

***COMMISSION  
MEETING***

*September 21, 2016*

*9:30 a.m. – 11:30 a.m.*

***PARKS AND RECREATION  
AUDITORIUM***

***6600 Kenilworth Avenue  
Riverdale, MD 20737***



**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MEETING**  
*Wednesday, September 21, 2016*  
**Parks and Recreation Auditorium**  
**9:30 a.m. – 11:30 a.m.**

		ACTION	
		Motion	Second
1.	<b>Approval of Commission Agenda (9:30 a.m.)</b>	(+*)	Page 1
2.	<b>Approval of Commission Minutes</b>		
	a) Open Session – July 20, 2016	(+*)	Page 3
	b) Closed Session – July 20, 2016	(++*)	
3.	<b>General Announcements (9:30 a.m.)</b>		
	a) Literacy Program Graduation Ceremony (following Commission meeting) College Airport Operations Building 1909 Corporal Frank Scott Drive, College Park, MD 20740		
	b) EZ Procurement Fair, Sports and Learning Complex, September 22 <sup>nd</sup> – 9:00 a.m.-3:00 p.m.		
	c) Hispanic Heritage Celebration (Hispanic Heritage Month – September 15 <sup>th</sup> to October 15 <sup>th</sup> )		
	d) Upcoming Breast Cancer Awareness Month		
	e) Upcoming Commission-wide Service Awards Luncheon Honoring Employees with 25 or more years of service – October 19 <sup>th</sup> (Brookside Gardens)		
4.	<b>Committee Minutes/Board Reports (For Information Only) (9:45 a.m.):</b>		
	a) Executive Committee Meeting – Closed Session – July 6, 2016	(++)	
5.	<b>Action and Presentation Items (9:50 a.m.)</b>		
	a) Resolution #16-20 – Prince George’s Plaza Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment (Washburn/Rowe)	(+*)	Page 7
	b) Resolution #16-21 – Approval of Conveyance of Commission Real Estate Mitigation for Parkland Encroachment at Griffith Local Park (Gries)	(+*)	Page 37
	c) Diversity Council Strategic Plan (Dugan/Gordon)	(+*)	Page 39
	d) Classification Study Recommendations – and vote on Resolution #16-24 – Amendments to the Pay Schedule for General Service Employees/ (Spencer/King/Butler) (10:10 a.m.)	(+*)	Page 87
	e) Open Enrollment and Benefit Plans Proposed Rates for 2017 (Spencer/McDonald) (10:35 a.m.)	(+*)	Page 107
	f) Minimum Wage Pay Schedule Adjustments (Spencer/King) (10:45 a.m.)	(+*)	Page 111
	g) CAS Labor Cost Allocation Analysis for the FY18 Budget (Kroll) (10:50 a.m.)	(+*)	Page 119
	h) Request to spend Salary Lapse – Office of the CIO (Chilet) (11:05 a.m.)	(+*)	Page 125
	<b>Closed Session (11:10 a.m.) – Followed by open session vote</b> Pursuant to Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to consult with Legal counsel regarding specific compliance issues and potential litigation.		
	<b>Open Session - Continued</b>		
	i) Resolution #16-22 – Exclusion of M-NCPPC Federal Credit Union Staff and Retirees from M-NCPPC Health and Welfare Benefit Programs (Spencer/McDonald)	(+*)	Page 127

6. **Officers' Reports**

- a) **Executive Director** – (For Information Only)
  - Employee Evaluations Not Completed by Due Date (July and August 2016) (+) Page 131
  
- b) **Secretary-Treasurer** Enterprise Resource Planning (ERP) Briefing
  - 1) Investment Report (July 2016) (+) Page 135
  - 2) 115 Trust FY 2016 Year-End Report (+) Page 141
  - 3) MFD Purchasing Statistics – 3<sup>rd</sup> and 4<sup>th</sup> Quarter (+) Page 145
  
- c) **General Counsel** – (For Information Only)
  - 1) Legislative Preview (H) Page
  - 2) Litigation Report (July 2016) (+) Page 173

(+) 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  
Open Session Minutes  
July 20, 2016

The Maryland-National Capital Park and Planning Commission met on July 20, 2016, in the Montgomery Regional Office Auditorium.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair  
Natali Fani-Gonzalez  
Marye Wells-Harley  
Amy Presley

Prince George’s County Commissioners Casey

Elizabeth M. Hewlett, Vice-Chair  
Dorothy Bailey  
Manuel Geraldo  
John Shoaff

ABSENT

Norman Dreyfuss

A. Shuanise Washington

Chair Anderson convened the meeting at 9:43 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Bailey  
Seconded by Wells-Harley  
8 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – June 15, 2016  
Closed Session –June 15, 2016  
ACTION: Motion of Bailey  
Seconded by Wells-Harley  
8 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Anderson made the following announcements:

- a) Upcoming Hispanic Heritage Celebration (Hispanic Heritage Month, September 15 - October 15).
- b) Reschedule of Literacy Program Graduation Ceremony following the Commission meeting on September 21, College Park Airport Operations Building, 1909 Corporal Frank Scott Drive, College Park, Maryland 20740.

Not listed on the agenda:

- Chair Anderson announced the farewell celebration for Commissioner Amy Presley for Thursday afternoon, July 21, 2016. Commissioners acknowledged Ms. Presley's contribution.
- Vice-Chair Hewlett discussed the upcoming retirement of Prince George's County Planning Department Director Fern Piret. Commissioners and Officers relayed anecdotes and well wishes for the departing Planning Director. A farewell celebration will be held on July 27, 2016.
- Vice-Chair Hewlett also announced the recent resignation of Commissioner John Shoaff. Commissioner Shoaff is resigning from the Commission due to moving from the region. Vice-Chair Hewlett praised Commissioner Shoaff's strong citizen, environmental and sustainability-based leadership while serving.
- Acting Executive Director Anju Bennett and departing Chief Information Officer (CIO) Clifford Clarke, introduced the new CIO, Mazen Chilet. Mr. Chilet thanked the agency for the opportunity and complimented it on some of the more recent strides taken in the information technology field.

ITEM 4 COMMITTEE/BOARD REPORTS – (For Information Only)

- a) Minutes – Executive Committee Meeting – July 6, 2016
- b) Minutes – Regular Board of Trustees Meeting – June 7, 2016
- c) Minutes – 115 Trust (OPEB) – March 16, 2016

ITEM 5 ACTION AND PRESENTATION ITEMS

All items were approved without discussion.

- a) RESOLUTION #16-08 (AMENDED) – FISCAL YEAR 2017 ANNIVERSARY (MERIT) PAY INCREMENT ADJUSTMENT AND ADMINISTRATIVE LEAVE FOR CERTAIN NON-REPRESENTED MERIT SYSTEM EMPLOYEES  
ACTION: Motion of Wells-Harley  
Seconded by Bailey  
8 approved the motion
- b) RESOLUTION #16-16, APPROVAL OF EXCHANGE OF COMMISSION REAL ESTATE WITH MONTGOMERY COUNTY, MD FOR PLATT RIDGE DRIVE EXTENDED (Gries)  
ACTION: Motion of Presley  
Seconded by Shoaff  
8 approved the motion
- c) RESOLUTION #16-17, APPROVAL OF CONVEYANCE OF COMMISSION REAL ESTATE FOR BRIDGE CONSTRUCTION SERVICES OF THE MARYLAND STATE HIGHWAY ADMINISTRATION OF THE MARYLAND DEPARTMENT OF TRANSPORTATION (Gries)  
ACTION: Motion of Presley  
Seconded by Fani-Gonzalez  
8 approved the motion

- d) APPOINTMENT OF GROSVENOR CAPITAL MANAGEMENT L.P. AS THE NEW PRIVATE REAL ASSETS MANAGER FOR THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION EMPLOYEES' RETIREMENT SYSTEM (A. Rose)

ACTION: Motion of Hewlett  
Seconded by Wells-Harley  
8 approved the motion

- e) RECOMMENDATIONS FOR BENEFIT CHANGES FOR CALENDAR YEAR 2017 (Spencer/McDonald)

ACTION: Motion of Bailey  
Seconded by Hewlett  
8 approved the motion

The meeting moved to closed session 10:05 a.m.

ITEM 6 CLOSED SESSION

Pursuant to Section 3-305(b)(7) and (b)(9) (i)(ii) of the General Provisions Article of the Annotated Code of Maryland, the meeting moved to closed session to consult with counsel to obtain legal advice, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or any other personnel matter that affects one or more specific individuals; and to conduct collective bargaining negotiations, or consider matters that relate to the negotiations.

ACTION: Motion of Hewlett  
Seconded by Presley  
8 approved the motion

OPEN SESSION resumed at 10:22 a.m.

ITEM 7 RATIFY CLOSED SESSION ACTIONS

ACTION: Motion of Hewlett  
Seconded by Wells-Harley  
8 approved the motion

ITEM 8 OFFICERS' REPORTS

- a) Executive Director (For Information Only)  
Employee Evaluations Not Completed by Due Date (June 2016)
- b) Secretary-Treasurer (For Information Only)
- 1) Enterprise Resource Planning (ERP) Briefing
  - 2) Investment Report (June 2016)
- c) General Counsel – (For Information Only)  
Litigation Report (June 2016)

There being no further business to discuss, the meeting adjourned at 10:24 a.m.

  
James F. Adams, for Gayla I. Williams,  
Senior Management Analyst/Senior  
Technical Writer

  
Anju A. Bennett for Executive Director Patricia C. Barney









Prince George's County Planning Department  
Community Planning Division

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-3796

301-952-3972

September 21, 2016

**MEMORANDUM**

TO: The Maryland-National Capital Park and Planning Commission

VIA: Debra Borden, Acting Planning Director   
 Ivy A. Lewis, Chief, Community Planning Division   
 David A. Green, Planning Supervisor, Community Planning Division  *Att for David Green*

FROM: William Washburn, AICP, Planner Coordinator, Community Planning Division   
 Scott Rowe, AICP, CNU-A, Planner Coordinator, Community Planning Division 

SUBJECT: **The Maryland-National Capital Park and Planning Commission Resolution M-NCPPC No. 16-20 to certify the *Prince George's Plaza Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment***

Attached for your review and approval is the draft Full Commission Resolution M-NCPPC No. 16-20 to certify the *Prince George's Plaza Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (TDOZMA). A draft Certificate of Adoption and Approval is also attached for your approval. We have also attached for your information a copy of the *Prince George's Plaza Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment*. The approved plan consists of the preliminary transit district development plan and proposed TDOZMA; Prince George's County Planning Board Resolution PGCPB No. 15-126 dated December 3, 2015; and Prince George's County Council Resolution CR-56-2016 dated July 19, 2016.

**RECOMMENDATION**

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

Attachments

1. Draft Full Commission Resolution M-NCPPC No. 16-20
2. Draft Certificate of Adoption and Approval
3. Prince George's County Council Resolution CR-56-2016
4. Prince George's County Planning Board Resolution PGCPB No. 15-126
5. Approved Preliminary Plan and Proposed TDOZMA



M-NCPPC No. 16-20

## RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to 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 public hearing on October 22, 2015 to consider the *Preliminary Prince George's Plaza Transit District Development Plan and Proposed Transit District Overlay Zoning Map Amendment*, being intended to replace the 1998 *Prince George's Plaza Approved Transit District Development Plan for the Transit District Overlay Zone* (Planning Area 68) and amend the 2014 *Plan Prince George's 2035 Approved General Plan*; the 2014 *Formula 2040: Functional Master Plan for Parks, Recreation, and Open Space*; the 2009 *Approved Countywide Master Plan of Transportation*, the 1994 *Planning Area 68 Approved Master Plan*; and the 1983 *Adopted and Approved Functional Master Plan for Public School Sites*; and

WHEREAS, the Prince George's County Planning Board held a work session on November 19, 2015 to consider public hearing testimony on the preliminary transit district development plan and proposed transit district overlay zoning map amendment; and

WHEREAS, the Planning Board on December 3, 2015, after due deliberation and consideration of the public hearing testimony, adopted the transit district development plan and endorsed the transit district overlay zoning map amendment with revisions, as described in Prince George's County Planning Board Resolution PGCPB No. 15-126, and transmitted the plan to the District Council on December 30, 2015; 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 duly advertised public hearing on February 16, 2016 to receive public testimony on the adopted transit district development plan and endorsed transit district overlay zoning map amendment; and

WHEREAS, the Prince George's District Council held a work session on March 22, 2016, 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 April 12, 2016, adopted CR-25-2016, a proposed resolution of amendments to the adopted transit district development plan and endorsed transit district overlay zoning map amendment and scheduled a public hearing on the proposed resolution of amendments to be held on May 31, 2016; and

WHEREAS, the District Council held a duly advertised public hearing on May 31, 2016 to receive public testimony on the proposed resolution of amendments; and

WHEREAS, the District Council held a work session on July 5, 2016 to consider public testimony on the proposed resolution of amendments and directed staff to prepare a resolution of approval for the adopted transit district development plan and endorsed transit district overlay zoning map amendment as amended; and

WHEREAS, the District Council, on July 19, 2016, determined that the adopted plan and endorsed overlay zoning map amendment should be approved as the transit district development plan and transit district overlay zoning map amendment for Prince George's Plaza (Planning Area 68), for Prince George's County, Maryland, subject to the modifications and revisions set forth in Resolution CR-56-2016.

NOW, THEREFORE, BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby certify said transit district development plan and transit district overlay zoning map amendment for Prince George's Plaza, 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 CR-56-2016; 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.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Maryland-National Capital Park and Planning Commission on the motion of Commissioner X, seconded by Commissioner X, with Commissioners X, X, X, X and X, at its regular meeting held on September 21, 2016 in Riverdale Park, Maryland.

\_\_\_\_\_  
Patricia Colihan Barney  
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY.  
  
\_\_\_\_\_  
M-NCPPC Legal Department  
Date 8/15/16

CERTIFICATE OF ADOPTION AND APPROVAL

This Prince George's Plaza Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment replaces the 1998 Prince George's Plaza Approved Transit District Development Plan for the Transit District Overlay Zone and amends the 2014 Plan Prince George's 2035 Approved General Plan; the 2014 Formula 2040: Functional Master Plan for Parks, Recreation, and Open Space; the 2009 Approved Countywide Master Plan of Transportation; the 1994 Planning Area 68 Approved Master Plan; and the 1983 Adopted and Approved Functional Master Plan for Public School Sites. The Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the transit district development plan and endorsed the transit district overlay zoning map amendment by Resolution No. 15-126 on December 3, 2015. The Prince George's County Council approved the adopted transit district development plan and endorsed transit district overlay zoning map amendment by Resolution No. CR-56-2016 (DR-1) on July 19, 2016, after duly advertised public hearings held on February 16, 2016 and May 31, 2016.

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Casey Anderson  
Chairman

Elizabeth M. Hewlett, Esq.  
Vice Chairman

Joseph C. Zimmerman  
Secretary-Treasurer





**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**SITTING AS THE DISTRICT COUNCIL**

**2016 Legislative Session**

Bill No. CR-56-2016

Proposed and Presented by The Chairman (by request – Planning Board)

Introduced by Council Members Davis, Franklin and Taveras

Co-Sponsors \_\_\_\_\_

Date of Introduction July 19, 2016

**RESOLUTION**

1 A RESOLUTION concerning

2 The Prince George’s Plaza Transit District Overlay Zone

3 For the purpose of approving, with certain amendments and revisions, as an Act of the County  
4 Council of Prince George’s County, Maryland, sitting as the District Council, the Prince  
5 George’s Plaza Transit District Development Plan and Transit District Overlay Zoning Map  
6 Amendment, thereby setting forth and adopting detailed zoning proposals in Planning Area 68  
7 for the area generally bounded by the eastern boundary of the M-NCPPC Northwest Branch  
8 Stream Valley Park; on the north by the University Hills Subdivision, Rosemary Lane, the  
9 western boundary of the Rosemary Terrace subdivision, and the western/southern boundary of  
10 Northwestern High School; on the east by the rear of the properties facing Adelphi Road and  
11 Queens Chapel Road, excluding parcels 67 and 203, which lie within the Transit District; and on  
12 the south by the northern boundary of the Madison Park Apartments, Oliver Place, the northern  
13 boundaries of Edward M. Felegy Elementary School and Nicholas Orem Middle School, and the  
14 rear of the properties fronting on Oliver Street.

15 WHEREAS, upon approval by the District Council, this Transit District Development Plan  
16 (“TDDP”) and Transit District Overlay Zoning Map Amendment (“TDOZMA”) will amend  
17 portions of the Prince George’s County Zoning Ordinance and the Zoning Map located in  
18 Planning Area 68 and replace the 1998 *Prince George’s Plaza Approved Transit District*  
19 *Development Plan for the Transit District Overlay Zone*; and

1       WHEREAS, on March 25, 2014, the Prince George's County Council, sitting as the District  
2 Council, adopted CR-16-2014, thereby initiating an update of the 1998 *Prince George's Plaza*  
3 *Transit District Development Plan and Transit District Overlay Zone*; and

4       WHEREAS, as part of the plan's collaborative planning and public participation process,  
5 the Planning Board staff conducted numerous meetings with community and agency  
6 stakeholders, including four major community workshops; a four-day community planning  
7 charrette; an Urban Land Institute Technical Assistance Panel to consider short-term  
8 implementation strategies; discussions with civic associations and business and property owners;  
9 municipal briefings with the mayor and municipal council for the City of Hyattsville and Town  
10 of University Park, respectively; informational meetings with municipal, county, state, and  
11 regional agencies, including targeted technical meetings with the Department of the Environment  
12 to commence further analysis of stormwater conditions in the Wells Run subwatershed, the  
13 Revenue Authority to discuss parking demand, the Economic Development Corporation and the  
14 City of Hyattsville to develop strategies for marketing the Transit District, the Maryland  
15 Department of Transportation and State Highway Administration to evaluate the proposed road  
16 diet for MD 410 (East West Highway), and the Washington Metropolitan Area Transit Authority  
17 to consider options for improved Metro access, respectively; and utilized social media and  
18 traditional forms of notification to maximize public participation and input concerning the plan;  
19 and

20       WHEREAS, on September 23, 2014, the District Council granted a six-month extension of  
21 the timeframe for preparing the Preliminary Prince George's Plaza Transit District Development  
22 Plan and Proposed Transit District Overlay Zoning Map Amendment to craft a regional approach  
23 to stormwater management and flood control; address multimodal connectivity, accessibility, and  
24 safety in the transit district and along East West Highway (MD 410); create an innovative and  
25 collaborative implementation strategy with county and state agencies; and incorporate revised  
26 General Plan guidance from the 2014 *Plan Prince George's 2035 Approved General Plan*; and

27       WHEREAS, on June 2, 2015, the District Council granted an additional three-month  
28 extension of the timeframe for preparing the Preliminary Prince George's Plaza Transit District  
29 Development Plan and Proposed Transit District Overlay Zoning Map Amendment to provide  
30 additional time for staff to coordinate with implementing agencies on the plan's proposed  
31 streetscape standards and to further assess stormwater management issues affecting the eastern

1 portion of the Transit District and to finalize the proposed Transit District Standards; and

2 WHEREAS, the *Prince George's Plaza Transit District Development Plan* statement of  
3 purpose calls for development of a comprehensive plan sets policies and strategies that build on  
4 the policy guidance for regional transit districts set forth in the Approved General Plan vision to  
5 promote transit-oriented, mixed use development by establishing a refined vision and realistic  
6 approach to implementing this important County and community vision, and to realize certain  
7 Countywide and municipal economic benefits generated by a major Metro station; to recognize  
8 the historical importance of the natural environment and Hitching Post Hill and incorporate best  
9 planning and development practices to ensure a comprehensive and sensitive approach to  
10 environmental stewardship, floodplain, and stormwater management, future growth, pedestrian  
11 and bicycle connectivity, transportation management strategies, and economic and community  
12 development; and to incorporate specific policies and strategies that promote and support the  
13 creation of a healthier transit-oriented community; and

14 WHEREAS, the *Prince George's Plaza Transit District Development Plan* contains a  
15 comprehensive rezoning element, known as the Transit District Overlay Zoning Map  
16 Amendment, intended to implement the land use recommendations of the transit district  
17 development plan for the foreseeable future; and

18 WHEREAS, the Planning Board granted permission to release the Preliminary *Prince*  
19 *George's Plaza Transit District Development Plan* and its associated Proposed Transit District  
20 Overlay Zoning Map Amendment for public inspection on September 10, 2016; and

21 WHEREAS, on October 22, 2015, the Prince George's County Planning Board of the  
22 Maryland-National Capital Park and Planning Commission held a duly advertised public hearing  
23 on the Preliminary *Prince George's Plaza Transit District Development Plan* and Proposed  
24 Transit District Overlay Zoning Map Amendment; and

25 WHEREAS, after the close of the hearing record on November 2, 2015, the Planning Board  
26 conducted a public work session on November 19, 2016, to examine staff's analysis of the  
27 testimony and exhibits received into the record of testimony for its October 22, 2015, public  
28 hearing and to consider the staff's recommendations thereon; and

29 WHEREAS, the Planning Board voted favorably to include five (5) additional exhibits of  
30 late testimony into the public hearing record identified as Exhibits T1-T5, and to continue its  
31 public work session until December 3, 2015; and

1       WHEREAS, on December 3, 2015, the Planning Board voted favorably as to PGCPB No.  
2 15-126, a resolution adopting the transit district development plan and endorsing the transit  
3 district overlay zoning map amendment with further recommended amendments, extensions,  
4 deletions, and additions based on the record public hearing testimony; and

5       WHEREAS, on December 30, 2015, pursuant to Section 27-213.04.(b)(1) of the Zoning  
6 Ordinance of Prince George's County, being also Subtitle 27 of the Prince George's County  
7 Code, the Planning Board transmitted the *Adopted Prince George's Plaza Transit District*  
8 *Development Plan* and Endorsed Transit District Overlay Zoning Map Amendment to the  
9 District Council; and

10       WHEREAS, the Endorsed Transit District Overlay Zoning Map Amendment proposes to  
11 expand the Prince George's Plaza Transit District by incorporating additional properties within  
12 Planning Area 68 into area boundaries of the Prince George's Plaza Transit District Overlay (T-  
13 D-O) Zone; and

14       WHEREAS, once approved, the Transit District Overlay (T-D-O) zone will supersede and  
15 replace the 1998 *Prince George's Plaza Transit District Development Plan for the Prince*  
16 *George's Plaza Transit District Overlay Zone*, as well as amend portions of the 2014 *Plan*  
17 *Prince George's 2035 General Plan*, the 1983 *Adopted and Approved Functional Master Plan*  
18 *for Public School Sites*, the 1994 *Master Plan for Planning Area 68*, the 2009 *Countywide*  
19 *Master Plan of Transportation*, and *Formula 2040: Functional Master Plan for Parks,*  
20 *Recreation and Open Space* (2014) for the portion of Planning Area 68 within the Prince  
21 George's Plaza Transit District; and

22       WHEREAS, on February 16, 2016, the District Council conducted a duly advertised public  
23 hearing on the *Adopted Prince George's Plaza Transit District Development Plan* and Endorsed  
24 Transit District Overlay Zoning Map Amendment; and

25       WHEREAS, on March 22, 2016, the District Council convened as the Committee of the  
26 Whole to conduct a public work session for its review of the testimony and exhibits submitted to  
27 the public hearing record, as well as the Planning Board's recommendations embodied within  
28 PGCPB No. 15-126; and

29       WHEREAS, after presentations by staff, questions and discussion by Members, the  
30 Committee of the Whole voted favorably to include the three (3) additional exhibits that were  
31 received after the close of the public hearing record and announce an additional work session

1 date to continue its examination of the public hearing record; and

2 WHEREAS, on March 29, 2016, the Committee of the Whole voted favorably on a motion  
3 directing staff to prepare a Resolution proposing certain amendments to the *Adopted Transit*  
4 *District Development Plan* and Endorsed Transit District Overlay Zoning Map Amendment and  
5 directing that a second District Council public hearing be conducted to seek public testimony on  
6 the proposed amendments; and

7 WHEREAS, on April 12, 2016, the District Council approved CR-25-2016, which  
8 proposed 55 amendments to the *Adopted Transit District Development Plan* and Endorsed  
9 Transit District Overlay Zoning Map Amendment and, pursuant to Section 27-213.05(c)(1) of  
10 the Zoning Ordinance, provided a 30-day extension for final action on the *Adopted Transit*  
11 *District Development Plan* and Endorsed Transit District Overlay Zoning Map Amendment to  
12 exercise due diligence in its review of all testimony presented at the second public hearing on the  
13 proposed amendments; and

14 WHEREAS, on May 31, 2016, the District Council held a duly-advertised public hearing  
15 on 55 proposed amendments to the *Adopted Transit District Development Plan* and Endorsed  
16 Transit District Overlay Zoning Map Amendment; and

17 WHEREAS, on July 5, 2016, the District Council held a work session to review the  
18 Planning Board's recommendations on the public hearing testimony and directed Technical Staff  
19 to prepare a resolution of approval incorporating revisions; and

20 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
21 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
22 Regional District in Prince George's County, Maryland, that the Prince George's Plaza Transit  
23 District Development Plan and its associated Transit District Overlay Zoning Map Amendment  
24 as adopted and endorsed on December 3, 2015, by PGCPB No. 15-126, be and the same is  
25 hereby approved with the following revisions:

26 **A. REVISIONS TO THE ADOPTED TRANSIT DISTRICT DEVELOPMENT PLAN**

27 **REVISION 1:**

28 Change all references within the TDDP to a 32-story maximum height limit to a 28-story  
29 maximum height limit

30 **REVISION 2:**

31 Add language to the Foreword and the first paragraph on page 6, as follows: "Pursuant to Section

1 27-548.04(b) of the Zoning Ordinance, this Transit District Development Plan is the applicable  
 2 area master plan for the Prince George's Plaza Transit District."

3 **REVISION 3:**

4 On page 12, add the Post-2035 Illustrative Buildout Plan created at the September 2014  
 5 community design charrette that shows the Transit District without The Mall at Prince George's.

6 **REVISION 4:**

7 On page 22, revise the second sentence as follows: "...the Department of Public Works and  
 8 Transportation (DPW&T) will likely plan, design, and operate a complex regional stormwater  
 9 management system for the Transit District to support the vision of the Adopted TDDP..."

10 **REVISION 5:**

11 Replace the language in the text box on page 26 as follows: "At the time this [preliminary]  
 12 TDDP was [written] approved, Prince George's County was in the [second year of a three-year  
 13 effort to comprehensively replace and update] process of replacing its Zoning Ordinance and  
 14 Subdivision Regulations. Approval of new Zoning and Subdivision laws (anticipated in [Spring]  
 15 2017) may impact [numerous elements of the Prince George's Plaza TDDP, most particularly]  
 16 the zoning of property located within the transit district and the Transit District Standards[  
 17 contained in the proposed Transit District Overlay Zoning Map Amendment]. [Staff will  
 18 continue coordination of these two key projects to ensure the community vision, goals, and  
 19 policies recommended by the Adopted TDDP to realize the future of Downtown Prince George's  
 20 Plaza will be compatible with, and supported by, the new Zoning Ordinance and Subdivision  
 21 Regulations.] The project team worked closely with staff and consultants working on the Zoning  
 22 Ordinance and Subdivision Regulations rewrite project to ensure consistency between goals,  
 23 policies, and strategies, and to ensure the Transit District Standards were consistent in scope and  
 24 nature to the regulations of zone districts within the new Ordinance. In the event the 2017  
 25 Countywide Map Amendment process to implement the zones contained in the new Zoning  
 26 Ordinance results in fundamental changes to, or the elimination of, the Prince George's Plaza  
 27 Transit District Overlay Zone, Transit District Standards, and the underlying zones and use  
 28 tables contained in the TDOZMA, this TDDP will be severable and will continue to stand as the  
 29 master plan for the Prince George's Plaza area. Only the zoning (and not the plan  
 30 recommendations) will be impacted by the Countywide Map Amendment."

31 **REVISION 6:**

1 Include a map on page 48 showing the Primary Management Area for Wells Run. Add a text box  
 2 on page 48 defining the Primary Management Area and its constituent regulated elements as  
 3 follows:

4 “Section 24-101(b)(22) of the Subdivision Regulations defines the Primary Management Area  
 5 (PMA) as a “vegetated buffer preserved and/or restored along all regulated streams outside the  
 6 Chesapeake Bay Critical Area Overlay Zones, which at a minimum includes:

7 (A) All regulated streams and associated minimum stream buffers;

8 (B) The one hundred (100) year floodplain as defined by Section 27-124.01;

9 (C) All wetlands and associated wetland buffers that are adjacent to the regulated stream,  
 10 stream buffer or the one hundred (100) year floodplain;

11 (D) All areas having slopes of fifteen percent (15%) or greater adjacent to the regulated  
 12 stream or stream buffer, the one hundred (100) year floodplain, or adjacent wetlands or  
 13 wetland buffers;

14 (E) Adjacent critical habitat areas.”

15 Impacts to the PMA and its constituent elements are strongly discouraged and are tightly  
 16 regulated by a variety of county, state, and federal regulations.”

17 **REVISION 7:**

18 Move the last sentence on page 48 to a text box and integrate it with new language, as follows:

19 “Reducing the overall percentage of impervious surfaces and providing on-site infiltration areas  
 20 can improve stormwater runoff quality and reduce the overall volume of water from developed  
 21 site. Impervious surfaces may be reduced through the replacement of the existing surface parking  
 22 lots with green and open space, buildings, landscaping, and new stormwater management  
 23 features, including tree boxes, bioswales, rain gardens, and storage facilities.”

24 **REVISION 8:**

25 Add a text box on page 51 with the following text:

26 “Most properties along the west side of Adelphi Road and MD 500 (Queens Chapel Road)  
 27 abutting the Transit District are zoned D-D-O/R-55, are within the City of Hyattsville, and are  
 28 within the Traditional Residential Neighborhood Character Area of the Gateway Arts District  
 29 Development District Overlay Zone.

30 Pursuant to the 2004 Approved Sectional Map Amendment for the Prince George’s County  
 31 Gateway Arts District, page 144, Footnote 2, “R-55 zoned properties in the TRN character area

1 within the incorporated City of Hyattsville are exempt from the development standards and will  
 2 abide by the requirements of the R-55 Zone.”

3 The height requirements, generally, for R-55 are that a building can be no more than 35 feet tall  
 4 and 2.5 stories. If additional side yard is provided, the height may be increased to 40 feet/3  
 5 stories.

6 However, in all residential zones, provided that for each foot in elevation above 40, each yard is  
 7 increased by a foot:

8 a) Churches and places of worship may be increased to 80 feet and

9 b) Public/quasi-public buildings may be increased to 120 feet. [Sec. 27-442]

10 Due to these height restrictions and the fact that the largely institutional uses here serve as a  
 11 buffer between the Prince George’s Plaza Transit District and neighborhoods to the east, these  
 12 properties were excluded from the Transit District.”

13 **REVISION 9:**

14 On page 79, revise Strategy TM1.11 as follows: “Strategy TM1.11: Provide new or upgraded  
 15 pedestrian crossings at all intersections and mid-block crosswalks throughout the Transit District  
 16 that are highly visible to motorists, pedestrians, and bicyclists and provide full pedestrian/bike  
 17 access at all corners of each intersection. Crosswalks should be a minimum of 12 feet wide and  
 18 use highly visible markings, advance warning signage, and/or decorative alternative paving  
 19 material.”

20 **REVISION 10:**

21 Add the following recommended connection to Strategy TM3.2 and Map 17 on pp. 83-84:

22 “To create the desired grid pattern, the following general locations are encouraged:

- 23 • As the Mall at Prince Georges redevelops, extend the western Metro entry road north from
- 24 Belcrest Center Drive, bisected by the Central Plaza proposed in Strategy HD4.3. [through] to
- 25 the main entrance of the Mall, through where the Mall stands today, to Toledo Terrace.
- 26 • Extend Freedom Way west to Toledo Terrace.
- 27 • Extend Editors Park Drive north.
- 28 • Formalize the extension of Toledo Terrace south of MD 410 (East-West Highway) as a public
- 29 street.
- 30 • Extend Belcrest Center Drive west to connect with Toledo Terrace Extended.
- 31 • Extend America Boulevard north and west to connect with Belcrest Road.



- 1 • Extend Northwest Drive south to at least Toledo Road Extended.  
 2 • Extend Liberty Lane west across Belcrest Road to intersect with new recommended north-south  
 3 streets.”

4 **REVISION 11:**

5 On page 87, add the following strategy:

6 “Strategy TM4.12: At the time of preliminary plan of subdivision, properties bordering the  
 7 proposed Central Plaza (see Strategies TM3.2 and HD4.3) should work with the State Highway  
 8 Administration to design an appropriate intersection for the recommended one-way couplet and  
 9 Central Plaza that provides for safe, clear vehicle turns and full pedestrian accommodation.”

10 **REVISION 12:**

11 Delete Paragraph 2 on page 95.

12 **REVISION 13:**

13 Revise Paragraph 4 on page 95 to read: “As of mid-[2015] 2016, neither the property owners, on  
 14 their own initiative, or the County Council, through legislation, have formally created the TDM  
 15 District. Traffic and intersection performance have not fallen to the level where a TDM District  
 16 is required under Subtitle 20A. [However, the incorporation of TDM best practices will facilitate  
 17 and encourage residents, workers, and visitors to travel to, from, and through the Transit District  
 18 by means other than the automobile.] To be effective, a TDM District must be based on a  
 19 thorough analysis of existing parking usage, future parking needs, likely future development, the  
 20 size and nature of existing and future employers, the ability to influence commuter behavior, and  
 21 the size and nature of other relevant land uses. It must be imposed on the appropriate geography  
 22 at the appropriate moment in the area’s market and development cycle. This TDDP recommends  
 23 that the Planning Department retain an experienced TDM consultant to assist the County,  
 24 municipalities, property owners, and the community in designing a TDM District that will be  
 25 effective, with particular focus on timing, scope, funding, and administration.”

26 **REVISION 14:**

27 Revise Strategy TM17.1 on page 96 to read: “[Create] Explore the creation of a parking  
 28 management district [for] to serve the Transit District. This district may operate as part of [the  
 29 Transportation Demand Management] a TDM District, the City of Hyattsville, the Prince  
 30 George’s County Revenue Authority, the Business Improvement District, or as an independent  
 31 entity. This district [will] would help manage shared parking resources and generate revenues for

1 the TDM District.”

2 **REVISION 15:**

3 Revise Strategy TM17.5 on page 96 to read: “Evaluate opportunities to acquire or otherwise  
4 operate existing parking facilities through [the]a parking management district [recommended in  
5 Strategy TM17.1 above]or through the Revenue Authority.”

6 **REVISION 16:**

7 Revise Policy TM20 on page 97 to read: “[Create] Explore the creation of a formal structure to  
8 manage transportation demand and provide for managed provision of trip reduction measures  
9 and other transportation alternatives within the Transit District.

10 **REVISION 17:**

11 Revise Strategy TM20.1 on page 97 to read: “[Pursuant to Sec. 20A-204, the County Council  
12 should authorized and establish a Prince George’s Plaza Transportation Demand Management  
13 District (TDMD).] The Planning Department will retain an experienced TDM consultant to assist  
14 the County, municipalities, property owners, and the community in designing a TDM District  
15 that will be effective, with particular focus on timing, scope, funding, and administration. The  
16 County Council should consider the recommendations of this analysis, including, if needed,  
17 amendments to Subtitle 20A of the County Code.”

18 **REVISION 18:**

19 Revise Strategy TM20.2 on page 97 to read: “[To expedite the establishment of a Transportation  
20 Management Association, and p] Provide transportation alternatives to residents of, workers in,  
21 and visitors to the Transit District[, t] . The County Council should consider using its discretion  
22 through Sec. 20A-204 to implement the provisions of the TDM[D] District prior to failure of an  
23 intersection or other congestion-related trigger.”

24 **REVISION 19:**

25 Revise Strategy TM20.3 on page 97 to read: [All property owners should belong to the  
26 Transportation Demand Management District.] “Upon creation of a Transportation Demand  
27 Management District, all eligible property owners should be required to participate.”

28 **REVISION 20:**

29 Revise Strategy TM20.4 on page 97 to read: “Within [30 days of approval of the TDDP] six  
30 months of completion of the TDM Feasibility Study, if so recommended, the City of Hyattsville  
31 [or the Planning Board] should petition the County Council to establish a Transportation

1 Demand Management District.

2 **REVISION 21:**

3 Revise Strategy NE1.1 on page 98 as follows: “Conduct a Transit District-wide study of the  
4 flood control volumes that exist currently and that will need to be addressed during  
5 redevelopment of the Transit District. Determine appropriate Transit District-wide measures that  
6 address shared solutions for handling stormwater volumes, including, if feasible, a regional  
7 stormwater management facility.”

8 **REVISION 22:**

9 Add a Strategy NE2.5 on page 99 to read: “To the maximum extent practicable, discourage or  
10 prohibit development within the Primary Management Area as defined by the County Code,  
11 Section 24-101(b)(22).”

12 **REVISION 23:**

13 Revise Strategy HD1.1 on page 105 as follows: “Limit the size of blocks to 500 feet maximum;  
14 smaller blocks are strongly encouraged. Require separation of blocks by streets, and encourage  
15 the subdivision of blocks by streets, public open spaces, or pedestrian promenades.”

16 **REVISION 24:**

17 Add a new Strategy HD4.3 under Policy HD4 on page 106 as follows:

18 “Strategy HD4.3: Create a linear Central Plaza between the proposed new western entrance to  
19 the Metro Station and the main entrance of The Mall at Prince Georges. North of MD 410 (East  
20 West Highway), this plaza would be bounded by a one-way pair of Downtown A Streets. South  
21 of MD 410 (East West Highway), this plaza would be narrower to accommodate Downtown A  
22 Street frontage zones and bus traffic. At the Mall at Prince Georges, this plaza may be bisected  
23 by cross streets. Construction of this plaza may be phased as redevelopment north of MD 410  
24 (East West Highway) is anticipated to occur before redevelopment south of MD 410 (East West  
25 Highway).”

26 **REVISION 25:**

27 Renumber existing Strategy HD4.3 and revise it to read as follows: “Strategy HD4.[3]4: In  
28 addition to the public parks and open spaces identified in Strategy PR1.1, create publically  
29 accessible open spaces, through the use of public use easements where necessary, at the  
30 following locations:

31 [1. The existing entrance to the Mall at Prince Georges.]

1 [2]1. Public facilities constructed within the Transit District.

2 [3]2. Integrated with any new multifamily buildings in the R-10 or R-18 zones.

3 [4]3. A significant common or green at a central location on the site of the Mall at Prince  
4 Georges.”

5 **REVISION 26:**

6 Renumber existing strategies HD4.4 through HD4.9 as shown below:

7 “Strategy HD4.[4]5: Encourage the construction, throughout the Transit District, of tot lots,  
8 playgrounds, climbing opportunities and other features geared towards children.

9 Strategy HD4.[5]6: Consider the strategic location of dog parks and other pet amenities  
10 throughout the Transit District.

11 Strategy HD4.[6]7: Create a greenway (with a shared use path) between Dean Drive and Adelphi  
12 Road, to be located generally south of Northwestern High School and Wells Run. This greenway  
13 should include, encompass, or parallel, as appropriate, any stormwater management features or  
14 facilities draining into Wells Run.

15 Strategy HD4.[7]8: Work closely with targeted property owners to relocate interior or inward-  
16 facing retail and commercial tenants to new ground-level spaces fronting key streets.

17 Strategy HD4.[8]9: Modify landscaping standards to permit urban-appropriate landscaping and  
18 environmental features and discourage the creation of suburban landscape features in the  
19 Downtown Core. See also Strategies PR1.1, PR1.8, PR3.1, and PR4.3.

20 Strategy HD4.[9]10: Wherever feasible, utility structures, equipment, and transmission lines  
21 should be placed underground.”

22 **REVISION 27:**

23 Move the language addressing Urban Design Features on page 236 and Map 33 on page 237 to  
24 page 107 under Policy HD5.

25 **REVISION 28:**

26 Add a master plan map of public facilities on page 112, showing the location of all existing and  
27 proposed libraries, Fire/EMS stations, and public schools.

28 **REVISION 29:**

29 Add language to the Foreword and the first paragraph on page 6 to indicate that this TDDP  
30 amends the 1983 *Adopted and Approved Functional Master Plan for Public School Sites*. Revise  
31 the strategies under Policy PF2 on page 112 as follows:

1 “Strategy PF2.1: Adjust school attendance boundaries within the Transit District and surrounding  
 2 communities to reflect shifts in current and anticipated population growth.

3 Strategy PF2.2: Amend the 1983 Adopted and Approved Functional Master Plan for Public  
 4 School Sites and the 1994 Approved Master Plan for Planning Area 68 to add a floating symbol  
 5 to the master plan map for a PreK-8 school site within the Transit District.

6 Strategy PF2.[2]3: Construct a PreK-8 public school within the Transit District. Offer a height or  
 7 density bonus in exchange for the construction of, or conveyance of land for, a new school  
 8 operated by Prince George’s County Public Schools within the Transit District. A new school  
 9 within the Transit District should be multistory and have either onsite recreational facilities or be  
 10 colocated with a public playground.

11 Strategy PF2.4: Construct the improvements to area schools recommended in the Prince  
 12 George’s County Public Schools Master Plan Support Project.

13 Strategy PF2.5: Construct additional PreK-8 public schools in Planning Subregion 2.

14 Strategy PF2.6: Continue to explore opportunities to alleviate school overcrowding throughout  
 15 northwestern Prince George’s County.”

16 **REVISION 30:**

17 On page 114, replicate floating symbol 9 on the south side of MD 410 (East West Highway).

18 **REVISION 31:**

19 On pages 115-116, revise the description of Park and Recreation Facility 9 in Table 18 as  
 20 follows:

Location	Park Type	Ownership	Comments
Main Entrance to the Mall at Prince Georges	“Plaza or [Square] <u>Linear Park</u> ”	“[The Mall at Prince Georges] <u>TBD</u> ”	“This plaza or square is intended to create a central outdoor gathering place [outside of] <u>and connect</u> the main entrance to the mall <u>to the Metro Station.</u> ”

**REVISION 32:**

On page 137, add the following row to Table 22: Action Items: Transportation and Mobility

Proposed Action Steps	Strategies Implemented	Lead	Potential Parties Involved	Time-Frame
“ <u>Identify intersection design and operational solutions to accommodate the proposed Central Plaza</u> ”	<u>TM3.2, HD4.3</u>	<u>Property owners, WMATA, SHA</u>	<u>M-NCPPC, City of Hyattsville, DPW&amp;T, Management Entity</u>	<u>Mid-Term”</u>

**REVISION 33:**

On page 140, revise Table 25 as follows:

Proposed Action Steps	Strategies Implemented	Lead	Potential Parties Involved	Time-Frame
Relocate interior or inward-facing retail and commercial tenants to new ground-level spaces in buildings fronting A Streets	<u>HD4.7</u>	<u>Property Owners</u>	<u>PGCEDC</u>	<u>Ongoing</u>

**REVISION 34:**

Add revised Strategies PF2.2 through PF2.6 to Table 26 on page 142. The lead agency for each item is Prince George’s County Public Schools. The Potential Party Involved for Strategies PF 2.2 and 2.3 is The Maryland-National Capital Park and Planning Commission. The timeframe for Strategies PF2.1-2.4 is Ongoing. The timeframe for Strategies PF2.5-2-6 is Mid-Term.

**REVISION 35:**

On page 144, add the following row to Table 27: Action Items: Parks and Recreation

Proposed Action Steps	Strategies Implemented	Lead	Potential Parties Involved	Time-Frame
<u>“Work collaboratively to construct the proposed Central Plaza</u>	<u>TM3.2, HD4.3</u>	<u>Property owners, WMATA</u>	<u>M-NCPPC, City of Hyattsville, Management Entity</u>	<u>Mid-Term”</u>

**REVISION 36:**

On page 196, delete the third paragraph under “Public Improvements.”

**REVISION 37:**

On page 201, add Exemption E20 as follows: “E20: Temporary advertisements or public art displays in vacant or under-construction ground-floor windows.”

**REVISION 38:**

On page 210, revise the last Transit District Standard under Street and Block Standards to read:  
 “• Medians shall be prohibited on all new private streets and are discouraged on all new public streets, except as needed to accommodate the Central Plaza recommended by Strategies TM3.2 and HD4.3.”

**REVISION 39:**

Add the following new guideline under General Frontage Standards and Guidelines on page 212:  
 “• Along public streets, crosswalks should be provided at all signalized intersections and should use highly visible markings and/or decorative alternative paving material.”

**REVISION 40:**

Add the following new text and table from PGCPB No. 15-123 to page 213 to read  
“Minimum Build-To-Lines are as follows:

<u>Existing Street or New Street Type</u>	<u>Minimum Build-to-Line (distance in feet from curb)</u>
<u>Northwest Drive and Dean Drive</u>	<u>25</u>
<u>MD 410, Toledo Road, Toledo Terrace, and New Downtown Core A Street</u>	<u>20</u>
<u>Belcrest Road</u>	<u>20 feet on east side; 28 feet on west side</u>
<u>Adelphi Road, New Downtown Core Pedestrian Street and New Neighborhood Edge A Street</u>	<u>18</u>
<u>New Downtown Core B Street</u>	<u>15</u>
<u>New Neighborhood Edge B Street</u>	<u>13</u>
<u>Alley</u>	<u>4”</u>

**REVISION 41:**

On page 229, revise the Frontage Element Minimum Width table to permit a minimum three-foot residential or retail zone.

**REVISION 42:**

Add a new design guideline under Green Infrastructure on page 240 to read:

“To the maximum extent practicable, no development should be permitted within the Primary Management Area as defined by Section 24-101(b)(22) of the County Subdivision Regulations.”



**REVISION 43:**

Revise the 10 Stories table on page 245 as follows:

“[Except where located in the 32-story maximum height area: ]

- All buildings zoned R-10.
- [All buildings north of Toledo Road Extended, south of Toledo Terrace]
- All buildings east of America Boulevard south of Toledo Road.”

Amend Map 34 accordingly.

**REVISION 44:**

Revise the 16 Stories table on page 245 as follows:

“Except where located in the [32]28-story maximum height area:

[• All buildings north of MD 410 (East West Highway) east of Toledo Terrace and south of Toledo Road Extended.]

- All buildings north of MD 410 (East West Highway) east and south of Toledo Terrace, and west of Belcrest Road.
- Portions of, or entire, buildings south of MD 410 (East West Highway) east of Editors Park Drive, greater than 250 feet north of Oliver Street, except the Mosaic development on Belcrest Road.
- All buildings west of, and fronting, Belcrest Road north of the Metro station entrance and south of Toledo [Road Extended] Terrace.
- Portions of, or entire, buildings east of Belcrest Road and north of Toledo Road greater than 500 feet west of Adelphi Road.
- All buildings east of Belcrest Road, north of MD 410 (East West Highway), and west of America Boulevard.”

Amend Map 34 accordingly.

**REVISION 45:**

On page 247, add a third paragraph under General Standards, labeled “Applicability” which states: “This section establishes a Public Facility Density and Height Bonus Program for the Prince George’s Plaza Transit District. Upon enactment of enabling legislation by the District Council, the Planning Board or District Council may approve additional height and density bonuses in exchange for dedications of land for, and/or construction of, the public facilities and amenities described in this section.”

**REVISION 46:**

On page 247, revise the first Major Amenity Bonus-eligible facility to read: “A regional stormwater management facility operated by the Department of Public Works and Transportation, or other entity.”

**REVISION 47:**

Revise the list of amenities eligible for an up-to-20-percent density bonus on pages 247 and 248 as follows:

“5. Day care for children, [or] senior adults, [and] or persons with disabilities.

6. Public art.

7. Provision of moderately-priced dwelling units; at least ten percent of total approved dwelling units shall be available for rent or sale at 80 percent of area median income.

8. Provision of solar or green roofs.

9. Certification of green building construction or neighborhood development at a LEED© Silver or equivalent level (equivalency to be determined by the Planning Board).”

**REVISION 48:**

On page 248, revise the text of the second paragraph under Requirements to reflect the first sentence in bold type, to make a clarifying technical amendment, and to add a requirement of the Height/Density Bonus program, as follows: “**No height or density bonus shall be granted for the construction of building, or portions of buildings, within 500 feet of the western boundary of the Adelphi Road right-of-way or 250 feet of the northern boundary of the Oliver Street right-of-way.** However, height and density bonuses may be granted for the construction of, or conveyance of land for, amenities to be constructed in those transition areas. All public agency capital improvements eligible for this program must be added, through action of the appropriate body following a duly-advertised public hearing, to the appropriate Capital Improvement Program.”

**REVISION 49:**

Add a third standard under Articulation on page 257 to read:

“To provide visual interest and to reduce the perceived massing and scale of buildings, building architecture shall incorporate at least three of the following design elements:

• Colonnades;

• Gables;

- 1 • Hip roofs;
- 2 • Towers;
- 3 • Dormers;
- 4 • Archways;
- 5 • Covered entries;
- 6 • Repetitive window openings;
- 7 • Arched and corbelled parapets
- 8 • Cornices;
- 9 • Transoms; or
- 10 • Other design elements deemed appropriate by the Planning Board.”

**REVISION 50:**

Delete the third guideline under Articulation on page 257.

**REVISION 51:**

On page 259, delete the Transit District Standard for Transportation Demand Management.

**REVISION 52:**

Insert the following new design guideline under Downtown Core Blocks on page 266 as the first bullet to read:

- 18 “• Blocks should range in size from 200 to 400 linear feet on each side.”

**B. REVISIONS TO THE ENDORSED TRANSIT DISTRICT OVERLAY ZONING MAP**

**AMENDMENT**

**REVISION 53:**

Reclassify Tax Account 1859479 from R-18 to T-D-O/R-20. Update maps and tables accordingly.

**REVISION 54:**

Revise Table 50, Table of Uses Permitted: Residential Zones, to reflect Amendment 52 and to clarify footnotes as follows:

...

USE	R-O-S	R-O-S in TDOZ	O-S	O-S in TDOZ	R-80	R-80 in TDO	R- 20	R-20 in TDO
Dwelling, multifamily:								
(A) In general (CB-37-2005)	X	X	X	X	X	X	X	X <sup>e</sup>
(B) Subject to applicable bedroom percentages	X	X	X	X	X	X	X	X <sup>e</sup>
(C) In excess of applicable bedroom percentages	X	X	X	X	X	X	X	X <sup>e</sup>
(D) Restricted to one-bedroom and efficiency apartments	X	X	X	X	X	X	X	X

a Signs within the Prince George's Plaza Transit District are subject to the Transit District Standards as well as certain provisions of Part 12 of the Zoning Ordinance. See Applicability clause SG2 to determine which standards apply.

[b Provided that the multifamily dwelling units were in existence on the date the property was placed in the T-D-O/R-20 Zone. New multifamily dwelling units may be built to a maximum density of 16.33 dwelling units per acre.]

1 [c]b Use is not permitted above the second story above grade in a multifamily building.

2 [d]c Use is permitted and not nonconforming within the Prince George’s Plaza Transit District if  
 3 legally existing on the date of approval of the Prince George’s Plaza Transit District  
 4 Development Plan. Use may continue to operate and may be reconstructed or restored pursuant  
 5 to the Transit District Standards up to a density equal to the dwelling units per acre in existence  
 6 on the date of approval of this TDDP. New uses of this type are prohibited within the Transit  
 7 District.

8 [e]d Permitted pursuant to an approved detailed site plan valid on the date of approval of the  
 9 TDDP/TDOZMA. Otherwise, only multifamily dwelling units are permitted in the T-D-O/M-X-  
 10 T zone. All other dwelling unit types are prohibited.

11 [f]e Accessory structures and uses are subject to Transit District Standards.

12 [g]f Driving instruction limited to classroom instruction; no on-site driving course permitted.

13 [h]g Airport, airpark, airfield, airstrip, and heliport prohibited within the Transit District.  
 14 Helistop permitted.

15 [i]h Permitted only:

- 16 1. On lots that abut, or are directly across a street from, lots in the R-80 zone, or,
- 17 2. Public parkland

18 [j]i Use is only permitted on the top floor or roof of a multifamily building.

19 [k]j Pursuant to the Transit District Standards.

20 Revise footnotes throughout Tables 49–50 to reflect the renumbering of footnotes in this  
 21 Amendment and in the Planning Board’s Resolution of Adoption.

22 \* \* \* \* \*

23 BE IT FURTHER RESOLVED that the Planning Board staff is further authorized to make  
 24 appropriate textual, graphical, and map revisions to correct identified errors, to reflect updated  
 25 information and revisions, and to incorporate the zoning map change reflected in this Resolution.

26 BE IT FURTHER RESOLVED that this Transit District Overlay Zoning Map Amendment  
 27 is an amendment to the Zoning Ordinance and to the official Zoning Map for the Maryland-  
 28 Washington Regional District in Prince George’s County. The zoning changes approved by this  
 29 Resolution shall be depicted on the official Zoning Map of the County.

30 BE IT FURTHER RESOLVED that it is hereby the legislative intent of the District Council  
 31 that the provisions of this Resolution are severable. Thus, if any provision, sentence, clause,

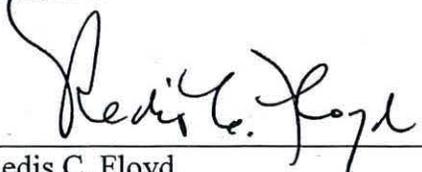
1 section, zone, zoning map, or part thereof is declared illegal, invalid, unconstitutional, or  
2 unenforceable by a court of competent jurisdiction, then it is the further legislative intent of the  
3 District Council that any such illegality, invalidity, unconstitutionality, or unenforceability shall  
4 not affect or impair any of the remaining provisions, sentences, clauses, sections, zones, zoning  
5 maps, or parts hereof, or their application to other zones, persons, or circumstances, and this  
6 Resolution shall have been adopted as if such illegal, invalid, unconstitutional, or unenforceable  
7 provision, sentence, clause, section, zone, zoning map, or part had not been included herein.

Adopted this 19th day of July, 2016.

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:   
Derrick Leon Davis  
Chairman

ATTEST:

  
Redis C. Floyd  
Clerk of the Council

KEY:

Underscoring indicates language added.  
[Brackets] indicate language deleted.



# Prince George's County Council

## Agenda Item Summary

**Meeting Date:** 7/19/2016

**Effective Date:**

**Reference No.:** CR-056-2016

**Chapter Number:**

**Draft No.:** 1

**Public Hearing Date:**

**Proposer(s):** M-NCPPC

**Sponsor(s):** Davis, Franklin and Taveras

**Item Title:** A RESOLUTION CONCERNING THE PRINCE GEORGE'S PLAZA TRANSIT DISTRICT OVERLAY ZONE for the purpose of approving, with certain amendments and revisions, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council, the Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment, thereby setting forth and adopting detailed zoning proposals in Planning Area 68 for the area generally bounded by the eastern boundary of the M-NCPPC Northwest Branch Stream Valley Park; on the north by the University Hills Subdivision, Rosemary Lane, the western boundary of the Rosemary Terrace subdivision, and the western/southern boundary of Northwestern High School; on the east by the rear of the properties facing Adelphi Road and Queens Chapel Road, excluding parcels 67 and 203, which lie within the Transit District; and on the south by the northern boundary of the Madison Park Apartments, Oliver Place, the northern boundaries of Edward M. Felegy Elementary School and Nicholas Orem Middle School, and the rear of the properties fronting on Oliver Street.

**Drafter:** Scott Rowe and William Washburn, M-NCPPC  
Karen T. Zavakos, Zoning and Legislative Counsel

**Resource Personnel:** Scott Rowe and William Washburn, M-NCPPC  
Karen T. Zavakos, Zoning and Legislative Counsel

### LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
07/19/2016	County Council	introduced	
	<b>Action Text:</b>		
	This Resolution was introduced		
07/19/2016	County Council	rules suspended	
	<b>Action Text:</b>		
	A motion was made by Council Member Lehman, seconded by Council Member Franklin, that this Resolution be rules suspended. The motion carried by the following vote:		

Aye: 8 Davis, Franklin, Glaros, Lehman, Patterson, Taveras, Toles and Turner

Absent: 1 Harrison

07/19/2016 County Council adopted

**Action Text:**

A motion was made by Council Member Franklin, seconded by Council Member Lehman, that this Resolution be adopted. The motion carried by the following vote:

Aye: 8 Davis, Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner

Nay: 1 Glaros

---

**AFFECTED CODE SECTIONS:**

---

**BACKGROUND INFORMATION/FISCAL IMPACT:**

This Resolution will approve, as an Act of the Prince George’s County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District in Prince George’s County, the 2016 *Prince George’s Plaza Transit District Development Plan and Transit District Overlay Zone*.

---

**Document(s):** R2016056, CR-56-2016 AIS





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB #16-080  
M-NCPPC #16-21  
Approval of Conveyance of Commission Real Estate  
Mitigation for Parkland Encroachment at Griffith Local Park  
Date of Commission Hearing: September 21, 2016

**RESOLUTION**

WHEREAS, The Maryland-National Capital Park and Planning Commission (“Commission”) is authorized under the Annotated Code of Maryland, Land Use Article (“Land Use Article”) §17-205 to sell, convey, and 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 holds certain real property interests in parkland known as Griffith Local Park (the “Park”), containing 19.01 acres, more or less, recorded among the Land Records of Montgomery County, Maryland in Liber 6223 at folio 443, and in Liber 6223 at folio 445; and

WHEREAS, the Commission was notified of a park encroachment on a portion of the Park emanating from an adjacent residential lot located at 5924 Griffith Road, Gaithersburg, MD 20882, and further identified as Lot 1, Block C, in a subdivision known as “Griffith Park” as per plat thereof recorded at Plat No. 11596 among the aforesaid Land Records; and

WHEREAS, Paul Trevey and Kimberly Young (“Trevey/Young”), owners of the lot adjoining the Park from which the encroachment emanated, have agreed to mitigate the encroachment by conveying to the Commission 4,300 square feet, more or less, adjacent to the Park and running parallel to the south lot line of the Trevey/Young property, in consideration for the Commission’s conveying to Trevey/Young 2,650 square feet, more or less, of Commission property that was encroached upon; and

WHEREAS, the staff report presented to the Montgomery County Planning Board at its public meeting on July 21, 2016, contained a recommendation that the Planning Board find that this conveyance is acceptable mitigation for the encroachment as it results in a net gain of 1,650 square feet, more or less, being added to the Park and a loss of 2,650 square feet of parkland that is not needed for park purposes or other purposes under the Land Use Article; and

WHEREAS, the Planning Board, at its public meeting held on July 21, 2016, reviewed and approved the analysis concerning this disposition of Commission property with Trevey/Young, and recommended that the Commission approves the said disposition of Commission property.

NOW, THEREFORE, BE IT RESOLVED that, the Commission hereby adopts the findings of the Montgomery County Planning Board; accepts the Montgomery County Planning Board’s recommendation; and hereby approves the conveyance of the Commission property interests at the Park, as described above, to Trevey/Young.

BE IT FURTHER RESOLVED that, in connection with the transaction contemplated herein, the Executive Director is authorized to execute and deliver, on behalf of the Commission, any and all such agreements, 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 resolutions, without limitation, and the taking of all such actions deemed conclusively to be authorized hereby.

\* \* \* \* \*

CERTIFICATION

This is to certify the forgoing 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 Presley, seconded by Commissioner Wells-Harley, with Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley and Wells-Harley voting in favor of the motion, at its regular meeting held on Thursday, July 21, 2016 in Silver Spring, Maryland.



\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

\* \* \* \* \*

APPROVED AS TO LEGAL SUFFICIENCY

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

Date 7/25/2016



**THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION**  
***Diversity Council***

6611 Kenilworth Avenue, Suite 402 • Riverdale, Maryland 20737 • 301-454-1740 Fax: 301-454-1750

TO: Full Commission

VIA: Patricia C. Barney, Executive Sponsor, Diversity Council 

FROM: Marybeth Dugan, Chair, Diversity Council  
Greg Gordon, Vice-Chair, Diversity Council

DATE: August 31, 2016

SUBJ: Diversity Council Strategic Plan Approval

The Diversity Council (Council) is the guiding body charged with assisting the Commission in embracing diversity as part of an overall business model. The Council supports and promotes an inclusive environment to improve the quality of work, boost morale, and maximize contributions of all M-NCPDC employees. In keeping with this spirit, the Council has developed a strategic plan to renew and reinvigorate its work program including initiatives to unify and align our organization while delivering broad services and products that make us stronger. Once approved by the Commission, the strategies proposed in this Plan will guide the work of the Diversity Council over the next three calendar years (2016-2018).

On behalf of the Diversity Council, we presented the Strategic Plan to the Department Heads on August 23<sup>rd</sup>, 2016 for their approval. This was the first step in the approval process and the Plan was approved by this group. On August 31<sup>st</sup>, we presented the Strategic Plan to the Executive Committee for their approval. The plan was approved by that group as well. We are looking forward to the final step in the approval process as we present the document to the full Commission.

The Council thanks the Commission for their continued support of the Diversity Council and its initiatives, and looks forward to meeting with them.



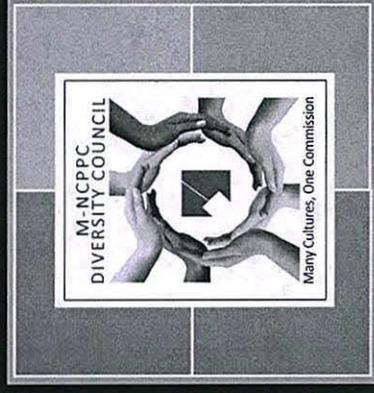
# M-NCPPC DIVERSITY COUNCIL STRATEGIC PLAN

Presented by: Marybeth Dugan, Chair, 2016 M-NCPPC Diversity Council  
Greg Gordon, Vice-chair, 2016 M-NCPPC Diversity Council

# BACKGROUND

The Strategic Plan is broken into sections:

- Introduction
- Mission, Vision and Values
- History of the Council
- Structure and Roles
- Appendix with supporting documentation



# STRUCTURE AND ROLES

The Council has 3 committees with individual work programs:



Policy Recommendations  
Marketing and Communications  
Program Development and Training

# STRUCTURE AND ROLES: HIGHLIGHTS

## Policy Recommendations Committee

### Task:

Communicate with Department Directors and Planning Board Chairs regarding initiatives of the Council

### Action Plan:

Members will meet and interview Planning Board Chairs and Directors to obtain input on Council's work program and initiatives



# STRUCTURE AND ROLES: HIGHLIGHTS

## Policy Recommendations Committee

### Task:

Draft policy to require employees to accumulate a certain amount of hours of diversity training

### Action Plan:

Research, discuss, develop and evaluate policy for submission and approval

# STRUCTURE AND ROLES: HIGHLIGHTS

## Marketing and Communications Committee

### Task:

Establish and maintain consistent communication with Commission employees

### Action Plan:

- Develop and submit articles for the employee newsletter, UPDATE
- Develop and submit "Year in Review" Report of Council accomplishments

# STRUCTURE AND ROLES: HIGHLIGHTS

## Marketing and Communications Committee

### Task:

Educate employees about diversity and the Council

### Action Plan:

- Develop an informative document about the Diversity Council and its mission to be inserted in the new employees orientation packet
- Host the One Commission Diversity Celebration on May 3, 2017

# STRUCTURE AND ROLES: HIGHLIGHTS

## Marketing and Communications Committee

### Task:

Diversity Council Outreach

### Action Plan:

- Develop promotional rack card for distribution to employees as constant promotion of the Council and its mission
- Design promotional roving banner for placement in work site locations and events
- Participate and support internal diversity programs

# STRUCTURE AND ROLES: HIGHLIGHTS

## Development and Training

Task: Conduct comprehensive employee survey to determine progress in promoting core values of diversity and inclusion

Action Plan: Prepare and conduct survey for employees to complete and submit for analyzing and reporting results to Commission employees at the celebration on May 3, 2017

## STRUCTURE AND ROLES: HIGHLIGHTS

### Development and Training

Task: Develop new member orientation for new Council members

Action Plan: Develop appropriate and purposeful orientation for new members including mission, roles, responsibilities and review of operating procedures manual

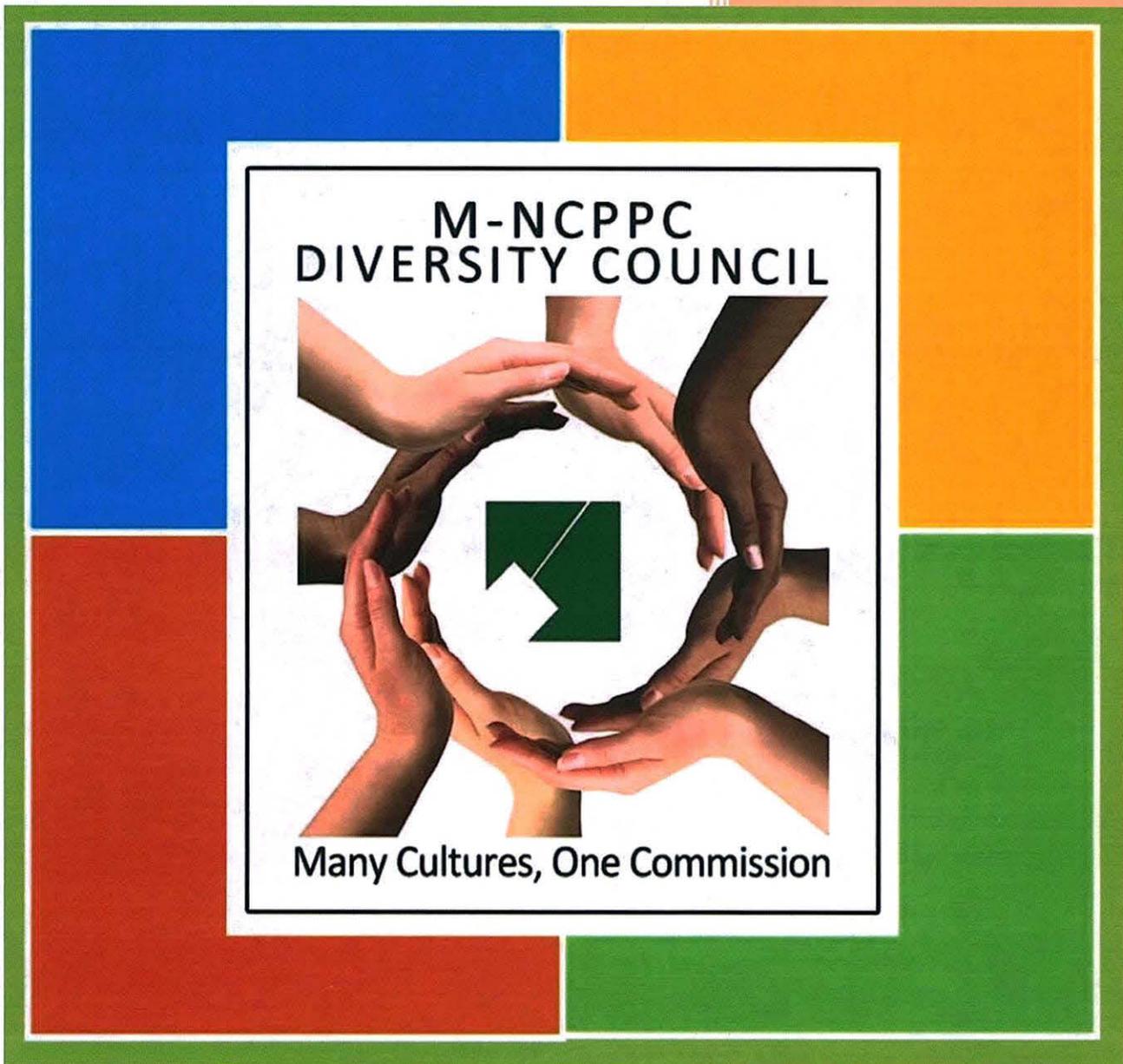






2016-2018

M-NCPPC Diversity Council Strategic Plan



July 2016





## **INTRODUCTION**

The Diversity Council's purpose is to promote the Maryland-National Capital Park and Planning Commission employees' understanding of the importance of respecting differences and working together productively. The Council is the guiding body charged to help the Commission embrace diversity as part of an overall business model.



The Council supports an inclusive environment to improve the quality of work, boost morale, and maximize contributions of all employees. This strategic plan was developed in support of our efforts to renew and reinvigorate the Diversity Council. It introduces initiatives to unify and align our organization while delivering broad services and products that make us stronger. In order to establish greater trust and cohesiveness, the Commission is open in its communications and invites input and buy-in from the communities we serve.

Once adopted by the Commission, the strategies proposed in this Plan will guide the work of the Diversity Council over the next three calendar years (2016-2018). It characterizes the best thinking of a network of deeply experienced allies, diversity champions, and lead learners from across the Commission. It is grounded in the core values of the Commission including the values of diversity and inclusion.

Thank you for the opportunity to share this document and for your continued support.

### **2016 M-NCPPC Diversity Council Members**

Marybeth Dugan, Chair	Elza Hisel-McCoy
Greg Gordon, Vice-chair	Mary Jurkiewicz
Taslima Alam	Lynn Lewis
Brittany Drakeford	Yuanjun Li
Timothy DeLucia	James Parsons
Anika Harris	Marie Proctor
John Hench	Lawrence Taylor

### **M-NCPPC Executive Director**

Patricia C. Barney



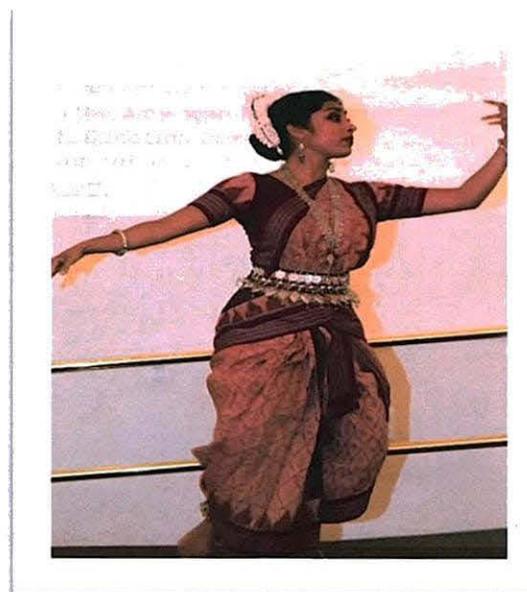


## CONTENTS

Diversity Definitions, Mission, Vision, Values .....	1
History of the Diversity Council .....	2
Strategies in Action (Committees) .....	3
Policy Recommendations and Action Plan .....	6
Marketing and Communications and Action Plan .....	7
Program Development/ Training and Action Plan .....	9

## Appendix

Appendix 1	Operating Guidelines and Procedures
Appendix 2	Past Diversity Council Members
Appendix 3	Diversity Goals
Appendix 4	Commission Resolutions



Asian Pacific American Heritage Month



2016 Black History Month Celebration



LGBT Pride Month speaker Karen Holmes



## **DIVERSITY AND DIVERSITY COMPETENCY DEFINITIONS**

**Diversity** recognizes a dynamic mix of personal and cultural characteristics, perspectives, and relationships as a vital organizational resource. It refers to areas of differences and similarities across all individuals. In the Commission's workplace, diversity includes all attributes that define each Commission employee as a unique individual. These differences include but are not limited to culture, ethnicity, race, gender, national origin, age, religion, physical characteristics, abilities, sexual identity, experiences, opinions, and beliefs. It is not enough to understand diversity: rather, one should strive to achieve diversity competency.

**Diversity competency** is defined as skills, behaviors, and attitudes that demonstrate the value of individual and group differences to organizational effectiveness and the commitment to be included. Additionally, it is the willingness to learn about self and others, to value the unique attributes that each person possesses, and to recognize diversity as a core, essential business and organizational practice.

## **MISSION, VISION, AND VALUES**

**Our mission** is to advise the Commission on developing and implementing a diversity policy framework that promotes an inclusive workplace, measures progress, and ensures effective programming and services both internally and externally (for more detail, refer to operational guidelines Appendix 1).



*Asian Pacific American Heritage Month*

**Our vision and values** are to promote behavior in the workplace that contributes to understanding, respecting, and valuing all people. The Council's values in action are fairness, equal treatment, leveling the playing field, integrity, understanding, individuality, equity, and humanity.



*Women's History Month 2015*





## HISTORY OF THE DIVERSITY COUNCIL

Building on prior years' in-house diversity training and an "Affirming Diversity" column featuring employees in *Update* in 1999, Executive Director Trudye Johnson and Commissioners Allison Bryant and Zola Boone, and several employees met to establish the Diversity Policy Initiative Committee, with the purpose of establishing the Diversity Council. The group presented its report and recommendations to the Commission, and on December 15, 1999, the Commission approved a Commission-wide diversity policy, program, and process in an effort to nurture and celebrate diversity in our workforce and the communities we serve. On June 21, 2000 the Commission established the Diversity Council through Resolution 00-12 (for more details refer to Appendix 4).

To begin improving policies, procedures, and our workforce, an outside consultant from Bridges in Organizations, Inc. was brought in to help facilitate the process. Cultural assessment survey sessions were held in February 2000 with employees, supervisors, and Executive Management. The objectives were to introduce the notion of a preferred workplace and to collect data about current cultural perceptions of the Commission.



The assessment examined power and politics, language and communication, working relationships, and doing the work. The consultant also suggested changes within the organization. In May 2000, the Bridges consultant facilitated a leadership briefing, focused on five questions:

- What are the activities to date?
- What is a snapshot of the current organizational concerns?
- Where do you want to be?
- What's missing?
- What will it take to get you there?

These five questions acted as a guideline for the Council to develop its structure, appropriate roles, and operating procedures set forth in this document.



## **STRUCTURE AND ROLES**

The Diversity Council consists of representatives from each department who expressed an interest in serving. Members are appointed by the Executive Director in consultation with the respective Department Directors. To generate a broad and inclusive view, Council membership should always reflect the diversity of the Commission and the communities we serve (for more details, refer to Appendix 1 & 3).



To enable the opportunity to participate on the Diversity Council for a greater number of Commission staff, members are appointed for a maximum two-year term. Past Council members become important diversity ambassadors, spreading the message throughout their departments long after their terms have expired.

The Council consists of a chair and a vice chair, one representative from each county. They are responsible for facilitating and providing guidance to the Diversity Council, and working with members to implement the Plan's goals. The two-year Council member term may be extended to three years with the support of the respective Department Director and the Executive Director under the following circumstances:

- To enable a Council member serving as first year vice chair to be chair
- To enable, if necessary, a successful transition of a second year Council member committee chair to a new committee chair

Members are expected to attend meetings and to complete committee assignments.

The Diversity Council work program is accomplished under the direction of the Commission's Executive Director and is based on the Strategic Plan developed in conjunction with the Diversity Council as approved by the Department Directors, Executive Committee, and ultimately the full Commission. The Executive Director provides insight into the perspectives of the Commission leadership so the Diversity Council's work is aligned with the Commission's missions and goals. The Office of the Executive Director provides logistics, human resources, and administrative support to the Diversity Council.

The Diversity Council consists of a streamlined team structure with three committees, each with its respective goals and individualized action plan.



## Policy Recommendations Committee

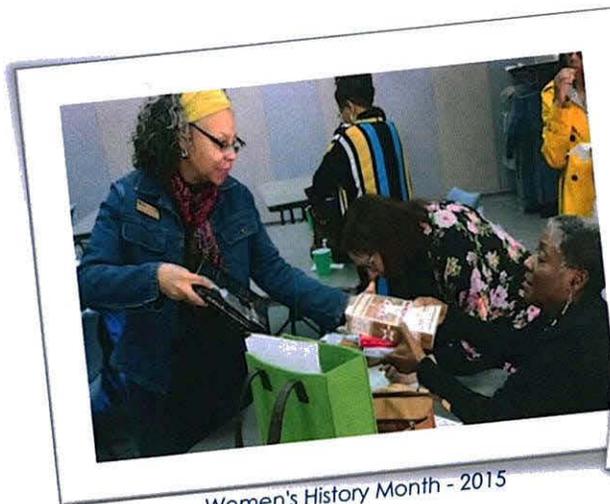
This committee ensures that diversity efforts in all departments result in an integrated and coordinated approach to diversity and cultural competence within the Commission by:

- recommending policies and policy changes to be considered by the Commission regarding cultural diversity for all employment practices.
- reporting annually to the department heads, Executive Committee, and full Commission on status of strategic plan initiatives.
- collecting and consolidates input and is a resource for all employees regarding suggestions to enhance inclusion and other diversity initiatives.
- recognizing and encouraging diversity champions within the departments.
- analyzing the findings of the employee diversity survey to help determine the Commission's progress in promoting its core value of diversity and inclusion.
- providing input for facilitator/consultant, co-chairs, Council members, committees, and "champions."

## Program Development and Training Committee

This committee's role is to promote greater contributions in training and program development for a more unified and aligned organization by:

- ensuring diversity training is offered Commission-wide and includes cultural competency.
- reviewing internal training opportunities and will develop recommendations for Commission-wide training.
- recommending to Executive Director and Department Heads various resources for staff and managers to promote diversity and inclusion, and applies tools to evaluate their impact.
- creating and distributes an employee diversity survey within two years of this Plan.



Women's History Month - 2015



Asian Pacific American Heritage Month





## Marketing and Communications Outreach Committee

This committee's role is to unify our organization by improving awareness that we are all different. It aims to establish greater trust and cohesiveness among departments for the sake of our employees and the public we serve by:

- providing internal communications to the Diversity Council including communications materials (slogans, etc.).
- publishing articles for monthly *Update* and revises ongoing content for the InSite employee website.
- developing a membership outreach program for the Diversity Council (awareness and recruitment).
- having members serve on the Commission-wide Diversity Awareness event.
- sharing with departments the various tools, strategies, and resources that are being used to broaden outreach and awareness to the communities we serve.
- monitoring and updating Diversity Council website, other external and internal marketing tools, and media from each Department.



Keynote Speaker Dr. Janet Sims-Wood – Black History Month 2016



LGBT Pride Month-2015



Gude Garden at Brookside - 2016



Task	Action Step	Lead	Resources	Start	Due
<b>Policy Recommendations and Action Plan</b>					
Communicate with Department Directors regarding initiatives of the Diversity Council	Interview Department Directors and Board Chairs to get their input on the Council's work program	Council Members	Questionnaire	Summer 2016	Fall 2016 (on going)
Gauge progress in implementation of the Strategic Plan	Keep tabs on deliverables and add as an agenda item to report out at each Diversity Council meeting	Subcommittee members			Monthly updates
Finalize Strategic Plan	Implement tasks in Strategic Plan update document	Full Council		Fall 2014	Fall 2016
Recommend policies and policy changes to the Commission regarding cultural diversity and personal inclusion	Meet with Executive Director's office to identify policies scheduled for review and ensure that they adequately address diversity, if applicable.	Chair, Vice Chair, Executive Director			Quarterly
	Draft recommended changes to policies and procedures and present to full Council	Chair, Vice Chair, Executive Director			As needed
	Incorporate Council comments and submit to Executive Director's office.	Chair, Vice Chair			As needed
Complete the Annual Report	Identify information to include in the Report based on subcommittee tasks completed	Chair, Vice Chair, Subcommittee chairs		Fall E/Y	Winter E/Y
	Draft the Report	Chair, Vice Chair, Subcommittee chairs			
	Submit and Present the Report to the Commission	Chair, Vice Chair			Winter E/Y
Recognize outgoing Diversity councilmembers	Celebrate contributions of outgoing members with awards	Chair, Vice Chair, Executive Director			Winter E/Y

<b>Task</b>	<b>Action Step</b>	<b>Lead</b>	<b>Resources</b>	<b>Start</b>	<b>Due</b>
Draft policy to require each employee to accumulate a certain number of hours of Diversity training through attendance at diversity programs	Research, discuss, evaluate and present to Council	Chair, Vice Chair, Subcommittee chairs	Coordinate with Corporate Policy Department and other appropriate Offices/Departments	Spring 2016	Fall 2017
<b>Marketing and Communications</b>					
Promote a consistent mission and vision for the Diversity Council	Re-evaluate and adjust the vision, as needed	Subcommittee Chair	National Diversity Council		Continuous
	Translate updated vision to all communication (letterhead, emails, website), as needed	Subcommittee members			Continuous
Establish and maintain consistent communication with Commission employees	Write articles for a "Diversity Corner" section in <i>Update</i> newsletter	Subcommittee Chair/members		Winter 2016	Quarterly
	Publish annual report, "Diversity Council Year in Review" on Insite. Notes: This report is produced by the Chair and Vice Chair.	Subcommittee Chair/members		December of every year (E/Y)	February of every year
Maintain the Diversity Council website as a portal for internal communication	Archive Diversity Corner <i>Update</i> articles	Subcommittee members	All council members	Winter 2016	Quarterly
	Provide a list of/links to diversity resources (events, holidays, publications)	Subcommittee members	All council members	January E/Y	March E/Y
	Maintain a calendar of events and links to programs on the Training Calendar for events put on by the Diversity Council or other Departments	Subcommittee members, coordination with training subcommittee	All council members		Monthly updates

<b>Task</b>	<b>Action Step</b>	<b>Lead</b>	<b>Resources</b>	<b>Start</b>	<b>Due</b>
Educate employees about diversity	Develop an introduction page to insert in new employee orientation package	Committee members in cooperation with training committee	All council members	Apr-16	Summer 2016
Educate employees about diversity	Host a one-commission diversity celebration event	Subcommittee members	All council members	January 2017 (every three years)	May 2017 (every three years)
Diversity Council Outreach	Develop promotional rack card/brochure and stand up ("roving") banners	Subcommittee members	Public Affairs/graphic artists	Spring 2016	Summer 2016
	Participate and support internal diversity events	Full Council			As scheduled
	Establish and monitor Diversity Council email box for diversity suggestions, comments, ideas for internal staff	Chair, Vice Chair will monitor email box	Steve Thomas (CAS IT Manager)	Winter 2016	ongoing
	Using the list of monthly diversity themes, contact event organizers in the Departments to develop list of year-round events; promote events to staff in the Departments for assistance/involvement. (Example: contact committee that organizes the Hispanic Heritage Month One Commission event and offer to sponsor, market, etc.)	Sub-committee members	Research and contact event organizers; consider adding Diversity Council logo to flyers and other communication promoting the events	February E/Y	On-going
	Research feasibility of (video) blog development	Sub-committee members	IT/Public Affairs staff	Spring 2017	Summer 2017

<b>Task</b>	<b>Action Step</b>	<b>Lead</b>	<b>Resources</b>	<b>Start</b>	<b>Due</b>
Gauge progress in implementation of the Strategic Plan	Keep tabs on deliverables and add as an agenda item to report out at each Diversity Council meeting	Subcommittee members			Monthly updates (presented at Diversity Council mtgs)
Promote Commission-wide training programs, such as the Literacy and Language Program	Coordinate with appropriate staff to assist with promotion	Sub-committee members	Shelley Gaylord (Corporate and Management Division) or Department Training Coordinators	As needed	As needed
<b>Development and Training</b>					
Receive and analyze feedback from employees on Diversity programs across the Commission	Develop a short, concise standardized evaluation tool (template) to be distributed to all participants who attend diversity events to obtain immediate feedback and use this feedback to continue to improve such events	Subcommittee members		January 2016	ongoing
	Review the 2013-2014 Diversity Council Survey, analyze the results to ensure the Council is moving in the appropriate direction in current and future work programs. Develop performance measures to ensure impact and effectiveness.	Sub-committee members	Electronic copy is on the Diversity Council drive	Spring 2016	Summer 2016
Conduct comprehensive employee survey to determine progress in promoting core values of diversity and inclusion. The next diversity celebration is May 2017.	Prepare new survey	Subcommittee members	Use an online survey tool such as Survey Monkey; review survey from 2013-2014 for guidance	Summer 2016	Winter before May celebration
	Conduct survey	Subcommittee Members	Survey Monkey, Print Shop	Winter before celebration	Spring before May celebration
	Analyze survey and draft results in a report or presentation	Subcommittee Members		Spring before celebration	Spring before May celebration

<b>Task</b>	<b>Action Step</b>	<b>Lead</b>	<b>Resources</b>	<b>Start</b>	<b>Due</b>
	Present before the Commission and at the Celebration	Subcommittee Members		Spring before celebration	At May Celebration
Develop Diversity Council Member Orientation Program	Update Member Handbook to include a new member welcome packet  Develop orientation program to include retreat	Subcommittee members, Council Chairs, Executive Director	Coordinate dates and location of orientation/retreat	Winter 2016	Ongoing
General Diversity Training/Program for employees	Procure appropriate training company to deliver diversity training for all department staff as part of core training, similar to the C.A.N.D.L.E. program administered by Prince George's County Parks and Recreation	Subcommittee members	Coordinate with Department Training Coordinators and Corporate Policy & Management Division	Summer 2016	Winter 2016
Gauge progress in implementation of the Strategic Plan	Keep tabs on deliverables and add as an agenda item to report out at each Diversity Council meeting	Subcommittee members			Present updates at Monthly Diversity Council mtgs
Post Diversity Training Opportunities and Events on the Commission-wide Training Calendar	Maintain a calendar of events and links to programs on the Training Calendar for events put on by the Diversity Council or other Departments	Subcommittee members, coordination with training subcommittee	Department Training Coordinators		Monthly updates As needed







## **Appendix 1**

### **Diversity Council Charter of Operating Guidelines and Procedures**

*Amended by the Diversity Council: June 9, 2015*

*Approved by Department Heads: June 23, 2015*

#### **I. Background**

- A. As a matter of practice, The Maryland-National Capital Park and Planning Commission shall:
  - 1. Demand and reward behaviors in the workplace that contribute to understanding, respecting, and valuing all individuals.
  - 2. Maximize the Commission's effectiveness through inclusive processes that benefit staff and community alike.
  - 3. Not tolerate discrimination, harassment, or the practice of exclusion in any form.
  - 4. Conduct all personnel activities in a way that assures equal employment opportunities on the basis of merit and encourages and administers diversity within adopted laws, operating principles, rules, and regulations.
- B. The Commission desires to have, and to promote, an environment where there is conscious inclusion, acceptance, and education concerning diversity within the Commission. Further, the Commission recognizes the need for an inclusive formalized diversity program.

#### **II. Creation and Mission**

- A. Enabling Authority: On June 21, 2000, the Commission adopted Commission Resolution 00-12 which established the Diversity Council to assist with the strategic development and implementation of diversity policies and programs.
- B. The Mission of the Council is to:
  - 1. Provide advice to the Commission on developing and implementing a diversity policy frame work that promotes an inclusive workplace and assures effective programming and services both internally and externally.
  - 2. Establish a diversity initiative, including a policy that will foster an equitable and inclusive work place and employment system at the Commission.
  - 3. Analyze the Commission's culture and determine how to achieve an organizational culture that respects, nurtures, and promotes diversity in our workforce and the communities we serve.
  - 4. Assist departments in their efforts to develop and improve diversity (departmental diversity initiatives), and to develop an integrated, coordinated, and structured approach to diversity and multiculturalism within the agency.



5. Sponsor and support programs pertaining to employment functions, education, and training of a diversified workforce, enhanced workplace productivity, and effective customer service.
6. Represent the Commission on committees, panels, and boards as requested to accomplish its objectives.
7. Consider, evaluate, and recommend policies and programs regarding the promotion of inclusiveness, in order to create a more multicultural and diversified workplace. To accomplish its objectives, subgroups of the Council shall examine and recommend recruitment and hiring policies and shall sponsor educational workshops, community programs, and training seminars.
8. Provide advice and information to the Commission, Executive Director, department heads and members of the senior management team on development and implementation of diversity initiatives.
9. Provide advice on other matters related to diversity and employment issues such as: employee development of cultural competencies, equity in access to training and educational opportunities, organizational assessment, cultural change, and leadership development.
10. Assist in other appropriate ways to promote programs and services related to diversity initiatives.

#### C. Limitations on Actions

1. The Council shall not entertain or seek to intervene in any individual employee complaint.
2. The Council shall not entertain or seek to intervene in any employee issue that is within the purview of a collective bargaining agreement and/or the duly authorized employee bargaining unit. The Council shall refer any matters relating to a collective bargaining agreement, individual employee issues relating to equal employment opportunity compliance, or issues within the jurisdiction of other divisions of the Commission to the appropriate body.

### III. Diversity and Diversity Competency Definitions

- A. Diversity recognizes a dynamic mix of personal and cultural characteristics, perspectives, and relationships as a vital organizational resource. It refers to areas of differences and similarities across all individuals. In the Commission's workplace, diversity includes all attributes that define each Commission employee as a unique individual. These differences include but are not limited to culture, ethnicity, race, gender, national origin, age, religion, physical characteristics, disability, sexual orientation, experiences, opinions, and beliefs. It is not enough to understand diversity: rather, one should strive to achieve diversity competency.
- B. Diversity competency is defined as skills, behaviors, and attitudes that demonstrate the value of individual and group differences to organizational effectiveness and the commitment to inclusion. Additionally, it is the willingness to learn about self and others, to value the unique attributes that each person possesses, and to recognize diversity as a core, essential business and organizational practice.



#### **IV. Composition of the Diversity Council**

- A. The Council shall be comprised of a representative “cross section” from the non-represented employee community from Montgomery and Prince George’s Counties.
- B. The department heads shall take affirmative measures to ensure that their employees are aware of the Council and to encourage those employees who show an interest in serving to submit their names for consideration.
- C. The Executive Director, in consultation with department heads, will appoint Members to reflect the diverse composition of the counties and the population of the communities served by the Commission.

The departments shall be represented as follows:

- Montgomery County Department of Parks—three members.
  - Prince George’s County Department of Parks and Recreation—three members.
  - Montgomery County Planning Department—two members.
  - Prince George’s County Planning Department—two members.
  - Central Administrative Services – two members from two different departments.
  - Prince George’s County Chair’s Office—one member.
  - Montgomery County Chair’s Office—one member.
- D. Appointments will be for two years, with staggered terms beginning in January.
  - E. In the event that a vacancy occurs prior to the expiration of a Member’s term, the Executive Director, in consultation with department heads and guided by the Council, shall fill the vacancy as soon as possible. The appointed person will complete the remaining term of the vacant position.
  - F. Members from each department shall be assigned to serve as liaisons to their directors. These liaisons shall meet at least annually with directors to keep them informed and to receive feedback on their respective departmental diversity initiatives.

#### **V. Duties of Officers and Members**

- A. The Executive Director:
  - 1. Shall act as a sponsor and advisor to the Council by providing guidance to the Council.
  - 2. Serves as the liaison between the Council and the Commission leadership, including Department Heads, Executive Committee and Full Commission.
- B. The Chair:
  - 1. Shall be elected annually by the Council to a one-year term. The election shall be decided by a simple majority of the Members present at a Council meeting.
  - 2. Shall adhere to—and ensure Council adheres to—these operating guidelines and procedures.
  - 3. Shall preside over Council meetings, facilitate discussions, and have the authority and responsibility customarily conferred on a presiding officer.



4. May create committees as deemed desirable by the Council in order to sponsor and support programs pertaining to employment functions, an educated diverse workforce, and enhanced workplace productivity.
5. May assign tasks to Members for research, study, or analysis and request reports back within a specific time period. These assignments shall become part of the minutes of the Diversity Council.
6. Shall, in coordination with support staff, assigned department heads, and any consultants, ensure that the following activities are performed:
  - a. Prepare an agenda for each meeting. The agenda, minutes, and supporting documents for any agenda items shall be distributed to Council Members at least three business days, prior to Council meetings.
  - b. Solicit a Member of the Council to record the minutes of Council meetings, have the Office of the Executive Director review them, and disseminate a draft prior to the following meeting for approval at that meeting.
  - c. Maintain a file of written communications with or by Council Members concerning Council topics, including agendas and meeting minutes.
  - d. Shall ensure the Council meets the reporting requirements described herein.

#### C. The Vice Chair:

1. Shall be elected annually by the Council to a one-year term. The election shall be decided by a simple majority of the Members present at a Council meeting.
2. May assign tasks to Members for research, study, or analysis and request reports back within a specific time period. These assignments shall become part of the minutes of the Diversity Council.
3. Shall work with the chair in developing meeting agendas.
4. Oversee the committees and their work program.
5. During the chair's absence, act as chair and assume the chair's responsibilities.
6. In the event of the chair's resignation, become the new chair of the Council.
7. Work closely with the chair and Executive Director on policy committee work program.

#### D. Members

1. Serve two years following the vote taken by the Council to confirm the new membership approved by the Executive Director.
2. Have a single vote each. Absent Members may convey proxy votes to the responsible Council chair or vice chair by e-mail.



3. Attend all meetings as scheduled or notify the responsible Council chair or vice chair if unable to attend. If a member has more than four (4) absences over a one year period regardless of reason, the member may be asked to resign to allow another individual to actively represent his/her department on the Diversity Council. The chair and/or vice chair will notify the member and recommend to the Executive Director that he or she be replaced based on the fact that the member has missed more than four (4) meetings over a one-year period. Once the member's seat becomes vacant, the Executive Director will contact the appropriate department head asking for a replacement. The new member is then officially appointed by the Executive Director to serve the remaining term of the departing member. For representatives from Central Administrative Services (CAS), the new representative may be from any department within CAS.
4. Serve on and attend meetings of at least one committee, as scheduled, or notify the committee chairperson or a designated Member if unable to attend.
5. Shall attend and participate in activities sponsored by and for the Council.
6. Provide, to the maximum extent possible, written copies of any announcement, recommendations, or proposal to be made at the Council meeting to the responsible chair or vice chair prior to the meeting.

## **VI. Council Meetings and Operations**

### **A. Meetings**

1. The Council shall hold regular meetings once a month and other meetings as may be called by a chair or vice chair.
2. Each Member shall ensure that the proper decorum is maintained during Council meetings and that due consideration is given to the sensitivity of any deliberations during Council meetings.
3. The chair or vice chair may allow members to participate in Diversity Council meetings using remote meeting platforms such as video or phone conferencing, when needed.

### **B. Agenda and Meeting Materials**

1. Any Member wishing to propose an agenda item should contact the responsible Council chair or vice chair at least five days in advance of the meeting.
2. The agenda, meeting minutes, and supporting materials for agenda items shall be distributed at least three business days, prior to Council meetings. The chair or vice chair has the discretion to add items to the agenda after it has been disseminated to the Council; however, the number of exceptions under this subsection is not intended to erode the purposes of this provision.
3. The agenda shall include the following items:
  - a. Call to order.
  - b. Approval of minutes and selection of a scribe.



- c. Announcements and reports from departmental diversity initiative project leaders.
- d. Committee reports.
- e. Old business.
- f. New and other business.
- g. The date of the next meeting.
- h. Adjournment.

#### C. Committees and Working Groups

1. Committees and working groups may be created with the consent of a majority of the Members present at a Council meeting.
2. Committees and working groups may be long-term or short-term.
3. Committees and short-term working groups will be disbanded once the assignment is completed unless the Council desires a standing committee.

#### D. Decisions of Council

1. After the discussion of a proposal, the chair or vice chair shall summarize the proposal and poll Council Members for a consensus of opinion.
2. Each Member will have and cast a single vote.
3. The Council will reach decisions by consensus with a simple majority of those present and those who have voted by proxy (see V.D.2.). However, adoption of amendments to the Operating Guidelines and Procedures (Charter) contained in this Handbook shall be consistent with Section VII.
4. The Council may replace a chair or vice chair upon a two-thirds vote of all Council Members. At least two weeks' notice must be given to all Council Members before this vote may be taken.

#### E. Work Program and Strategic Planning for the Council

1. The Council should require regular reporting from its departmental diversity initiative liaisons and seek to coordinate and assist the departmental diversity initiatives.
2. Annually, the Council must develop a strategic plan of goals and objectives it desires to achieve for that year.

#### F. Reporting Requirements

1. Reports from departmental diversity initiatives: The Council may invite representatives of the departmental diversity initiatives to attend meetings quarterly to provide reports on their departmental diversity initiatives.



2. Reports to the Commission: The Council shall recommend annual reports for submission to the Commission by the Executive Director. The annual reports shall summarize Council activities and initiatives.

## **VII. Amendments**

- A. Any voting Member of the Council may propose a change to these Operating Procedures and Guidelines.
- B. An amendment may be considered by the Council after prior written notice is sent to Members announcing the meeting at which the amendment(s) is to be considered. The amendment must be included with the written notice.
- C. An amendment shall not be voted upon at the same meeting at which it is presented.
- D. An amendment requires a two-thirds vote of all Council Members.
- E. Changes made to these Operating Procedures and Guidelines should be subject to adoption or rejection by department heads.







## Appendix 2

### Past Diversity Council Members

The Trailblazers... Diversity Policy Initiative Committee  
 Commissioner Zola Boone  
 Commissioner Allison Bryant  
 Trudye Morgan Johnson, Executive Director  
 Robert Ashton  
 Ellen Brous  
 Carl Falcone  
 Mimi Feinstone  
 Jeannette Glover  
 Lael Holland  
 Marion Joyce  
 David McClintock  
 Edith Michel  
 Peter Noursi  
 Sam Parker  
 Gail Thomas  
 Carolyn Wainwright

#### 2000-2002

Luanne Bowles  
 Ellen Brous  
 Marie Coone  
 Paula Dawson  
 Mimi Feinstone  
 Julie Forker  
 Rick Haas  
 Frederick Hunley  
 Marilyn Lewis  
 Edith Michel  
 Samuel Parker  
 Wanda Ramos  
 Randy Spruill  
 Sandra Tallant  
 David Vismara

#### Champions:

- Trudye Morgan Johnson, Executive Director
- Ken Barnhart
- Jeannette Glover
- Aubrey Smith

#### 2002-2005

Melissa Banach  
 Jumhol Carter  
 Al Dobbins  
 William Gillette  
 Jana Harris  
 Lisa Jackson  
 Marsha Kadesch  
 Candy Laudenberger  
 Jeanette Mitchell  
 Karen Petrarca  
 Oscar Phillips  
 Jim Poore

Anna Enriquez-Robinson  
 Nkosi Yearwood  
 Larry Zimmerman

#### Champions:

- Trudye Morgan Johnson, Executive Director
- Jeannette Glover
- Suzann King
- Ed Moseley

#### 2005-2008

Harvey Baker  
 Ann Daly  
 Jeff Devlin  
 Alicia Franklin-Edwards  
 Barbara Funk  
 Cecilia Lammers  
 Karla Newman  
 Nydia Ocasio  
 Colleen Schaefgen  
 Alexandra Teaff  
 Johnny Tillery  
 Debbie Tyner  
 Kevin VanScoyk

#### Champions:

- Trudye Morgan Johnson, Executive Director
- Robbin Brittingham
- Jeannette Glover
- Suzann King

#### 2008-2010

Betty Carlson-Jameson  
 Debra Carter  
 George Coleman  
 Stephanie Knox  
 Robert Meintjes  
 Vanessa Akins  
 Gayla Stringfield  
 Sharon Suarez  
 Fiona Thomas  
 Mary Ellen Venzke  
 Roslyn Walker  
 Andrea Haywood Walters  
 Kathleen Wilson

#### Champions:

- Patricia C. Barney, Executive Director
- Oscar S. Rodriguez, Executive Director
- Jared McCarthy



### 2010-2012

Vanessa Akins Mosley  
 Robbin Brittingham  
 Betty Carlson-Jameson  
 Antonio DeVaul  
 Jeannette Glover  
 Parviz Izadjoo  
 Anika Jackson  
 Michael Kurland  
 Gail Tacconelli  
 Mary Ellen Venzke  
 John Yeh

Champions:

- Patricia C. Barney, Executive Director
- Debra Carter

### 2012-2014

Vanessa Akins Mosley  
 Ben Berbert  
 Robbin Brittingham  
 Paul Brown  
 Joseph Dehuarte  
 Darlene Douglas  
 Jimmy Mendoza  
 Mechelle Myers  
 Allison Paireir  
 Arnold Ramsammy  
 Alex Ramirez  
 Bill Sheehan  
 Anjali Sood  
 Melissa Thompkins  
 John Wooden  
 Patricia C. Barney, M-NCPPC Executive Director

### 2014

Maritza Barbot  
 Benjamin Berbert  
 Paul Brown  
 Joseph Dehuarte  
 Jessica Jones  
 Jimmy Mendoza  
 Mechelle Myers  
 Allison Pairier  
 Alex Ramirez  
 Arnold Ramsammy  
 Bill Sheehan  
 Melissa Thompkins  
 John Wooden  
 Patricia C. Barney, M-NCPPC Executive Director

### 2015

Taslima Alam  
 Maritza Barbot  
 Joseph Dehuarte  
 Timothy DeLucia  
 MaryBeth Dugan  
 Anika Harris  
 John Hench  
 Jessica Jones  
 Lynn Lewis  
 Yuanjun Li  
 Bill Sheehan  
 Lawrence Taylor  
 Melissa Thompkins  
 Shuchi Vera  
 Patricia C. Barney, M-NCPPC Executive Director

### 2016

Taslima Alam  
 Brittany Drakeford  
 Timothy DuLucia  
 Mary Jurkiewicz  
 Greg Gordon  
 Marybeth Dugan  
 John Hench  
 Lynn Lewis  
 Yuanjun Li  
 Elza Hisel-McCoy  
 Lawrence Taylor  
 Anika Harris  
 Marie Proctor  
 James (Joe) Parsons  
 Patricia C. Barney, M-NCPPC Executive Director



### **Appendix 3** **Diversity Goals**

The Commission is located within the Washington Metropolitan Area, which is one of the most diverse areas in the United States. Every person is unique - whether it is because of culture, background, family, religious beliefs, race, education, and life experiences. This diversity adds richness to our community as it also does for an organization.

It is the dynamic mix of personal and cultural characteristics, perspectives, and relationships that add to the vitality of an organization. The Commission is proud to be an employer that embraces the diversity and unique talents of each employee. The Commission created a Diversity Council to promote open dialogue and create initiatives that strengthen understanding and appreciation of individual uniqueness. The Commission believes that it is the individual uniqueness that is the common bond each employee has in enriching the organization's tapestry.

#### Diversity Goals

The Commission:  
demands (and rewards) behaviors in the workplace, which contribute to understanding, respecting, and valuing all individuals,  
maximizes the agency's effectiveness through inclusive processes that benefit staff and communities alike,  
will not tolerate discrimination, harassment, or the practice of exclusion in any form,  
and  
conducts all personnel activities in a way that assures equal employment opportunities on the basis of merit and encourage and administer diversity within adopted laws, operating principles, rules, and regulations.

The Commission sponsors many initiatives that celebrate diversity. Events are hosted to recognize Black History Month, Asian-Pacific Heritage Month, Women's History Month, Hispanic Heritage Month, and LGBT Pride Month. The Commission sponsors many activities and programs for our communities' senior citizens. There are also diversity workshops and training provided to all employees to promote greater awareness and strategies to avoid misunderstandings in cross-cultural communications. These are just some of the things the Commission does to rejoice in our commitment to diversity.



**Appendix 4**  
**Commission Resolutions**



M-NCPPC 00-12

**ESTABLISHMENT OF DIVERSITY COUNCIL**

**WHEREAS**, the Commission is committed to an inclusive workplace where all employees and applicants are given consideration on the basis of merit and without discrimination on the basis of race, color, religion, ethnic origin, age, gender, sexual orientation, or disability; and

**WHEREAS**, it is the policy of the Commission to provide fair and equal treatment to all and to hire and promote the best qualified individuals available; and

**WHEREAS**, the demographics of the Counties served by the Commission have changed over the past ten years; and

**WHEREAS**, the Commission's workforce is 64% nonminority and 36% cultural minorities; and

**WHEREAS**, the Commission recognizes the necessity to foster a workplace and employment system that values diversity and maximizes the effectiveness and contributions of all employees, and is aware of the challenges and opportunities provided by an increasingly diverse labor pool and workforce; and

**WHEREAS**, the Commission believes a diverse workforce strengthens its ability to provide quality service to internal and external customers, to communicate within our diverse communities, and to enhance business competitiveness; and

**WHEREAS**, on December 15, 1999, the Commission approved development of a Commission-wide diversity initiative; and

**NOW, THEREFORE, BE IT RESOLVED** that The Maryland-National Capital Park and Planning Commission authorize the establishment of a Diversity Council to assist the strategic development of diversity policies and programs;

**AND BE IT FURTHER RESOLVED**, that the Maryland-National Capital Park and Planning Commission, hereby, authorize the Executive Director and Department Heads to staff and resource this effort; develop operating guidelines and procedures and to issue an annual report;

**AND BE IT FURTHER RESOLVED**, that the following employees are hereby appointed to the Diversity Council, effective July 1, 2000, for two year appointments: Sonia Amir, Luanne Bowles, Ellen Brous, Marie Coone, Paula Dawson, Mimi Feinstone, Julie Forker, Frederick Hunley, Edith Michel, Samuel Parker, Randy Spruill, Sandra Tallant, and David Vismara.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Maryland National-Captial Park and Planning Commission on motion of Commissioner McNeill, seconded by Commissioner Boone, with Commissioners Boone, Hewlett, Hussmann, McNeill, Perdue and Wellington voting in favor of the motion, and with Commissioners Brown, Bryant and Holmes being absent, at its regular meeting held on June 21, 2000 in Mitchellville, Maryland.

  
Trudye Morgan Johnson  
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY  
*KRL*  
M-NCPPC Legal Department  
Date 6.9.00



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

**Resolution 07-07**

**RECOGNIZING DIVERSITY AS A CORE VALUE**

**WHEREAS**, On June 21, 2000, The Maryland-National Capital Park and Planning Commission ("Commission") adopted Commission Resolution 00-12 which established the Diversity Council to assist with the strategic development and implementation of diversity policies and programs; and

**WHEREAS**, the Diversity Council is charged with providing advice to the Commission on developing and implementing a diversity policy framework that promotes an inclusive workplace and assuring effective programming and services both internally and externally; and

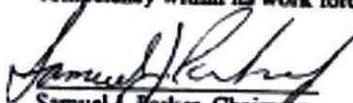
**WHEREAS**, the Diversity Council is developing an integrated, coordinated and structured approach to achieving an organizational culture that further respects, nurtures, and promotes diversity in our workforce and the communities we serve; and

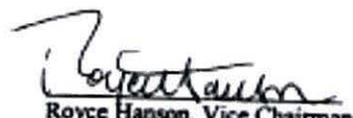
**WHEREAS**, the Diversity Council believes that adopting diversity as a core value demonstrates the Commission's full commitment to diversity; and

**WHEREAS**, it is not sufficient to just focus on diversity, but rather the Commission must seek to achieve cultural competence, which is the integration and transformation of knowledge about individuals and groups of people into specific standards, policies, practices and attitudes used in appropriate cultural settings to increase the quality of services and producing better outcomes; and

**WHEREAS**, the Diversity Council believes that embracing diversity as a core value is the cornerstone for its efforts to develop, implement and maintain cultural competence throughout the Commission; and

**NOW, THEREFORE, BE IT RESOLVED**, that The Maryland-National Capital Park and Planning Commission adopt diversity as a core value and strive to achieve cultural competency within its work force.

  
Samuel J. Parker, Chairman

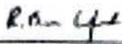
  
Royce Hanson, Vice Chairman

  
M-NCP&C Legal Department

2-16-07

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of Resolution No. 07-07, adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner Clark, seconded by Commissioner Bryant, with Commissioners Eley, Hanson, Parker, Robinson, Vaughns, and Wellington voting in favor of the motion, with Commissioners Perdue, and Squire absent, at its regular meeting held on Wednesday, February 21, 2007, in Silver Spring, Maryland.

  
\_\_\_\_\_  
R. Bruce Crawford  
Executive Director



**RESOLUTION 01-16**

**ESTABLISHMENT OF DIVERSITY DEFINITION,  
VISION, AND POLICY STATEMENTS**

**WHEREAS**, the Commission is committed to an inclusive workplace where all employees and applicants are judged on the basis of merit and without discrimination; and

**WHEREAS**, it is the policy of the Commission to provide fair and equal treatment to all and to hire and promote the best qualified individuals available; and

**WHEREAS**, the Commission recognizes the necessity to champion a workplace and employment system that understands, respects, and values diversity and maximizes the effectiveness and contributions of all employees; and

**WHEREAS**, the Commission believes, a diverse workforce strengthens its ability to provide quality service to internal and external customers, to communicate within our diverse communities, and to enhance business competitiveness; and

**WHEREAS**, on December 15, 1999, the Commission approved development of a Commission-wide diversity initiative; and effective July 1, 2000 authorized appointments to the Diversity Council to assist the strategic development of diversity policies and programs; and authorized the Executive Director and Department Heads to staff and resource this effort, develop operating guidelines and procedures, and to issue an annual report; and

**WHEREAS**, the Diversity Council developed and the Leadership Council supports the following operational definition of diversity with the Commission:

"Diversity recognizes a dynamic mix of personal and cultural characteristics, perspectives and relationships as a vital organizational resource. In the Commission's workplace, diversity includes all differences that define each of us as unique individuals. These differences include, but are not limited to, culture, ethnicity, race, gender, nationality, age, religion, disability, sexual orientation, experiences, opinions and beliefs;"

and

**WHEREAS**, the Diversity Council developed and the Leadership Council supports the following vision statement for diversity:

"The Commission is at the forefront of effective diversity management. We value, celebrate and thrive on the diverse abilities, perspectives, and backgrounds of our staff and the communities served. This is accomplished through a vibrant, inclusive, supportive, open, challenging, learning community;"

and

**WHEREAS**, the Diversity Council developed and the Leadership Council supports the following policy guidance for diversity in the Commission:

01-16

- We will demand (and reward) behaviors in the workplace which contribute to understanding, respecting and valuing all individuals.
- We will maximize the Commission's effectiveness through inclusive processes that benefit staff and the communities alike.
- We will not tolerate discrimination, harassment, or the practice of exclusion in any form. We will conduct all personnel activities in a way that assures equal employment opportunities on the basis of merit and encourage and administer diversity within adopted laws, operating principles, rules and regulations."

NOW, THEREFORE, BE IT RESOLVED, that the Maryland-National Capital Park and Planning Commission hereby adopts the diversity definition, vision and policy statements.

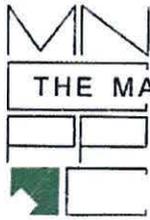
AND BE IT FURTHER RESOLVED, that the Maryland-National Capital Park and Planning Commission directs staff to develop processes, procedures and programs to assure their full implementation and enforcement.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner Holmes, seconded by Commissioner Love, with Commissioners Brown, Eley, Hewlett, Holmes, Love, Perdue, Scott, and Wellington voting in favor of the motion, and Commissioner Bryant opposed, at its regular meeting held September 19, 2001, in Silver Spring, Maryland.

  
Trudye Morgan Johnson  
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY  
  
M-DCRPO Legal Department  
Date 9/19/2001



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

M-NCPPC  
RESOLUTION NO 16-24

September 21, 2016

## **AMENDMENTS TO THE PAY SCHEDULE FOR GENERAL SERVICE EMPLOYEES**

WHEREAS, the Maryland-National Capital Park and Planning Commission (“M-NCPPC” or “Agency”) has a Classification Plan for its employees that provides for the analysis and evaluation of positions on the basis of work-related job factors and includes a listing of occupational classifications and the assigned pay grade for each class of positions;

WHEREAS, the listing of the assigned pay grade for each class of position for non-represented general service employees, is referred to as the General Service Pay Schedule;

WHEREAS, the current Classification Plan and framework for the General Service Pay Schedule, which was adopted November 19, 1997 by Resolution 97-28, consists of 12 grade levels;

WHEREAS, the Executive Director approved the undertaking of a Classification and Compensation Study to evaluate the current Classification Plan;

WHEREAS, as part of the Classification and Compensation Study that originated in 2013 and further evidenced by work recently completed, and the on-going project of reviewing all of the current class specifications in comparison to the Agency’s work programs, the consultant, Public Financial Management, Inc., has concluded that the current General Service Pay Schedule does not have a sufficient number of grades to adequately represent the Agency’s work programs;

WHEREAS, the consultant has recommended a change to the General Service Pay Schedule to add additional grade/salary levels, bringing the new total number of grade levels to sixteen (16);

WHEREAS, M-NCPPC Department Heads and the Executive Committee have reviewed the consultant study findings and recommendations concerning the General Service Pay Schedule for non-represented general service employees;

WHEREAS, the Merit System Board has reviewed the proposed revisions recommended approval and adoption of the proposed amended General Service Pay Schedule as evidenced by their memorandum to the Executive Director and Human Resources Director dated September 8, 2016, attached as Exhibit A;

WHEREAS, upon effectiveness of the amended General Service Pay Schedule, all converted employees will initially be placed in the grade that corresponds to their present grade and at a salary equal to their current salary as determined by the amended QES;

WHEREAS, upon effectiveness of the amended General Service Pay Schedule, the Classification Plan and corresponding tables must be amended to be consistent with the changes made to the General Services Pay Schedule; and

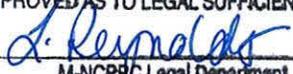
WHEREAS, Chapter 900 of the M-NCPPC Merit System Rules and Regulations (“Merit Rules”) requires that amendments to the Classification Plan to be reviewed by the Merit System Board and approved by the Commission.

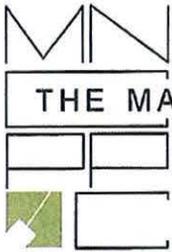
NOW THEREFORE BE IT RESOLVED, the Commission does hereby approve and adopt the recommended amendments to the General Service Pay Schedule, attached as Exhibit B, to be effective immediately.

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of the General Service Pay Schedule shall be rescinded;

BE IT FURTHER RESOLVED that the Commission does hereby delegate to the Merit System Board the authority to approve amendments to the Classification Plan that correspond to the amendments to the General Service Pay Schedule hereby approved and adopted; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director and/or her designee(s) to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY  
  
M-NCPPC Legal Department  
Date 9/13/2016



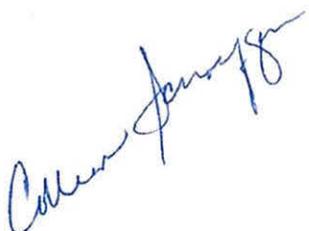
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MERIT SYSTEM BOARD  
6611 Kenilworth Avenue, Suite 101B  
Riverdale, Maryland 20737  
(301) 454-1427

MEMORANDUM

September 8, 2016

**TO:** Patricia C. Barney, Executive Director  
William Spencer, Director, Human Resources

**FROM:** Colleen Schaeffgen, Operations Manager, Merit System Board 

**SUBJECT:** Approval for Modifications to Quantitative Evaluation System Point-to-Grade Conversion and Changes to General Service Pay Schedule

On September 8, 2016, the Merit System Board has unanimously approved the sixteen grade General Service Pay Schedule as part of the Classification Plan, along with the points-to-grade conversion reflected on the conversion table for these sixteen grades.

cc: Boni L. King, Classification and Compensation Manager



**The Maryland-National Capital Park and Planning Commission  
General Service Pay Schedule  
EFFECTIVE SEPTEMBER 21, 2016**

<u>Grade</u>	<u>Minimum</u>	<u>Midpoint</u>	<u>Maximum</u>
10	\$28,873 \$13.8813	\$40,388 \$19.4173	\$51,901 \$24.9524
12	\$32,438 \$15.5952	\$43,972 \$21.1404	\$55,506 \$26.6856
14	\$35,890 \$17.2548	\$48,651 \$23.3899	\$61,413 \$29.5255
16	\$40,273 \$19.3620	\$54,593 \$26.2466	\$68,912 \$33.1308
18	\$45,609 \$21.9274	\$61,826 \$29.7240	\$78,042 \$37.5202
20	\$47,889 \$23.0234	\$64,918 \$31.2103	\$81,946 \$39.3973
22	\$51,704 \$24.8577	\$70,088 \$33.6962	\$88,476 \$42.5365
24	\$54,289 \$26.1003	\$73,592 \$35.3806	\$92,895 \$44.6609
26	\$58,556 \$28.1519	\$79,475 \$38.2091	\$100,394 \$48.2663
28	\$62,475 \$30.0358	\$85,674 \$41.1892	\$108,873 \$52.3425
30	\$68,153 \$32.7659	\$93,466 \$44.9356	\$118,777 \$57.1043
32	\$75,702 \$36.3952	\$102,584 \$49.3192	\$129,466 \$62.2431
34	\$81,617 \$39.2389	\$110,637 \$53.1909	\$139,659 \$67.1438
36	\$90,306 \$43.4164	\$122,418 \$58.8548	\$154,530 \$74.2932
38	\$98,996 \$47.5942	\$134,198 \$64.5183	\$169,401 \$81.4428
40	\$108,895 \$52.3533	\$143,383 \$68.9339	\$177,870 \$85.5145

Approved by the Commission  
September 21, 2016





# **Structural Analysis and Recommended Changes to General Service Pay Schedule**

*Presentation to the Maryland-National Capital Park &  
Planning Commission*



**The PFM Group**  
Public Financial Management, Inc.  
PFM Asset Management LLC  
PFM Advisors

**September 21, 2016**



# Executive Summary

---

- DHRM is performing a comprehensive review of all classifications in the General Service Pay Schedule
- During this review, evidence emerged that there is an insufficient number of pay grades within the General Service Pay Schedule – echoing concerns raised by Department Heads
- To support this effort, Public Financial Management (PFM) was engaged to evaluate the Commission’s General Service Pay Schedule and tasked with the following:
  - Benchmark the Commission’s compensation structure against regional employers;
  - Determine if adjustments to the General Service Pay Schedule were necessary, and assist in the development of a new pay schedule, if needed; and
  - Provide implementation recommendations
- Working in collaboration with DHRM, PFM determined that inserting additional pay grades into the existing General-Service Pay Schedule:
  - Will address some of the concerns articulated by operating department leadership, and
  - Is consistent with pay practices within the region
- Through presentations conducted in August/September of 2016, Department Heads, the Executive Committee, and the Merit Board support the insertion of additional pay grades into the General Service Pay Schedule
  - Additionally, Merit Board has approved required changes to classification plan
- Accordingly, DHRM requests approval from the Commission to implement the recommended General Service Pay Schedule referenced in this presentation

# Background

- The Commission's General Service Pay Schedule has gone through a few modifications since its inception
- | Year | Grades | History   |
|------|--------|---|
| 1988 | 24     | Developed for non-union positions   |
| 1998 | 12     | Compression of original 24 pay grades and ranges                                  |
| 2001 | 4      | IT Pay Schedule developed to attract, promote and retain experienced IT employees |
- In the nearly two decades since the General Service Pay Schedule was modified, organizational needs have changed
    - New programs have been created; the needs, size and composition of the Commission's service population has evolved; and budgetary demands have shifted
  - Leadership in M-NCPPC operating departments have articulated concerns with the General Service Pay Schedule. Some specific concerns articulated by department leadership include:
    - There is inadequate flexibility to appropriately compensate technical/subject matter experts and lead workers
    - There are concerns about attracting and retaining future leaders and technical experts
    - Career paths are not clear and classifications do not take into account certain job characteristics
  - In response, DHRM has explored options for modifying the General Service Pay Schedule that can address these concerns

# Current General Service Pay Schedule

## Overview

---

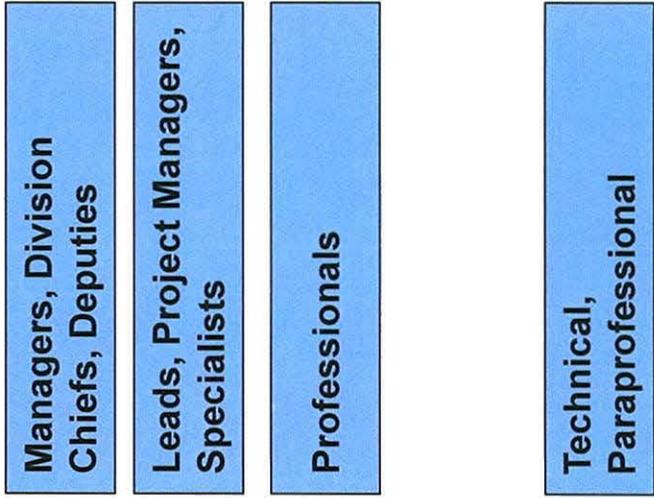
- The General Service Pay Schedule covers the vast majority of Commission non-represented employees (approx. 1,100 employees)
  - Unionized employees are on separate pay schedules
- General Service Pay Schedule comprised of 12 grades (A-L)
- Employees receive annual wage increases through two independent, but related means:
  - Merit Increases: generally 3.5% increases granted annually (typically, when funding levels allow) +
  - Across-the-Board Wage Increases: increases granted annually (typically, when funding levels allow), generally designed to mirror changes in cost-of-living

# Current General Service Pay Schedule

## Composition by Employee Group

- The current General Service Schedule is heavily weighted towards technical and paraprofessional grades
- Six of 12 grades (A through F) are designated for these employee groups, which provides challenges in providing appropriate pay differentials for professional, leads, and managerial employee groups
- IT positions on separate pay schedule

Grades	Min	Mid	Max	Range Spread	Max Var
L	\$98,996	\$134,198	\$169,401	71.1%	
K	\$81,617	\$110,637	\$139,659	71.1%	21.3%
J	\$68,153	\$93,466	\$118,777	74.3%	17.6%
I	\$58,556	\$79,475	\$100,394	71.4%	18.3%
H	\$51,704	\$70,088	\$88,476	71.1%	13.5%
G	\$45,609	\$61,826	\$78,042	71.1%	13.4%
F	\$40,273	\$54,593	\$68,912	71.1%	13.2%
E	\$35,890	\$48,651	\$61,413	71.1%	12.2%
D	\$32,438	\$43,972	\$55,506	71.1%	10.6%
C	\$28,873	\$40,388	\$51,901	79.8%	6.9%
B	\$27,617	\$37,436	\$47,253	71.1%	9.8%
A	\$25,853	\$35,046	\$44,240	71.1%	6.8%



# Methodology

- To evaluate the number of pay grades on the General Service Schedule, DHRM and PFM analyzed the compensation structures of nine public sector employers in the region (see graphic to the right)
- A benchmarking survey was developed and circulated asking for job matches from 41 General Service and IT job titles covering approximately 540 employees
- The job titles selected for benchmarking not only included a large number of Commission employees, they represented a diverse cross-section of:
  - Pay grades (D through L)
  - Job families (e.g., park & recreation management, planning, accounting & finance), and
  - Employee groups (e.g., managers, leads, professionals, and paraprofessionals)
- Of note, the best job match across employers is often not a perfect match. Comparisons across employers may be imprecise due to differences in economic base and ability to pay, organizational structure, working conditions, types of duties assigned, qualification and skill requirements, and other relevant factors that may vary for similar jobs

## Jurisdictions Surveyed:

- Alexandria
- Anne Arundel County
- Arlington County
- Baltimore City
- District of Columbia
- Fairfax County
- Howard County
- Prince George's County
- Montgomery County

# Structural Compensation Comparisons

## Findings & Implications

- Findings and implications of the regional comparisons are summarized below

### Summary of Structural Pay Schedule Analysis of Regional Jurisdictions

Findings	Implications
<p><b>Number of Pay Grades</b></p> <ul style="list-style-type: none"> <li>▪ M-NCPPC has the <u>lowest number of pay grades</u> among jurisdictions surveyed</li> <li>▪ When adjusting for structural differences in pay schedules across jurisdictions, <u>M-NCPPC has 9 pay grades vs. the survey group median of 24 pay grades</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ Suggests the Commission lacks the flexibility to create new specialist classifications as needed</li> <li>▪ Compression occurs when there is an inadequate number of pay grades to reflect the levels within the work programs</li> </ul>
<p><b>Variance between Pay Grades</b></p> <ul style="list-style-type: none"> <li>▪ M-NCPPC has the <u>largest variance/differential between pay grades</u> among the comparison jurisdictions surveyed</li> <li>▪ On average, the Commission has <u>15.0% between pay grades vs. the survey group median of 5.3% between pay grades</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ Pay grades that have a larger variance between grades will provide an effective differentiation between levels of positions</li> <li>▪ Variance between grades needs to be balanced with enough grades to avoid compression/forced slotting</li> </ul>
<p><b>Salary Range Spread</b></p> <ul style="list-style-type: none"> <li>▪ Generally, though not universally, M-NCPPC has <u>larger salary range spreads</u> (i.e., the difference between the minimum and the maximum of a salary range) in pay grades relative to jurisdictions surveyed</li> <li>▪ For example, for Grade H titles surveyed, the Commission has a <u>salary range spread of 71.4%</u> while the <u>survey group median ranges between 66.0% and 66.7%</u>, depending on the title</li> </ul>	<ul style="list-style-type: none"> <li>▪ When wide salary range spreads are accompanied by a lower number of pay grades, opportunities for promotional advancement can be limited</li> <li>▪ As a result of wider rater spreads, additional levels of positions can be added to respond to work program needs</li> </ul>



# Structural Compensation Comparisons

## Adjusted Pay Grade Comparisons

- As detailed below, the Commission has **9 adjusted pay grades**, which ranks last among the comparison group and trails the survey group median of **24 adjusted pay grades**

	Minimum Match (Equivalent)	Maximum Match (Equivalent)	Number of Adjusted Grades
<b>M-NCPPC</b>	<b>D/(4)</b>	<b>L/(12)</b>	<b>9</b>
Alexandria	9/(9)	33/(33)	25
Anne Arundel County	10/(10)	23/(23)	16
Arlington County	Pay System Not Comparable		
Baltimore City	Job Matches on Union Pay Schedules		
District of Columbia	No Response from Jurisdiction - Insufficient Information Available to Compare Pay Schedules		
Fairfax County	S-15/(15)	S-37/(37)	25
Howard County	E/(5)	S/(19)	15
Montgomery County	14/(14)	32/(32)	22
Prince George's County	13/(13)	38/(38)	26
		<b>Median</b>	<b>24</b>

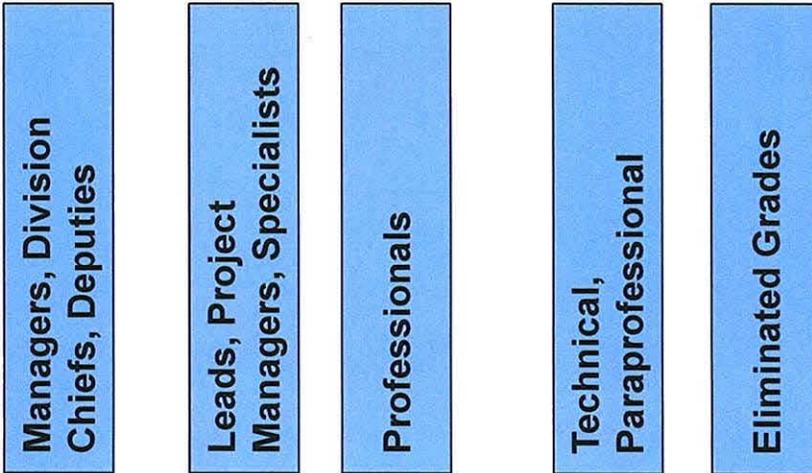
# Insertion of Additional Pay Grades

---

- Inserting additional pay grades into the General Service Pay Schedule will provide the following benefits:
  - Management will have greater flexibility to create new specifications as identified by changing work programs
  - Alleviate pay compression
  - Will facilitate development of new career paths
  - More easily able to delineate the differences between supervisors and subordinates
  - Reflect increased capacity for professionals, leaders, managers, and division chiefs
- Insertion of additional pay grades will neither reduce the current base pay of any employee, nor reduce the maximum base pay that any employee may potentially earn
- The proposal to insert additional pay grades has been supported by Department Heads, the Executive Committee, and the Merit Board

# Recommended General Service Pay Schedule

- Maximums of original schedule unchanged
- Integration of Special IT Pay Schedule



Revised Grades	Original Grades	Min	Mid	Max	Range Spread	Max Var	Special IT Pay Schedule
40	-	\$108,895	\$143,383	\$177,870	63.3%		
38	L	\$98,996	\$134,198	\$169,401	71.1%	5.0%	
36	-	\$90,306	\$122,418	\$154,530	71.1%	9.6%	
34	K	\$81,617	\$110,637	\$139,659	71.1%	10.6%	
32	-	\$75,702	\$102,584	\$129,466	71.0%	7.9%	J-IT
30	J	\$68,153	\$93,466	\$118,777	74.3%	9.0%	
28	-	\$62,475	\$85,674	\$108,873	74.3%	9.1%	I-IT
26	I	\$58,556	\$79,475	\$100,394	71.4%	8.4%	H-IT
24	-	\$54,289	\$73,592	\$92,895	71.1%	8.1%	
22	H	\$51,704	\$70,088	\$88,476	71.1%	5.0%	
20	-	\$47,889	\$64,918	\$81,946	71.1%	8.0%	G-IT
18	G	\$45,609	\$61,826	\$78,042	71.1%	5.0%	
16	F	\$40,273	\$54,593	\$68,912	71.1%	13.2%	
14	E	\$35,890	\$48,651	\$61,413	71.1%	12.2%	
12	D	\$32,438	\$43,972	\$55,506	71.1%	10.6%	
10	C	\$28,873	\$40,388	\$51,901	79.8%	6.9%	
	B	\$27,617	\$37,436	\$47,253	71.1%	9.8%	
	A	\$25,853	\$35,046	\$44,240	71.1%	6.8%	

## Illustrative Examples

---

- Assume a job title currently in grade 26 (equivalent current grade I) is **reclassified** to grade 28 (no current equivalent grade exists) as a result of DHRM's classification review
  - Employees in this job title will move “upwards” on the pay schedule to grade 28
  - Employees would receive an immediate 5% increase in base pay and the pay range maximum would increase from \$100,394 to \$108,873
- Alternatively, assume a job title in the same grade (26) is **not reclassified** when DHRM's classification review is completed
  - Employees in this job title will not see any reduction in compensation
  - The pay range maximum will remain unchanged at \$100,394, meaning there is no reduction in potential earnings

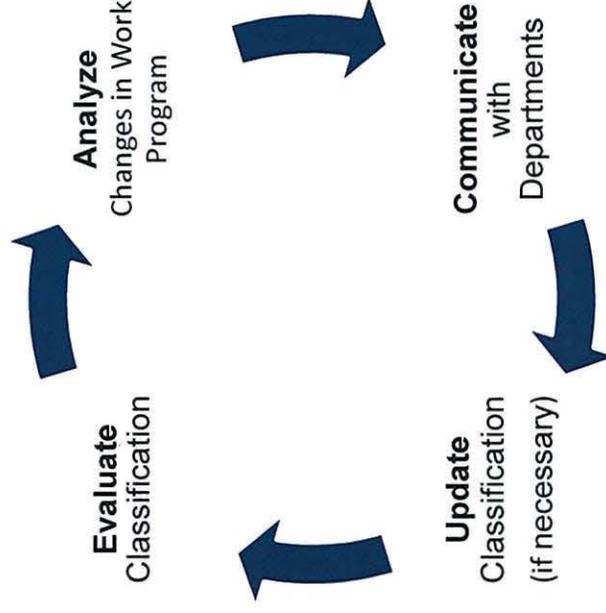
# Implementation Approach

- HR Best Practices suggest implementing pay plan adjustments in phases
- In light of the changing nature of organizational functions and job duties, high-performing organizations regularly perform classification and compensation reviews, and routinely make adjustments as work programs evolve in order to attract and retain talent

## Advantages and Disadvantages of Phased Implementation Approach

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>▪ Smooths out-year costs of pay schedule adjustments over multiple years providing budgetary flexibility for competing demands</li> <li>▪ Provides tangible and immediate impact for some employee groups</li> <li>▪ Demonstrates commitment to addressing pay compression issues for other employee groups</li> <li>▪ Provides managerial flexibility in responding to work program needs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Phased approach may require additional adjustments over time</li> <li>▪ Adjustments perceived as inequitable to employee groups who are reclassified last</li> <li>▪ Work programs for review must be prioritized</li> </ul>

## Continuous Improvement



## Summary/Next Steps

---

- Summary of Recommendations for Consideration
  - Approval of updated General Service Pay Schedule with additional pay grades
- Summary of Rationale
  - Addresses concerns by Department Heads
  - Consistent with regional pay practices and HR best practices
  - Changes to the classification plan as a result of this analysis have been approved by the Merit Board
- Next Steps
  - When the Recommended General Service Pay Schedule is approved, employees will be placed on the pay schedule in their equivalent grades
  - Communication will be provided to employees introducing the revised General Service Pay Schedule



## THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

September 21, 2016

TO: The Maryland-National Capital Park and Planning Commission

VIA: Patricia C. Barney, Executive Director   
William Spencer, Human Resources Director

FROM: Jennifer McDonald, Benefits Manager 

SUBJECT: Benefit Plans Proposed Rates for 2017

### **Action Requested**

Approve recommended rates for 2017. All recommendations were supported by the Department Heads and the Executive Committee.

### **Summary of Rate Changes**

#### ***Self-Insured Plans***

AON Hewitt Consulting developed premium rates based on their annual renewal analysis of our self-insured medical and prescription plans incorporating the following:

- Enrollment and plan utilization for the most recent 12 month period, ending June 30, 2016;
- Health care trends;
- Fees associated with the Affordable Care Act;
- Overhead expenses from our group insurance fund; and
- New fees resulting from the recent Request for Proposal for the medical plans.

If adopted, the rates AON developed would result in a 2.1% decrease, on average, of the agency's self-insured medical and prescription plan premiums, with changes ranging from a 7.7% decrease to a 6.4% increase. Rates for the agency's prescription plan would decrease by 1.3%.

#### ***Fully Insured Plans***

The premiums for the fully insured plans (Dental, Vision, Long Term Disability and Life) remain flat for 2017, except for the dental plan which will increase by 2%.

## **Details of Proposed Medical and Prescription Rates Developed by AON**

The self-insured rates for the medical plans **would decrease**, on average, by 2.1% and the premiums for the prescription plan **would decrease** by 1.3%. The general reasons for proposed changes are noted below as well as last year's changes.

- Caremark Prescription – 1.3% **decrease**
  - Updated pricing terms;
  - Cost savings from programs implemented in 2014, 2015 and 2016;
  - There was an 18.7% increase for 2016.
- UnitedHealthcare (UHC) EPO – 1.8% increase
  - Assumption that 75% of Cigna members will move to UHC EPO;
  - Increased enrollment for 2016;
  - Reduced administrative fees as a result of recent medical RFP;
  - There was no increase for 2016.
- UHC POS – 7.7% **decrease**
  - Reduced claims utilization and reduced enrollment;
  - Reduced administrative fees as a result of recent medical RFP;
  - There was no increase for 2016.
- UHC Medicare Complement – 6.4% increase
  - Increased utilization;
  - Increased enrollment;
  - There was a 6.5% increase for 2016.

Kaiser Permanente is a new **fully insured plan**.

- Medical and prescription coverage are bundled under one premium;
- Kaiser's rates are the lowest of all health plans when compared to the bundled medical and prescription rate for the other health plans.

## **Details of Proposed Stop Loss Insurance Levels**

The individual stop loss point is currently at \$275,000 for the UHC plans. There were no large claims over this stop loss point, resulting in a reduction in the stop loss rate of 14% from \$63.44 per covered employee per month to \$54.90. The aggregate stop loss rate remains the same at \$5.74 per covered employee per month. There is no stop loss fee for the Kaiser Permanente plan as it is a fully insured plan. Later this year, the agency is expected to participate in a joint RFP with other Montgomery county agencies for an independent stop loss carrier, which most likely will result in reduced stop loss fees.

## **Details of Other Fully-Insured Plan Premiums**

- The changes for the fully insured premiums are as follows:
  - "Advice to Pay" for the Sick Leave bank – 0%
  - CIGNA Long Term Disability (LTD) – 0%
  - Minnesota Life Insurance and AD&D – 0% (Guaranteed through 12/31/2018)
  - United Concordia Dental - 2% increase
  - Vision Service Plan – 0%



## **Recommendations**

We recommend implementing the proposed increases; however we recommend keeping the rates flat for the prescription plan rather than reducing by 1.3% and reducing the rates for the UHC POS plan by only 2% rather than by 7.7%. We are concerned that a significant reduction could be followed up by a significant increase the following year. The recommended premium changes for the 2017 calendar year are as follows:

### ***Self-Insured Rates***

- Approve the 0% increase for the prescription plan;
- Approve the 1.8% increase for the UHC EPO plan;
- Approve the 2.0% decrease for the UHC POS plan;
- Approve the 6.4% increase for the UHC Medicare Complement plan;
- Keep the individual stop loss for the UHC plans at \$275,000;
- Keep the aggregate stop loss for the UHC plans at 125% of projected claims.

### ***Fully Insured Premiums***

- Approve the 0% rate increase for the Cigna “Advice to Pay” for the Sick Leave bank;
- Approve the 0% premium increase for the CIGNA Long Term Disability plans;
- Approve the 0% premium increase for the Minnesota Life Insurance and AD&D;
- Approve the 2% premium increase for the United Concordia Dental;
- Approve the 0% premium increase for the Vision Service Plan.



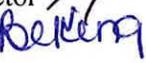


**Department of Human Resources and Management**  
**Maryland-National Capital Park and Planning Commission**

OFFICE OF THE HUMAN RESOURCES DIRECTOR  
 6611 Kenilworth Avenue, Suite 404  
 Riverdale, Maryland 20737  
 Office: (301) 454-1706

TO: Commission September 21, 2016

VIA: Patricia Colihan Barney, Executive Director 

FROM: William Spencer, HR Director   
 Boni King, HR Manager 

SUBJECT: Increase in Minimum Wage to Pay Schedules

**REQUESTED ACTION:**

The Commission is asked to approve the following:

- a) FY17 Seasonal/Intermittent Pay Schedule (Attachment 1)
- b) Aquatics Seasonal/Intermittent Pay Schedule (Attachment 2)
- c) Specialty Services Pay Schedule (Attachment 3)
- d) Tennis Instructor Pay Schedule (Attachment 4)
- e) Raising the Revenue Sharing Pay Plan rate to \$10.75.

On October 22, 2014, the Commission directed that the Agency's pay schedules be reflective of the minimum wage rates consistent with that approved by both Montgomery and Prince George's Counties. The increases are being phased-in from 2014 to 2017. The attached FY17 pay schedules reflect the minimum wage scheduled for October 2016 of \$10.75 per hour.

Other grade level rates in the pay schedules were adjusted to ease wage rate compression and to compensate employees as they increase their knowledge, skills, and abilities when they progress through either merit increases or steps (range spread). The adjustments also maintain a difference between pay grades (grade variance) as employees are promoted into higher level positions. These adjustments strive to maintain a difference in range spread and grade variance that is consistent with the same range spread and grade variances that existed after the implementation of minimum wage changes in FY16.

A further recommendation is to remove grade A01 grade from the Aquatic Seasonal/Intermittent Pay Schedule and grades N06 and N09 from the Seasonal/Intermittent Pay Schedule as we do not currently utilize these grades; nor do we anticipate utilizing these grades. Their removal will somewhat equalize the differences between grades.

**BACKGROUND:**

The Commission approved on October 22, 2014 a change to the Agency's pay schedules to reflect new minimum salaries as follows over the next few years:

- November 2014 - \$8.40 per hour
- October 2015 - \$9.55 per hour
- October 2016 - \$10.75 per hour
- October 2017 - \$11.50 per hour

This information was initially presented to Department Heads who advised that not adopting the Counties' minimum wages could adversely impact the organization's ability to attract and retain staff as a large majority of Agency employees live and work in either Prince George's or Montgomery Counties. Raising the minimum wage equal to the Counties would reduce our turnover rate and would reduce our costs of training new workers. In addition, it was recommended that we pay consistent with the Counties who fund our Agency. This information was also presented to the Executive Committee who also supports this recommendation. For ease of implementation, the change will become effective the first full pay period in October 2016.

These rates are consistent with that approved by both Montgomery County Council and Prince George's County Council. Montgomery County did change their effective date in 2016 to July 2016.

The Commission authorized the Executive Director to take action necessary to implement these changes.

Applying only this change in wages to our existing pay schedules without additional adjustments, would impact our ability as an Agency to attract and retain workers at these critical positions.

The minimum wage of \$10.75 in October 2016 will increase our direct labor costs by as presented in Attachment 5. This cost was included in our FY17 adopted budget.

Staff, Department Heads and the Executive Committee support adoption of the change in minimum wage to \$10.75 per hour effective the first full pay period in October 2016 once approved by the Commission.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**Seasonal/Intermittent Pay Schedule**  
**Effective First Full Pay Period in October 2016**  
**Minimum Wage Update and Schedule Adjustments**

Attachment 1

	<u>GRADE</u>	<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>	<u>INSTRUCTORS</u>	<u>Recommended Pay Schedule</u>		<u>Current Pay Schedule</u>		
						<u>Range Spread</u>	<u>Grade Variance</u>	<u>Range Spread</u>	<u>Grade Variance</u>	
PFA I - 920	N01	\$10.7500	\$11.5500	\$12.3500	950	I	14.9%	4.9%	15.0%	5.0%
PFA II - 921	N02	\$10.8000	\$11.8750	\$12.9500			19.9%	5.0%	20.1%	5.0%
PFA III - 922	N03	\$10.8500	\$12.2250	\$13.6000			25.3%	5.1%	25.5%	5.0%
PFMA I - 930	N04	\$10.9000	\$12.6000	\$14.3000	951	II	31.2%	4.9%	31.0%	5.0%
PFMA II - 931	N05	\$10.9500	\$12.9750	\$15.0000			37.0%	5.0%	36.9%	5.0%
	N06								43.1%	5.6%
PFMA III - 932	N07	\$11.0000	\$13.3750	\$15.7500			43.2%	5.1%	50.3%	6.0%
Help Desk Rep I - 933	N08	\$11.0500	\$13.8000	\$16.5500	952	III	49.8%	6.5%	55.0%	6.0%
	N09								55.0%	6.0%
	N10	\$11.3703	\$14.4971	\$17.6242			55.0%	8.0%	55.0%	8.0%
Intern I/Playground Mgr	N11	\$12.2800	\$15.6567	\$19.0335	953	IV	55.0%	8.0%	55.0%	8.0%
Help Desk Rep II - 934	N12	\$13.2626	\$16.9100	\$20.5574			55.0%	15.0%	55.0%	15.0%
Intern II/Help Desk Rep III - 935	N13	\$15.2514	\$19.4455	\$23.6396	954	V	55.0%	15.0%	55.0%	15.0%
	N14	\$17.5395	\$22.3632	\$27.1869			55.0%	15.0%	55.0%	15.0%
Camp Health Supv - 941	N15	\$20.1711	\$25.7179	\$31.2647	955	VI	55.0%		55.0%	

**Note:**  
On the first full pay period following October 1, 2016, employees will receive appropriate adjustments to grade minimums.

**The Maryland-National Capital Park and Planning Commission  
Aquatics Seasonal/Intermittent Pay Schedule  
Effective First Full Pay Period in October 2016  
Minimum Wage and Schedule Adjustments**

Attachment 2

<u>Grade</u>	<u>First Year</u>	<u>Second Year</u>	<u>Third Year</u>
A02	\$10.75	\$11.30	\$11.80
A03	\$10.80	\$11.60	\$12.40
A04	\$11.45	\$12.41	\$13.40
A05	\$12.68	\$13.71	\$14.82
A06	\$14.58	\$15.76	\$17.06
A07	\$16.77	\$18.13	\$19.61

<u>Recommended Pay Schedule</u>	
<u>Range Spread</u>	<u>Grade Variance</u>
9.8%	5.1%
14.8%	8.1%
17.0%	10.6%
16.9%	15.1%
16.9%	15.0%
17.0%	

<u>Current Pay Schedule</u>	
<u>Range Spread</u>	<u>Grade Variance</u>
15.0%	10.0%
16.2%	10.9%
17.0%	10.6%
16.9%	15.1%
16.9%	15.0%
17.0%	

**Note:**  
On the first full pay period following October 1, 2016, employees will receive appropriate adjustments to grade minimums.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**Specialty Services Pay Schedule**  
**Effective First Full Pay Period in October 2016**  
**Minimum Wage and Schedule Adjustments**

Attachment 3

	<u>GRADE</u>	<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>	Recommended Pay Schedule		Current Pay Schedule	
					Range Spread	Grade Variance	Range Spread	Grade Variance
Spec Svcs Instructor 1	SS1	\$10.7500	\$15.8750	\$21.0000	95.3%	23.8%	119.9%	23.8%
Spec Svcs Instructor 2	SS2	\$12.0000	\$19.0000	\$26.0000	116.7%	30.8%	116.7%	30.8%
Spec Svcs Instructor 3	SS3	\$15.5000	\$24.7500	\$34.0000	119.4%	35.3%	119.4%	35.3%
Spec Svcs Instructor 4	SS4	\$21.0000	\$33.5000	\$46.0000	119.0%	63.0%	119.9%	63.0%
Spec Svcs Instructor 5*	SS5	\$34.0000	\$54.5000	\$75.0000	120.6%		120.6%	

**Note:**  
On the first full pay period following October 1, 2016, employees will receive appropriate adjustments to grade minimums.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**Tennis Instructor Pay Schedule**  
**Effective First Full Pay Period in October 2016**  
**Minimum Wage and Schedule Adjustments**

Attachment 4

	<u>GRADE</u>	<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>	Recommended Pay Schedule		Current Pay Schedule	
					Range Spread	Grade Variance	Range Spread	Grade Variance
Tennis Instructor 1	T11	\$10.7500	\$13.3750	\$16.0000	48.8%	37.5%	67.5%	37.5%
Tennis Instructor 2	T12	\$14.0000	\$18.0000	\$22.0000	57.1%	54.5%	57.1%	54.5%
Tennis Instructor 3	T13	\$20.0000	\$27.0000	\$34.0000	70.0%	17.6%	70.0%	17.6%
Tennis Instructor 4	T14	\$32.0000	\$36.0000	\$40.0000	25.0%		25.0%	

**Note:**  
 On the first full pay period following October 1, 2016, employees will receive appropriate adjustments to grade minimums



MINIMUM WAGE CHANGE IMPACTS  
(August 31, 2015)

	FY16	FY17	FY18
	\$9.55	\$10.75	\$11.50
Total Montgomery and CAS	\$47,092	\$169,119	\$312,027
FICA	\$3,603	\$12,938	\$23,870
Total Prince George's and CAS	\$358,477	\$1,214,830	\$2,092,805
FICA	\$27,423	\$92,935	\$160,100
Total Commission	\$405,569	\$1,383,950	\$2,404,832
FICA	\$31,026	\$105,872	\$183,970

## Notes:

1) These impacts are based on the analysis initially completed in 2014 and revisited last year utilizing FY13 data.

2) Data provided by the Budget Manager





# ITEM 5g

## THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

Date: August 12, 2016

To: The Maryland-National Capital Park and Planning Commission

Via: Patricia C. Barney, Executive Director  
John Kroll, Corporate Budget Manager 

From: Melinda Duong, Senior Budget Analyst

Subject: CAS Labor Cost Allocation Analysis for the FY18 Budget

### Recommendation:

It is recommended that the Commission adopt the update to the labor cost percentages used to allocate CAS department budgets between Montgomery and Prince George's counties for the FY18 Proposed Budget.

### Background

Developed annually, this analysis looks at the 6 CAS departments/units providing services to the two counties to determine what percentage of time and hence budget should be charged to which funding sources.

Three CAS functions are not addressed in this analysis: Group Insurance – labor costs are factored into the rates set for the employer and employee/retiree, and, since FY14, no longer allocated and charged directly to the operating departments in each county. CIO – Labor costs are allocated by the percentage of subscriptions to the Cloud and included in the two CIO / Commission-wide IT Initiatives Fund budgets. Risk Management – in the past the administrative costs have been allocated 50/50. After analyzing staff time records for the three-year period from FY14 to FY16, even though the allocation is slightly different each year, the annualized allocation for Risk Management remains 50/50.

### Methodology

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

For Accounts Payable, Treasury/Investments, Payroll and Purchasing units of the Finance Department, and Employee Records and Recruitment units of the Department of Human Resources and Management, the labor cost allocations are done using cost drivers, i.e., work

hours are classified and distributed as Montgomery or Prince George's according to the Cost Driver table below. For Accounts Payable and Payroll the driver is number of payments issued; for Purchasing the driver is total document volume (including PO's, contracts and purchase card transactions); for Treasury the driver is the number of cash receipts and deposits; for Employee Records the driver is the number of PA2's processed; for Recruitment the driver is the number of applications.

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

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

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

## Results

Cost drivers were updated for FY16 by Finance and DHRM and these results are shown below along with the drivers used for prior periods.

Cost Drivers	FY11-FY13		FY13		FY14		FY15		FY16		% shift in Share	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
Accounts Payable	31.8%	68.2%	32.0%	68.0%	29.6%	70.4%	31.0%	69.0%	36.0%	64.0%	5.0%	-5.0%
Payroll	25.7%	74.3%	25.0%	75.0%	22.0%	78.0%	23.5%	76.5%	24.5%	75.5%	0.9%	-0.9%
Purchasing	39.4%	60.6%	45.0%	55.0%	46.5%	53.5%	45.9%	54.1%	50.3%	49.7%	4.4%	-4.4%
Treasury/Investment	27.9%	72.1%	20.0%	80.0%	35.0%	65.0%	30.0%	70.0%	30.0%	70.0%	0.0%	0.0%
Employee Records	29.5%	70.5%	19.0%	81.0%	19.0%	81.0%	21.0%	79.0%	22.0%	78.0%	1.0%	-1.0%
Recruitment	42.0%	58.0%	40.0%	60.0%	40.0%	60.0%	43.3%	56.7%	45.0%	55.0%	1.7%	-1.7%

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

	FY17		FY18 Proposed		Change from FY17	
	MC	PGC	MC	PGC	MC	PGC
DHRM	42.4%	57.6%	43.6%	56.4%	1.2%	-1.2%
Finance	42.9%	57.1%	43.4%	56.6%	0.5%	-0.5%
Legal	52.0%	48.0%	50.4%	49.6%	-1.6%	1.6%
Internal Audit	34.7%	65.3%	34.6%	65.4%	-0.1%	0.1%
Merit System Board	50.0%	50.0%	50.0%	50.0%	0.0%	0.0%
Support Services	44.2%	55.8%	44.6%	55.4%	0.4%	-0.4%
<b>Total CAS Before Chargebacks</b>	<b>44.3%</b>	<b>55.7%</b>				

Below is an expanded summary showing the budgeted allocations from FY12 through FY17

ALLOCATION OF CAS BUDGET TO EACH COUNTY FY12 TO FY17

	FY12			FY13			FY14			FY15			FY16			FY17			FY18 Proposed			Change from FY17				
	MC	PGC		MC	PGC		MC	PGC		MC	PGC		MC	PGC		MC	PGC		MC	PGC		MC	PGC			
DHRM	42.5%	57.5%		42.5%	57.5%		42.5%	57.5%		43.7%	56.3%		42.9%	57.1%		42.4%	57.6%		43.6%	56.4%		43.6%	56.4%		1.2%	-1.2%
Finance	43.4%	56.6%		43.4%	56.6%		43.4%	56.6%		42.7%	57.3%		42.9%	57.1%		42.9%	57.1%		43.4%	56.6%		43.4%	56.6%		0.5%	-0.5%
Legal	54.2%	45.8%		56.3%	43.7%		57.4%	42.6%		56.1%	43.9%		53.8%	46.2%		52.0%	48.0%		50.4%	49.6%		50.4%	49.6%		-1.6%	1.6%
Internal Audit	31.3%	68.7%		32.1%	67.9%		32.4%	67.6%		32.4%	67.6%		30.9%	69.1%		34.7%	65.3%		34.6%	65.4%		34.6%	65.4%		-0.1%	0.1%
Merit System Board	50.0%	50.0%		50.0%	50.0%		50.0%	50.0%		50.0%	50.0%		50.0%	50.0%		50.0%	50.0%		50.0%	50.0%		50.0%	50.0%		0.0%	0.0%
Support Services	50.0%	50.0%		50.0%	50.0%		50.0%	50.0%		45.1%	54.9%		44.7%	55.3%		44.2%	55.8%		44.6%	55.4%		44.6%	55.4%		0.4%	-0.4%
<b>Total CAS Before Chargebacks</b>	<b>45.1%</b>	<b>54.9%</b>		<b>45.7%</b>	<b>54.3%</b>		<b>46.0%</b>	<b>54.0%</b>		<b>45.4%</b>	<b>54.6%</b>		<b>44.7%</b>	<b>55.3%</b>		<b>44.3%</b>	<b>55.7%</b>		<b>44.7%</b>	<b>55.3%</b>		<b>44.7%</b>	<b>55.3%</b>			

This table provides the divisional labor allocation in detail, including the 3 year average which forms the basis for each year's proposed allocation.

	FY 12		FY 13		FY 14		FY 15		FY 16	
	MC	PGC Total	MC	PGC Total	MC	PGC Total	MC	PGC Total	MC	PGC Total
	45.1%	54.9%	41.7%	58.3%	42.0%	58.0%	42.6%	57.4%	46.2%	53.8%
<b>30 - Dept Human Resources &amp; Mgmt</b>	<b>45.1%</b>	<b>54.9%</b>	<b>41.7%</b>	<b>58.3%</b>	<b>42.0%</b>	<b>58.0%</b>	<b>42.6%</b>	<b>57.4%</b>	<b>46.2%</b>	<b>53.8%</b>
OFFICE OF THE EXEC. DIR.	49.5%	50.5%	48.6%	51.4%	50.4%	49.6%	50.0%	50.0%	50.0%	50.0%
BUDGET DIVISION	50.9%	49.1%	49.3%	50.7%	48.8%	51.2%	47.7%	52.3%	49.4%	50.6%
CLASSIFICATION COMPENSATION	47.0%	53.0%	53.0%	47.0%	56.1%	43.9%	52.6%	47.4%	53.4%	46.6%
CORP. POLICY & MGMT SVCS	52.4%	47.6%	50.1%	49.9%	49.9%	50.1%	50.1%	49.9%	54.0%	46.0%
EMPLOYEE LABOR RELATIONS	49.5%	50.5%	59.2%	40.8%	57.9%	42.1%	52.9%	47.1%	57.5%	42.5%
HRIS/EMP. RECORDS	35.0%	65.0%	19.0%	81.0%	19.0%	81.0%	21.0%	79.0%	22.0%	78.0%
RECRUITMENT	42.2%	57.8%	40.0%	60.0%	40.0%	60.0%	43.3%	56.7%	45.0%	55.0%
<b>31 - Legal</b>	<b>55.5%</b>	<b>44.5%</b>	<b>53.4%</b>	<b>46.6%</b>	<b>52.6%</b>	<b>47.4%</b>	<b>49.7%</b>	<b>50.3%</b>	<b>49.0%</b>	<b>51.0%</b>
<b>32 - Finance Department</b>	<b>43.0%</b>	<b>57.0%</b>	<b>42.9%</b>	<b>57.1%</b>	<b>42.7%</b>	<b>57.3%</b>	<b>42.6%</b>	<b>57.4%</b>	<b>44.9%</b>	<b>55.1%</b>
ACCOUNTING	49.2%	50.8%	48.8%	51.2%	44.5%	55.5%	45.6%	54.4%	44.8%	55.2%
ACCOUNTS PAYABLE	31.8%	68.2%	32.0%	68.0%	29.6%	70.4%	31.0%	69.0%	36.0%	64.0%
ADMINISTRATIVE SERVICES	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	49.9%	50.1%	49.0%	51.0%
INVESTMENTS	32.1%	67.9%	20.0%	80.0%	35.0%	65.0%	30.0%	70.0%	30.0%	70.0%
IT DIVISION	50.5%	49.5%	50.1%	49.9%	49.8%	50.2%	49.8%	50.2%	50.0%	50.0%
OFFICE OF THE SEC-TREAS.	49.0%	51.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
PAYROLL	26.1%	73.9%	25.0%	75.0%	22.0%	78.0%	23.5%	76.5%	24.5%	75.5%
PURCHASING	36.6%	63.4%	45.0%	55.0%	46.5%	53.5%	45.9%	54.1%	50.3%	49.7%
<b>52 - Internal Audit</b>	<b>24.6%</b>	<b>75.4%</b>	<b>36.9%</b>	<b>63.1%</b>	<b>30.1%</b>	<b>69.9%</b>	<b>37.2%</b>	<b>62.8%</b>	<b>36.4%</b>	<b>63.6%</b>
<b>Total CAS</b>	<b>45.3%</b>	<b>54.7%</b>	<b>44.5%</b>	<b>55.5%</b>	<b>44.2%</b>	<b>55.8%</b>	<b>43.9%</b>	<b>56.1%</b>	<b>45.7%</b>	<b>54.3%</b>

	3 Year Average		3 Year Average		3 Year Average		3 Year Average vs FY17 Budget	
	MC	PGC Total	MC	PGC Total	MC	PGC Total	MC	PGC Total
	42.9%	57.1%	42.1%	57.9%	43.6%	56.4%	42.4%	57.6%
<b>30 - Dept Human Resources &amp; Mgmt</b>	<b>42.9%</b>	<b>57.1%</b>	<b>42.1%</b>	<b>57.9%</b>	<b>43.6%</b>	<b>56.4%</b>	<b>42.4%</b>	<b>57.6%</b>
OFFICE OF THE EXEC. DIR.	49.5%	50.5%	49.7%	50.3%	50.1%	49.9%	50.1%	49.9%
BUDGET DIVISION	49.7%	50.3%	48.6%	51.4%	48.7%	51.3%	48.7%	51.3%
CLASSIFICATION COMPENSATION	52.0%	48.0%	53.9%	46.1%	54.0%	46.0%	54.0%	46.0%
CORP. POLICY & MGMT SVCS	50.8%	49.2%	50.0%	50.0%	51.3%	48.7%	51.3%	48.7%
EMPLOYEE LABOR RELATIONS	55.5%	44.5%	56.7%	43.3%	56.1%	43.9%	56.1%	43.9%
HRIS/EMP. RECORDS	24.3%	75.7%	19.7%	80.3%	20.7%	79.3%	20.7%	79.3%
RECRUITMENT	40.7%	59.3%	41.1%	58.9%	42.8%	57.2%	42.8%	57.2%
<b>31 - Legal</b>	<b>53.8%</b>	<b>46.2%</b>	<b>51.9%</b>	<b>48.1%</b>	<b>50.4%</b>	<b>49.6%</b>	<b>52.0%</b>	<b>48.0%</b>
<b>32 - Finance Department</b>	<b>42.9%</b>	<b>57.1%</b>	<b>42.7%</b>	<b>57.3%</b>	<b>43.4%</b>	<b>56.6%</b>	<b>42.9%</b>	<b>57.1%</b>
ACCOUNTING	47.5%	52.5%	46.3%	53.7%	44.9%	55.1%	44.9%	55.1%
ACCOUNTS PAYABLE	31.1%	68.9%	30.9%	69.1%	32.2%	67.8%	32.2%	67.8%
ADMINISTRATIVE SERVICES	50.0%	50.0%	50.0%	50.0%	49.6%	50.4%	49.6%	50.4%
INVESTMENTS	29.0%	71.0%	28.3%	71.7%	31.7%	68.3%	31.7%	68.3%
IT DIVISION	50.1%	49.9%	49.9%	50.1%	49.9%	50.1%	49.9%	50.1%
OFFICE OF THE SEC-TREAS.	49.7%	50.3%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
PAYROLL	24.4%	75.6%	23.5%	76.5%	23.3%	76.7%	23.3%	76.7%
PURCHASING	42.7%	57.3%	45.8%	54.2%	47.6%	52.4%	47.6%	52.4%
<b>52 - Internal Audit</b>	<b>30.6%</b>	<b>69.4%</b>	<b>34.7%</b>	<b>65.3%</b>	<b>34.6%</b>	<b>65.4%</b>	<b>34.7%</b>	<b>65.3%</b>
<b>Total CAS</b>	<b>44.7%</b>	<b>55.3%</b>	<b>44.2%</b>	<b>55.8%</b>	<b>44.6%</b>	<b>55.4%</b>	<b>44.3%</b>	<b>55.7%</b>

Notes:  
 1) Highlighted rows represents labor cost allocations are done with cost drivers  
 2) Result include chargeback positions based on time card records  
 3) FY12 and FY13 include FY14 new dedicated position in Legal

## Multi-Year Change Summary

The table below shows the change from year to year, including the proposed change for FY18.

	Change from Prior Year											
	FY13		FY14		FY15		FY16		FY17		FY18	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
DHRM	0.0%	0.0%	-0.1%	0.1%	1.2%	-1.2%	-0.9%	0.9%	-0.5%	0.5%	1.2%	-1.2%
Finance	0.0%	0.0%	0.0%	0.0%	-0.6%	0.6%	0.2%	-0.2%	0.0%	0.0%	0.5%	-0.5%
Legal	2.1%	-2.1%	1.2%	-1.2%	-1.3%	1.3%	-2.3%	2.3%	-1.8%	1.8%	-1.5%	1.5%
Internal Audit	0.8%	-0.8%	0.3%	-0.3%	-0.1%	0.1%	-1.5%	1.5%	3.8%	-3.8%	-0.1%	0.1%
Merit System Board	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Support Services	0.0%	0.0%	0.0%	0.0%	-4.9%	4.9%	-0.4%	0.4%	-0.5%	0.5%	0.4%	-0.4%
<b>Total CAS Before Chargebacks</b>	<b>0.5%</b>	<b>-0.5%</b>	<b>0.3%</b>	<b>-0.3%</b>	<b>-0.6%</b>	<b>0.6%</b>	<b>-0.7%</b>	<b>0.7%</b>	<b>-0.4%</b>	<b>0.4%</b>		

## Recommendation

The recommendation is to adopt the results of this year's analysis and direction be given to staff to utilize in developing the FY18 Proposed Budget. Using FY17 budget numbers, this would shift approximately \$57,000 to Montgomery County from Prince George's County.







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

To: The Commission  
Via: Patricia C. Barney, Executive Director   
From: Mazen Chilet, Chief Information Officer   
Re: Requested Budget Transfer

**Action**

The Office of the Chief Information Office (OCIO) has FY17 savings in personnel costs from unanticipated salary lapse and benefits savings. While positions are actively being recruited, we anticipate a savings of approximately \$95,732.

We are requesting approval of a budget transfer of \$51,550 for a portion of these savings to enable us to address critical needs.

**Proposed Use of Lapse/Savings to support Work program and the integration of staff**

The office space to which the OCIO has relocated was previously assigned to the Internal Audit Office. Repairs and some modifications are needed to support the technology based work program and the integration of additional staff within the Project Management Office (PMO). The unit also requires furniture and technology equipment to support its staff/programs.

- Critical Repairs/reconfiguration of work space to include: upgraded wiring to support technology program, replacement of lighting, enhanced security, reallocation of work space for greater functionality, and repair of damaged walls/tiles/carpeting. \$18,150
  - Replacement of furniture that is in disrepair for CIO and acquisition of furniture needed for incoming staff. \$ 9,400
  - Technology equipment/software needed for CIO and staff assigned to Office. \$24,000
- Total amount of salary lapse requested for use: \$51,550**

We appreciate your consideration of our request.



# ITEM 5i



## THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

PCB16-37

August 29, 2016

TO: Commissioners

FROM: Patricia Colihan Barney, Executive Director 

SUBJECT: Resolution to Exclude M-NCPPC Federal Credit Union Staff and Retirees from M-NCPPC Health and Welfare Benefit Programs

Due to an administrative error, M-NCPPC Federal Credit Union (“Credit Union”) employees and retirees have been allowed to participate in the M-NCPPC health and welfare benefit plans. Staff recommends adoption of Resolution 16-22, which corrects this error by excluding Credit Union employees and retirees from M-NCPPC benefit plans effective January 1, 2017.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 16-22

EXCLUSION OF M-NCPPC FEDERAL CREDIT UNION STAFF AND RETIREES FROM  
M-NCPPC HEALTH AND WELFARE BENEFIT PROGRAMS

WHEREAS, the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) provides a health and welfare benefit program for certain of its active and retired employees;

WHEREAS, at some prior date more than twenty years ago, M-NCPPC began allowing active M-NCPPC Federal Credit Union (“Credit Union”) employees to participate in the M-NCPPC health and welfare benefit program with all costs of participation borne by the Credit Union;

WHEREAS, by M-NCPPC Resolution 92-22, M-NCPPC allowed retired Credit Union employees to participate in the M-NCPPC health and welfare benefit program with all costs of participation borne by the Credit Union;

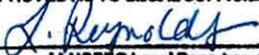
WHEREAS, the Credit Union recently requested participation in the M-NCPPC Section 457 deferred compensation plan and, as a result, M-NCPPC staff were made aware that the inclusion of Credit Union employees and retirees in the M-NCPPC health and welfare benefit program was made in error; and

WHEREAS, M-NCPPC desires to correct the error by excluding Credit Union employees and retirees from the M-NCPPC health and welfare benefit program in the future.

NOW THEREFORE, BE IT RESOLVED that effective January 1, 2017 Credit Union employees and retirees shall be excluded from the M-NCPPC health and welfare benefit program; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director or her designee to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 9/17/2016











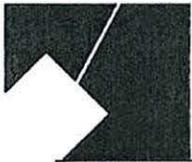
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
 BY DEPARTMENT AS OF AUGUST 2016

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	07/16	08/16	07/16	08/16	07/16	08/16	07/16	08/16
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	1	0	1	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	0	0	0	0	0	0	0
LEGAL DEPARTMENT	1	0	2	1	2	0	5	1
FINANCE DEPARTMENT	1	0	0	0	0	0	1	0
PRINCE GEORGE'S PLANNING	1	0	1	1	0	0	2	1
PRINCE GEORGE'S PARKS & RECREATION	3	2	1	0	0	0	4	2
MONTGOMERY COUNTY PARKS	0	2	0	0	0	0	0	2
MONTGOMERY COUNTY PLANNING	3	2	2	3	0	0	3	5
**DEPARTMENT TOTAL BY DAYS LATE**	9	6	4	5	3	0	---	---

**COMMISSION WIDE TOTAL: 16 11**





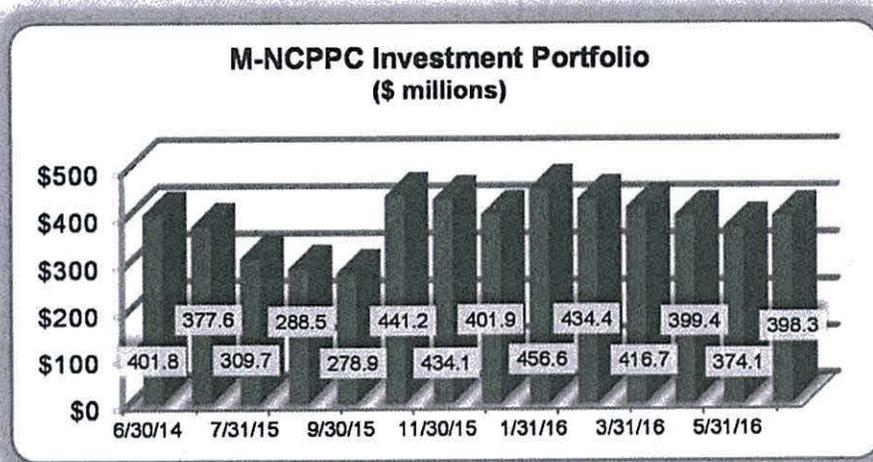


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
 TREASURY OPERATIONS, FINANCE DEPARTMENT  
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737  
 Telephone (301) 454-1541 / Fax (301) 209-0413

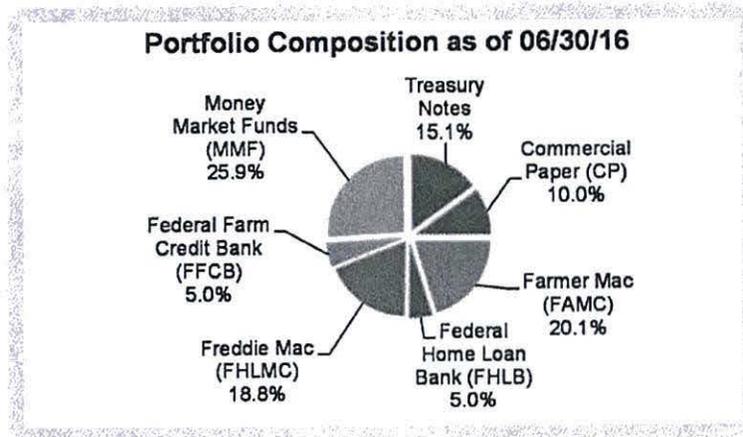
**MEMO**

**TO:** Commissioners  
**VIA:** Joseph Zimmerman, Secretary-Treasurer  
**FROM:** *JR* Abbey Rodman, Investment & Treasury Operations Manager  
**DATE:** 9/2/2016  
**SUBJECT:** Investment Report – June 2016

The Commission’s pooled cash investment portfolio totaled \$398.3 million as of June 30, 2016, with a 6.47% increase from May 31, 2016. Details are as follows:

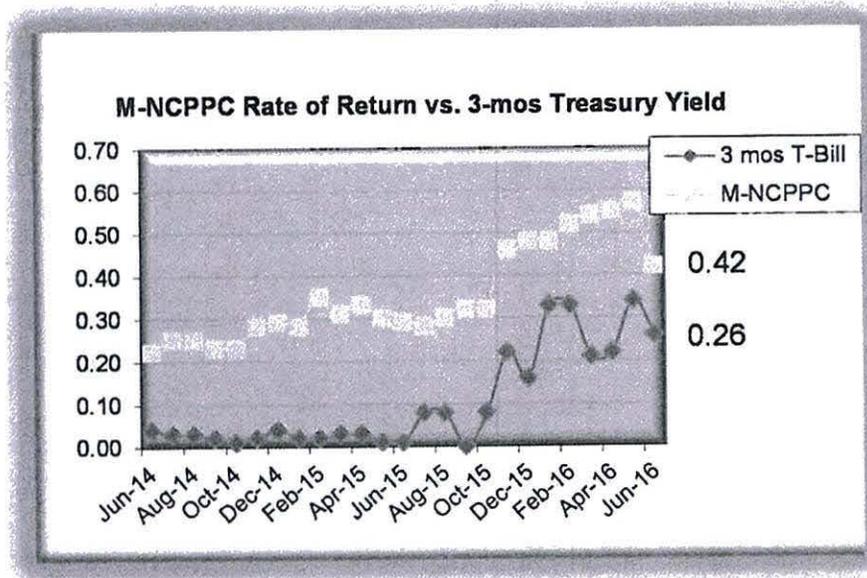


The composition of the pooled cash portfolio as of June 30, 2016 is summarized below:

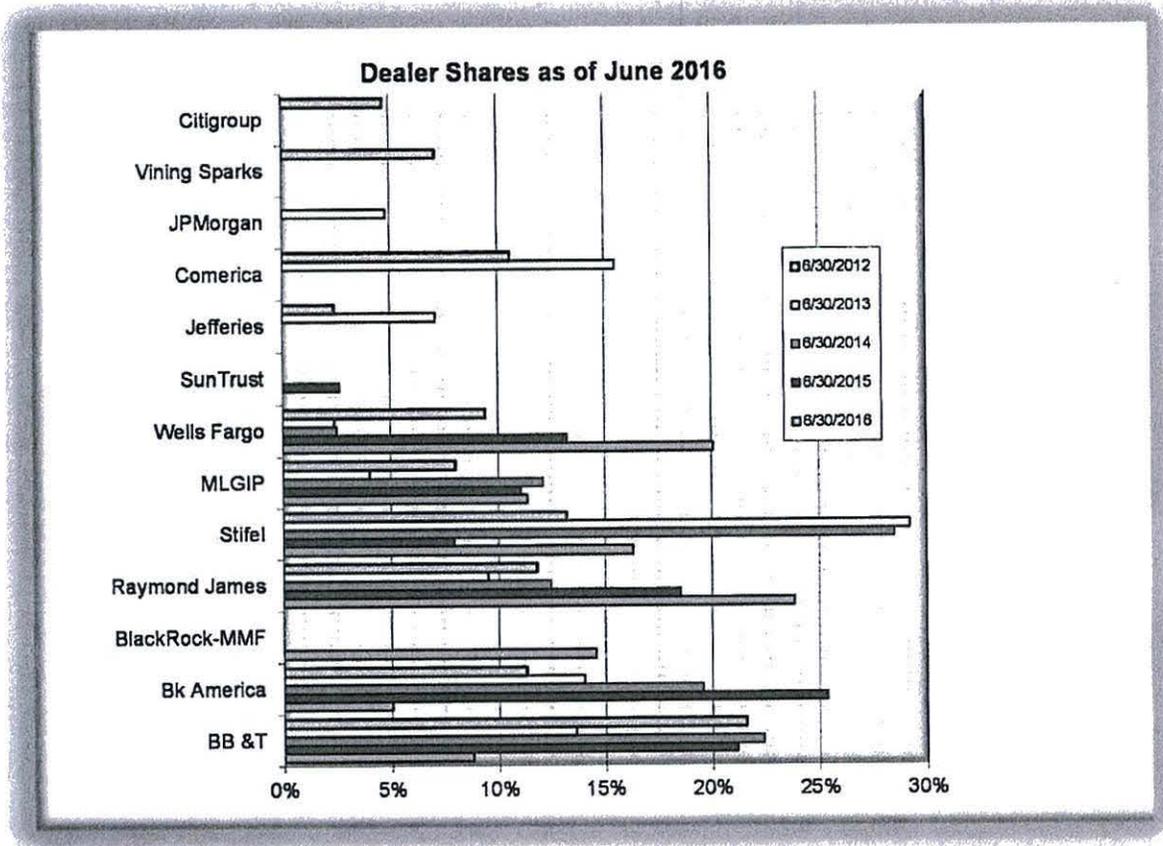


Current Investment Portfolio - June 2016				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Money Funds	25%	26%	\$ 103,341,104	n/a
Farmer Mac	20%	20%	80,000,000	0.54%
Freddie Mac	20%	19%	75,000,000	0.83%
Treasury Notes	100%	15%	60,000,000	0.68%
Commercial Paper	10%	10%	40,000,000	0.67%
Federal Home Loan Banks	20%	5%	20,000,000	0.40%
Federal Farm Credit Bureau	20%	5%	20,000,000	0.48%
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			<b>\$ 398,341,104</b>	<b>0.63%</b>

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:

<b>Market Value- 06/30/16</b>	
Prince George's County (PGC-2015A)	\$ 5,508,378
Montgomery County (MC-2016A)	3,631,544
Prince George's County (PGC-2014A)	2,371,999
Montgomery County (MC-2014A)	-
	<b><u>\$ 11,511,920</u></b>

The Commission had debt service payments during the month totaling \$473,227, which was for interest only.

Details by issue of debt outstanding as of June 30, 2016 appear below:

<b>Debt Balances - June 2016</b>					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
<b>Bi-County</b>					
<b>Total Bi-County</b>	\$ -	\$ -	0%		
<b>Prince George's County</b>					
KK-2 (Refunded AA-2)	17,300,000	3,683,126	21%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	6,865,000	49%	Mar-10	May-21
EE-2	12,235,000	2,305,000	19%	Mar-04	Jan-17
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	7,060,000	62%	Jun-12	Jun-24
PGC-2014A	26,565,000	24,350,000	92%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	24,820,000	100%	Oct-15	Jan-25
<b>Total Prince George's County</b>	<b>\$ 106,420,000</b>	<b>\$ 69,083,126</b>	<b>65%</b>		
<b>Montgomery County</b>					
LL-2	8,405,000	3,555,000	42%	May-09	Nov-20
MM-2	5,250,000	945,000	18%	Nov-16	Nov-19
MC-2012A (Refunded CC-2, FF-2)	12,505,000	10,900,000	87%	Apr-12	Dec-32
MC-2012B	3,000,000	2,630,000	88%	Apr-12	Dec-32
MC-2014A	14,000,000	13,005,000	93%	Jun-14	Jun-34
MC-2016A	12,000,000	12,000,000	100%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	6,120,000	100%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	1,075,000	100%	Apr-16	Nov-24
<b>Total Montgomery County</b>	<b>\$ 62,355,000</b>	<b>\$ 50,230,000</b>	<b>81%</b>		
<b>Total</b>	<b>\$ 168,775,000</b>	<b>\$ 119,313,126</b>	<b>71%</b>		



ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012  
 FISCAL YEAR 2016 - June 30, 2016

OBJECTIVES		Met Objective	Within Limits	Comments
<b>Protection of principal</b>		Yes	Yes	
<b>Limiting types and amounts of securities</b>	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)				
<b>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</b>			Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
<b>Ensure competition among participants</b>	30%		Yes	No dealer share exceeded 30%
<b>Competitive Bidding</b>			Yes	All purchases awarded competitively.
<b>Diversification of Maturities</b>				
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
<b>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</b>			Yes	M&T Investments serves as custodian, monitoring compliance daily
<b>Maintain sufficient liquidity</b>		Yes		Sufficient funds available for all cash requirements during period
<b>Attain a market rate of return</b>		Yes		Exceeded by 16 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.42% and 0.26%, respectively.				





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

TO: Commissioners  
FROM: Joseph C. Zimmerman, Secretary-Treasurer  
DATE: September 14, 2016  
SUBJECT: Annual report for the 115 Trust

Per the requirements of the 115 Trust Document, the annual report of financial status is provided for your information.

The Commission maintains the trust as a funding vehicle for retiree health insurance costs. The program continues to meet its obligations to the retirees as well as amortize the unfunded portions of the cost of previous obligations.

I will be happy to review the report with you.



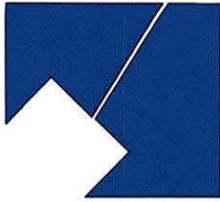
**The Maryland-National Capital Park and Planning Commission  
Other Post Employment Benefits Trust Fund Investments  
Statement of Plan Net Assets  
June 30, 2016**

<b>Assets</b>	
Cash and short-term investments	\$ 40
Investments at fair value	
Bond Funds	13,787,563
Equity Funds	33,358,534
Other Assets - Real Estate	832,055
Total investments	<u>47,978,152</u>
 Total Assets	 47,978,192
<b>Liabilities</b>	
Accounts payable and others	<u>-</u>
 <b>Net Assets held in trust for other post employment benefits</b>	 <u><u>\$ 47,978,192</u></u>

**The Maryland-National Capital Park and Planning Commission  
Other Post Employment Benefits Trust Fund Investments  
Statement of Changes in Plan Net Assets  
For the Period Ended June 30, 2016**

	<u>Month to Date</u>	<u>Fiscal Year to Date</u>
<b>ADDITIONS:</b>		
Contributions	\$ (45,068)	\$ 5,079,932
 Investment Earnings:		
Interest	-	40
Dividends	20,782	473,635
Net increase (decrease) in the Fair Market Value of Investments	406,750	(2,246,931)
Total Investment Earnings	<u>427,532</u>	<u>(1,773,256)</u>
 Add Investment Advisory and Management fees net of adjustment	-	-
Net Income from Investing Activities	<u>427,532</u>	<u>(1,773,256)</u>
 Total Additions	<u>382,464</u>	<u>3,306,676</u>
 <b>DEDUCTIONS:</b>		
Increase in Net Assets	<u>382,464</u>	<u>3,306,676</u>
<b>Net Assets held in trust for other post employment benefits</b>		
Beginning of period	47,595,728	44,671,516
June 30, 2016	<u><u>\$ 47,978,192</u></u>	<u><u>\$ 47,978,192</u></u>





**The Maryland-National Capital Park & Planning Commission**  
**Department of Finance - Purchasing Division**

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1600 Fax: 301-454-1606

August 19, 2016

TO: Commissioners

VIA: Patricia C. Barney, Executive Director 

FROM: Joseph C. Zimmerman, Secretary/Treasurer

SUBJECT: MFD Purchasing Statistics— Third Quarter FY16

The Commission's procurement policy (Practice 4-10, Purchasing) includes an anti-discrimination component which assures that fair and equitable vendor opportunities are made available to minority, female or disabled owned firms (MFDs). This program is administered jointly by the Office of the Executive Director and the Purchasing Division and includes a price preference program and an MFD subcontracting component based on the Commission procurement practices and the available MFD vendors in the marketplace. The price preference program has been suspended until a MFD study is conducted to provide evidence that the price preference is/is not needed. This report is provided for your information and may be found on the Commission's intranet.

Some of the observations of this FY16 report include:

- Attachment A indicates that through the third quarter of FY16, the Commission procured approximately \$65 million in goods, professional services, construction and miscellaneous services. Approximately 19.5% or \$12.7 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the third quarter MFD utilization was 19.5%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the third quarter of FY16 was 31.9%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the third quarter are 33.4% and 27.8%, respectively.
- Attachment D presents the FY16 activity for the Purchase Card program totaling approximately \$9.5 million of which 5.4 % was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 14.5% of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a

quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to third quarter FY16.
- Attachments F and G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analysis, MFD vendors do appear to be participating, at an overall rate of 18% in informal (under \$30,000) and 20.6% in the formal (over \$30,000) procurements. In the newest delegation for transactions under \$10k, MFD participation is 16.3%. MFD vendors are participating at an overall rate of 20.1% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$65 million in total procurement, approximately \$43 million was procured from Maryland vendors. Of the \$12.7 million in procurement from MFD vendors, \$11.7 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Native American and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated July 5, 2013.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 1.6% of total procurement.
- In an effort to increase MFD participation, the Central Purchasing Division will be hosting a Commission Procurement Fair on Thursday, September 22, 2016 at the Sports & Learning Complex. This will provide vendors an opportunity to learn how to do business with the Commission and introduce their companies to various Commission representatives.

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

Attachments



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT STATISTICS**  
**FY 2016**  
**FOR NINE MONTHS ENDED MARCH 31, 2016**

**Attachment A**

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<b><u>Prince George's County</u></b>						
Commissioners' Office	\$ 128,499	\$ -	-	-	\$ 21,573	16.8%
Planning Department	872,551	-	-	-	70,649	8.1%
Parks and Recreation Department	45,267,749	509,729	15	15	9,237,603	20.4%
Total	<u>46,268,799</u>	<u>509,729</u>	<u>15</u>	<u>15</u>	<u>9,329,825</u>	<u>20.2%</u>
<b><u>Montgomery County</u></b>						
Commissioners' Office	9,805	-	-	-	843	8.6%
Planning Department	1,561,227	57,872	2	2	143,229	9.2%
Parks Department	16,050,240	255,563	7	7	2,678,305	16.7%
Total	<u>17,621,272</u>	<u>313,435</u>	<u>9</u>	<u>9</u>	<u>2,822,377</u>	<u>16.0%</u>
<b><u>Central Administrative Services</u></b>						
Dept. of Human Resources and Mgt.	513,856	-	-	-	162,673	31.7%
Finance Department	378,438	174,429	2	2	130,100	34.4%
Legal Department	97,631	32,600	2	2	54,749	56.1%
Merit Board	-	-	-	-	-	0.0%
Office of Chief Information Officer	13,543	-	-	-	909	6.7%
Office of Internal Auditor	179,989	-	-	-	177,845	98.8%
Total	<u>1,183,457</u>	<u>207,029</u>	<u>4</u>	<u>4</u>	<u>526,276</u>	<u>44.5%</u>
Grand Total	<u>\$ 65,073,528</u>	<u>\$ 1,030,193</u>	<u>28</u>	<u>28</u>	<u>\$ 12,678,478</u>	<u>19.5%</u>

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

Prepared by Finance Department  
August 11, 2016

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

**MFD PROCUREMENT STATISTICS**

FY 2016

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

**Attachment B**

**CUMULATIVE BY QUARTER**

	SEPTEMBER	DECEMBER	MARCH	JUNE
<b><u>Prince George's County</u></b>				
Commissioners' Office	7.7%	11.5%	16.8%	
Planning Department	13.0%	6.1%	8.1%	
Parks and Recreation Department	21.3%	21.6%	20.4%	
Total	21.2%	21.2%	20.2%	
<b><u>Montgomery County</u></b>				
Commissioners' Office	6.3%	6.9%	8.6%	
Planning Department	0.6%	0.6%	9.2%	
Parks Department	12.6%	11.8%	16.7%	
Total	11.2%	10.6%	16.0%	
<b><u>Central Administrative Services</u></b>				
Dept. of Human Resources and Mgt.	54.1%	32.2%	31.7%	
Finance Department	13.3%	13.7%	34.4%	
Legal Department	39.3%	28.0%	56.1%	
Merit Board	0.0%	0.0%	0.0%	
Office of Chief Information Officer	0.0%	0.0%	6.7%	
Office of Internal Auditor	1.6%	4.2%	98.8%	
Total	30.8%	24.0%	44.5%	
Grand Total	17.5%	18.8%	19.5%	

**ACTIVITY BY QUARTER**

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<b><u>Prince George's County</u></b>					
Commissioners' Office	7.7%	13.8%	38.0%		16.8%
Planning Department	13.0%	4.0%	18.2%		8.1%
Parks and Recreation Department	21.3%	21.7%	17.3%		20.4%
Total	21.2%	21.2%	17.3%		20.2%
<b><u>Montgomery County</u></b>					
Commissioners' Office	6.3%	7.0%	11.9%		8.6%
Planning Department	0.6%	0.0%	30.3%		9.2%
Parks Department	12.6%	7.4%	23.4%		16.7%
Total	11.2%	7.1%	23.8%		16.0%
<b><u>Central Administrative Services</u></b>					
Dept. of Human Resources and Mgt.	54.1%	10.8%	30.9%		31.7%
Finance Department	13.3%	15.6%	67.3%		34.4%
Legal Department	39.3%	13.9%	70.3%		56.1%
Merit Board	0.0%	0.0%	0.0%		0.0%
Office of Chief Information Officer	0.0%	0.0%	16.7%		6.7%
Office of Internal Auditor	1.6%	11.4%	99.5%		98.8%
Total	30.8%	11.7%	64.5%		44.5%
Grand Total	17.5%	20.1%	21.0%		19.5%

Prepared by Finance Department  
September 12, 2016

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
MFD PROCUREMENT STATISTICS  
BY MAJOR PROCUREMENT CATEGORY  
FY 2016  
FOR NINE MONTHS ENDED MARCH 31, 2016

**ATTACHMENT C**

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Res. & Mgt.	Legal Department	Finance Department
<b>Goods:</b>								
Total \$	\$ 23,060,623	\$ 902,410	\$ 6,667,700	\$ 15,085,919	\$ 144,704	\$ 114,279	\$ 14,309	\$ 131,302
MFD\$	\$ 1,878,815	\$ 71,033	\$ 466,839	\$ 1,175,605	\$ 50,122	\$ 48,834	\$ 11,861	\$ 54,521
Percentage	8.1%	7.9%	7.0%	7.8%	34.6%	42.7%	82.9%	41.5%
<b>Miscellaneous Services:</b>								
Total \$	\$ 17,263,596	\$ 535,562	\$ 4,211,004	\$ 11,508,811	\$ 600,989	\$ 199,916	\$ 42,113	\$ 165,201
MFD\$	\$ 4,155,677	\$ 30,984	\$ 838,609	\$ 3,082,835	\$ 20,527	\$ 109,323	\$ 2,534	\$ 70,865
Percentage	24.1%	5.8%	19.9%	26.8%	3.4%	54.7%	6.0%	42.9%
<b>Professional Services:</b>								
Total \$	\$ 4,991,956	\$ 114,621	\$ 300,798	\$ 4,147,257	\$ 115,200	\$ 191,661	\$ 41,209	\$ 81,210
MFD\$	\$ 239,042	\$ 41,212	\$ 19,430	\$ 128,816	\$ 0	\$ 4,516	\$ 40,354	\$ 4,714
Percentage	4.8%	36.0%	6.5%	3.1%	0.0%	2.4%	97.9%	5.8%
<b>Construction:</b>								
Total \$	\$ 19,425,517	\$ 8,634	\$ 4,870,738	\$ 14,525,762	\$ 11,658	\$ 8,000	\$ 0	\$ 725
MFD\$	\$ 6,203,774	\$ 0	\$ 1,353,427	\$ 4,850,347	\$ 0	\$ 0	\$ 0	\$ 0
Percentage	31.9%	0.0%	27.8%	33.4%	0.0%	0.0%	0.0%	0.0%
<b>SUBTOTAL</b>								
Total \$	\$ 64,741,692	\$ 1,561,227	\$ 16,050,240	\$ 45,267,749	\$ 872,551	\$ 513,856	\$ 97,631	\$ 378,438
MFD\$	\$ 12,477,308	\$ 143,229	\$ 2,678,305	\$ 9,237,603	\$ 70,649	\$ 162,673	\$ 54,749	\$ 130,100
Percentage	19.3%	9.2%	16.7%	20.4%	8.1%	31.7%	56.1%	34.4%
<b>Pr. Geo. Commissioners' Office</b>								
Total \$	\$ 128,499							
MFD\$	\$ 21,573							
Percentage	16.8%							
<b>Mont. Commissioners' Office</b>								
Total \$	\$ 9,805							
MFD\$	\$ 843							
Percentage	8.6%							
<b>Merit Board</b>								
Total \$	\$ 0							
MFD\$	\$ 0							
Percentage	0.0%							
<b>Office of Chief Information Officer</b>								
Total \$	\$ 13,543							
MFD\$	\$ 909							
Percentage	6.7%							
<b>Office of Internal Auditor</b>								
Total \$	\$ 179,989							
MFD\$	\$ 177,845							
Percentage	98.8%							
<b>GRAND TOTAL \$</b>	\$ 65,073,528							
<b>MFD\$</b>	\$ 12,678,478							
<b>Percentage</b>	19.5%							

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MFD PROCUREMENT STATISTICS  
**Comparison of MFD % for Total Procurement and Purchase Card Procurement**  
FY 2016  
FOR NINE MONTHS ENDED MARCH 31, 2016

**Attachment D**

	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<b><u>Prince George's County</u></b>				
Commissioners' Office	\$ 128,499	16.8%	\$ 47,838	35.6%
Planning Department	872,551	8.1%	90,161	11.8%
Parks and Recreation Department	45,267,749	20.4%	4,851,720	5.8%
Total	46,268,799	20.2%	4,989,719	6.1%
<b><u>Montgomery County</u></b>				
Commissioners' Office	9,805	8.6%	8,562	0.6%
Planning Department	1,561,227	9.2%	190,385	0.2%
Parks Department	16,050,240	16.7%	4,144,310	4.4%
Total	17,621,272	16.0%	4,343,257	4.2%
<b><u>Central Administrative Services</u></b>				
Dept. of Human Resources and Mgt.	513,856	31.7%	34,616	1.1%
Finance Department	378,438	34.4%	75,787	25.9%
Legal Department	97,631	56.1%	3,030	0.0%
Merit Board	-	0.0%	-	0.0%
Office of Chief Information Officer	13,543	6.7%	5,286	0.0%
Office of Internal Auditor	179,989	98.8%	2,144	0.0%
Total	1,183,457	44.5%	120,863	17.3%
Grand Total	\$ 65,073,528	19.5%	\$ 9,453,839	5.4%

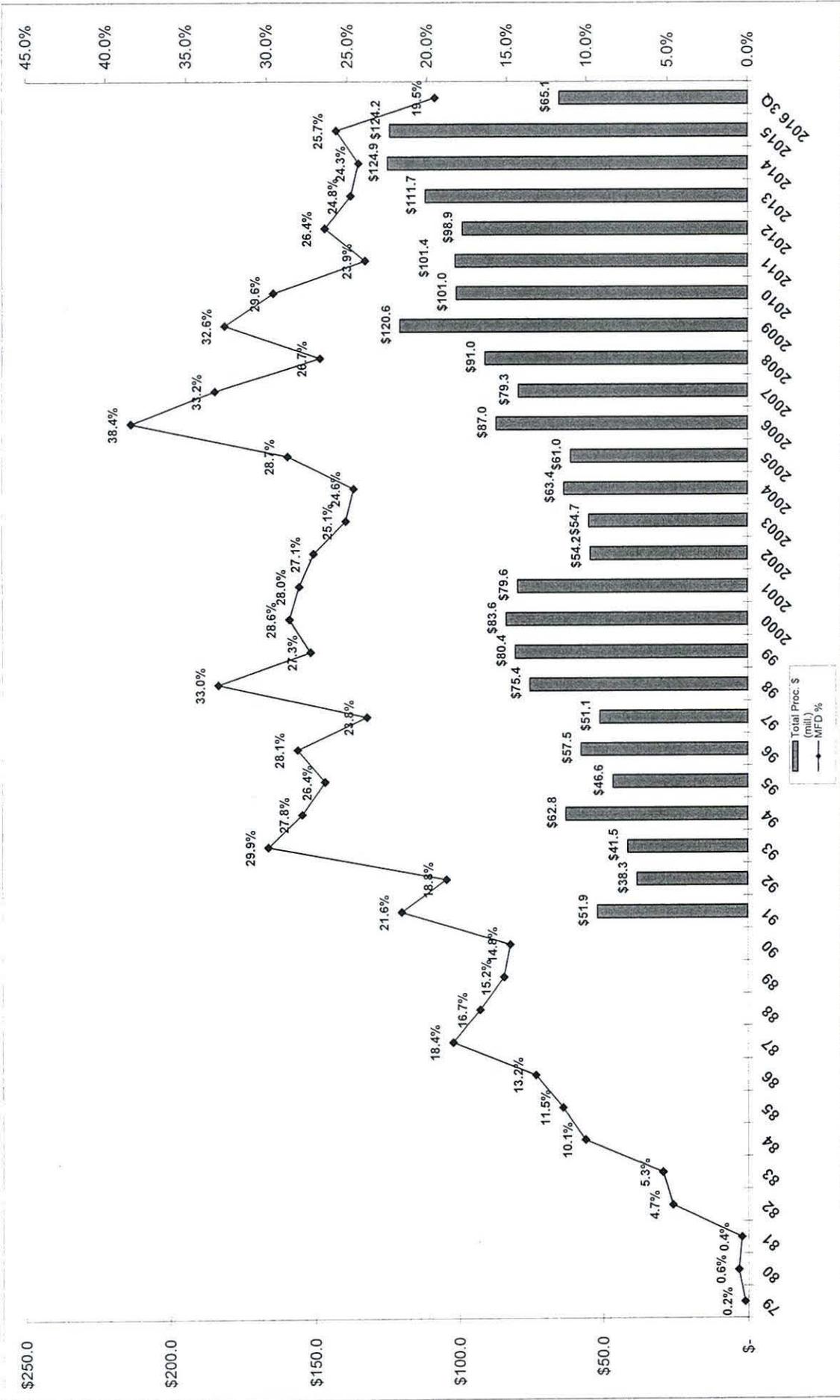
**Percentage of Purchase Card Procurement to Total Procurement 14.5%**

Prepared by Finance Department  
August 11, 2016

# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

## MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)

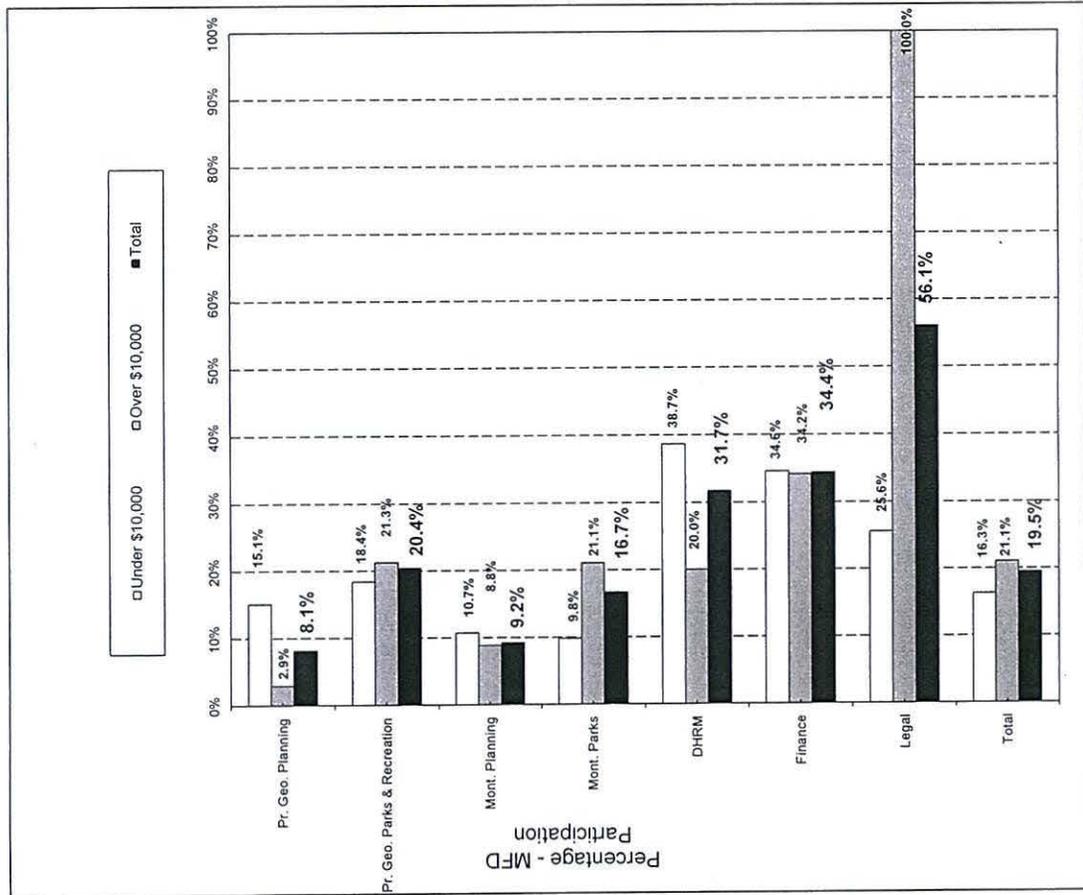
### Attachment E



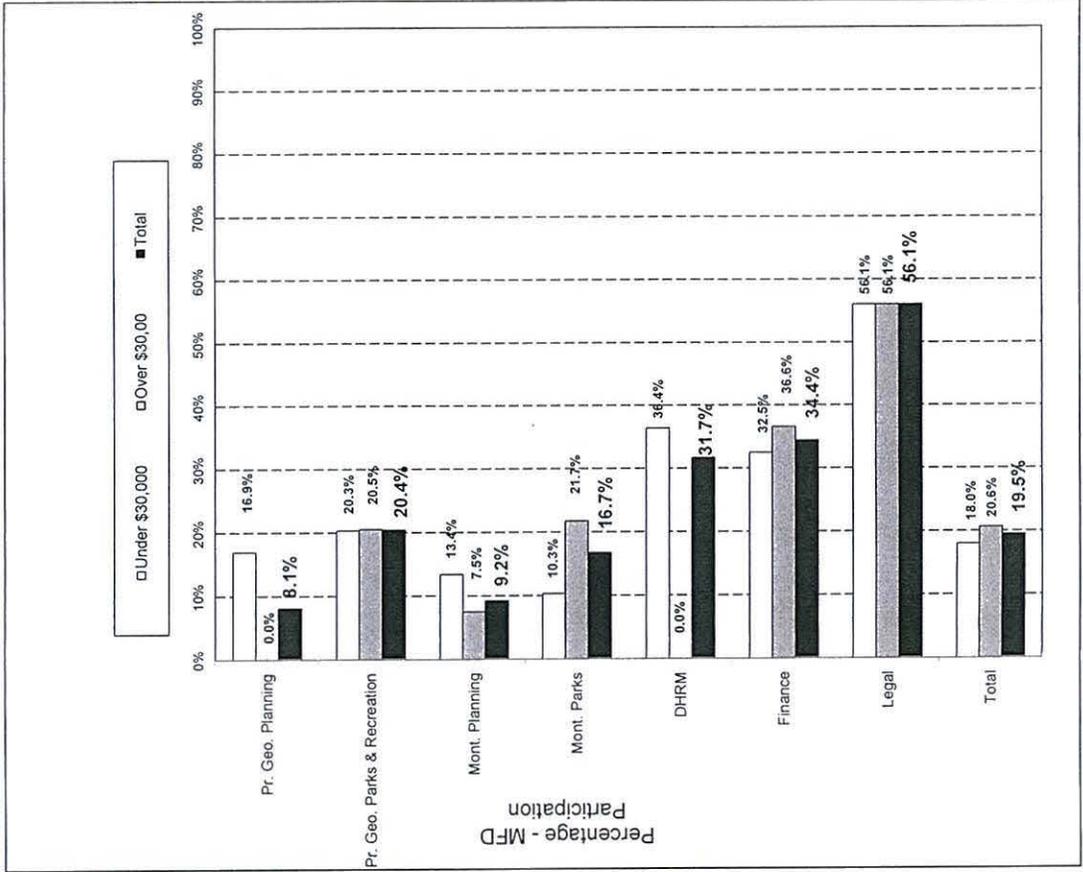
Prepared by Finance Department  
August 11, 2016

The Maryland-National Capital Park and Planning Commission  
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %  
 FY 2016 3Q

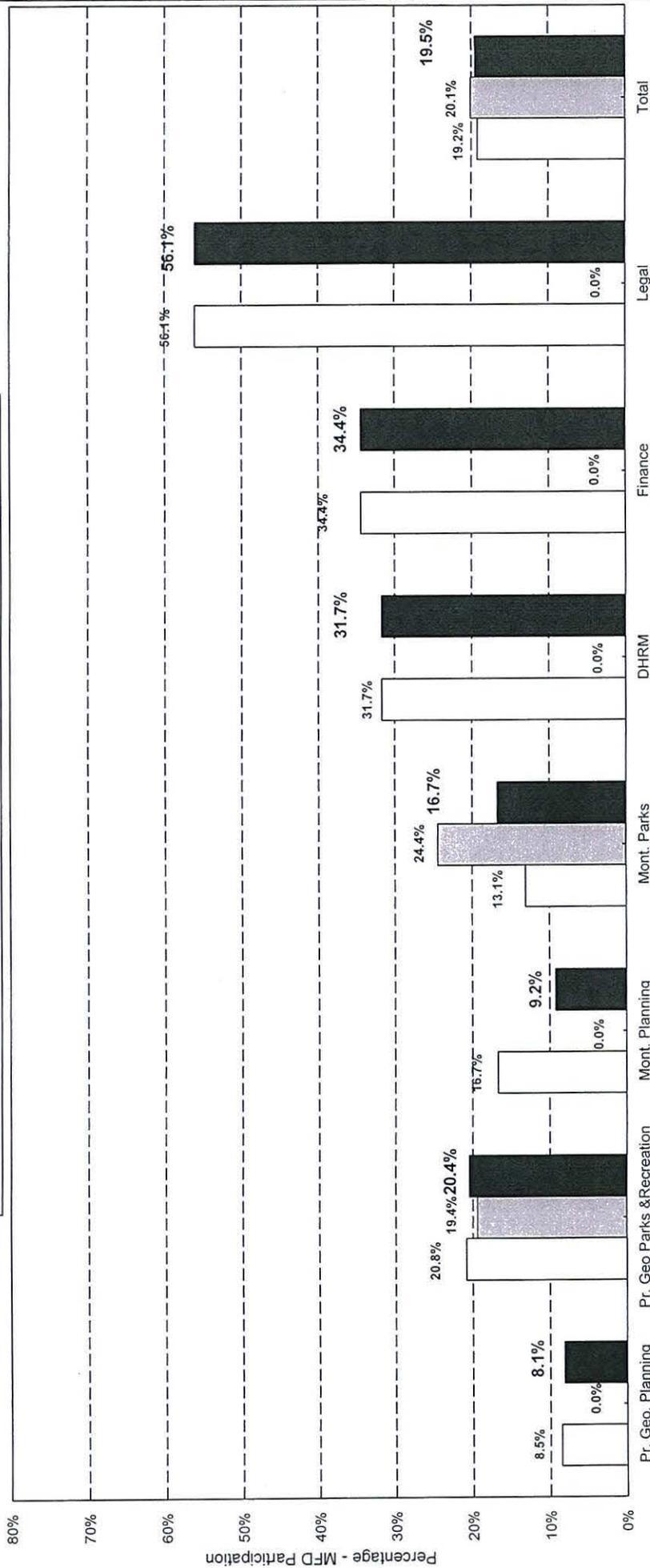
Under/Over \$10,000



Under/Over \$30,000



**The Maryland-National Capital Park and Planning Commission**  
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %  
 FY 2016 3Q



Prepared by Finance Department  
 August 11, 2016

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**Amount of Procurement and Number of Vendors by Location**  
**FY 2016**  
**FOR NINE MONTHS ENDED MARCH 31, 2016**

**Attachment H**

**TOTAL of ALL VENDORS**

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 11,271,626	17.3%	253	14.9%
Prince George's County	9,702,498	14.9%	530	31.1%
Subtotal	20,974,124	32.2%	783	46.0%
Maryland - other locations	22,359,587	34.4%	309	18.1%
Total Maryland	43,333,711	66.6%	1,092	64.1%
District of Columbia	1,001,767	1.5%	95	5.6%
Virginia	2,676,864	4.1%	128	7.5%
Other Locations	18,061,186	27.8%	388	22.8%
Total	<u>\$ 65,073,528</u>	<u>100.0%</u>	<u>1,703</u>	<u>100.0%</u>

**TOTAL of Non-MFD Vendors**

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 7,507,984	14.3%	174	14.1%
Prince George's County	7,178,512	13.7%	315	25.5%
Subtotal	14,686,496	28.0%	489	39.6%
Maryland - other locations	16,918,070	32.3%	248	20.1%
Total Maryland	31,604,566	60.3%	737	59.7%
District of Columbia	743,433	1.4%	62	5.0%
Virginia	2,359,212	4.5%	86	7.0%
Other Locations	17,687,839	33.8%	349	28.3%
Total	<u>\$ 52,395,050</u>	<u>100.0%</u>	<u>1,234</u>	<u>100.0%</u>

**TOTAL of MFD Vendors**

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 3,763,642	29.8%	79	16.8%
Prince George's County	2,523,986	19.9%	215	45.9%
Subtotal	6,287,628	49.7%	294	62.7%
Maryland - other locations	5,441,517	42.9%	61	13.0%
Total Maryland	11,729,145	92.6%	355	75.7%
District of Columbia	258,334	2.0%	33	7.0%
Virginia	317,652	2.5%	42	9.0%
Other Locations	373,347	2.9%	39	8.3%
Total	<u>\$ 12,678,478</u>	<u>100.0%</u>	<u>469</u>	<u>100.0%</u>

Note: The following shows the amounts and percentages of procurement by the location of the department. The bi-county departments' activity is divided equally between the two Counties.

	<u>Total Procurement</u>		<u>MFD Procurement</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Amount</u>	<u>Percentage</u>
Prince George's County	\$ 46,860,528	72.0%	\$ 9,592,962	75.7%
Montgomery County	18,213,000	28.0%	3,085,516	24.3%
Total	<u>\$ 65,073,528</u>	<u>100.0%</u>	<u>\$ 12,678,478</u>	<u>100.0%</u>

Prepared by Finance Department  
August 11, 2016



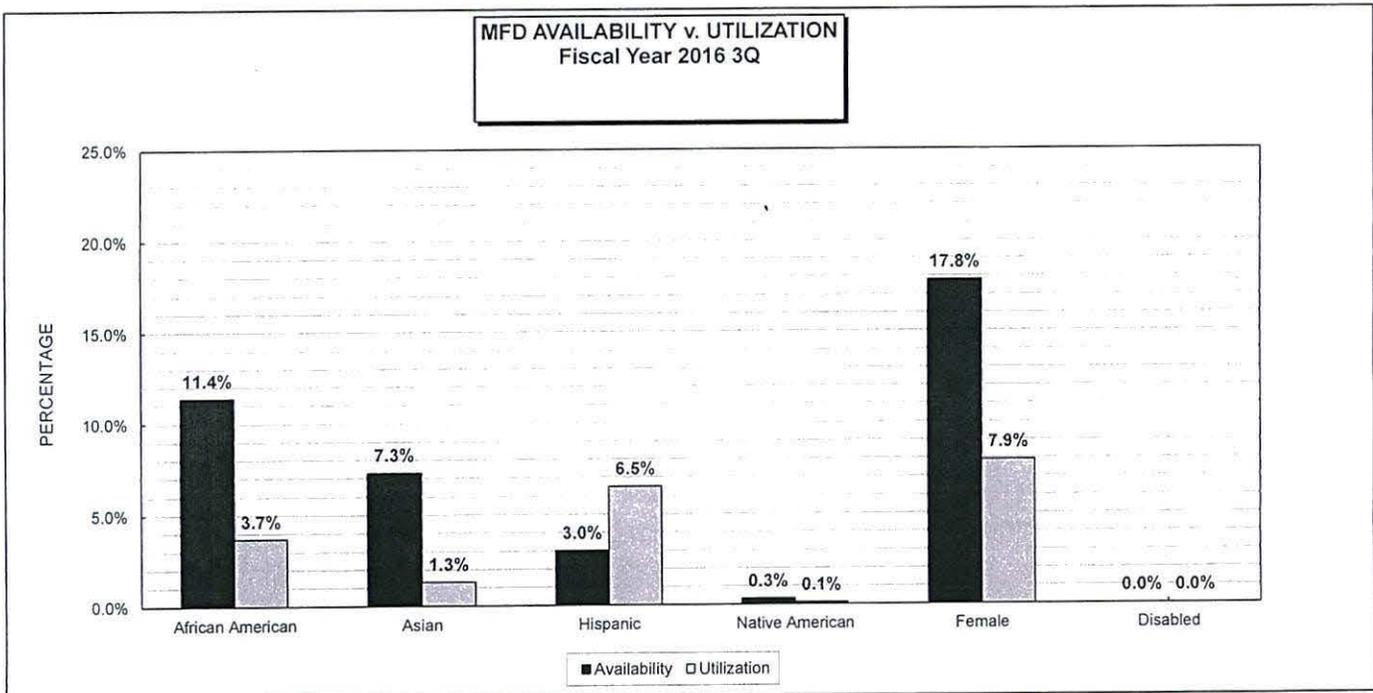
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT RESULTS**  
**FY 2016**  
**FOR NINE MONTHS ENDED MARCH 31, 2016**

**Attachment I**

**Total Amount of Procurement** \$ 65,073,528

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

	Procurement		Availability
	Amount	%	%
<b>Minority Owned Firms</b>			
African American	\$ 2,377,048	3.7%	11.4%
Asian	869,087	1.3%	7.3%
Hispanic	4,231,503	6.5%	3.0%
Native American	74,647	0.1%	0.3%
<b>Total Minority Owned Firms</b>	<b>7,552,285</b>	<b>11.6%</b>	<b>22.0%</b>
<b>Female Owned Firms</b>	<b>5,123,150</b>	<b>7.9%</b>	<b>17.8%</b>
<b>Disabled Owned Firms</b>	<b>3,043</b>	<b>0.0%</b>	<b>n/a</b>
<b>Total Minority, Female, and Disabled Owned Firms</b>	<b>\$ 12,678,478</b>	<b>19.5%</b>	<b>39.8%</b>



Note: (1) Availability percentages are taken from State of Maryland study titled "Disadvantaged Business Enterprise Disparity Study: Volume 1", dated July 5, 2013, table 2.23 on page 84.

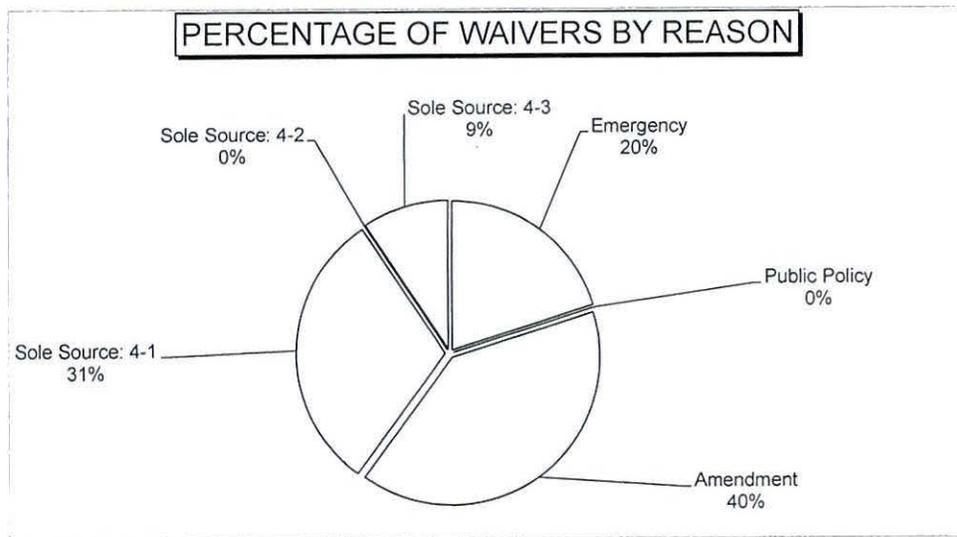
(2) n/a = not available

Prepared by Finance Department  
 August 11, 2015

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
REASONS FOR WAIVERS  
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS  
FY 2016  
FOR NINE MONTHS ENDED MARCH 31, 2016**

**Attachment J**

	NUMBER	AMOUNT	PERCENTAGE
Emergency	8	\$ 208,090	20%
Public Policy	0	\$ -	0%
Amendment	11	\$ 410,485	40%
Sole Source: 4-1	6	\$ 315,187	31%
Sole Source: 4-2	0	\$ -	0%
Sole Source: 4-3	3	\$ 96,331	9%
<b>Total</b>	<b>28</b>	<b>\$ 1,030,093</b>	<b>100%</b>



**Waiver Reason Definitions:**

**Emergency:**

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

**Required by Law or Grant:**

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

**Amendment:**

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

**Sole Source 4:**

It has been determined that:

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

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT  
PROCESSED FY 2016  
FOR THE NINE MONTHS ENDED MARCH 31, 2016

**Attachment K**

	Total Waivers	MFD/Waivers	% of MFD	Sole Source 4-1	Sole Source 4-2	Sole Source 4-3	% Sole Source
	Number	Number	%	Number	Number	Number	%
	\$	\$		\$	\$	\$	
<b>Prince George's County</b>							
Commissioners' Office	0	-	0.0%	-	-	-	0.0%
Planning Department	0	-	0.0%	-	-	-	0.0%
Parks and Recreation Department	15	131,836	25.9%	92,508	-	57,820	29.5%
Total	15	131,836	25.9%	92,508	-	57,820	29.5%
<b>Montgomery County</b>							
Commissioners' Office	0	-	0.0%	-	-	-	0.0%
Planning Department	2	-	0.0%	-	-	-	0.0%
Parks Department	7	22,536	8.8%	48,250	-	38,511	33.9%
Total	9	22,536	7.2%	48,250	-	38,511	27.7%
<b>Central Administrative Services</b>							
Dept. of Human Resources and Mgt.	0	-	0.0%	-	-	-	0.0%
Finance Department	2	-	0.0%	174,429	-	-	100.0%
Legal Department	2	25,000	76.9%	-	-	-	0.0%
Merit Board	0	-	0.0%	-	-	-	0.0%
Total	4	25,000	12.1%	174,429	-	-	84.3%
<b>Grand Total</b>	<b>28</b>	<b>\$ 179,372</b>	<b>17.4%</b>	<b>\$315,187</b>	<b>0</b>	<b>\$ 96,331</b>	<b>39.9%</b>

**Purpose of Summary of Waiver Report:**

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

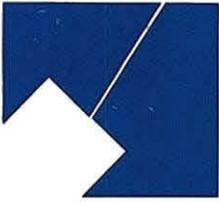
**Sole Source: 4**

It has been determined that:

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

Prepared by Department of Human Resources and Management  
May 2, 2016





**The Maryland-National Capital Park & Planning Commission**  
**Department of Finance - Purchasing Division**

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1600 Fax: 301-454-1606

August 19, 2016

TO: Commissioners

VIA: Patricia C. Barney, Executive Director

FROM: Joseph C. Zimmerman, Secretary/Treasurer

*Handwritten initials and date:*  
PB  
JZ 8-1-16

SUBJECT: MFD Purchasing Statistics— Fourth Quarter FY16

The Commission's procurement policy (Practice 4-10, Purchasing) includes an anti-discrimination component which assures that fair and equitable vendor opportunities are made available to minority, female or disabled owned firms (MFDs). This program is administered jointly by the Office of the Executive Director and the Purchasing Division and includes a price preference program and an MFD subcontracting component based on the Commission procurement practices and the available MFD vendors in the marketplace. The price preference program has been suspended until a MFD study is conducted to provide evidence that the price preference is/is not needed. This report is provided for your information and may be found on the Commission's intranet.

Some of the observations of this FY16 report include:

- Attachment A indicates that through the fourth quarter of FY16, the Commission procured approximately \$100 million in goods, professional services, construction and miscellaneous services. Approximately 20.1% or \$20 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the fourth quarter MFD utilization was 21.2%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the fourth quarter of FY16 was 31.7%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the fourth quarter are 32.4% and 31.4%, respectively.
- Attachment D presents the FY16 activity for the Purchase Card program totaling approximately \$13.6 million of which 5.0 % was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 13.5% of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a

quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to fourth quarter FY16.
- Attachments F and G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analysis, MFD vendors do appear to be participating, at an overall rate of 18.1% in informal (under \$30,000) and 21.3% in the formal (over \$30,000) procurements. In the newest delegation for transactions under \$10k, MFD participation is 16.3%. MFD vendors are participating at an overall rate of 22.2% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$100 million in total procurement, approximately \$66 million was procured from Maryland vendors. Of the \$20 million in procurement from MFD vendors, \$17.8 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Native American and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated July 5, 2013.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 1.8% of total procurement.
- In an effort to increase MFD participation, the Central Purchasing Division will be hosting a Commission Procurement Fair on Thursday, September 22, 2016 at the Sports & Learning Complex. This will provide vendors an opportunity to learn how to do business with the Commission and introduce their companies to various Commission representatives.

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

Attachments

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT STATISTICS**  
**FY 2016**  
**FOR TWELVE MONTHS ENDED JUNE 30, 2016**

**Attachment A**

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<b><u>Prince George's County</u></b>						
Commissioners' Office	\$ 204,216	\$	-	-	\$ 59,737	29.3%
Planning Department	2,155,233		22,000	1	353,034	16.4%
Parks and Recreation Department	65,366,824		764,133	21	13,688,552	20.9%
Total	<u>67,726,273</u>		<u>786,133</u>	<u>22</u>	<u>14,101,323</u>	<u>20.8%</u>
<b><u>Montgomery County</u></b>						
Commissioners' Office	14,613		-	-	843	5.8%
Planning Department	4,038,989		252,992	3	525,546	13.0%
Parks Department	25,192,761		327,607	11	4,681,743	18.6%
Total	<u>29,246,363</u>		<u>580,599</u>	<u>14</u>	<u>5,208,132</u>	<u>17.8%</u>
<b><u>Central Administrative Services</u></b>						
Dept. of Human Resources and Mgt.	1,323,478		50,000	1	273,943	20.7%
Finance Department	1,142,567		210,369	3	204,056	17.9%
Legal Department	310,560		197,500	6	57,842	18.6%
Merit Board	3,625		18,000	1	-	0.0%
Office of Chief Information Officer	19,012		-	-	3,154	16.6%
Office of Internal Auditor	230,689		-	-	218,725	94.8%
Total	<u>3,029,931</u>		<u>475,869</u>	<u>11</u>	<u>757,720</u>	<u>25.0%</u>
Grand Total	<u>\$ 100,002,567</u>	<u>\$</u>	<u>1,842,601</u>	<u>47</u>	<u>\$ 20,067,175</u>	<u>20.1%</u>

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

Prepared by Finance Department  
August 16, 2016

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

**MFD PROCUREMENT STATISTICS**

FY 2016

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

**Attachment B**

**CUMULATIVE BY QUARTER**

	SEPTEMBER	DECEMBER	MARCH	JUNE
<b><u>Prince George's County</u></b>				
Commissioners' Office	7.7%	11.5%	16.8%	23.9%
Planning Department	13.0%	6.1%	8.1%	16.4%
Parks and Recreation Department	21.3%	21.6%	20.4%	20.9%
Total	21.2%	21.2%	20.2%	20.8%
<b><u>Montgomery County</u></b>				
Commissioners' Office	6.3%	6.9%	8.6%	5.8%
Planning Department	0.6%	0.6%	9.2%	13.0%
Parks Department	12.6%	11.8%	16.7%	18.6%
Total	11.2%	10.6%	16.0%	17.4%
<b><u>Central Administrative Services</u></b>				
Dept. of Human Resources and Mgt.	54.1%	32.2%	31.7%	20.7%
Finance Department	13.3%	13.7%	34.4%	17.9%
Legal Department	39.3%	28.0%	56.1%	18.6%
Merit Board	0.0%	0.0%	0.0%	0.0%
Office of Chief Information Officer	0.0%	0.0%	6.7%	16.6%
Office of Internal Auditor	1.6%	4.2%	98.8%	94.8%
Total	30.8%	24.0%	44.5%	25.0%
Grand Total	17.5%	18.8%	19.5%	20.1%

**ACTIVITY BY QUARTER**

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<b><u>Prince George's County</u></b>					
Commissioners' Office	7.7%	13.8%	38.0%	50.4%	23.9%
Planning Department	13.0%	4.0%	18.2%	22.0%	16.4%
Parks and Recreation Department	21.3%	21.7%	17.3%	22.1%	20.9%
Total	21.2%	21.2%	17.3%	22.2%	20.8%
<b><u>Montgomery County</u></b>					
Commissioners' Office	6.3%	7.0%	11.9%	0.0%	5.8%
Planning Department	0.6%	0.0%	30.3%	15.4%	13.0%
Parks Department	12.6%	7.4%	23.4%	21.9%	18.6%
Total	11.2%	7.1%	23.8%	20.5%	17.4%
<b><u>Central Administrative Services</u></b>					
Dept. of Human Resources and Mgt.	54.1%	10.8%	30.9%	13.7%	20.7%
Finance Department	13.3%	15.6%	67.3%	9.7%	17.9%
Legal Department	39.3%	13.9%	70.3%	1.5%	18.6%
Merit Board	0.0%	0.0%	0.0%	0.0%	0.0%
Office of Chief Information Officer	0.0%	0.0%	16.7%	41.1%	16.6%
Office of Internal Auditor	1.6%	11.4%	99.5%	80.6%	94.8%
Total	30.8%	11.7%	64.5%	12.5%	25.0%
Grand Total	17.5%	20.1%	21.0%	21.2%	20.1%

Prepared by Finance Department  
September 12, 2016



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS  
 BY MAJOR PROCUREMENT CATEGORY  
 FY 2016

FOR TWELVE MONTHS ENDED JUNE 30, 2016

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Res. & Mgt.	Legal Department	Finance Department
<b>Goods:</b>								
Total \$	\$ 36,315,670	\$ 1,619,747	\$ 9,993,169	\$ 23,704,527	\$ 478,986	\$ 264,962	\$ 22,596	\$ 231,683
MFD\$	\$ 3,111,479	\$ 190,679	\$ 721,535	\$ 1,861,256	\$ 147,224	\$ 65,442	\$ 13,080	\$ 112,263
Percentage	8.6%	11.8%	7.2%	7.9%	30.7%	24.7%	57.9%	48.5%
<b>Miscellaneous Services:</b>								
Total \$	\$ 31,634,191	\$ 1,947,390	\$ 6,458,308	\$ 21,174,464	\$ 996,258	\$ 312,112	\$ 116,202	\$ 629,457
MFD\$	\$ 8,689,838	\$ 234,410	\$ 1,442,682	\$ 6,667,440	\$ 139,410	\$ 125,928	\$ 4,408	\$ 75,560
Percentage	27.5%	12.0%	22.3%	31.5%	14.0%	40.3%	3.8%	12.0%
<b>Professional Services:</b>								
Total \$	\$ 9,023,258	\$ 463,218	\$ 1,953,019	\$ 4,763,479	\$ 668,331	\$ 722,747	\$ 171,762	\$ 280,702
MFD\$	\$ 823,490	\$ 100,457	\$ 314,899	\$ 218,231	\$ 66,400	\$ 66,916	\$ 40,354	\$ 16,233
Percentage	9.1%	21.7%	16.1%	4.6%	9.9%	9.3%	23.5%	5.8%
<b>Construction:</b>								
Total \$	\$ 22,557,283	\$ 8,634	\$ 6,788,265	\$ 15,724,354	\$ 11,658	\$ 23,647	\$ 0	\$ 725
MFD\$	\$ 7,159,909	\$ 0	\$ 2,202,627	\$ 4,941,625	\$ 0	\$ 15,657	\$ 0	\$ 0
Percentage	31.7%	0.0%	32.4%	31.4%	0.0%	66.2%	0.0%	0.0%
<b>SUBTOTAL</b>								
Total \$	\$ 99,530,402	\$ 4,038,989	\$ 25,192,761	\$ 65,366,824	\$ 2,155,233	\$ 1,323,468	\$ 310,560	\$ 1,142,567
MFD\$	\$ 19,784,716	\$ 525,546	\$ 4,681,743	\$ 13,688,552	\$ 353,034	\$ 273,943	\$ 57,842	\$ 204,056
Percentage	19.9%	13.0%	18.6%	20.9%	16.4%	20.7%	18.6%	17.9%
<b>Pr. Geo. Commissioners' Office</b>								
Total \$	\$ 204,216							
MFD\$	\$ 59,737							
Percentage	29.3%							
<b>Mont. Commissioners' Office</b>								
Total \$	\$ 14,613							
MFD\$	\$ 843							
Percentage	5.8%							
<b>Merit Board</b>								
Total \$	\$ 3,625							
MFD\$	\$ 0							
Percentage	0.0%							
<b>Office of Chief Information Officer</b>								
Total \$	\$ 19,012							
MFD\$	\$ 3,154							
Percentage	16.6%							
<b>Office of Internal Auditor</b>								
Total \$	\$ 230,689							
MFD\$	\$ 218,725							
Percentage	94.8%							
<b>GRAND TOTAL \$</b>	\$ 100,002,557							
<b>MFD\$</b>	\$ 20,067,175							
<b>Percentage</b>	20.1%							

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT STATISTICS**  
**Comparison of MFD % for Total Procurement and Purchase Card Procurement**  
**FY 2016**  
**FOR TWELVE MONTHS ENDED JUNE 30, 2016**

**Attachment D**

	<b>Total Procurement</b>		<b>Purchase Card Procurement</b>	
	<b>Total \$</b>	<b>MFD %</b>	<b>Total \$</b>	<b>MFD %</b>
<b><u>Prince George's County</u></b>				
Commissioners' Office	\$ 204,216	29.3%	\$ 82,696	29.0%
Planning Department	2,155,233	16.4%	145,619	9.7%
Parks and Recreation Department	65,366,824	20.9%	6,955,950	5.2%
Total	67,726,273	20.8%	7,184,265	5.5%
<b><u>Montgomery County</u></b>				
Commissioners' Office	14,613	5.8%	13,370	0.4%
Planning Department	4,038,989	13.0%	301,282	0.2%
Parks Department	25,192,761	18.6%	5,832,508	4.3%
Total	29,246,363	17.8%	6,147,160	4.1%
<b><u>Central Administrative Services</u></b>				
Dept. of Human Resources and Mgt.	1,323,478	20.7%	61,141	3.3%
Finance Department	1,142,567	17.9%	116,513	19.0%
Legal Department	310,560	18.6%	9,748	0.0%
Merit Board	3,625	0.0%	-	0.0%
Office of Chief Information Officer	19,012	16.6%	8,602	11.7%
Office of Internal Auditor	230,689	94.8%	2,428	0.0%
Total	3,029,931	25.0%	198,432	12.7%
Grand Total	\$ 100,002,567	20.1%	\$ 13,529,857	5.0%

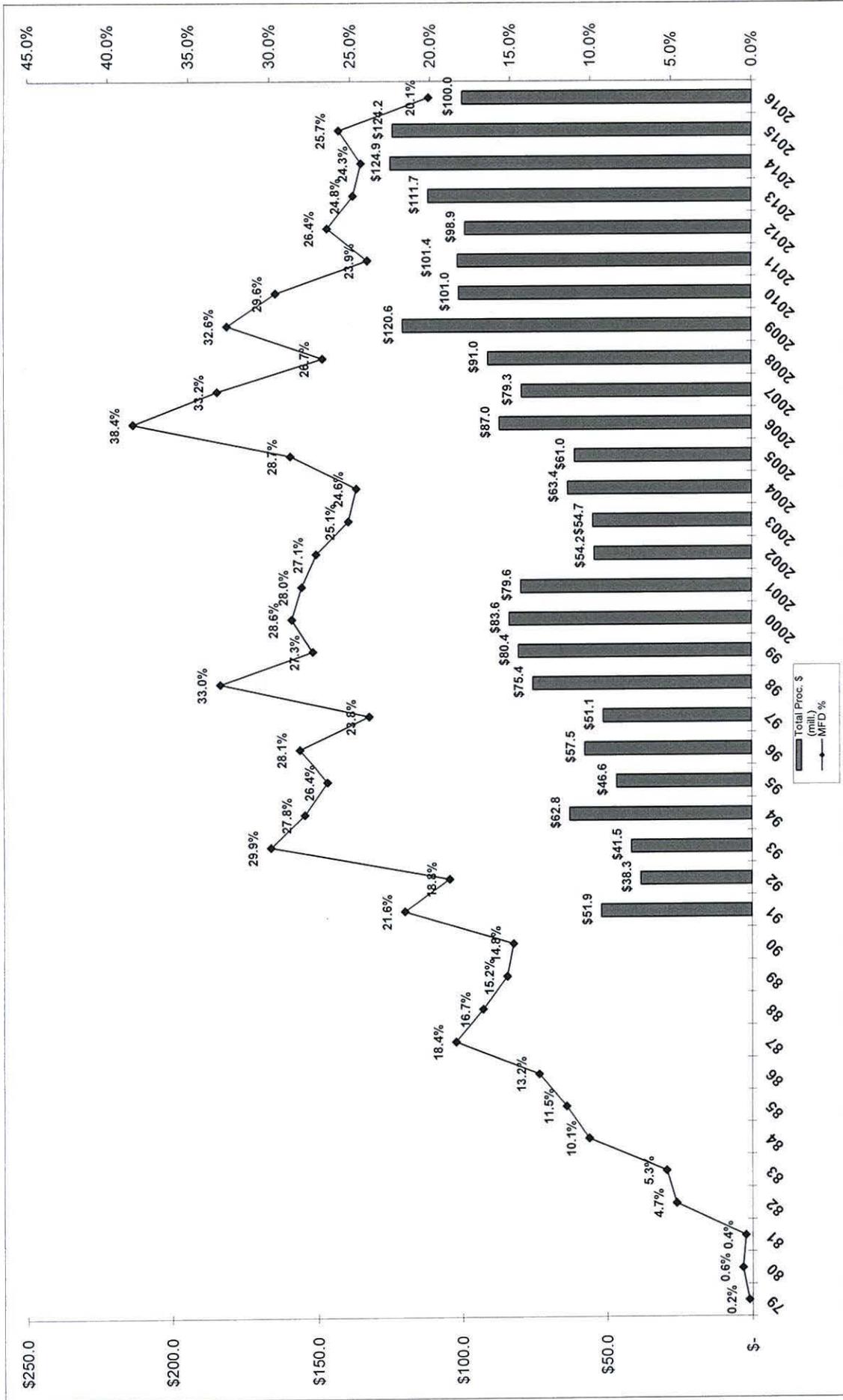
**Percentage of Purchase Card Procurement to Total Procurement** **13.5%**

Prepared by Finance Department  
August 16, 2016

# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

## MFD PROCUREMENT RESULTS AND TOTAL PROCUREMENT (millions)

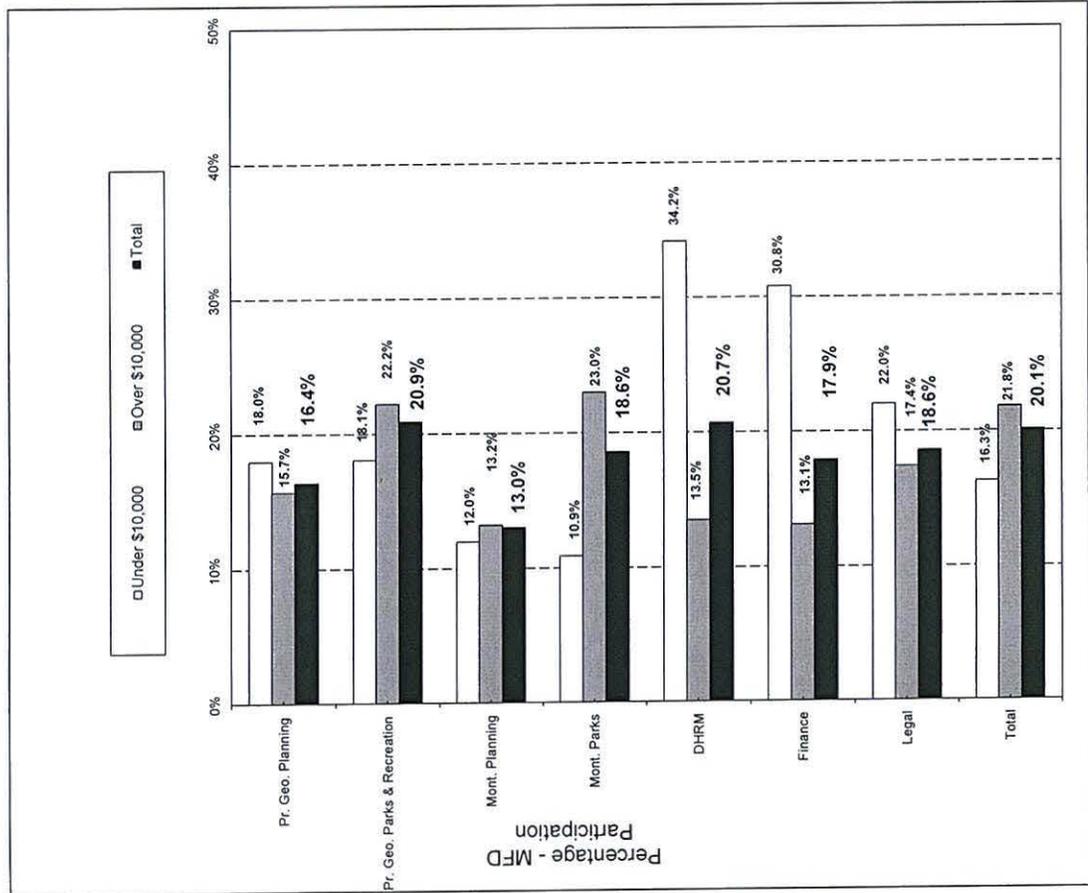
### Attachment E



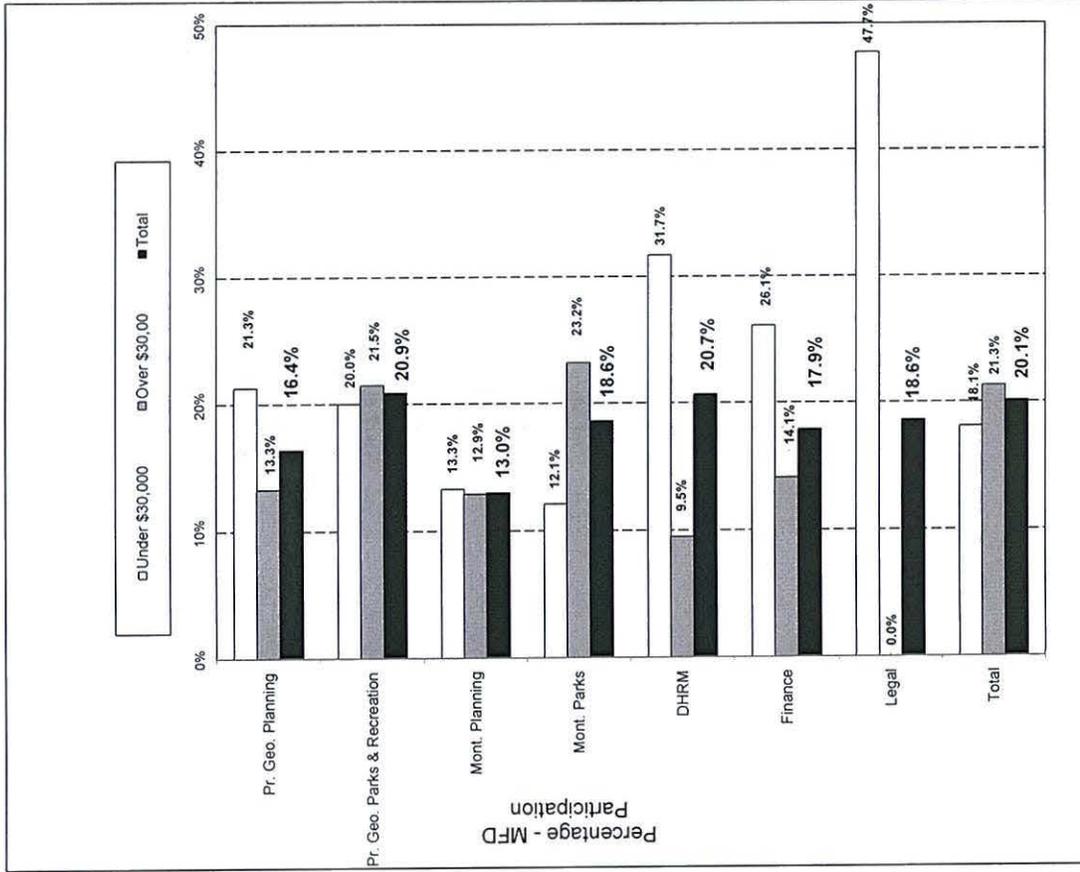
Prepared by Finance Department  
August 16, 2016

The Maryland-National Capital Park and Planning Commission  
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %  
 FY 2016 4Q

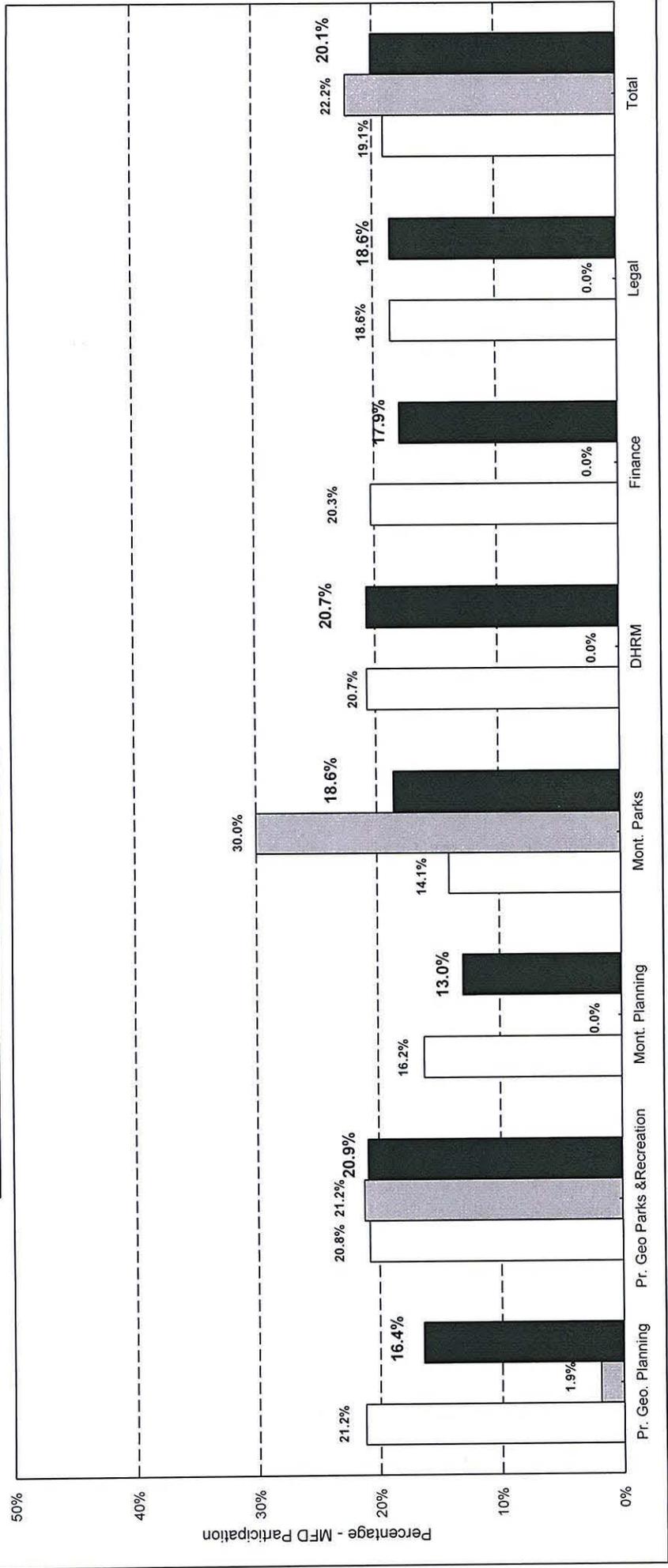
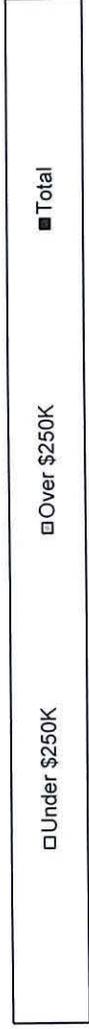
Under/Over \$10,000



Under/Over \$30,000



**The Maryland-National Capital Park and Planning Commission**  
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %  
 FY 2016 4Q



Prepared by Finance Department  
 August 16, 2016

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**Amount of Procurement and Number of Vendors by Location**  
**FY 2016**  
**FOR TWELVE MONTHS ENDED JUNE 30, 2016**

**Attachment H**

**TOTAL of ALL VENDORS**

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 16,828,162	16.8%	311	14.6%
Prince George's County	17,993,695	18.0%	635	29.9%
Subtotal	34,821,857	34.8%	946	44.5%
Maryland - other locations	31,241,375	31.3%	373	17.6%
Total Maryland	66,063,232	66.1%	1,319	62.1%
District of Columbia	1,445,684	1.4%	113	5.3%
Virginia	6,814,352	6.8%	195	9.2%
Other Locations	25,679,299	25.7%	498	23.4%
Total	<u>\$ 100,002,567</u>	<u>100.0%</u>	<u>2,125</u>	<u>100.0%</u>

**TOTAL of Non-MFD Vendors**

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 11,494,580	14.4%	214	13.6%
Prince George's County	12,091,118	15.1%	390	24.8%
Subtotal	23,585,698	29.5%	604	38.4%
Maryland - other locations	24,583,422	30.7%	301	19.2%
Total Maryland	48,169,120	60.2%	905	57.6%
District of Columbia	1,009,507	1.3%	73	4.7%
Virginia	5,819,702	7.3%	144	9.2%
Other Locations	24,937,063	31.2%	447	28.5%
Total	<u>\$ 79,935,392</u>	<u>100.0%</u>	<u>1,569</u>	<u>100.0%</u>

**TOTAL of MFD Vendors**

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 5,333,582	26.6%	97	17.4%
Prince George's County	5,902,577	29.4%	245	44.1%
Subtotal	11,236,159	56.0%	342	61.5%
Maryland - other locations	6,657,953	33.1%	72	12.9%
Total Maryland	17,894,112	89.1%	414	74.4%
District of Columbia	436,177	2.2%	40	7.2%
Virginia	994,650	5.0%	51	9.2%
Other Locations	742,236	3.7%	51	9.2%
Total	<u>\$ 20,067,175</u>	<u>100.0%</u>	<u>556</u>	<u>100.0%</u>

Note: The following shows the amounts and percentages of procurement by the location of the department. The bi-county departments' activity is divided equally between the two Counties.

	<u>Total Procurement</u>		<u>MFD Procurement</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Amount</u>	<u>Percentage</u>
Prince George's County	\$ 69,241,239	69.2%	\$ 14,480,183	72.2%
Montgomery County	30,761,328	30.8%	5,586,992	27.8%
Total	<u>\$ 100,002,567</u>	<u>100.0%</u>	<u>\$ 20,067,175</u>	<u>100.0%</u>

Prepared by Finance Department  
August 16, 2016

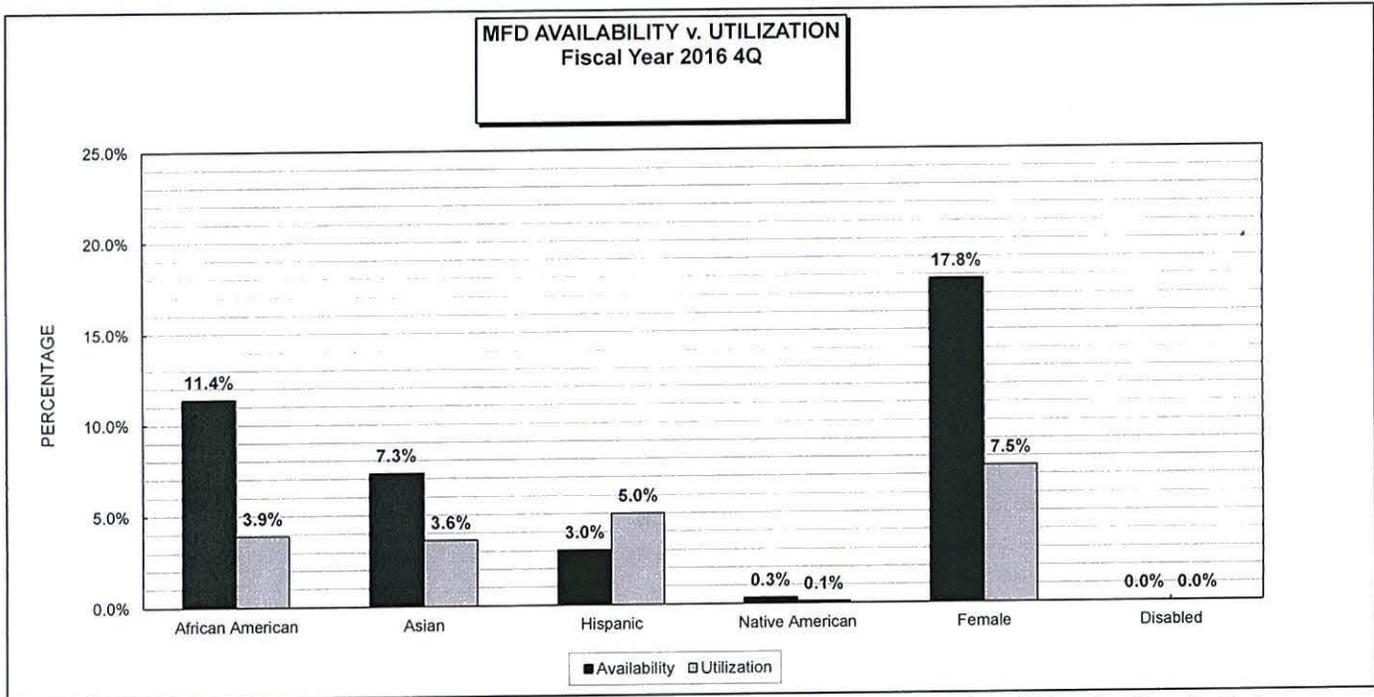
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MFD PROCUREMENT RESULTS**  
 FY 2016  
 FOR TWELVE MONTHS ENDED JUNE 30, 2016

**Attachment I**

**Total Amount of Procurement** \$ 100,002,567

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

	Procurement		Availability
	Amount	%	%
<b>Minority Owned Firms</b>			
African American	\$ 3,884,604	3.9%	11.4%
Asian	3,606,880	3.6%	7.3%
Hispanic	5,016,794	5.0%	3.0%
Native American	90,931	0.1%	0.3%
<b>Total Minority Owned Firms</b>	<b>12,599,209</b>	<b>12.6%</b>	<b>22.0%</b>
<b>Female Owned Firms</b>	<b>7,464,327</b>	<b>7.5%</b>	<b>17.8%</b>
<b>Disabled Owned Firms</b>	<b>3,639</b>	<b>0.0%</b>	<b>n/a</b>
<b>Total Minority, Female, and Disabled Owned Firms</b>	<b>\$ 20,067,175</b>	<b>20.1%</b>	<b>39.8%</b>



Note: (1) Availability percentages are taken from State of Maryland study titled "Disadvantaged Business Enterprise Disparity Study: Volume 1", dated July 5, 2013, table 2.23 on page 84.

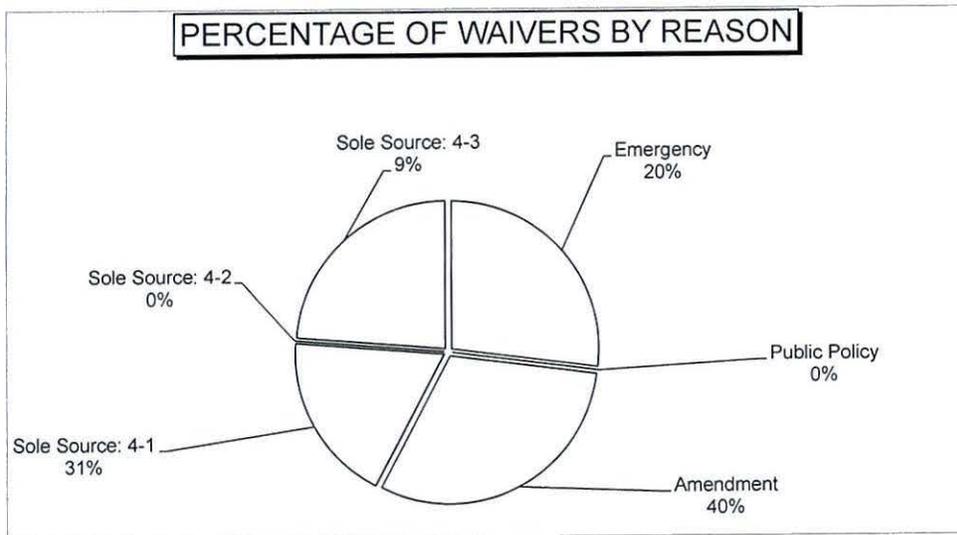
(2) n/a = not available

Prepared by Finance Department  
 August 16, 2016

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**REASONS FOR WAIVERS**  
**CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS**  
**FY 2016**  
**FOR TWELVE MONTHS ENDED JUNE 30, 2016**

**Attachment J**

	NUMBER	AMOUNT	PERCENTAGE
Emergency	17	\$ 497,564	20%
Public Policy	0	\$ -	0%
Amendment	17	\$ 565,599	40%
Sole Source: 4-1	7	\$ 341,587	31%
Sole Source: 4-2	0	\$ -	0%
Sole Source: 4-3	6	\$ 437,851	9%
<b>Total</b>	<b>47</b>	<b>\$ 1,842,601</b>	<b>100%</b>



**Waiver Reason Definitions:**

**Emergency:**

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

**Required by Law or Grant:**

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

**Amendment:**

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

**Sole Source 4:**

It has been determined that:

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



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT  
PROCESSED FY 2016  
FOR THE TWELVE MONTHS ENDED JUNE 30, 2016**

**Attachment K**

	Total Waivers	MFD/Waivers	% of MFD	Sole Source 4-1 Waivers	Sole Source 4-2 Waivers	Sole Source 4-3 Waivers	% Sole Source
	Number	\$	%	Number	\$	Number	%
<b>Prince George's County</b>							
Commissioners' Office	0	\$ -	0.0%	0	\$ -	0	0.0%
Planning Department	1	-	0.0%	0	-	0	0.0%
Parks and Recreation Department	21	131,836	17.3%	4	-	3	42.3%
Total	22	131,836	16.8%	4	-	3	41.1%
<b>Montgomery County</b>							
Commissioners' Office	0	-	0.0%	0	-	0	0.0%
Planning Department	3	-	0.0%	0	-	1	77.1%
Parks Department	11	22,536	6.9%	1	-	2	26.5%
Total	14	22,536	3.9%	1	-	3	48.6%
<b>Central Administrative Services</b>							
Dept. of Human Resources and Mgt.	1	-	0.0%	0	-	0	0.0%
Finance Department	3	-	0.0%	2	-	0	82.9%
Legal Department	6	25,000	12.7%	0	-	0	0.0%
Merit Board	1	18,000	100.0%	0	-	0	0.0%
Total	11	43,000	9.0%	2	-	0	36.7%
<b>Grand Total</b>	<b>47</b>	<b>\$ 197,372</b>	<b>10.7%</b>	<b>7</b>	<b>\$ -</b>	<b>6</b>	<b>42.3%</b>

**Purpose of Summary of Waiver Report:**

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

**Sole Source: 4**

It has been determined that:

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

Prepared by Department of Human Resources and Management  
July 2, 2016







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

*Reply To*

September 7, 2016

**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 Months of July & August, 2016

---

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, September 21, 2016. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

**Table of Contents – July-August Report**

Composition of Pending Litigation ..... Page 01  
Overview of Pending Litigation (Chart)..... Page 01  
Litigation Activity Summary ..... Page 02  
Index of New YTD Cases (FY17) ..... Page 03  
Index of Resolved YTD Cases (FY17) ..... Page 04  
Disposition of FY17 Closed Cases Sorted by Department ..... Page 05  
Index of Reported Cases Sorted by Jurisdiction..... Page 08  
Litigation Report Ordered By Court Jurisdiction ..... Page 10

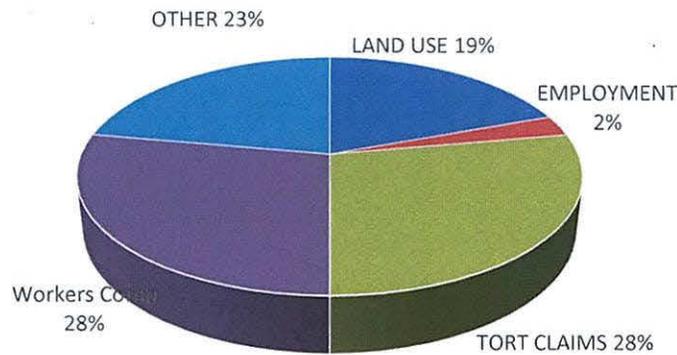


## July & August 2016 Composition of Pending Litigation

(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	1		1				2
Admin Appeal: Other							0
Land Use Dispute	3	1					4
Tort Claim	9	1					10
Employment Dispute			1				1
Contract Dispute	1	1	1	1			4
Property Dispute	1						1
Civil Enforcement	1						1
Workers' Compensation	10						10
Debt Collection							0
Bankruptcy							0
Miscellaneous	1		1		1		3
<b>Per Forum Totals</b>	<b>27</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>36</b>

### OVERVIEW OF PENDING LITIGATION



By Major Case Categories

## July & August 2016 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2017			
	Pending In June/16	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	2			2			2
Admin Appeal: Other (AAO)	0			0			0
Land Use Disputes (LD)	3	1		3			4
Tort Claims (T)	10	1	1	10	2	1	10
Employment Disputes (ED)	1			1			1
Contract Disputes (CD)	3	1		3	1		4
Property Disputes (PD)	1			1			1
Civil Enforcement (CE)	1			1			1
Workers' Compensation (WC)	12		2	12		2	10
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	4		1	4		1	3
<b>Totals</b>	<b>37</b>	<b>3</b>	<b>4</b>	<b>37</b>	<b>3</b>	<b>4</b>	<b>36</b>

**INDEX OF YTD NEW CASES  
(7/1/2016 TO 6/30/17)**

<b>A. <u>New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Brooks v. PG County Planning Board, et al	PG	LD	July 16
Green v. Commission	PG	Tort	July 16

<b>B. <u>New Appellate Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Commission v. Fort Myer Construction Corp.	MC	CD	Aug 16



**INDEX OF YTD RESOLVED CASES  
(7/1/2016 TO 6/30/17)**

**C. Trial Court Cases Resolved.**

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Leeks v. Commission	PG	WCC	July, 2016
Newell v. Commission	PG	Tort	July, 2016
Commission v. 2005 Toyota Camry	MC	Misc	July, 2016
Commission v. Morgan	MC	WCC	July, 2016

**D. Appellate Court Cases Resolved.**

**Disposition of FY17 Closed Cases Sorted by Department**

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Planning		
<b>Montgomery County Department of Parks</b>		
Commission v. 2005 Toyota Camry	Commission filed motor vehicle forfeiture incident to drug related arrest	06/14/16-Commission withdraws complaint.
Commission v. Morgan	Commission appealed WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.	06/28/16- Stipulation of Dismissal filed with Court; to be remanded back to Workers' Compensation Commission
<b>Montgomery County Park Police</b>		
<b>Montgomery County Planning Board</b>		



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

## INDEX OF CASES

<b>DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND.....</b>	<b>10</b>
Merlos-Montoya v. Commission.....	10
Progressive Specialty Insurance Co. v. Davis, et al .....	10
Richardson v. Arnett.....	10
<b>DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND .....</b>	<b>11</b>
Beatty v. Commission.....	11
Prince George’s County, MD v. Commission.....	11
<b>CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND .....</b>	<b>12</b>
Belt v. Commission.....	12
<b>CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND.....</b>	<b>13</b>
Shipe v. Louketis, et al .....	13
Tugwell v. Louketis, et al .....	13
<b>CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND .....</b>	<b>15</b>
Brooks v. Prince George’s County Planning Board, et al .....	15
Burnette v. Commission .....	15
Commission v. Ford .....	15
Commission v. Fulwood .....	16
Commission v. Landover Polk Street Properties, LLC.....	16
Green, et al v. Commission .....	16
Town of Riverdale Park, et al v. Commission .....	17
Watkins v. Commission .....	17
Watkins v. Commission .....	18
<b>CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND.....</b>	<b>19</b>
Berry v. Volk-Lopez, et al .....	19
Cohhn v. Commission .....	19
Commission v. Atwell.....	20
Commission v. Johnson .....	20
Dixon v. Commission.....	20
Dixon v. Commission.....	21
Fort Myer Construction Corporation v. Commission .....	21
Smith v. Commission.....	22
Stark v. Kellogg, et al.....	22
Trevan v. Cannizo, et al.....	22

<b>MARYLAND COURT OF SPECIAL APPEALS .....</b>	<b>24</b>
Commission v. Hill.....	24
Fort Myer Construction Corporation v. Commission, et al .....	24
Friends of Croom Civic Assocation, et al v. Commission .....	25
Town of Forest Heights v. Commission .....	25
<b>MARYLAND COURT OF APPEALS .....</b>	<b>26</b>
Commission v. Fort Myer Construction Corporation .....	26
<b>U.S. DISTRICT COURT OF MARYLAND .....</b>	<b>27</b>
Hartford Casualty Insurance Company v. Commission .....	27
Pulte Home Corp, et al v. Montgomery County, et al.....	27
Sutton v. Commission .....	28
<b>U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT .....</b>	<b>29</b>
American Humanists Association, et al v. Commission .....	29

**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Merlos-Montoya v. Commission**

No. 0602-0005996-2016 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Complaint filed

Docket:

05/20/16	Complaint filed
09/07/16	Trial Date

**Progressive Specialty Insurance Company v. Davis, et al**

No. 0602-0011070-2010 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Case dismissed.

Docket:

04/26/10	Complaint filed
11/18/10	Complaint dismissed under Rule 3-506
05/12/16	Plaintiff's Motion to Strike Rule 3-506 and Vacate Order of Dismissal filed
07/08/16	Case dismissed.

**Richardson v. Arnett, et al**

No. 0602-0001638-2016 (Tort)

Lead Counsel: Outside Counsel  
Other Counsel: Harvin

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Pending trial.

Docket:

03/02/2016	Complaint filed
09/21/16	Trial

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

**Beatty, et al v. Commission**  
No. 0502-0009528-2016 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.

Status: Pending trial

Docket:

04/14/16	Complaint filed
05/20/16	Commission filed Notice of Intention to Defend
09/30/16	Trial date

**Prince George's County, MD v. Commission**  
No. SP05-02-11465-16(LD)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for injunctive relief issued by Prince George's County for unlicensed dog kennel on Commission property which is actually owned by person in neighborhood encroaching on Commission property.

Status: Case dismissed.

Docket:

07/20/16	Show Cause hearing.
08/11/16	Case dismissed.



**CIRCUIT COURT FOR ANNE ARUNDEL, MARYLAND**

**Belt v. Commission**

Case No. C-02-CV-16-000324 (WC- B75076)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.

Status: Pending mediation.

Docket:

01/26/16	Petition filed
02/05/16	Court grants Order Extending Time for Record Transmittal
02/23/16	Response to Petition filed by Commission
08/17/16	Settlement Conference
09/01/16	Mediation
10/12/16	Pre-trial conference

**CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND**

**Shipe v. Louketis, et al**

Case No. 06-C-15-070021 (Tort)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: In discovery.

Docket:

10/26/15	Complaint filed
11/20/15	Commission served
12/18/15	Motion to Dismiss and Memorandum filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Opposition to Motion to Dismiss & Request for Hearing filed
03/07/16	Court grants & denies portions of Commission Motion to Dismiss
06/20/16	Counter-claim filed by Defendant Louketis
09/30/16	Pre-trial conference
11/28/16	Trial

**Tugwell v. Louketis, et al**

Case No. 06-C-15-069996 (Tort)

Lead Counsel: Adams  
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: Complaint filed.

Docket:

10/21/15	Complaint filed
11/20/15	Commission served
12/16/15	Motion to Dismiss and supporting Memorandum, Motion for Protective Order filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Amended Complaint filed by Plaintiff
01/27/16	Second Amended Complaint filed by Plaintiff
02/17/16	Line filed by Commission responsive to Second Amended Complaint and renewing previous Motion to Dismiss

04/15/16	Motions hearing
05/31/16	Motion to Dismiss denied. Court orders Commission to produce documents with 30 days for in-camera inspection.
06/09/16	Court order modifying scheduling order for discovery and expert identification
09/30/16	Pre-trial hearing
11/28/16	Trial

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

**Brooks v. Prince George's County Planning Board**

CAE16-25941 (LD)

Lead Counsel: Borden  
Other Counsel:

Abstract: Declaratory judgment action challenging Planning Board approval of an application pertaining to a parcel neighboring that of the Plaintiffs.

Status: Complaint filed.

Docket:

06/27/16	Complaint for Declaratory Judgment filed
07/25/16	Complaint served on Commission
08/17/16	Joint Motion to Dismiss for Failure to State Claim filed

**Burnette v. Commission**

CAL15-18263 (WC #W050308)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.

Status: Pending trial.

Docket:

02/24/15	Petition filed
06/03/15	Case transferred from Charles County
11/06/15	Pre-trial conference.
09/06/16	Trial Date

**Commission v. Ford**

CAL16-02123 (WC W070371)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding determination that injury occurred during course of employment.

Status: In discovery.

Docket:

02/12/16	Petition for Judicial Review filed
02/29/16	Response to Petition for Judicial Review filed by Commission
09/21/16	Pre-trial conference

**Commission v. Fulwood**  
CAL16-02193 (WC W070371)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Commission is appealing the WCC's finding that claimant had an occupational disease.

Status: Petition filed.  
Docket:

02/26/16	Petition for Judicial Review filed
----------	------------------------------------

**Commission v. Landover Polk Street Property, LLC**  
CAL 15-25609 (PD)

Lead Counsel: Gardner  
Other Counsel: Chagrin

Abstract: Commission filed a condemnation action to acquire property for use by the Department of Parks and Recreation.

Status: Case dismissed.

Docket:

09/28/15	Complaint filed
11/03/15	Defendant served via private process.
11/18/15	Commission filed Motion to serve unknown Defendants.
11/30/15	Joint Motion to Extend Time to Answer Complaint filed.
12/30/15	Court grants Motion
05/03/16	Pre-trial Hearing
08/02/16	Stipulation of Dismissal filed

**Green, et al v. Commission**  
CAL16-26277 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injury involving fall by minor child from playground equipment at Peppermill Recreation Center.

Status: Complaint filed.

Docket:

06/14/16	Complaint filed.
08/22/16	Commission files line of appearance

**Town of Riverdale Park, et al. v. M-NCPPC**

CAL-15-32787 (AALU)

Lead Counsel: Mills  
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-150003 in 7-Eleven, Inc.

Status: Decision affirmed.

Docket:

11/05/15	Petition for Judicial Review Filed
11/17/15	Commission filed Response to Petition, Certificate of Compliance and Notice of Appeal
12/22/15	Record and Transcript Filed
06/10/16	Oral Arguments Held
07/13/16	Court affirms decision by Planning Board.

**Watkins v. Commission**

CAL15-40296 (WC W050003)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status: Pending trial.

Docket:

12/30/15	Petition for Judicial Review filed
01/21/16	Response to Petition filed
06/08/16	Pretrial conference
04/03/17	Trial date

**Watkins v. Commission**  
CAL16-07583 (WC W050003)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status: Pending trial.  
Docket:

03/16/16	Petition for Judicial Review filed
04/05/16	Response to Petition filed
08/18/16	Pre-trial conference; Court orders this case to be consolidated with case CAL15-40296 for hearing.
04/03/17	Trial date

**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Berry v. Lopez, et al**

Case No. 414115-V (Tort)

NOTE-Case Venue Transferred from Prince George's County

Lead Counsel: Adams  
Other Counsel: Dickerson

Abstract: Defense of police liability claim for alleged false imprisonment and wrongful detention arising from an incident in Montgomery County

Status: Amended complaint filed.

Docket:

01/21/16	Original Record from Prince George's County-CAL15-25864 transferred to Montgomery County
02/11/16	Commission files Motion to Dismiss and Memorandum
03/30/16	Court grants Commission's motion to dismiss on counts #1, #2, #3, #5, and #6 with prejudice. Court dismisses counts #4 without prejudice with leave to amend within 15 days.
04/21/16	Amended Complaint filed by Plaintiff
04/29/16	Defendant files Motion to Strike Amended Complaint
07/06/16	Motion to Strike was denied
11/03/16	Pre-trial conference

**Cohn, et al v. Commission**

Case No. 409148-V (M)

Lead Counsel: Dickerson  
Other Counsel: Harvin

Abstract: Plaintiff filed complaint attempting to restrain Commission from implementing Archery Managed Deer Hunting Program in Montgomery County.

Status: Motion for Summary Judgment granted.

Docket:

09/10/15	Complaint for Declaratory Judgment, A Temporary Restraining Order and Preliminary and Permanent Injunctive Relief filed.
09/11/15	Hearing: Court denies Temporary Restraining Order.
10/09/15	Answer filed by Commission.
04/18/16	Defendant file Motion for Summary Judgment & Memorandum
04/29/16	Plaintiffs file Motion for Summary Judgment and Memorandum
05/25/16	Hearing on Motion for Summary Judgment; taken under advisement



07/25/16	Status Hearing
08/25/16	Court grants Commission Motion for Summary Judgment

**Commission v. Atwell**

Case No. 422131-V (WC #W072421)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Commission appealed WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.

Status: Petition filed.

Docket:

06/03/16	Petition filed.
11/17/16	Pretrial hearing

**Commission v. Johnson**

Case No. 366677-V (CE)

Lead Counsel: Harvin  
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: Further collection action and attempts to seek compliance by foreclosing bank.

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

**Dixon v. Commission**

Case No. 417969-V (WC #069068)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing WCC Order denying that employee sustained an accidental injury arising out of and in the course of employment.

Status: Pending hearing.

Docket:

03/28/16	Petition filed.
04/13/16	Response to Petition filed
04/27/16	Order of Court consolidating Case #417969V with 417970V and to follow scheduling in Case #417969.
09/08/16	Status/pre-trial hearing.

**Dixon v. Commission**

Case No. 417970-V (WC #043782)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing WCC Order denying that further medical treatment and total temporary disability.

Status: Pending hearing.

Docket:

03/28/16	Petition filed.
04/13/16	Response to Petition filed.
04/27/16	Order of Court consolidating Case #417969V with 417970V and to follow scheduling in Case #417969.
09/08/16	Status/pre-trial hearing.

**Fort Myer Construction Corporation v. Commission**

Case No. 399804-V (CD)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)  
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.

Status: Case stayed.

Docket:

01/23/15	Complaint filed
04/27/15	Motion for Appropriate Relief (Motion to Stay) filed by Commission
05/19/15	Plaintiff's Response to Commission's Motion for Appropriate Relief
10/27/15	Court grants Commission's Motion to Stay pending decisions from Court of Special Appeals
10/27/15	Commission's Motion for Stay granted.

**Smith v. Commission**  
Case No. 411259-V (WC B717488)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's award of permanent partial disability under "other cases".

Status: Case remanded.

Docket:

11/02/15	Petition filed.
11/13/15	Response to Petition filed.
04/07/16	Pre-trial conference.
08/09/16	Trial; verdict in favor of Plaintiff allowing for permanent partial disability; case remanded to Worker's Compensation

**Starks v. Kellogg, et al**  
Case No. 407554-V (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Pending Trial.

Docket:

08/04/15	Complaint filed.
11/06/15	Scheduling Hearing
05/19/16	Pre-trial/Settlement conference
09/27/16	Trial.

**Trevan, et al v. Cannizzo, et al**  
Case No. 415094-V (LD)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claim related to transferable development rights associated with private party transaction relating to a parcel of land in Montgomery County.

Status: Pending Trial.

Docket:

02/19/16	Complaint filed.
03/10/16	Commission served with complaint
04/07/16	Motion to Dismiss filed by Commission
04/20/16	Amended Complaint filed; Motion in Opposition to Commission's Motion to Dismiss filed by Plaintiff
04/26/16	Answer to Amended Complaint and Response to Commission's Motion to Dismiss filed by Montgomery County
05/04/16	Court denies Commission's Motion to Dismiss
06/07/16	Answer to Amended Complaint filed by Commission
06/20/16	Second Amended Complaint filed by Plaintiff
12/01/16	Pre-trial/Settlement Conference

**MARYLAND COURT OF SPECIAL APPEALS**

**Commission v. Hill**

September Term 2015, No. 01516 (ED)  
(Originally filed under CAL15-04057)

Lead Counsel: Dickerson  
Other Counsel: Adams

Abstract: Commission appealed Circuit Court ruling reversing and remanding employee termination to Merit Board System.

Status: Appeal filed.

Docket:

09/11/15	Notice of Appeal filed
11/2016	Oral Argument

**Fort Myer Construction Corporation v. Commission**  
**Commission v. URS Corporation (Third Party claim by Commission)**

2015 Term, No. 16 (CD)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)  
Other Counsel: Dickerson

Abstract: Fort Myer Construction Corporation appeals award of sanctions against it. Commission notes cross appeal, as does URS Corporation.

Status: Court of Special Appeals affirms in part and reverses in part decision of Circuit Court.

Docket:

03/09/15	Notice of Appeal filed by Plaintiff.
03/19/15	Notice of Appeal filed by Commission
03/20/15	Notice of Appeal filed by URS Corporation
06/17/15	Mediation held
03/02/16	Oral Argument held
04/01/16	Court of Special Appeals dismisses appeal of URS Corporation affirming judgment in favor of Commission against Defendant URS Corporation in the amount of \$352,355.68 and establishment of its duty to defend the Commission. The Court reversed the Circuit Court's award of sanctions against Ft. Myers Construction Co.
04/28/16	Court issues Amended Opinion instead dismissing appeal of URS Corporation as premature.
05/26/16	Petition for Writ of Certiorari filed by URS Corporation
06/07/16	Petition for Writ of Certiorari filed by Commission

**Friends of Croom Civic Association, et al. v. Commission**

Case No. 02177, September Term 2015 (AALU)  
(Originally filed under CAL14-32333)

Lead Counsel: Mills  
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.

Status: Appeal Filed.  
Docket:

12/07/15	Notice of Appeal
05/27/16	Commission Brief due
12/2016	Oral Argument-date to be determined

**The Town of Forest Heights v. Commission**

Case #02711, September Term 2015 (M)  
(Originally filed under CAL 15-04255)

Lead Counsel: Borden  
Other Counsel: Mills

Abstract: Commission filed lawsuit to stop the unlawful attempt by the Town of Forest Heights, Maryland to expand its geographical boundaries by annexing properties without the required consent of any affected property owner or popular vote. Appellant files appeal after Circuit Court declares 6<sup>th</sup> and 7<sup>th</sup> annexation null and void.

Status: Appeal Filed.

Docket:

02/22/16	Notice of Appeal
08/08/16	Brief filed by Appellant
10/21/16	Commission brief is due
02/2017	Oral Argument-date to be determined

**MARYLAND COURT OF APPEALS**

**Commission v. Fort Myer Construction Corporation**  
September Term, 2016, No. \_\_\_\_ (CD)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)  
Other Counsel: Dickerson

Abstract: Commission appeals denial of award of sanctions against Fort Myers

Status: Writ of Certiorari filed.

Docket:

06/07/16	Petition for Writ of Certiorari filed by Commission.
08/19/16	Court grants Commission's Certiorari petition.

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

**Hartford Casualty Insurance Company v. Commission**

Case No. 8:13-cv-01765 (CD)

Lead Counsel: Ober, Kaler, Grimes & Shriver (Michael A. Schollaert)  
Other Counsel: Dickerson, Chagrin

Abstract: Plaintiff bonding company filed complaint seeking alleged damages associated with surety work after taking over Fort Washington Forest Park and the North Forestville Projects in Prince George's County.

Status: Stayed for settlement negotiations.

Docket:

06/18/13	Complaint filed
05/27/14	Plaintiff filed Consent Motion to Stay
05/28/14	Court stays case
09/25/14	Joint Status Report filed.
09/26/14	Court extends stay through 01/23/15.
01/26/15	Court extends stay for 120 days
05/11/15	Mediation
05/26/15	Order granting Consent Motion to Stay
10/26/15	Settlement negotiations in progress

**Pulte Home Corporation, et al v. Montgomery County, et al**

Case No. 8:14-cv-03955 (LD)

(Originally filed under Case No. 397601V-Mont. Cty)

Lead Counsel: Gardner/Dickerson  
Other Counsel: Adams

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status: In discovery.

Docket:

12/18/14	Notice of Removal and Complaint filed
01/02/15	Commission files Motion to Dismiss or in the Alternative for Summary Judgment and Supporting Memorandum
01/09/15	Plaintiffs file Motion to Remand.
02/05/15	Defendant Montgomery County's Opposition to Motion to Remand
02/06/15	Commission's Opposition to Plaintiff's Motion to Remand
02/06/15	Plaintiff's Opposition to Defendant M-NCPPC's Motion to Dismiss
02/23/15	Plaintiff's Reply in Support of Motion to Remand



02/23/15	Commission's Reply to Opposition to Motion to Dismiss
07/17/15	Order denying Pulte's Motion to Remand; Order denying MNCPPC's Motion to Dismiss with leave to respond to complaint with 14 days
07/31/15	Commission's Answer to Complaint
07/31/15	Commission's Motion for Reconsideration
08/26/15	Plaintiffs' Opposition to Commission's Motion for Reconsideration filed
09/24/15	Commission's Reply to Plaintiff's Opposition to Reconsideration of the Court's Denial of the Commission's Motion to Dismiss filed
12/29/15	Court denies Commission Motion for Reconsideration of Denial of Motion to Dismiss
01/07/16	Chambers Conference Call
02/19/16	E-Discovery Conference
04/01/16	E-Discovery Conference
05/10/16	Finalizing ESI protocol and search terms.
05/27/16	County's Motion for Protective Order filed
05/27/16	Commission's Motion for Protective Order filed
06/16/16	Protective Order Motions denied without prejudice
05/14/17	Dispositive pretrial motions

**Sutton v. Commission**

Case No. 1:15-cv-01996-CCB(Tort)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Defense of employment-related claim alleging discrimination.

Status: In discovery.

Docket:

07/23/15	Complaint filed.
11/20/15	Answer to Complaint filed by Commission.
12/18/15	Court grants dismissal of case against State of Maryland
08/26/16	Commission files Motion to Compel Discovery
10/31/16	Motions deadline

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

**American Humanist Association, et al v. Commission**

No. 15-2597 Case #8:14-cv550-DKC (M)

Lead Counsel: Dickerson  
Other Counsel: Gardner  
Adams

Abstract: Defense of claim alleging violation of establishment clause of Constitution.

Status: Argument pending.

Docket:

12/30/15	Notice of Appeal filed
02/29/16	Appellant's brief filed
04/04/16	Response brief by Appellees filed
03/07/16	Brief Amici Curiae filed by Freedom from Religion Foundation and Center for Inquiry in Support of Appellants
04/11/16	Brief Amici Curiae of The Becket Fund for Religious Liberty in Support of Appellees
04/11/16	Brief Amici Curiae Senator Joe Machin and Representatives Doug Collins, Vicky Hartzler, Jody Hice, Evan Jenkins, Jim Jordan, Mark Meadows and Alex Mooney in Support of Appellees
04/11/16	Brief Amici Curiae State of West Virginia and 24 Other States supporting Appellees
04/18/16	Appellant's Reply brief filed
12/2016	Oral Argument-date to be determined