and therefore were reported as significant.

Note: The Office of Internal Audit completed a commission wide audit of the agency's fixed assets in November 2013. Audit findings similar with the FY13 reports were identified. Management concurred with the findings and recommendations and has taken appropriate measures to address. Full resolution will be achieved upon deployment of the new Enterprise Resource Planning (ERP) system. The Office of Internal Audit will complete a follow-up review after ERP is implemented to ensure the issues are fully resolved.

In FY13, the Office of Internal Audit completed seven (7) investigative audits (i.e. fraud, waste and abuse). Only one report contained a conclusion supporting a financial irregularity (Sports and Learning – Timecard Review). Management concurred with the Office of Internal Audit's findings and recommendations. Additional controls have been implemented and the issues have been resolved.

ADEQUACY OF INTERNAL CONTROLS

As stated above, for FY13, the Office of Internal Audit completed 39 commission wide audits. Of the 39 audits conducted, 19 (roughly 49%) revealed no findings, and all other recommendations were minor, indicating good internal controls.

The Audit Committee is pleased to acknowledge that overall (based on findings of the 39 audits conducted) the design and implementation of internal controls appear to be effective. No significant breakdowns were identified during the course of the reviews.

In addition, no significant concerns were identified in the CAFR or the independent audit completed by CliftonLarsonAllen LLP. M-NCPPC appears to adhere to financial regulations and policies.

OTHER CONCERNS AND COMPLAINTS

As part of their reporting requirements, the Audit Committee is required to provide a synopsis of significant issues that were identified by the Audit Committee. In an effort to maintain a strong control environment, Office of Internal Audit personnel must perform their work with honesty, diligence, and responsibility. Office of Internal Audit personnel must also comply with the Code of Ethics of the Institute of Internal Auditors. The Audit Committee held a meeting with the Acting Chief Internal Auditor in June 2013 to discuss staffing and relevant personnel issues.

FUTURE INITIATIVES

The Chief Internal Auditor has identified four key initiatives for fiscal year 2014.

- Successful completion of the FY14 audit plan. The FY14 audit plan includes seventeen planned audits, follow-up reviews, management advisories, fraud, waste & abuse audits (employee and hotline complaints) and various special projects. Based on the number of audits completed as of March 31, 2014 (36 audit reports issued), it appears the number of audits to be completed in FY14 will exceed plan.

Note: As of March 31, 2014, the Office of Internal Audit has issued 13 fraud, waste, & abuse (hotline) audit reports. The FY14 audit plan included 680 hours for the completion of fraud, waste and abuse audits. The total budgeted hours for these types of investigations appear reasonable.

- Completion of a Peer Review. The Office of Internal Audit is required to obtain a peer review every three (3) years in accordance with *Generally Accepted Government Auditing Standards*. The last peer review was completed in July 2010 and covered the period of March 31, 2009 to April 1, 2010. Due to the

change in management in the Office of Internal Audit, the Chief Internal Auditor has recommended postponing the completion of the peer review until August 2014, covering a period of July 1, 2013 – June 30, 2014 (FY14). The Office of Internal Audit will not be in full compliance with *Generally Accepted Government Auditing Standards* until the review is complete.

The peer review will be completed by members of the Association of Local Government Auditors (ALGA). Costs of the peer review will be contained, as the Office of Internal Audit staff will be asked to serve as reviewers for another governmental agency.

- Completion of a Commission Risk Assessment. The Chief Internal Auditor will plan and facilitate a commission wide risk assessment. The assessment will be designed to obtain an understanding of the auditable processes or activities within the commission; understand the risks associated with each process or activity; and assign a risk rating to the processes. Information will be obtained through a series of interviews with senior leaders and administrators across M-NCPPC. Based on the information discussed in the interviews, possible audits will be identified and risks will be ranked on the following criteria:
 - M-NCPPC mission or County impact
 - Financial Loss
 - Legal or Regulatory Impact
 - Complexity of the Unit or Process
 - Level of Change
 - Reputational Risk
 - Control Environment (i.e. how well is it managed)
 - Information Systems (i.e. is it an IT driven or dependent process)

Those audits or processes with a high risk ranking will be evaluated against internal audit staffing levels and competencies.

- Increase Transparency. The Office of Internal Audit is increasing communications with stakeholders throughout the commission. The FY14 audit plan includes 570 hours for management advisory reviews as well as an additional 125 hours for M-NCPPC staff training (e.g. petty cash, financial stewardship). Where appropriate, Office of Internal Audit staff are completing risk workshops with M-NCPPC management to help raise risk awareness, identify inherent risk and mitigating strategies. It is the goal of all internal audit personnel to be recognized as a strategic partner with M-NCPPC management.

CONCLUSION

First and foremost, the Audit Committee wishes to recognize Ms. Renee Kenney for a beyond seamless transition to her role of Chief Internal Auditor. Ms. Kenney

stepped in and was able to take the reins on an aggressive audit plan, with a limited staff. She has brought a professionalism and discipline to the process that has quickly normalized the internal audit function.

Last year's Audit Committee report recognized improvements in internal controls and improvements in the adequacy of policies and in the adherence to existing policies. This year, the Committee once again recognizes continued compliance with existing policies and timely corrective action by management in response to any findings. M-NCPPC's leaders at all levels (i.e. executive through division management) continue to demonstrate their commitment to hold themselves as financial stewards for the commission.

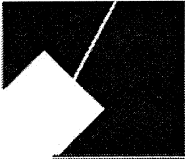
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
 BY DEPARTMENT AS OF A MARCH 2014

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS		
	02/14	03/14	02/14	03/14	02/14	03/14	02/14	03/14	03/14
CHAIRMAN, MONTGOMERY COUNTY	1	0	0	0	0	0	1	0	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	1	1	1	1
INTERNAL AUDIT	0	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	0	0	0	0	0	1	0	0
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	1	7	1	0	0	0	2	7	7
PRINCE GEORGE'S PLANNING	3	3	0	0	0	0	3	3	3
PRINCE GEORGE'S PARKS & RECREATION	2	2	1	1	0	0	3	3	3
MONTGOMERY COUNTY PARKS	1	2	0	0	0	0	1	2	2
MONTGOMERY COUNTY PLANNING	1	2	0	0	0	0	1	2	2
DEPARTMENT TOTAL BY DAYS LATE	10	16	2	1	1	1	13	18	18

COMMISSION WIDE TOTAL:

*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.

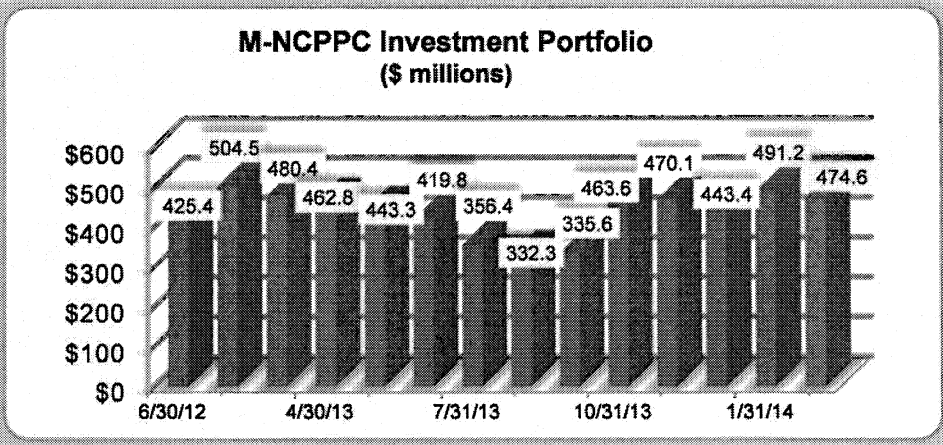
SECRET



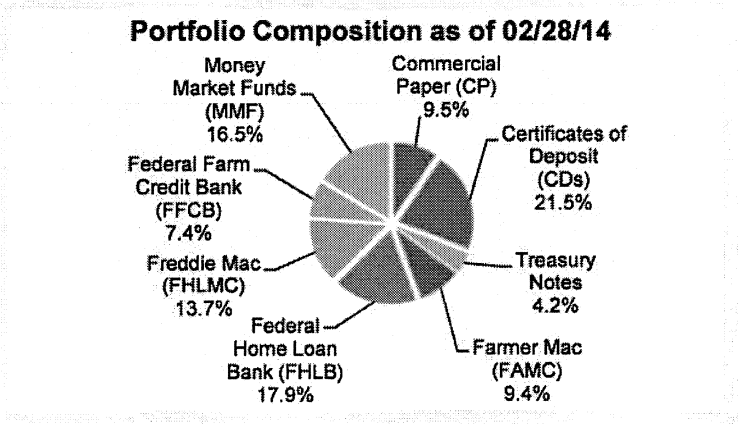
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
DATE: 3/28/2014
SUBJECT: Investment Report – February 2014

The Commission’s pooled cash investment portfolio totaled \$474.6 million as of February 28, 2014, with a 3.38 % decrease from January 31, 2014. Details are as follows:

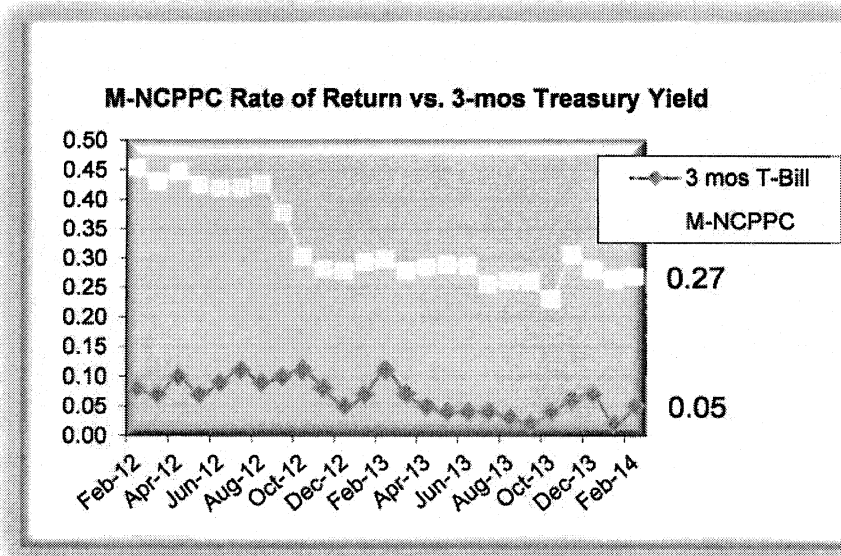


The composition of the pooled cash portfolio as of February 28, 2014 is summarized below:

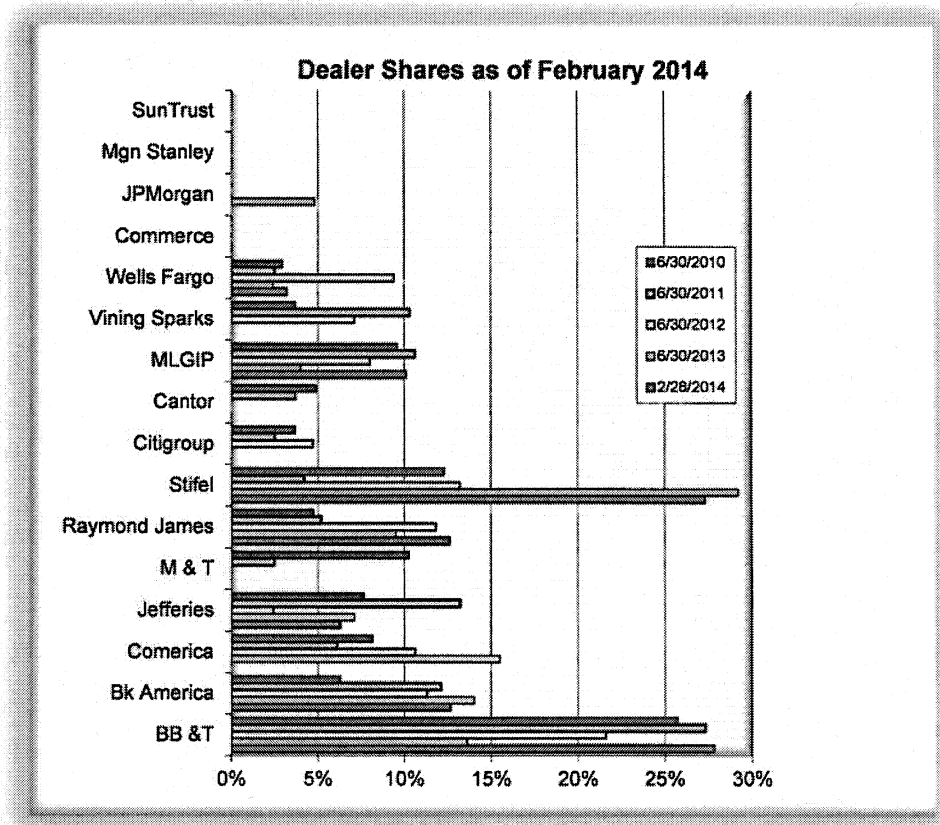


Current Investment Portfolio - February 2014				
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Certificates of Deposit	50%	22%	\$ 102,000,000	0.22%
Federal Home Loan Banks	20%	18%	85,000,000	0.30%
Money Funds	25%	17%	78,095,658	n/a
Freddie Mac	20%	14%	65,000,000	0.48%
Commercial Paper	10%	10%	45,000,000	0.51%
Farmer Mac	20%	9%	44,500,000	0.24%
Federal Farm Credit Bureau	20%	7%	35,000,000	0.28%
Treasury Notes	100%	4%	20,000,000	0.25%
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 474,595,658	0.27%

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



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



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

Market Value- 02/28/14	
Montgomery County (MC-2012A)	\$ 2,093,650
Montgomery County (MC-2012B)	874,147
	<u>\$ 2,967,798</u>

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of February 28, 2014 appear below:

Debt Balances - February 2014					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	8,993,123	52%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	10,505,000	75%	Mar-10	May-21
EE-2	37,525,000	6,940,000	18%	Mar-04	Jan-24
PG-2012A	11,420,000	9,650,000	85%	Jun-12	Jun-24
IJ-2	8,900,000	6,770,000	76%	May-07	May-27
Total Prince George's County	\$ 89,225,000	\$ 42,858,123	48%		
Montgomery County					
HH-2	5,445,000	335,000	6%	Jul-05	Jul-14
DD-2(ALA)	1,550,000	150,000	10%	Dec-02	Dec-14
CC-2	12,155,000	275,000	2%	Dec-02	Dec-14
LL-2	8,405,000	5,340,000	64%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,280,000	64%	Nov-04	Dec-24
FF-2	4,000,000	880,000	22%	Nov-04	Dec-24
II-2	4,700,000	3,590,000	76%	Mar-07	Apr-27
MM-2	5,250,000	4,200,000	80%	May-09	Nov-28
MC-2012A	12,505,000	12,110,000	97%	Apr-12	Dec-32
MC-2012B	3,000,000	2,880,000	96%	Apr-12	Dec-32
Total Montgomery County	\$ 59,010,000	\$ 31,040,000	53%		
Total	\$ 148,235,000	\$ 73,898,123	50%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2014 - February 28, 2014

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
US Government		100%			All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined		60%			
US Federal Agencies - each		20%			
Repurchase Agreements		60%			
CD's and Time Deposits		50%			
Commercial Paper		10%			
Money Market Mutual Funds		25%			
MD Local Gov't Investment Pool		25%			
Investing Bond Proceeds:					
State and local agency securities		100%			
Money Market Mutual Funds		10%			
Bond Proceeds:				Yes	T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities					
Highly-rated money market mutual funds					
(Max. 10% in lower-rated funds)					
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers				Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants		30%		Yes	No dealer share exceeded 30%
Competitive Bidding				Yes	All purchases awarded competitively.
Diversification of Maturities					
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.				Yes	All maturities within limits
Require third-party collateral and safekeeping, and delivery-versus-payment settlement				Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity			Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return			Yes		Exceeded by 22 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.27% and 0.05%, respectively.					



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

Reply To

April 3, 2014

Adrian R. Gardner
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
(301) 454-1670 • (301) 454-1674 fax

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
General Counsel

RE: Litigation Report for the Month of March 2014

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, April 16, 2014. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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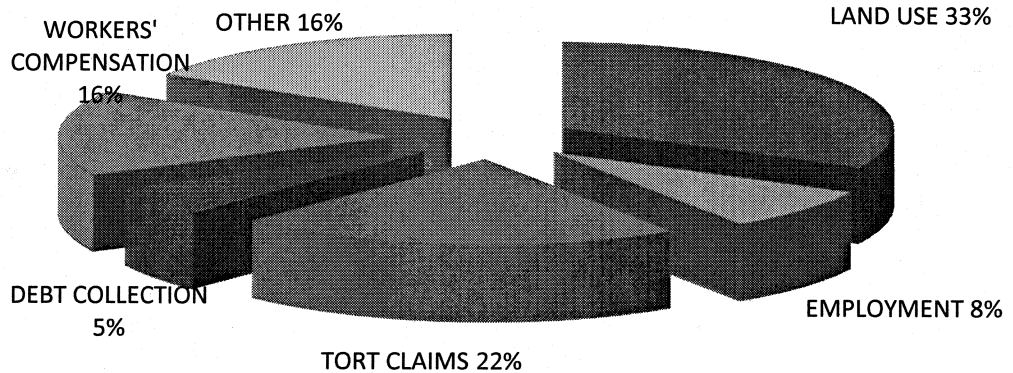
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Litigation Report Ordered By Court Jurisdiction	Page 12

March 2014 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	5		7				12
Admin Appeal: Other							
Land Use Dispute							
Tort Claims	7		1				8
Employment Dispute	1	2					3
Contract Dispute	2						2
Property Dispute	3			2			5
Civil Enforcement	2						2
Workers' Compensation	6						6
Debt Collection							
Bankruptcy							
Miscellaneous		1					1
Per Forum Totals	26	3	8	2			39

OVERVIEW OF PENDING LITIGATION



March 2014 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2014			
	Pending Last Month	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	15		3	16	10	7	12
Admin Appeal: Other (AAO)	0			0		1	0
Land Use Disputes (LD)	0			1			0
Tort Claims (T)	8			5	10	11	8
Employment Disputes (ED)	3			4		2	3
Contract Disputes (CD)	4		3	1	1		2
Property Disputes (PD)	5			2	3	1	5
Civil Enforcement (CE)	2			1		1	2
Workers' Compensation (WC)	6			14	2	4	6
Debt Collection (D)	0			3			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	2	1	1	1	1	1	1
Totals	45	1	7	48	27	28	39

**See updated listing of new cases on Page 4 for YTD-July 1, 2013 to February 28, 2014

Index of New and Resolved Cases-March, 2014

<u>A. New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>
State Roads Commission v. Commission	PG	Miscellaneous
<u>B. New Appellate Court Cases.</u>		
<u>C. Trial Court Cases Resolved.</u>		
Armstrong, et al v. Montgomery County Planning Board	MCPB	AALU
Boblits Enterprises v. Commission	PGParks	CD
Commission v. Brown	PGParks	CD
Commission v. Burke	PGParks	CD
Kazemi v. Commission	MCPB	AALU
<u>D. Appellate Court Cases Resolved.</u>		
Arking, et al. v. Montgomery County Planning Board	MCPB	AALU
Jones v. McNeal	PGParks	Miscellaneous

**INDEX OF YTD NEW CASES
(7/1/2013 TO 2/28/14)**

A. New Trial Court Cases.

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Boblits Enterprises v. Commission	PG Parks	Contract Dispute	July/Aug
Lewis, et al., v. The Peterson Companies	PG Parks	Tort Claim	July/Aug
Litrenta v. Commission	PG Parks	Tort Claim	July/Aug
Glessner v. Surratt House Museum, et al	PG Parks	Tort Claim	July/Aug
8045 Newell St. Condo Assoc. v. Commission	MCP	Admin Appeal: Land Use	July/Aug
The Town of University Park v. Commission	PGB	Admin Appeal: Land Use	July/Aug
Willoner, et al. v. Commission	PGPB	Admin Appeal: Land Use	July/Aug
Hume v. Maryland National Park Police	MC Parks	Miscellaneous	July/Aug
Armstrong, et al. v. Commission	MCPB	Admin Appeal: Land Use	July/Aug
The City of College Park v. Commission	PGPB	Admin Appeal: Land Use	July/Aug
Government Employees Ins. Co. v. Allison Claire Poirier et. al. & Commission	PG Parks	Tort Claim	September
Harper v. Commission	PG Parks	Tort Claim	September
Commission v. Murray	PG Parks	Workers' Comp	October
Bell v. Commission	PG Parks	Tort Claim	January
Butler v. Commission	PG Parks	Tort Claim	January
Commission v. 6509 Rhode Island Realty	PGPB	Property Dispute	January
Commission v. MARCOPOLO GF Co.	PGPB	Property Dispute	January
Phoenix v. Commission	PG Parks	Tort Claim	January
Rivera v. Commission	PG Parks	Judicial Review: WC	January
American Humanists v. Commission	PG Parks	Miscellaneous	February
Dong Nam V. Galen Evans, et al	MCPD	Tort Claim	February

B. New Appellate Court Cases.

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
McClure v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Sahady v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Smith v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Rounds v. Commission (COA)	MCPB	Admin Appeal: Land Use	January
Arking v. Commission	MCPB	Property Dispute	February
Rock Creek Hills Cit. Assoc. v. Commission	MCPB	Admin Appeal: Land Use	February

**INDEX OF YTD RESOLVED CASES
(7/1/2013 TO 2/28/2014)**

C. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Rivera v. Commission	MC Parks	Workers Compensation	July/Aug
Commission v. Rivera	MC Parks	Workers Compensation	July/Au
Commission v. Mereos	MCPB	Civil Enforcement	October
Felhauer, Jacob v. Commission	PG Parks	Tort Claim	October
Felhauer, James v. Commission	PG Parks	Tort Claim	October
Felhauer, Justin v. Commission	PG Parks	Tort Claim	October
Felhauer, Nicholas v. Commission	PG Parks	Tort Claim	October
Freeman v. Commission	PG Parks	Employment Dispute	October
Harper v. Commission	PG Parks	Tort Claim	October
Hume v. Maryland National Park Police	MC Park Police	Miscellaneous	October
Jenkins, Jennifer v. Commission	PG Parks	Tort Claim	
Mafinsky et. al. v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
McClure v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Pringle v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Sahady v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Smith v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Witherspoon v. Commission	PG Parks	Tort Claim	October
Commission v. Eludoyin	PG Parks	Tort Claim (Subrogation)	January
GEICO v. Poirier et al. and Commission	PG Parks	Tort Claim (Subrogation)	January
Glessner v. Surratt House Museum, et al.	PG Parks	Tort Claim	January
Rollins v. Commission	PGPB	Admin Appeal: Land Use	January
Schwartz v. Dobbins	PG Parks	Tort Claim	January
Smithy v. Commission	PG Parks	Unemployment Claim	January
Commission v. Tessier	MC	Workers Compensation	February
D. <u>Appellate Court Cases Resolved.</u>			
Prince George's County Md. v. Mazzei	PG	Workers Compensation	September
Rounds v. Commission (COSA)	MCPB	Admin Appeal: Land Use	October
Keller Brothers Inc. v. Commission	PGPB	Admin Appeal: Other	January
Arking v. Commission	MCPB	Property Dispute	February

Disposition of FY14 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources and Management		
Montgomery County Department of Planning		
Montgomery County Department of Parks		
Commission v. Rivera	Commission appealing the Workers' Compensation Commission's decision.	Case Remanded to WCC 07/15/13.
Commission v. Tessier	Commission appealing the Workers' Compensation Commission decision	Case Remanded to WCC 01/14/14
Rivera v. Commission	WCC found claimant did not sustain an occupational disease, claimant appealed	Case remanded to WCC 08/06/13
Montgomery County Park Police		
Hume v. Maryland Park Police	Defense of claim for reimbursement for personal items allegedly taken during eviction from Commission property located in the Twinbrook section of Rock Creek Park.	Commission's Motion to Dismiss granted on 10/15/13.
Montgomery County Planning Board		
Armstrong, et al. v. Montgomery County Planning Board	Petition for Judicial Review of the Montgomery County Planning Board approval of Chelsea Court, Preliminary Plan Site Plan #120130000 and Site Plan #820130040	Case dismissed with prejudice for Plaintiff's Failure to file Memorandum of Law on 01/22/14.
Arking, et al. v. Montgomery County Planning Board	Review of Montgomery County Planning Board approval of re-subdivision plan on Gainsborough Road	Court of Special Appeals affirmed Montgomery County Circuit Court decision 11/20/13.

Commission v. Mereos	Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.	Case dismissed without prejudice per Rule 2-507 on 07/11/13 for inability to serve and prosecute the case
Kazemi v. Montgomery County Planning Board	Petition for Judicial Review of the decision of the Montgomery County Planning Board in the case of Alveamar Woods, Lot 17, Preliminary Plan 11999034A	Case dismissed without prejudice 12/20/13.
Makfinsky, et al. v. Montgomery County Planning Board	Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Rolling Stone Preliminary Plan 120110430.	Order affirming Commission approval of preliminary plan 09/04/13
McClure v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21611 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-38.	Order of Court reversing penalties ordered by the Planning Board, filed: 07/03/13; Notice of Appeal filed 08/01/13.
Pringle v. Montgomery County Planning Board	Gregory Pringle filed a petition of judicial review of the decision of the Montgomery County Planning Board in the case of Seneca Meadows Preliminary Plan 11998004A and Site Plan 820100140.	Order denying Writ of Certiorari filed: 10/21/13
Rounds v. Montgomery County Planning Board	Defense of claim for violations of Maryland Constitution & Declaratory Relief –Farm Road easement	Order affirming dismissal by Circuit Court for Montgomery County 09/09/13
Sahady v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21533 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-50.	Order filed September 4, 2013 affirming the approval of Preliminary Plan 120110430 by the Montgomery County Planning Board.
Smith v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21627 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 10-180.	Order reversing order and opinion of Planning Board, filed: 05/23/13; Notice of Appeal filed: 06/21/13.

Prince George's County Department of Parks and Recreation		
Commission v. Brown	Commission filed summary judgment to collect monies for unpaid rental fees at Equestrian Center	Judgment renewal 05/14/12.
Commission v. Burke	Commission filed confessed judgment for failure to pay rental for park property	Lien recorded 05/18/12.
Commission v. Eludoyin	Commission filed suit to recover funds paid to employee under Workers' Compensation Act due to a vehicle accident caused by Defendant.	Case Dismissed 11/21/13 in order to pursue third party lien.
Felhauer, Jacob v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.
Felhauer, James v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.
Felhauer, Justin v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.
Felhauer, Nicolas v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.
Glessner v. Surratt House Museum, et al.	Defense of a tort claim against a Commission employee and facility based on the alleged slander of authenticity regarding a photograph the plaintiff purports to be of Abraham Lincoln.	Case Dismissed Pursuant to Defense's Motion to Dismiss 12/19/13
Government Employees Ins. Co. v. Allison Claire Poirier et al. and Commission	Defense of subrogation claim asserted by an insurance company arising out of motor vehicle accident involving a Commission employee and the company's insured.	Case dismissed pursuant to arbitration agreement, 11/18/13
Harper v. Commission	Defense of a \$250 tort claim for property damage allegedly caused by golf ball that escaped from the Commission's Enterprise Golf Course	Judgment in favor of the Commission on 08/20/13
Freeman v. Commission	Defense of claim alleging discrimination and retaliatory termination.	Jury verdict in Commission's favor: 10/3/13
Jenkins, Jennifer v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.
Jones v. McNeal	Defense of Commission for MPIA	Case dismissed on Court of Special Appeals initiative 04/30/13.

Schwartz v. Dobbins	Defense of claim arising from motor vehicle accident.	Case settled and dismissed 02/03/14.
Smithey v. Commission	Former employee appealing administrative decision concerning unemployment benefits.	Case dismissed and administrative decision affirmed.
Witherspoon v. Commission	Defense of Commission against suit for personal injury resulting from automobile accident	Case dismissed on 10/16/13
Prince George's County Planning Department		
Prince George's County Planning Board		
Keller Brothers Inc. v. Commission	Defense of claim for Judicial Review of construction change order request for Glen Arden Community Center and Theresa Banks Pool.	Case settled and Appeal dismissed on 01/27/2014.
Rollins v. Commission	Defense of approval of Preliminary Plan 4-10026	Planning Board's Decision Affirmed 12/17/13
Prince George's Park Police		
Prince George's County v. Mazzei, et al.	Order from Workers' Compensation Commission which found that claimant did not sustain an occupational disease arising out of and in the course of his employment from either Prince George's County or the Commission. Prince George's County is appealing decision from COSA in favor of Claimant, Mazzei.	Order affirming Circuit court decision: 09/18/13.

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CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Bell v. Commission

Case No. CAL13-35417 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claims seeking damages for injuries sustained at the Sports & Learning Complex.

Status: In discovery.

Docket:

11/19/13	Complaint filed
12/09/13	Answer filed
04/23/14	Pretrial Conference Scheduled

Boblits Enterprises v. Commission

Case No. CAL13-09692 (CD)

Lead Counsel: Chagrin
Other Counsel: Dickerson

Abstract: Defense of construction dispute concerning the Fairwoods Park project in Bowie where the contractor seeks over \$300,000 and release of \$73,000 currently retained by the Commission as liquidated damages.

Status: Case settled.

Docket:

04/05/13	Complaint filed
07/30/13	Answer filed
08/08/13	Scheduling Order filed
02/21/14	Mediation Scheduled
03/13/14	Pretrial Conference Scheduled
03/13/14	Case settled and dismissed

Butler v. Commission
Case No. CAL14-00382 (T)

Lead Counsel: Harvin
Other Counsel: Aleman

Abstract: Defense of claim seeking damages for injuries sustained in an accident with a vehicle driven by a Park Police officer.

Status: In discovery.

Docket:

01/22/14	Complaint filed
02/21/14	Answer filed

City of College Park v. Commission
Case No. CAL 13-21085 (AALU)

Lead Counsel: Borden
Other Counsel: Johnson, Mills

Abstract: Petition for judicial review of the Prince George's County Planning Board development approval for the Cafritz Property, Special Permit SP-130002. (Consolidated with Case No. CAL 13-21086).

Status: Pending oral argument

Docket:

07/25/13	Petition filed
08/06/13	Response to Petition filed
09/13/13	Motion to Consolidate Cases filed
01/07/14	Order consolidating cases entered and trial postponed
01/29/14	Order scheduling dates for filing memoranda by all counsel
03/18/14	Notice of Continuance filed
05/16/14	Oral Argument

Commission v. 6509 Rhode Island Realty Corp.
Case No. CAL 13-20939 (PD)

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Pending service on respondent

Docket:

07/19/13	Complaint for condemnation filed
03/19/14	Summons issued for Defendant

Commission v. Devore
Case No. CAL13-21820 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Petition for Judicial Review of worker's compensation case initiated by Commission.

Status: Pending Jury Trial.

Docket:

08/05/13	Petition filed
09/09/13	Scheduling Order filed
09/15/14	Jury Trial

Commission v. MARCOPOLO GF Co.
Case No. CAL 13-20940 (PD)

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Pending service on respondent

Docket:

07/19/13	Complaint for condemnation filed
03/19/14	Summons issued for Defendant

Commission v. Murray
CAL13-14810 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission is appealing the decision by the WCC that claimant suffered from an occupational disease.

Status: Pending Trial

Docket:

05/10/13	Petition Filed
11/12/13	Pretrial Hearing Held
05/22/14	Trial Scheduled

Commission v. Rivera
 CAL13-37223 (WC)
 (Cross-Claim of Case No. CAL 13-37715 below)

Lead Counsel: Chagrin
 Other Counsel:

Abstract: Commission is appealing the WCC's decision regarding permanency award.

Status: Pending Trial

Docket:

12/12/13	Petition Filed
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Jackson v. Commission
 Case No. CAL12-32723 (T)

Lead Counsel: Harvin

Abstract: Defense of claims arising from injury sustained by patron while playing tennis.

Status: Case Settled

Docket:

11/01/12	Complaint filed
12/18/12	Answer filed
05/30/13	Pre-trial conference
05/31/13	Pre-Trial Statement filed
08/02/13	Motion to for Summary Judgment filed
09/20/13	Order of Court denying Motion for summary Judgment
02/18/14	Two-day trial
02/19/14	Order of Dismissal filed, case closed

Lewis, et al. v. The Peterson Companies, L.C., et al.
 Case No. CAL13-12414 (T)

Lead Counsel: Dickerson
 Other Counsel:

Abstract: Defense of tort claim alleging that Park Police failed to prevent certain third-parties from assaulting the plaintiffs during a visit to the National Harbor area.

Status: Motion to Dismiss Pending

Docket:

05/01/13	Complaint filed
09/26/13	Motion to Dismiss filed or in the Alternative for Summary Judgment filed
10/17/13	Amended Complaint filed
11/01/13	Commission's Motion to Dismiss or in the Alternative for Summary Judgment filed
05/02/14	Motions Hearing

Litrenta v. Commission, et al.
Case No. CAL13-15566 (T)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Defense of tort claim for personal injuries allegedly sustained when the plaintiff was the passenger on a Commission golf cart and fell out while his acquaintance was driving. (The driver is also named as a defendant.)

Status: In discovery.

Docket:

06/04/13	Complaint filed
07/24/13	Motion to Dismiss filed
09/20/13	Answer to Plaintiff's Amended Complaint filed
10/03/13	Commission filed cross-claim against Co-Defendant Lao
11/05/13	Cross-Defendant/Co-Defendant filed a Motion to Dismiss Plaintiff's original complaint for insufficient service of process.
01/27/14	Co-Defendant's Answer to Commission's Cross Claim filed
01/29/14	Co-Defendant's Line Withdrawing Motion to Dismiss filed
06/13/14	Pre-Trial conference

Phoenix v. Commission
Case No. CAL13-29010 (T)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim seeking damages for injuries sustained at Fletcher's Field

Status: In discovery

Docket:

10/03/13	Complaint filed
12/09/13	Answer filed
04/14/14	Pre-Trial Conference

Presensky v. Commission
Case No. CAL12-37360 (ED)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging employment discrimination

Status: Trial.

Docket:

11/27/12	Complaint filed
02/27/14	Plaintiff's Motion for Leave to Amend Complaint
03/31/14	Trial

Reijerson v. Commission
Case No. CAL13-11339 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 10% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

04/13/13	Petition for Judicial Review filed
04/29/13	Response to Petition filed
05/06/14	Trial Scheduled

Rivera v. Commission
CAL13-37715 (WC)
(Cross-Claim of Case No. CAL 13-37223 above)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanency award.

Status: Pending Pre-Trial Conference

Docket:

12/19/13	Petition filed
01/14/14	Response to Petition filed
02/03/14	Scheduling Order Filed
05/15/14	Pre-Trial Conference

Short v. Commission
Case No. CAL12-37360 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant did not sustain an occupational disease. Claimant appealed.

Status: Pending Trial

Docket:

04/29/13	Petition filed
05/10/13	Response to Petition filed
11/07/13	Pre-Trial Conference Held
05/14/14	Trial

Town of University Park v. Commission

Case No. CAL 13-21086 and CAL 13-21085 (consolidated) (AALU)

Lead Counsel: Borden
Other Counsel: Johnson, Mills

Abstract: Petition for judicial review of the Prince George's County Planning Board development approval for the Cafritz Property, Special Permit SP-130002. (Consolidated with Case No. CAL 13-21085).

Status: Pending Oral Argument

Docket:

07/25/13	Petition filed
08/06/13	Response to Petition filed
10/07/13	Order Consolidating Cases
03/25/14	Stipulation of Dismissal filed by all parties

Willoner, et al. v. Commission

Case No. CAL 13-18682 and CAL 13-18722 (consolidated) (AALU)

Lead Counsel: Borden
Other Counsel: Mills, Johnson

Abstract: Petition for judicial review of the Prince George's County Planning Board development approval for the Cafritz Property, Preliminary Plan 4-13002.

Status: Oral Argument

Docket:

07/02/13	Petition filed
07/12/13	Response filed
07/23/13	Motion to consolidate filed
08/12/13	Order of Court Consolidating Cases filed
03/25/14	Oral Argument Scheduled
03/28/14	Case Dismissed

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

8045 Newell Street Condominium Association, et al. v Commission et al.,
Case No. 378604-V (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Petition for judicial review of the Montgomery County Planning Board approval of development at 8001 Newell Street, Project Plan No. 920130020.

Status: Reversed and remanded.

Docket:

06/28/13	Petition for Judicial Review filed
07/29/13	Response filed
09/10/13	Line and Administrative Record
01/14/14	Oral Argument
02/21/14	Order-Resolution of Commission vacated; remanded to Mont. County Planning Board

Beth Torah Congregation Inc. v. Prince George's Metro Center, Inc., Commission, et al
Case No. 376756-V (PD)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Declaratory judgment action seeking relief from deed covenants and restrictions.

Status: Pending Post-Trial Memoranda Requested by Court

Docket:

04/30/13	Complaint Filed
06/12/13	Motion for Additional Time to Respond filed
07/18/13	Answer filed
11/08/13	Status Conference held
01/27/14	Motion to Intervene or Join filed by Dewey LC
02/07/14	Commission's Opposition to Dewey's Motion to Intervene filed
02/26/14	Motion to Intervene as Defendant granted
02/27/14	Trial Concluded, Court takes matter under advisement
03/31/14	Post-trial memo filing deadline

Commission v. Oluseyi Fashina & Oyinlola Fashina

Case No. 384412-V (CE)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Judgment entered in favor of the Commission

Docket:

11/22/13	Petition for Judicial Enforcement Filed
12/31/13	Petition served on Mr. Fashina
02/18/14	Order of Court granting Petition entered and Judgment recorded

Commission v. Johnson

Case No. 366677-V (CE)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Awaiting Defendant's response to Interrogatories in Aid of Judgment

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued
01/22/14	Order-Defendant must respond to Plaintiff's Interrogatories by 2/17/14

Fort Myer Construction Corporation v. Commission

Case No. 369478-V (CD)

Commission v. URS Corporation (Third-party claim by Commission)

Lead Counsel: Saul Ewing (Garry Boehlert)
Other Counsel: Dickerson

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Commission filed third party complaint for alleged breach of contract and is seeking contribution and indemnity.

Status: In Discovery.

Docket:

10/12/12	Complaint filed
01/10/13	Motion to Dismiss for Failure to Exhaust Administrative Remedies
01/10/13	Motion to Dismiss for Insufficient Service
01/11/13	Scheduling Hearing
01/11/13	Plaintiff's Designation of Experts
01/28/13	Commission's Notice of Service of Discovery
01/28/13	Plaintiff's Opposition to Motions to Dismiss
01/30/13	Plaintiff's First Amended Response to Motions to Dismiss
02/04/13	Commission's Reply in Further Support of Motion to Dismiss
02/04/13	Commission's Reply to Plaintiff's Response to Motion to Dismiss
02/11/13	Orders Denying Commission's Motion to Dismiss
02/26/13	Commission's Answer
03/12/13	Commission's Designation of Experts
03/27/13	Commission's Third Party Complaint
05/09/13	Third Party's Answer to Third Party Complaint
11/19/13	Commission's Motion for Discovery Sanctions Against Ft. Myer filed
12/20/13	Hearing on pending discovery motions held and court refers case to Special Discovery Master for recommendations on appropriate sanctions against Ft. Myer and other pending discovery issues.
02/27/14	URS Motion to Dismiss Ft. Myer's Complaint against Commission, or alternatively Motion for Summary Judgment
03/31/14	Motions hearing held
03/31/14	Fort Myer's case dismissed without prejudice
03/31/14	Motions of URS and Commission regarding third party claim taken under advisement

Kaviani v. Montgomery County Planning Board
Case No. 386387-V (AALU)

Lead Counsel: Dumais
Other Counsel: Lieb

Abstract: Petition for judicial review of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.

Status: Petition for Judicial Review filed

Docket:

01/22/14	Petition filed
02/25/14	Commission's Response to Petition for Judicial Review

Nam v. Evans, et al
Case No. 385190-V (T)

Lead Counsel: Chagrin

Other Counsel:

Abstract: Tort-Plaintiff injured on golf course not owned by Commission

Status: Dismissed

Docket:

12/17/13	Complaint filed
02/07/14	Commission's Motion to Dismiss/Summary Judgment filed
02/24/14	Plaintiff filed Amended Complaint eliminating Commission as a defendant.

MARYLAND COURT OF SPECIAL APPEALS

Beatty v. Montgomery County, et al.
September term 2012, Case No 02296 (T)

Lead Counsel: Chagrin
Other Counsel: Mills

Abstract: Claimant is suing for torts arising from slip and fall.

Status: Awaiting Decision

Docket:

01/14/13	Notice of Appeal
02/25/13	Order from Court of Special Appeals stating that case will proceed without a Prehearing Conference
12/05/13	Oral Argument held

Hall, et al. v. Commission
September Term 2009, No. 01247 (AALU)

Lead Counsel: Johnson
Other Counsel:

Abstract: Defense against Petition for Judicial Review of Planning Board's decision to approve Bundy's Subdivision of Birdlawn Preliminary Plan 4-06158.

Status: Pending scheduling of oral argument

Docket:

07/24/09	Petitioners Aimee Gray and the Estate of Affie Gray filed Notice of Appeal
12/18/09	Commission's Brief filed

Kelly Canavan & Randy Pheobus, et al. v. Commission

September Term 2013. No. 00048 (AALU)

Lead Counsel: Johnson
Other Counsel: Mills

Abstract: Plaintiff's appeal of Prince George's County Circuit Courts decision on 02/19/2013 to uphold the Planning Board's approval of Saddle Creek's Preliminary Plan of Subdivision.

Status: Affirmed.

Docket:

03/15/13	Received Notice of appeal and Civil Appeal Information Report on 3/28/2013
04/25/13	Order from Court of Special Appeals stating that the case will proceed without a Prehearing Conference.
03/18/14	Order by Court of Special Appeals affirming Judgment

McClure v. Montgomery County Planning Board

September Term 2013, No. 01031 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Order that matter proceed without a pre-hearing conference.

Docket:

08/01/13	Notice of Appeal
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Rock Creek Hills Citizens Association, et al v. Commission

September Term 2013, No. 365 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Declaratory Judgment attempting to stop transfer & development of Commission owned property

Status: Awaiting decision

Docket:

05/20/13	Notice of Appeal-Ct of Special Appeals
07/19/13	Order-directing appeal to proceed w/o pre-hearing conference
01/24/14	Brief filed by Commission
03/05/14	Oral Argument held

Sahady v. Montgomery County Planning Board
September Term 2013, No. 01032 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Appeal filed

Docket:

08/01/13	Notice of Appeal
10/25/13	Order-directing appeal proceed without pre-hearing conference

Slover et al. v. Montgomery County Planning Board
September Term 2011, No. 01460 (AALU)

Lead Counsel: Lieb
Other Counsel: Rubin

Abstract: Petition for Judicial review of the Planning Board decision to approve two-lot subdivision located at 9490 River Road in Potomac filed by project opponents. Circuit Court issued Order affirming Preliminary Plan. Plaintiff appeals Order.

Status: Decision Pending

Docket:

09/09/11	Plaintiff's Notice of Appeal filed
10/10/12	Oral argument held

Smith v. Montgomery County Planning Board
September Term 2013, No. 00774 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Appeal filed

Docket:

06/21/13	Notice of Appeal filed
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MARYLAND COURT OF APPEALS

Arking, et al. v. MCPB

September Term 2013, Case No. 676 (PD)

Lead Counsel: Rubin

Other Counsel: Dumais

Abstract: Petition for certiorari seeking review of Court of Special Appeals order affirming Planning Board re-subdivision approval.

Status: Petition for Writ of Certiorari filed.

Docket:

02/19/14	Petition for Writ of Certiorari filed
03/07/14	Commission's answer in opposition to petition for certiorari filed

Rounds v. Commission

Case No. September Term 2014, No. 00019 (PD)

Lead Counsel: Gardner

Other Counsel: Dickerson

Abstract: Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Awaiting oral argument.

Docket:

11/01/13	Petition for Writ of Certiorari
11/12/13	Answer in Opposition to Petition for Writ of Certiorari
12/20/13	Cert Granted

U.S. DISTRICT COURT OF MARYLAND

American Humanist Association, et al v. Commission

Case #CV-14-550 (M)

Lead Counsel: Dickerson
Other Counsel: Gardner
Abstract: Defense of claim alleging religious advancement on public property
Status Docket:

02/25/14	Complaint filed in U. S. District Court for the District of MD
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Streeter v. Commission

Case No. RWT 12-CV-0976 (ED)

Lead Counsel: Harvin
Other Counsel:
Abstract: Defense of claim alleging discrimination and retaliatory termination.
Status: Awaiting Final Order
Docket:

01/17/12	Complaint filed in Circuit Court for Prince George's County
04/03/12	Case removed to U.S. District Court
04/10/12	Commission's Preliminary Motion to Dismiss filed
01/07/13	Motion granted with conditions
03/27/14	Commission's Motion to Dismiss Complaint w/prejudice filed

Neal v. Commission

Case No. RWT 12-CV-1186 (ED)

Lead Counsel: Harvin
Other Counsel:
Abstract: Defense of claim alleging discrimination.
Status: In Discovery
Docket:

04/23/12	Complaint filed
01/07/13	Motion for Summary Judgment denied
04/15/14	Settlement Conference