



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

July 20, 2022
10:00 a.m. to 12 noon

**The Commission will be meeting by teleconference
and live-streamed from:**

Wheaton Headquarters

Auditorium

2425 Reddie Drive

Wheaton, Maryland 20902

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, July 20, 2022**

**Via videoconference live-streamed by
The Montgomery County Planning Department**

10:00 a.m. – 12 noon

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(+*) Page 1	
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – June 15, 2022	(+*) Page 3	
	b) Closed Session – June 15, 2022	(++*)	
3.	General Announcements (10:05 a.m.)		
	a) Bereaved Parents’ Month		
	b) Upcoming Hispanic Heritage Month (September 15-October 15)		
4.	Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)		
	a) Executive Committee Meeting – July 6, 2022 Open Session	(+) Page 13	
	b) Executive Committee Meeting – July 6, 2022 Closed Session	(++)	
	c) Employees Retirement Association Board of Trustees Regular Meeting – June 7, 2022	(LD)	
5.	Action and Presentation Items (10:10 a.m.)		
	a) Resolution 22-27 Prince George’s County Bond Sale (Cohen)	(+*) Page 21	
	b) Resolution 22-28 Montgomery County Bond Sale (Cohen)	(+*) Page 63	
	c) Resolution 22-29 Adelphi Road-UMGC-UMD Purple Line Station (Punase)	(+*)Page 105	
	d) Resolution 22-30 Adoption for the Bowie-Mitchellville and Vicinity Master Plan (revised) (Lester)	(+*)Page 185	
	e) Resolution 22-31 Disposition of Nees Lane Lot (Coppola)	(+*)Page 207	
	f) Amendments to Practice 6-40 Sustainability (Beckham)	(+*)Page 209	
	g) Incentives for COVID boosters for employees (Chiang-Smith/Beckham)	(LD)	
	h) Summary of Open Meetings Act Compliance Board Opinion, 16 OCB 144 (2022), pursuant to Md. Gen. Provisions Code Ann. §3-211(b) (Anderson)	(H)	
6.	Officers’ Reports (10:40 a.m.)		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, June 2022 (For Information Only)	(+) Page 255	
	<u>Secretary Treasurer</u>		
	b) 3 rd Quarter MFD Report (from June) (For Information Only)	(+) Page 257	
	c) FY2021 Single Audit Report (For Information Only)	(+) Page 271	
	<u>General Counsel</u>		
	d) Litigation Report (For Information Only)	(+) Page 285	

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (9) & (15) a closed session is proposed to consult with counsel to consider matters that relate to negotiation and discuss cybersecurity matters

7. Closed Session (10:45 a.m.)

- a) Recommendation for Benefit Changes for Calendar Year 2023 (Spencer/McDonald) (LD*)
- b) Collective Bargaining Update (Chiang-Smith) (discussion only) (++)
- c) Quarterly CIO Report (Chilet) (information only) (++)

(+) 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
June 15, 2022

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the Wheaton Headquarters Building in Wheaton, Maryland. The meeting was broadcast by the Prince George’s County Department of Parks and Recreation.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Tina Patterson (joined 10:13 am)
Carol Rubin
Partap Verma

Prince George’s County Commissioners

Peter A. Shapiro, Vice Chair
Dorothy Bailey
William Doerner (joined 9:50 am)
Manuel Geraldo

NOT PRESENT

A. Shuanise Washington

Chair Anderson called the meeting to order at 9:35 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Commissioner Geraldo to approve the agenda
Seconded by Commissioner Rubin
7 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – May 18, 2022
Closed Session – May 18, 2022
ACTION: Motion of Commissioner Rubin to approve the minutes
Seconded by Commissioner Geraldo
7 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

- a) National Caribbean American Heritage Month
- b) Lesbian, Gay, Bisexual, Transgender, and Queer Pride (LGBTQ) Month

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

- a) Executive Committee Meeting, June 1, 2022
- b) Employees’ Retirement System Board of Trustees Regular Meeting, May 3, 2022

ITEM 5 CLOSED SESSION

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (9), a closed session is proposed on the following topic. The purpose of closing this meeting is generally to protect and

promote the public interest by: (i) preserving privileged and confidential deliberations needed to manage ongoing collective bargaining negotiations.

Chair Anderson asked for a motion to move to closed session. Commissioner Geraldo moved; Commissioner Rubin seconded. The 7 Commissioners in attendance at the start of the closed session voted for the measure and the meeting moved to closed session at 9:38 a.m. The meeting reconvened in a separate virtual meeting platform to discuss Executive Director’s collective bargaining update.

ACTION: Geraldo moved to start closed session
Rubin seconded
7 approved the motion

The following individuals were present (via videoconference):

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Tina Patterson (arrived 10:13)
Carol Rubin
Partap Verma

Prince George’s County Commissioners

Peter A. Shapiro, Vice Chair
Dorothy Bailey
William Doerner (joined 9:50)
Manuel Geraldo

NOT PRESENT

A. Shuanise Washington

Also present (by videoconference):

Asuntha Chiang-Smith, Executive Director
Gavin Cohen, Secretary-Treasurer
Debra Borden, Deputy General Counsel for General Counsel Adrian Gardner
Andree Checkley, Director, Prince George’s Planning
Mike Riley, Director, Montgomery Parks
Bill Tyler, Director, Prince George’s Parks and Recreation
Gwen Wright, Director, Montgomery County Planning
James Adams, Senior Technical Writer, DHRM
Craig Ballew, Labor Counsel
Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director
Gary Burnett, Acting Deputy Director, Montgomery Parks
Steve Carter, Deputy Director, Prince George’s Parks and Recreation
Miti Figueredo, Deputy Director, Montgomery Parks
Christian Gabriel, Deputy Director, Prince George’s Parks and Recreation
Boni King, Corporate Human Resources Manager for CHR Director Bill Spencer
Suzann King, Deputy Director, Prince George’s Planning
Tanya Stern, Deputy Director, Montgomery Parks

The Executive Director updated Commissioners on collective bargaining negotiations and related matters. Commissioners provided direction and support on how to proceed.

Chair Anderson returned the meeting to open session at 10:20 am.

ITEM 6

ACTION AND PRESENTATION ITEMS

- a) Resolution 22-13 Approval of Fiscal Year 2023 Employer Contribution for Retiree Group Health Insurance (115 Trust) (Cohen)

No discussion

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-13

Seconded by Commissioner Doerner

9 approved the motion

- b) Resolution 22-14 Adoption of the FY23 Commission Operating and Capital Budgets (Kroll)

No discussion

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-14

Seconded by Commissioner Rubin

9 approved the motion

- c) Fiscal Year 2023 Wage/COLA Adjustments

Executive Director Chiang-Smith tabled item 6c1.

1. Resolution 22-19 Fiscal Year 2023 Wage/COLA Adjustment (MCGEO) (Chiang-Smith)

No Action

Chair Anderson requested a motion to approve Resolutions 22-20, 22-21, 22-22, and 22-23 as a group.

ACTION: Motion of Commissioner Geraldo to adopt Resolutions 22-20, 22-21, 22-22 and 22-23

Seconded by Commissioner Doerner

9 approved the motion

2. Resolution 22-20 Fiscal Year 2023 Reopener Agreement on Wages, Retirement and Promotions with Fraternal Order of Police Lodge No. 30 (Chiang-Smith)

ACTION: See above

3. Resolution 22-21 Fiscal Year 2023 Reopener Agreement on Wages and Retirement for Officers at the Command Ranks of Lieutenant, Captain, and Commander (Chiang-Smith)

ACTION: see above

4. Resolution 22-22 Fiscal Year 2023 Merit Increase/Anniversary Pay Increments, and Other Adjustments for Certain Non-Represented Merit System and Term Contract Employees (Excluding Park Police Officers and Candidates) (Chiang-Smith)

ACTION: see above

5. Resolution 22-23 Fiscal Year 2023 Pay Increment Adjustment for Seasonal/Intermittent Contract Employees (Chiang-Smith)

ACTION: see above

- d) Resolution 22-18 Adoption of the Silver Spring Downtown and Adjacent Communities Plan (Margolies/Hisel-McCoy)
 No discussion
 ACTION: Motion of Commissioner Rubin to adopt Resolution 22-18
 Seconded by Commissioner Verma
 9 approved the motion
- e) Resolution 22-24 Adoption of the Potomac Overlook Historic District (Liebertz)
 No discussion
 ACTION: Motion of Commissioner Rubin to adopt Resolution 22-24
 Seconded by Commissioner Verma
 9 approved the motion
- f) Resolution 22-15 Re-Appointment of Peter Shapiro to the ERS Board of Trustees for the Term July 1, 2022 to June 30, 2025 (Rose)
 No discussion
 ACTION: Motion of Commissioner Rubin to adopt Resolution 22-15
 Seconded by Commissioner Verma
 9 approved the motion
- g) Acknowledgment of the Re-Appointment of Sgt. Howard Brown as the Fraternal Order of Police Representative Trustee to the ERS Board of Trustees for the Term July 1, 2022 to June 30, 2025 (Rose)
 No discussion
 ACTION: Motion of Commissioner Rubin to acknowledge re-appointment
 Seconded by Commissioner Verma
 9 approved the motion
- h) Acknowledgment of the Appointment of Lisa Blackwell-Brown as the UFCW Local 1994 MCGEO Representative Trustee to the ERS Board of Trustees for the Term July 1, 2022 to June 30, 2025 (Rose)
 No discussion
 ACTION: Motion of Commissioner Rubin to acknowledge to appointment
 Seconded by Commissioner Verma
 9 approved the motion
- i) Hiring Incentives Report (Chiang-Smith)
 In response to Commissioners' request last month for a detailed report on recent hiring initiatives, Executive Director Chiang-Smith presented to Commissioners a slide show enumerating several initiatives the M-NCPPC has pursued to fill the agency's 400+ vacancies.

Highlights from the presentation included:

- Participated in Job Fair with Employ Prince George's attended by several thousand citizens
- Met with Casa de Maryland to establish an employment pipeline
- Implemented search for Spanish speaking Recruiter
- Met with MD Department of Labor regarding hiring Veterans, Returning Citizens, Youth, Senior & Refugee Hiring
- Met with Director of Prince George's Pathways regarding hiring Immigrants and Returning Citizens
- Met with WorkSource Montgomery
- Met with PMI Montgomery Chapter
- Spoke with State Director for Military and Federal Affairs regarding outreach to hire veterans
- Declared all positions as Hard-to-Fill, making them eligible for referral and sign-on bonuses
- Expanded Sign-on Bonus Program
- Expanded Referral Bonus Program
- Eliminated New Hire Salary Exception Analysis for Departments
- Creating Management Group Interview Panels

Commissioner Doerner asked how the agency might shorten the Referral to Interview Completion process, noting overall, that the start-to-finish length of the process of hiring an employee may be causing the agency to lose qualified candidates. Commissioner Bailey agreed. Executive Director Chiang-Smith said the figure in the chart of 35 days reflects the average time it takes the department to review the referred qualified candidate resumes/applications to select candidates for interview. She said CAS and Prince George's Planning Departments are tracking individual positions timelines to analyze what may be taking a longer amount of time and developing ideas on how to reduce them. She said this analysis could be shared with other departments. Commissioner Doerner supported the issue being examined. Executive Director Chiang-Smith said she would add the discussion to the upcoming Department Heads Meeting. Vice Chair Shapiro said the Prince George's County Department Directors have many ideas to share on additional pilot programs to consider.

- j) Resolution 22-25 Appointment of Debra S. Borden as Acting General Counsel (Gardner)
Commissioner Rubin noted the disparity between the title of the resolution listed in the agenda, "Appointment of Debra S. Borden as Acting General Counsel and General Counsel" versus the late delivery item title (reflected in these minutes). Chair Anderson said the title of the Resolution reflects the current action and will be discussing the permanent appointment in the coming months.

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-25
Seconded by Commissioner Bailey
9 approved the motion

k) I-495/I-270 Managed Lanes Update (Borden)

Acting General Counsel Borden briefed Commissioners on the latest developments of this ongoing project, beginning with a brief summary of its history. Initiated in 2018, the State Highway Administration (SHA) and Federal Highway Administration initiated this study project to establish a Public-Private Partnership (P3) to consider the construction of improvements to the area in exchange for revenue from the improvements under a lease agreement. The National Environmental Policy Act (NEPA) requires the study to conduct Environmental Impact Statements to assess the impact different proposed improvements would have on the local environment and communities. M-NCPPC has been involved in the NEPA process as a Cooperating Agency and has provided substantial comments on the proposed project.

The State Highway Administration (SHA) is moving forward with a study area of the segment of I-495/I-270 from the American Legion Bridge up I-270 and ending at I-370. At this time, the SHA has announced it will not be moving forward with an Environmental Impact Study of the area from the I-495/I-270 interchange through the Prince George's County line (aka the "topside" of the beltway).

The remaining 17-mile study area still impacts certain parkland and in order to complete their NEPA process, the SHA will have to propose mitigation for the parkland they are impacting.

Under the M-NCPPC's regulations, while the acquisition of property can be approved by the appropriate planning board, the transfer of property must be approved by the full Commission. Acting General Counsel Borden said the MCPB recently recommended approval of the mitigation plan developed to address the impacted parkland. Staff is requesting approval of the plan and direction to create a Memorandum of Understanding (MOU) to codify all elements to negotiate and implement the plan, including details of land conveyance, technical details, park standards, expectations and formalization of procedural commitments. The MOU will contain deadlines for land to be conveyed to the M-NCPPC and the associated timeline for the M-NCPPC's land to be transferred to the SHA's right-of-way.

Commissioner Rubin commended staff for the job on this segment of the project which includes improvements to infrastructure, stormwater management, wildlife/pedestrian/cyclist passages and accommodations, and stream health quality. She also reminded Commissioners, staff, and the public that SHA has failed to address many of the concerns the M-NCPPC and other concerned parties have raised with the project over the past several years. She hopes the SHA will move forward to resolve them. This particular plan and agreement is a narrow discussion point and there will be opportunities to examine this in the mandatory referral stage.

ACTION: Motion of Commissioner Verma to approve the Managed Lanes Study Proposed Parkland Mitigation Plan Package and the implementation of the described MOU.

Seconded by Commissioner Doerner

9 approved the motion

ITEM 7

OFFICERS' REPORTS

Executive Director's Report

a) Late Evaluation Report (May 2022) (For information only)

Secretary-Treasurer's Report

No Report Scheduled

General Counsel's Report

b) Litigation Report (For information only)

There being no further business to discuss, Chair Anderson adjourned the meeting from closed session at 10:59 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT**

Date: 6/15/2022 Time: 9:38 am Location: Via Videoconference

Motion to close meeting made by Commissioner Geraldo. Seconded by Commissioner Rubin.

Members voting in favor: Anderson, Bailey, Cichy, Geraldo, Rubin, Shapiro, and Verma.
Commissioners Doerner, Patterson and Washington were absent for the vote. Commissioners Doerner and Patterson joined the discussion mid-meeting.

Opposed: N/A Abstaining: N/A Absent: N/A

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

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

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

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (9), a closed session is proposed. The purposes for closing this meeting generally are to protect and promote the public interest by: (i) preserving privileged and confidential deliberations needed to manage ongoing collective bargaining negotiations.

The topics to be discussed include a) Collective Bargaining Update (Chiang-Smith)

This statement is made by:

Casey Anderson, Chair, Presiding Officer.

PRINT NAME



06/16/2022

SIGNATURE & DATE

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES

July 6, 2022

The Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Casey Anderson, Vice Chair Peter Shapiro, and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

- Andree Checkley, Director, Prince George’s County Planning (PGPL)
- Debra Borden, Acting General Counsel
- Gavin Cohen, Secretary-Treasurer
- Mike Riley, Director, Montgomery County Parks (MCPK)
- Bill Tyler, Director, Prince George’s County Parks and Recreation (PGPR)
- Gwen Wright, Director, Montgomery County Planning (MCPL) (departed at 11 am)

Presenters/Staff

- Areaya Abebe, Acting Policy Manager, CPMO
- James Adams, Senior Technical Writer
- Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director
- Mazen Chilet, Chief Information Officer
- Kevin Davey, Records Manager, CPMO
- Michael Doaks, Policy Analyst, CPMO
- Cynthia Henderson, Benefits Specialist, CHR
- John Kroll, Corporate Budget Director
- William Spencer, Corporate Human Resources (CHR) Director
- Tanya Stern, Deputy Director, Montgomery Planning

For item 3a only:

- Lauren Belle
- Kayla Hickman
- Carl Morgan
- John Nenghabi
- Adrienne Thomas

Executive Director Chiang-Smith opened the meeting at 10:03 am.

Executive Director Chiang-Smith noted the M-NCPPC was issued a Proclamation from Governor Hogan’s Office for Parks and Recreation Month. Copies will be forwarded to the Maryland Recreation and Parks Association and the National Recreation and Parks Association.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	Executive Director Chiang-Smith noted changes to the agenda: <ul style="list-style-type: none"> • Removing Item 3d. Investment Report; • Adding Item 3e. Bond Resolutions; and • Adding closed session 4b on proposed benefits rates for calendar 2023.
ACTION	Agenda passed, with amendments. Chair Anderson moved; Vice Chair Shapiro seconded. Approved unanimously.

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for June 15, 2022	
Discussion	Executive Director Chiang-Smith said there were no changes to the Commission agenda or the rolling agenda
ACTION/Follow-up	Chair Anderson moved to pass the agendas. Vice-Chair Shapiro seconded. Agendas approved unanimously.
ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS	
Discussion	
ACTION/Follow-up	See item 1b

ITEM 2 – EXECUTIVE COMMITTEE MEETING MINUTES	
Discussion	June 1, 2022, Open Session <i>No closed session for June</i>
ACTION	Vice-Chair Shapiro moved; Chair Anderson seconded. Minutes approved unanimously.

ITEM 3 – DISCUSSION/PRESENTATION ITEMS	
Discussion	<p><u>3a. Sustainability Policy Practice 6-40 (Beckham/Abebe/Doaks/Hickman/Belle)</u> Acting CPMO Director Beckham requested Executive Committee support for proposed changes to the practice which describes the overall strategies to make the MNCPPC a leader in the field of Sustainability.</p> <p>Policy Analyst Doaks reviewed proposed changes to the Sustainability Practice 6-40, which divides the agency’s sustainability focus into three foundational pillars:</p> <ul style="list-style-type: none"> • Environmental Responsibility • Social Justice • Economic Vitality <p>Mr. Doaks provided a history of the Practice and the changes to it over the years.</p> <p>He went into more detail about the current proposed changes, describing implementation items under each pillar, including how the Practice would work in conjunction with the M-NCPPC’s Sustainability Plan.</p> <p>Chair Anderson noted a concern with having number-based goals/metrics for certain items (e.g., recycling) and informed that the Commission should consider meeting goals through a cost-effective lens. He suggested, as an example, focusing on overall waste reduction as opposed to increased recycling; or investing in more self-generating power (solar, etc.) and focusing less on purchasing green energy.</p> <p>Ms. Hickman from the Sustainability Committee replied the Economic Vitality pillar will address several of those concerns, and many of the items to be developed by the Sustainability Plan will address those issues. Mr. Doaks agreed leadership would have the opportunity to weigh in on the operational details and execution of specific initiatives when reviewing the Sustainability Plans. The current revisions to Practice 6-40 focuses on long-term strategies and providing a framework for future Sustainability Plans.</p> <p>Ms. Hickman and Ms. Belle of the Sustainability Committee next reviewed shifting specific goals away from the Practice and implementing them through the 5-year</p>

	<p>Sustainability Plans. They recognized each of the counties has different circumstances (laws, ordinances, resources), and the new Practice allows for flexibility and tailoring for different programs in different locations. The 5-year Sustainability Plans will be living documents, designed to set/meet specific goals and guidelines.</p> <p>Chair Anderson appreciated the flexibility of the new Practice and Sustainability Plans. Vice Chair Shapiro approved of the direction and wanted to know more details on the execution. Ms. Belle said the Prince George’s County departments, starting next Friday and over the next 6 months will be setting their goals, metrics, and details for the next 5-year Sustainability Plan, and they could share details and get any input he would like to provide.</p> <p>Executive Director Chiang-Smith liked that the Practice and Sustainability Plans carve out a place for Diversity, Equity, and Inclusion and how that fits in with the dynamics of the county’s population. She said she would like to be more engaged with the Sustainability Committee and would be happy to participate in the development of the 5-year Plans.</p> <p>Chair Anderson advised the cost effectiveness piece should be front and center, noting the Sustainability Plan goals have to be realistic from the perspective of value and function. He suggested identifying low-hanging fruit such as methods to reduce electricity and water use. Vice Chair Shapiro suggested adding a timeline when presenting to Commissioners.</p>
ACTION/follow-up	The Executive Committee approved bringing the policy to the full Commission, with suggested modifications.
Discussion	<p><u>3b. Records Management Policy Administrative Practice 5-80 and M-NCPPC Records Retention Schedule (Beckham/Davey)</u></p> <p>Acting CPMO Director Beckham with Mr. Doaks and Mr. Davey requested Executive Committee approval for changes to the agency’s Records Retention Practice and Retention Schedule. The Practice and Schedule preserve the history of the Commission, serves business needs, and meets legal records requirements for retaining and disposing of official records.</p> <p>Mr. Doaks discussed changes to Practice 5-80, including addressing requirements for scheduling records for disposal, archiving permanent records, and safeguarding records; providing definitions for important records management terms; and, reflecting the use of digital records.</p> <p>The Maryland Public Information Act portion of practice 5-80 has been removed and will be incorporated into a new proposed policy, Administrative Practice 5-81. The Policy Office has been developing the new practice in conjunction with the Legal Department to clarify access to public records and accompanying procedures.</p> <p>Mr. Davey discussed changes to the agency’s Retention Schedule and noted the update has been a multi-year process, in granular consultation with multiple subject matter experts in each department, to ensure the Retention Schedule matches current records being created by the agency. Mr. Davey also relayed how record groups have been merged, where appropriate, to make the document easier to use and more concise; and to match best practices on the federal, state and</p>

	<p>county/municipal government levels. He said the new proposed schedule has been reviewed by the General Counsel’s office, the Office of the Chief Information Officer, the Office of the Inspector General, the Human Resources Division, and the Corporate Policy and Management Operations Division.</p> <p>Chair Anderson noted there was only a piece of the schedule presented in the packet and asked how much of it was still under review. Mr. Davey said due to the size of the document, they only included an example for the packet. The entire draft schedule has been reviewed at the department level and is available for full review.</p> <p>Chair Anderson asked for clarification on what data can/should be retained, particularly electronic records. Employees need a better understanding of electronic information of what can or cannot be retained. CIO Chilet said the agency does not back up or retain recorded meetings or chat messages in the Microsoft Office 365 environment. Executive Director Chiang-Smith suggested Mr. Davey in conjunction with the Legal Department could conduct training on what is or is not a record.</p>
ACTION/follow-up	Chair Anderson moved to approve amendments. Vice Chair Shapiro seconded. Approved unanimously
Discussion	<p><u>3c. Draft Notice on Incentives for COVID-19 Booster Shot(s) (Beckham)</u></p> <p>Executive Director Chiang-Smith said the Executive Committee last month asked for the Policy office to develop and draft a notice providing leave incentives for employees who have received the health professional-recommended COVID-19 booster(s). The Policy office examined Montgomery County’s policy, which issued a similar policy incentivizing their employees to get boosters by providing administrative leave to them if the boosted employee contracts and becomes ill with a breakthrough case. Acting CPMO Director Beckham reviewed the draft Notice, sent as a late delivery item.</p> <p>Acting CPMO Director Beckham said the policy would apply to represented and non-represented Merit employees and Term contract employees. It would require medical documentation forwarded to the employee’s supervisor to receive 5 days of Administrative Leave, or longer, if recommended by a medical provider.</p> <p>He said Department Heads recommended employees verify their boost status by a specified date and approval through the end of the calendar year.</p> <p>Chair Anderson asked to clarify that the employee must provide medical documentation indication the need to quarantine and inability to work on-site or telework, as opposed simply verifying the employee has contracted COVID. He also said a provision should be made for asymptomatic positives to be instructed to telework. If the infection precludes the employee from performing their duties and they are unable to telework, or they are suffering from COVID symptoms, they can take the leave. Mr. Beckham said they would do so, adding the employee will be instructed to provide medical documentation providing this information.</p> <p>Chair Anderson also suggested clarifying the agency reserves the right to modify the definition of “fully vaccinated” and recommendations for boosters, as these are updated by medical professionals.</p>
ACTION/follow-up	Executive Director Chiang-Smith motioned to approve the Notice, pending modification. Vice-Chair Shapiro seconded. Approved unanimously.

Discussion	<u>3e. Bond Resolutions (Cohen) (information item only)</u> Secretary-Treasurer Cohen wanted to address any Executive Committee questions prior to the resolutions going to the Commission, noting the timetable for the issuance of the bonds for both counties before the federal reserve increases interest rates.
ACTION/Follow-up	No questions. Resolutions will move forward for Commission approval.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (9), a closed session is proposed to conduct collective bargaining discussions and consider matters that relate to negotiation.

Chair Anderson motioned to move the meeting into Closed Session at 11:20 a.m. Vice Chair Shapiro seconded; motion approved unanimously.

Also present were:

Department Heads

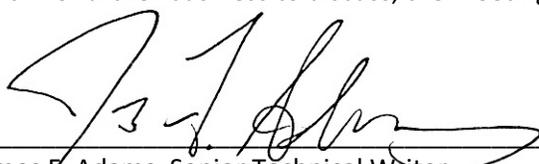
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Bill Tyler, Director, Prince George’s County Parks and Recreation (PGPR)
Tanya Stern, Deputy Director, Montgomery County Planning (MCPL) for Director Gwen Wright

Presenters/Staff

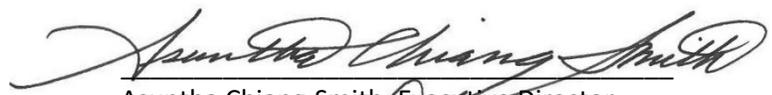
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Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director
Mazen Chilet, Chief Information Officer
Cynthia Henderson, Benefits Specialist
John Kroll, Corporate Budget Director
William Spencer, Corporate Human Resource Director

Corporate HR Director Spencer and staff briefed the Executive Committee on the impact of benefits rates changes for calendar 2023 on ongoing negotiations and the Executive Director updated the Chairs on collective bargaining negotiations and related matters. The chairs provided input to staff and the Executive Director.

With no further business to discuss, the meeting adjourned from closed session at 11:57 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT**

Date: 7/6/2022 Time: 11:20 a.m. Location: Via Teleconference

Motion to close meeting made by: Anderson

Seconded by Shapiro, Members voting in favor: Anderson, Shapiro, Chiang-Smit

Opposed: NA Abstaining: NA Absent: NA

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

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

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

A closed session is proposed to promote and protect the public welfare pursuant to Maryland General Provision Section 3-305(b)(9) to consider matters related to collective bargaining negotiations to maintain the confidentiality of the Commission's discussions concerning strategies and positions with regard to ongoing negotiations.

The topics to be discussed include the Commission's position related to ongoing collective bargaining negotiations.

This statement is made by Casey Anderson, Chair, Presiding Officer.

PRINT NAME



July 7, 2022

SIGNATURE & DATE

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RESOLUTION NO. 22-27

**\$12,000,000
Prince George’s County
General Obligation
Park Acquisition and Development Project Bonds,
Series PGC-2022A**

RECITALS

The Maryland-National Capital Park and Planning Commission (the “Commission”) has determined to authorize the issuance of one or more series of its Prince George’s County General Obligation Park Acquisition and Development Project Bonds, Series PGC-2022A in an aggregate amount not to exceed \$12,000,000 (collectively, the “Bonds”), pursuant to Sections 18-201 through 18-211, inclusive, of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2021 Supplement) (the “Land Use Article”). The Commission is authorizing the issuance of the Bonds (1) to finance and refinance the cost of certain park acquisition and development projects in Prince George’s County, Maryland (the “Projects”) and (2) to pay the costs of issuance related to the Bonds.

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

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

Section 1: Authorization of Bonds. Acting pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article, the Commission hereby authorizes the borrowing of a sum not to exceed \$12,000,000 and the evidencing of such borrowing by the issuance of one or more series of its Bonds in like aggregate principal amount, to be designated

“Prince George’s County General Obligation Park Acquisition and Development Project Bonds, Series PGC-2022A”, or as further designated by the Secretary-Treasurer. The Bonds are being issued in order to provide funds (i) to pay the costs of the Projects and (ii) to pay, at the discretion of the Secretary-Treasurer, all or a portion of the costs of issuance of the Bonds.

Section 2: Terms of the Bonds.

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

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

(b) Book-Entry. The Bonds shall initially be maintained under a book-entry system with The Depository Trust Company, New York, New York, or other securities depository, and shall be registered in the name of the nominee of such securities depository, all as more fully set forth in an official statement or offering memorandum with respect to the issuance and sale of the Bonds, *provided* the Secretary-Treasurer does not determine that it is in the best interest of the Commission to initially maintain the Bonds under a system other than the book-entry system. The Secretary-Treasurer is hereby authorized to take all action necessary or appropriate to provide for the issuance of the Bonds in book-entry form, including (without limitation)

execution of letters of representations with The Depository Trust Company, or such other securities depository. If in the judgment of the Secretary-Treasurer it is in the best interests of the Commission to maintain the Bonds or any series of the Bonds under a system other than the book-entry system or to discontinue the maintenance of the Bonds or any series of the Bonds under a book-entry system, the Secretary-Treasurer is hereby authorized to provide for the termination of the book-entry system, if necessary, and the delivery of printed certificates for such Bonds in lieu thereof. The Secretary-Treasurer may designate a different securities depository.

(c) County Guaranty. The Bonds shall be guaranteed as to payment of principal and interest by Prince George's County, Maryland ("Prince George's County"), as required by Section 18-204(d) of the Land Use Article, and such guaranty shall be endorsed on each bond certificate in the manner hereinafter provided as required by Section 18-204(d) of the Land Use Article. The Secretary-Treasurer is hereby authorized and directed to arrange with the County Executive of Prince George's County for the endorsement on the Bonds of the guarantee of the payment of the principal thereof and interest thereon, as herein outlined and as required by law. The Bonds shall not be delivered until after the endorsement of such guaranty thereon.

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

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

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

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

Section 5: Payment of Bonds. The principal of, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America at the time of payment. So long as the Bonds or any series of the Bonds are maintained under a book-entry system with The Depository Trust Company, principal of and premium, if any, and interest on such Bonds shall be payable to Cede & Co., as nominee of The Depository Trust Company, all as described in an official statement or offering memorandum related to such Bonds. If the book-entry system

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

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

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

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

Section 6: Registration, Transfer or Exchange of Bonds. The Commission shall cause to be kept at a designated corporate trust office of a bank or another designated entity hereafter to be determined by the Secretary-Treasurer, which shall be appointed the Registrar for the Bonds (the “Registrar”), a register (the “Bond Register”) for the registration of the transfer or exchange of the Bonds. The Secretary-Treasurer may determine that the Office of the Secretary-Treasurer of the Commission will serve as the Registrar or the Secretary-Treasurer may appoint a Registrar as provided in this Resolution. Such designation by the Secretary-Treasurer may be done at any time and from time to time. Each Bond shall be registered and transferred or exchanged in accordance with the terms and conditions with respect thereto set forth in such Bond, the form of which is hereinafter adopted.

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

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

advisable in consultation with the financial advisor to the Commission and its bond counsel and modifications to reflect the maintenance of the Bonds under a book-entry system or the termination of a book-entry system as provided herein.

Section 9: Negotiated Sale. The Secretary-Treasurer is hereby authorized to sell the Bonds or any series of the Bonds by private negotiated sale on behalf of the Commission as authorized by Section 18-203(f) of the Land Use Article. The Chair or Vice Chair and the Secretary-Treasurer of the Commission, in consultation with bond counsel and the financial advisor to the Commission, are hereby authorized to determine on behalf of the Commission the method for conducting such private negotiated sale. The Secretary-Treasurer is hereby authorized to solicit and accept proposals for the sale of such Bonds on a private, negotiated basis. The Secretary-Treasurer of the Commission is hereby authorized to negotiate an agreement for the purchase of such Bonds (the “Bond Purchase Agreement”), to be approved by the Secretary-Treasurer in consultation with the Planning Board of Prince George’s County, in accordance with the limitations set forth in this Resolution.

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

such notice to constitute conclusive evidence of the approval of the Secretary-Treasurer of all changes from the form set forth in Exhibit B. In lieu of publishing the entire notice of sale as set forth in Exhibit B in a financial journal or by electronic medium as above specified, the Secretary-Treasurer, upon the advice of the financial advisor to the Commission, may determine to publish a summary of said notice of sale.

Section 11: Official Statement.

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

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

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

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

The Commission covenants with each and every holder, from time to time, of the Bonds issued hereunder to allocate the proceeds of said taxes, as received, *pari passu*, to debt service on all outstanding bonds and notes issued by it, including the Bonds, payable from said taxes, subject only to the prior rights of the holders of bonds of the Commission which are secured by a pledge of a specific portion of said tax. The Commission further covenants not to issue any

additional bonds or notes payable from said taxes in excess of the limits prescribed, from time to time, by Section 18-203(d) of the Land Use Article.

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

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

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

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

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

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

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

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

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

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

Section 18: Award of Bonds. The Chair or the Vice Chair with prior consultation with the Planning Board of Prince George’s County, and the Secretary-Treasurer are hereby

authorized with respect to the Bonds or any series of the Bonds to accept the best bid for such Bonds, reject all other bids for such Bonds, set the interest rates of such Bonds and set the maturity schedules and terms of redemption of such Bonds, in accordance with the limitations set forth in this Resolution.

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

I, GAVIN COHEN, the duly appointed, qualified and acting Secretary-Treasurer of The Maryland-National Capital Park and Planning Commission, do hereby certify that the foregoing is a true copy of Resolution No. 22-27, adopted by said Commission at a regular meeting thereof duly called and held on July 20, 2022.

I do further certify that Commissioners Anderson, Bailey, Cichy, Doerner, Geraldo, Patterson, Rubin, Shapiro, Verma and Washington were present. A motion to adopt was made and seconded. The Resolution was adopted unanimously.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of The Maryland-National Capital Park and Planning Commission, this 20th day of July, 2022.

Secretary-Treasurer

This is to certify that the foregoing is a true and correct copy of Resolution No. 22-27 adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____ seconded by Commissioner _____, with Commissioners Anderson, Bailey, Cichy, Doerner, Geraldo, Patterson, Rubin, Shapiro, Verma and Washington voting in favor of the motion, and Commissioners _____ absent during the vote, at its meeting held on July 20, 2022, in _____, Maryland.

Asuntha Chiang-Smith
Executive Director

UNITED STATES OF AMERICA

STATE OF MARYLAND

No. R- _____ \$ _____

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George’s County
General Obligation
Park Acquisition and Development Project Bond,
Series PGC-2022A

Dated Date Interest Rate Maturity Date CUSIP
[_____], 2022 ___ % per annum _____, 20__ _____

Registered Owner: Cede & Co.

Principal Amount: _____ DOLLARS

The Maryland-National Capital Park and Planning Commission (the “Commission”), a public body corporate, organized and existing under the laws of the State of Maryland, hereby acknowledges itself indebted for value received and, upon presentation and surrender hereof, promises to pay to the Registered Owner shown above, or its registered assigns, on the Maturity Date shown above, unless this bond shall have been called for prior redemption and payment of the redemption price made or provided for, the Principal Amount shown above, and to pay interest on the outstanding principal amount hereof from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, or, if no interest has been paid on this bond, from the date of this bond, at the annual rate of interest set forth above, payable semi-annually on _____ 1/15 and _____ 1/15 each year, beginning _____ 1/15, 2023 (each an “Interest Payment Date”) until payment of such Principal Amount shall be discharged as provided in the Resolution (hereinafter defined), by wire transfer or check mailed by the Commission or a banking institution or other entity designated as paying

agent by the Commission (the “Paying Agent”), or any successor thereto, to the person in whose name this bond is registered on the registration books maintained by the Registrar (identified herein) at the close of business on the [fifteenth day of the month immediately preceding such Interest Payment Date] [first day of the month in which such Interest Payment Date occurs] (the “Record Date”). Notwithstanding the preceding sentence, interest on this bond which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date shall forthwith cease to be payable to the owner of this Bond on the relevant Record Date by virtue of having been such owner and such interest shall be paid by the Paying Agent to the person in whose name this bond is registered at the close of business on a Special Record Date for the payment of such interest, which shall be fixed as provided in the Resolution (hereinafter defined). Interest on this bond shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

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

This bond is a general obligation of the Commission and of Prince George’s County, Maryland (the “County”), to the payment, in accordance with its terms, of the principal of and interest on which the Commission and the County hereby each pledge their respective full faith and credit and taxing power.

The principal of and premium and interest on this bond are payable in the first instance from mandatory limited annual ad valorem property taxes which the County is required by Section 18-304 of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2021 Supplement) (the “Land Use Article”) to impose at a fixed rate against all property assessed for the purposes of county taxation in the portion of the Maryland-Washington Metropolitan District (the “District”) established by Title 19 of the Land Use Article located in the County. Section 18-209 of the Land Use Article provides that, if said mandatory tax is

insufficient to pay the principal of and interest on this bond, the County shall impose an additional tax upon all assessable property within the portion of the District in the County, and, if the proceeds of such additional tax are still inadequate for such purposes, upon all assessable property within the corporate limits of the County, to pay such deficiency. By the guaranty endorsed hereon, the full faith and credit of the County is pledged to the payment, when due, of the principal of and interest on this bond.

This bond is one of an issue of bonds (the “Bonds”), each of a par value of \$5,000 or an integral multiple thereof, in the aggregate principal amount of \$_____, numbered from No. R-1 upwards, all dated as of the Dated Date and all known as: “The Maryland-National Capital Park and Planning Commission Prince George’s County General Obligation Park Acquisition and Development Project Bonds, Series PGC-2022A”. Unless previously redeemed as herein provided, the Bonds mature and are payable in consecutive annual installments on _____ 1/15 in each of the years 2023 through 20___, and bear interest payable on each Interest Payment Date, until their respective maturities or prior redemption. The Bonds are issued pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article and in accordance with Resolution No. 22-27 of the Commission duly adopted on July 20, 2022 (the “Resolution”).

The Bonds which mature on or after _____ 1/15, 2033, are subject to redemption prior to their respective maturities, at the option of the Commission, in whole or in part in any order of their maturities, at any time on or after _____ 1/15, 2032, at a redemption price equal to the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds are called for redemption, the particular maturities to be redeemed shall be selected by the Commission. If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds to be redeemed from such maturity shall be selected by lot or other random means by the Paying Agent in such manner as the Paying Agent

in its discretion may determine, provided that each \$5,000 of the principal amount of any Bond shall be treated as a separate Bond for this purpose.

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

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

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

The transfer of this bond is registerable by the registered owner hereof in person or by his attorney or legal representative at a principal office of the Registrar upon surrender and cancellation of this bond together with a duly executed assignment in the form attached hereto and satisfactory to the Registrar. Upon any such registration of transfer, the Registrar shall authenticate and deliver in exchange for this bond a registered Bond or Bonds registered in the name of the transferee of authorized denomination or denominations, in the aggregate principal amount equal to the principal amount of this bond or the unredeemed portion hereof, of the same maturity and bearing interest at the same rate. Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, bearing interest at the same rate, of other authorized denominations, at a principal office of the Registrar. The Commission and the Registrar may make a charge for every such exchange or transfer sufficient to reimburse it for any tax, fee, or other governmental charge, shipping charges and insurance required to be paid with respect to such exchange or transfer, and in addition, may charge a sum sufficient to reimburse them for expenses incurred in connection with such exchange or transfer. All Bonds surrendered in such exchange or registration of transfer shall forthwith be canceled by the Registrar. The Registrar shall not be required to register the transfer of this bond or make any such exchange of this bond after the mailing of notice calling this bond or any portion hereof for redemption.

So long as all of the Bonds shall be maintained in Book-Entry Form with The Depository Trust Company or another securities depository (the "Depository"): (1) in the event that fewer than all Bonds of any one maturity shall be called for redemption, the Depository, and not the Registrar, will select the particular accounts from which Bonds or portions thereof will be redeemed in accordance with the Depository's standard procedures for redemption of obligations such as the Bonds; (2) in the event that part, but not all, of this bond shall be called for redemption, the holder of this bond may elect not to surrender this bond in exchange for a new bond in accordance with the provisions hereof and in such event shall make a notation indicating the principal amount of such redemption and the date thereof on the Payment Grid attached

hereto; and (3) payments of principal or redemption price of and interest on this bond shall be payable to the Depository or its assigns in accordance with the provisions of the Resolution. For all purposes, the principal amount of this bond outstanding at any time shall be equal to the lesser of (A) the principal sum shown on the face hereof and (B) such principal sum reduced by the principal amount of any partial redemption of this bond following which the holder of this bond has elected not to surrender this bond in accordance with the provisions hereof. The failure of the holder hereof to note the principal amount of any partial redemption on the Payment Grid attached hereto, or any inaccuracy therein, shall not affect the payment obligation of the Commission hereunder. THEREFORE, IT CANNOT BE DETERMINED FROM THE FACE OF THIS BOND WHETHER A PART OF THE PRINCIPAL OF THIS BOND HAS BEEN PAID.

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

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

ATTEST:

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Secretary-Treasurer

By: _____
Chair

(CORPORATE SEAL)

GUARANTY

The payment of interest when due, and of the principal on maturity, is guaranteed by Prince George's County, Maryland.

ATTEST:

PRINCE GEORGE'S COUNTY,
MARYLAND

Clerk

By: _____
County Executive

(CORPORATE SEAL)

CERTIFICATE OF AUTHENTICATION

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

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Registrar

By: _____
Authorized Officer

Date of Authentication: _____, 2022

ASSIGNMENT

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

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

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

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

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

NOTICE OF SALE

\$ _____
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George’s County
General Obligation
Park Acquisition and Development Project Bonds,
Series PGC-2022A

Electronic Bids only will be received until 11:00 a.m.,
Local Baltimore, Maryland Time, on _____, 2022

by The Maryland-National Capital Park and Planning Commission (the “Commission”), for the purchase of the above-named issue of bonds (the “Bonds”) of the Commission, to be dated as of the date of their delivery and to be issued pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2021 Supplement) (the “Land Use Article”) and a Resolution of the Commission adopted on July 20, 2022. The Bonds will bear interest from the date of their delivery payable semi-annually on each _____ 1/15 and _____ 1/15, commencing _____ 1/15, 2023 until maturity or prior redemption.

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

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

MATURITY SCHEDULE

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

Adjustments: The aggregate principal amount and the principal amount of each maturity of the Bonds are subject to reduction by the Commission after the receipt of bids for their purchase. The final aggregate principal amount and maturity schedule for the Bonds will be communicated to the successful bidder by 5:00 p.m. local Baltimore, Maryland time on the date of sale and will not reduce the aggregate principal amount of the Bonds by more than the premium bid by the successful bidder. The dollar amount bid for principal by the successful

bidder will be adjusted to reflect any reduction in the aggregate principal amount of the Bonds, but the interest rates specified by the successful bidder for all maturities will not change. The successful bidder may not withdraw its bid as a result of any changes made within these limits.

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

Registrar and Paying Agent: The Maryland-National Capital Park and Planning Commission will act as Registrar and Paying Agent for the Bonds.

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

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

Redemption: The Bonds which mature on or after _____ 1/15, 2033, are subject to redemption prior to their respective maturities at any time on or after _____ 1/15, 2032, at the option of the Commission, in whole or in part, in any order of maturities, at a redemption price equal to the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

Electronic Bids: Notice is hereby given that electronic proposals will be received via *[PARITY]*, in the manner described below, until 11:00 a.m., local Baltimore, Maryland time, on _____, 2022.

Bids may be submitted electronically pursuant to this Notice until 11:00 a.m., local Baltimore, Maryland time, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in *[PARITY]* conflict with this

Notice, the terms of this Notice shall control. For further information about *[PARITY]*, potential bidders may contact *[PARITY]* at (212) 849-5021.

Disclaimer: Each prospective electronic bidder shall be solely responsible to submit its bid via *[PARITY]* as described above. Each prospective electronic bidder shall be solely responsible to make necessary arrangements to access *[PARITY]* for the purpose of submitting its bid in a timely manner and in compliance with the requirements of the Notice of Sale. Neither the Commission nor *[PARITY]* shall have any duty or obligation to provide or assure access to *[PARITY]* to any prospective bidder, and neither the Commission nor *[PARITY]* shall be responsible for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, *[PARITY]*. The Commission is using *[PARITY]* as a communication mechanism, and not as the Commission's agent, to conduct the electronic bidding for the Bonds. The Commission is not bound by any advice and determination of *[PARITY]* to the effect that any particular bid complies with the terms of this Notice of Sale and in particular the "Bid Specifications" hereinafter set forth. All costs and expenses incurred by prospective bidders in connection with their submission of bids via *[PARITY]* are the sole responsibility of the bidders; and the Commission is not responsible, directly or indirectly, for any of such costs or expenses. If a prospective bidder encounters any difficulty in submitting, modifying, or withdrawing a bid for the Bonds, the prospective bidder should telephone *[PARITY]* at (212) 849-5021 and notify the Commission's Financial Advisor, Davenport & Company LLC, by facsimile at (866) 932-6660 and by telephone at (410) 296-9426.

Electronic Bidding Procedures: Electronic bids must be submitted for the purchase of the Bonds (all or none) via *[PARITY]*. Bids will be communicated electronically to the Commission at 11:00 a.m. local Baltimore, Maryland time, on [_____], 2022. Prior to that time, a prospective bidder may (1) submit the proposed terms of its bid via *[PARITY]*, (2) modify the proposed terms of its bid, in which event the proposed terms as last modified will (unless the bid is withdrawn as described herein) constitute its bid for the Bonds or (3) withdraw its proposed bid. Once the bids are communicated electronically via *[PARITY]* to the Commission, each bid will constitute an irrevocable offer to purchase the Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on *[PARITY]* shall constitute the official time.

Bid Specifications: Proposals for purchase of the Bonds must be for all of the Bonds herein described and must be submitted electronically pursuant to this Notice of Sale until 11:00 a.m. local Baltimore, Maryland time on [_____], 2022. Bidders must pay not less than par and not more than ____% of par. In their proposals, bidders are requested to specify the annual rate or rates of interest to be borne by the Bonds. Bidders are requested to name the interest rate or rates in multiples of 1/8 or 1/20 of 1%. Bidders may specify more than one rate of interest to be borne by the Bonds, but all Bonds maturing on the same date must bear interest at the same rate. Bonds on successive maturity dates may bear the same interest rate. No Bond shall bear more than one rate of interest, which rate shall be uniform for the life of the Bond and no interest rate may be named that exceeds ____%. The difference between the highest and lowest interest rates may not exceed ____ percent (____%).

Award of Bonds: The successful bidder will be determined based on the lowest interest cost to the Commission. The lowest interest cost shall be determined in accordance with the true

interest cost (“TIC”) method by doubling the semi-annual interest rate, compounded semi-annually, necessary to discount the debt service payments from the payment dates to the date of the Bonds, and to the price bid. Where the proposals of two or more bidders result in the same lowest interest cost, the Bonds may be apportioned between such bidders, but if this shall not be acceptable, the Commission shall have the right to award all of the Bonds to one bidder. The Commission reserves the right to reject any or all proposals and to waive any irregularities in any of the proposals. The Secretary-Treasurer’s judgment shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity to the terms of this Notice of Sale. Any award of the Bonds may be made as late as 4:00 p.m. local Baltimore, Maryland time on the sale date. All bids shall remain firm until an award is made.

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

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

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

Establishment of Issue Price: The successful bidder shall assist the Commission in establishing the issue price of the Bonds and shall execute and deliver to the Commission at closing an “issue price” or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached hereto as Exhibit A-1 or Exhibit A-2, as applicable, with such modifications as may be appropriate or necessary, in the reasonable judgment of the successful bidder, the Commission and Bond Counsel. All actions to be taken by the Commission under this Notice of Sale to establish the issue price of the Bonds may be taken on behalf of the Commission by the Commission’s financial advisor identified herein and any notice or report to be provided to the Commission may be provided to the Commission’s financial advisor.

The Commission intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “competitive sale” for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the “competitive sale requirements”) because:

- (1) the Commission shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Commission may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the Commission anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

By submitting a bid, each bidder (i) confirms that its bid is a firm offer for the purchase of the Bonds identified in this Notice of Sale, on the terms set forth in its bid and this Notice of Sale, except as permitted by this Notice of Sale and (ii) represents that it has an established industry reputation for underwriting new issuances of municipal bonds.

In the event that the competitive sale requirements are not satisfied, the Commission shall so advise the successful bidder. The Commission may determine to treat (i) the first price at which 10% of a maturity of the Bonds (the “10% test”) is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the Bonds as the issue price of that maturity (the “hold-the-offering-price rule”), in each case applied on a maturity-by-maturity basis (and if different interest rates apply within a maturity, to each separate CUSIP number within that maturity). The successful bidder shall advise the Commission if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds. The Commission shall promptly advise the successful bidder, at or before the time of award of the Bonds, which maturities (and if different interest rates apply within a maturity, which separate CUSIP number within that maturity) of the Bonds shall be subject to the 10% test or shall be subject to the hold-the-offering-price rule. Bids will not be subject to cancellation in the event that the Commission determines to apply the hold-the-offering-price rule to any maturity of the Bonds. Bidders should prepare their bids on the assumption that some or all of the maturities of the Bonds will be subject to the hold-the-offering-price rule in order to establish the issue price of the Bonds.

By submitting a bid, the successful bidder shall (i) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the “initial offering price”), or at the corresponding yield or yields, set forth in the bid submitted by the successful bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

- (1) the close of the fifth (5th) business day after the sale date; or
- (2) the date on which the underwriters have sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The successful bidder shall promptly advise the Commission when the underwriters have sold 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5th) business day after the sale date.

If the competitive sale requirements are not satisfied, then until the 10% test has been satisfied as to each maturity of the Bonds, the successful bidder agrees to promptly report to the Commission the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing has occurred, until the 10% test has been satisfied as to the Bonds of that maturity or until all Bonds of that maturity have been sold.

The Commission acknowledges that, in making the representation set forth above, the successful bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The Commission further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the Bonds.

By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to (A) report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it until it is notified by the successful bidder that either the 10% test has been satisfied as to the Bonds of that maturity or all Bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the successful bidder and as set forth in the related pricing wires, and (ii) any agreement among underwriters relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with

the initial sale of the Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to (A) report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it until it is notified by the successful bidder or such underwriter that either the 10% test has been satisfied as to the Bonds of that maturity or all Bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the successful bidder or such underwriter and as set forth in the related pricing wires.

Sales of any Bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

(i) “public” means any person other than an underwriter or a related party,

(ii) “underwriter” means (A) any person that agrees pursuant to a written contract with the Commission (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the public),

(iii) a purchaser of any of the Bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and

(iv) “sale date” means the date that the Bonds are awarded by the Commission to the successful bidder.

CUSIP Numbers; Expenses of Successful Bidder: CUSIP identification numbers will be applied for by the Commission’s Financial Advisor with respect to the Bonds, and paid for by the Commission, but the Commission will assume no obligation for the assignment or printing of such numbers on the Bonds or the correctness of such numbers, and neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of this Notice of Sale.

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

Official Statement: Not later than seven (7) business days after the date of sale, the Commission will deliver to the successful bidder an Official Statement, which is expected to be substantially in the form of the Preliminary Official Statement referred to below. If so requested

by the successful bidder for the Bonds at or before the close of business on the date of the sale, the Commission will include in the Official Statement such pricing and other information with respect to the terms of the reoffering of the Bonds of such issue by the successful bidder therefor, if any, as may be specified and furnished in writing by such bidder (the “Reoffering Information”). If no such information is specified and furnished by the successful bidder, the Official Statement will include the interest rate or rates on the Bonds resulting from the bid of such successful bidder. The successful bidder shall be responsible to the Commission and its officials for such Reoffering Information furnished by such bidder, and for all decisions made by such bidder with respect to the use or omission of the Reoffering Information in any reoffering of the Bonds. The successful bidder will also be furnished, without cost, with a reasonable number of copies of the Official Statement as determined by the Secretary-Treasurer (and any amendments or supplements thereto).

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

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

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

Delivery of the Bonds, at the Commission’s expense, will be made by the Commission to the purchaser on _____, 2022, or as soon as practicable thereafter, through the facilities of DTC in New York, New York, and, thereupon, said purchaser will be required to accept delivery of the Bonds purchased and pay the balance of the purchase price thereon in federal or other immediately available funds. The Bonds will be accompanied by the customary closing documents including a no-litigation certificate effective as of the date of delivery.

Contacts: A preliminary official statement, which is in form “deemed final” as of its date by the Commission for purposes of SEC Rule 15c2-12 (the “Preliminary Official Statement”) but is subject to revision, amendment and completion in the final official statement (the “Official Statement”), together with this Notice of Sale, may be obtained from Joseph C. Zimmerman, Secretary-Treasurer, The Maryland-National Capital Park and Planning

Commission, 6611 Kenilworth Avenue, Riverdale, Maryland 20737, (301) 454-1540 or Davenport & Company LLC, 8600 LaSalle Road, The Oxford Building, Suite 618, Towson, Maryland 21286-2011, (410) 296-9426.

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

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

By: _____
Chair

\$ _____
Prince George's County
General Obligation
Park Acquisition and Development Project Bonds,
Series PGC-2022A

ISSUE PRICE CERTIFICATE
(Qualified Competitive Bid)

The undersigned, on behalf of [NAME OF PURCHASER] (the "Purchaser"), hereby certifies as set forth below with respect to the sale of the above-captioned obligations (the "Bonds").

1. ***Reasonably Expected Initial Offering Price.***

(a) As of the Sale Date, the reasonably expected initial offering prices of the Bonds to the Public by the Purchaser are the prices listed in Schedule A (the "Expected Offering Prices"). The Expected Offering Prices are the prices for the Bonds used by the Purchaser in formulating its bid to purchase the Bonds. Attached as Schedule B is a true and correct copy of the bid provided by the Purchaser to purchase the Bonds.

(b) The Purchaser was not given the opportunity to review other bids prior to submitting its bid.

(c) The bid submitted by the Purchaser constituted a firm offer to purchase the Bonds.

2. ***Defined Terms.***

(a) *Issuer* means The Maryland-National Capital Park and Planning Commission.

(b) *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

(c) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term "related party" for purposes of this Certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(d) *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is _____, 2022.

(e) *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Non-Arbitrage Certificate and Tax Covenants and with respect to compliance with the federal income tax rules affecting the Bonds, and by McGuireWoods LLP, as bond counsel to the Issuer, in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Bonds.

[NAME OF PURCHASER], as Purchaser

By: _____

Title: _____

Dated: _____, 2022

SCHEDULE A
Expected Offering Prices of the Bonds

SCHEDULE B
Copy of Bid

\$ _____
**Prince George's County
General Obligation
Park Acquisition and Development Project Bonds,
Series PGC-2022A**

ISSUE PRICE CERTIFICATE
(Nonqualified Competitive Bid)

The undersigned, on behalf of [NAME OF PURCHASER] (the "Purchaser"), hereby certifies as set forth below with respect to the sale and issuance of the above-captioned obligations (the "Bonds").

1. ***Sale of the 10% Maturities.*** As of the date of this Certificate, for each Maturity of the 10% Maturities Bonds, the first price at which a Substantial Amount of such Maturity of the Bonds was sold to the Public is the respective price listed in Schedule A.

2. ***Initial Offering Price of the Undersold Maturities.***

(a) Each Underwriter offered the Undersold Maturities to the Public for purchase at the respective initial offering prices listed in Schedule B (the "Initial Offering Prices") on or before the Sale Date. A copy of the pricing wire or equivalent communication for the Bonds is attached to this Certificate as Schedule C.

(b) As set forth in the Notice of Sale and bid award, each Underwriter has agreed in writing that, (i) for each Maturity of the Undersold Maturities, it would neither offer nor sell any of the Bonds of such Maturity to any person at a price that is higher than the Initial Offering Price for such Maturity during the Offering Period for such Maturity, nor would it permit a related party to do so (the "hold-the-price rule") and (ii) any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any retail distribution agreement shall contain the agreement of each broker-dealer who is a party to the retail distribution agreement, to comply with the hold-the-price rule. Pursuant to such agreement, no Underwriter has offered or sold any Maturity of the Undersold Maturities at a price that is higher than the respective Initial Offering Price for that Maturity of the Bonds during the Offering Period.

3. ***Defined Terms.***

(a) ***10% Maturities*** means those Maturities of the Bonds shown in Schedule A hereto as the "10% Maturities."

(b) ***Issuer*** means The Maryland-National Capital Park and Planning Commission.

(c) *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

(d) *Offering Period* means, with respect to an Undersold Maturity, the period starting on the Sale Date and ending on the earlier of (i) the close of the fifth business day after the Sale Date ([_____, 2022]), or (ii) the date on which the Purchaser has sold a Substantial Amount of such Undersold Maturity to the Public at a price that is no higher than the Initial Offering Price for such Undersold Maturity.

(e) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term “related party” for purposes of this Certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(f) *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is _____, 2022.

(g) *Substantial Amount* means ten percent (10%).

(h) *Undersold Maturities* means those Maturities of the Bonds shown in Schedule B hereto as the “Undersold Maturities.”

(i) *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Non-Arbitrage Certificate and Tax Covenants and with respect to compliance with the federal income tax rules affecting the Bonds, and by McGuireWoods LLP, as bond counsel to the Issuer, in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of Internal Revenue Service Form 8038-G, and other federal income tax advice it may give to the Issuer from time to time relating to the Bonds.

[NAME OF PURCHASER], as

Purchaser

By: _____

Title: _____

Dated: _____, 2022

SCHEDULE A
Sale Prices of the 10% Maturities

SCHEDULE B
Initial Offering Prices of the Undersold Maturities

SCHEDULE C
Pricing Wire

161009068_1.docx

RESOLUTION NO. 22-28

**\$13,100,000
Montgomery County
General Obligation
Park Acquisition and Development Project Bonds,
Series MC-2022A**

RECITALS

The Maryland-National Capital Park and Planning Commission (the “Commission”) has determined to authorize the issuance of one or more series of its Montgomery County General Obligation Park Acquisition and Development Project Bonds, Series MC-2022A in an aggregate amount not to exceed \$13,100,000 (collectively, the “Bonds”), pursuant to Sections 18-201 through 18-211, inclusive, of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2021 Supplement) (the “Land Use Article”). The Commission is authorizing the issuance of the Bonds (1) to finance and refinance the cost of certain park acquisition and development projects in Montgomery County, Maryland (the “Projects”) and (2) to pay the costs of issuance related to the Bonds.

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

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

Section 1: Authorization of Bonds. Acting pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article, the Commission hereby authorizes the borrowing of a sum not to exceed \$13,100,000 and the evidencing of such borrowing by the issuance of one or more series of its Bonds in like aggregate principal amount, to be designated

“Montgomery County General Obligation Park Acquisition and Development Project Bonds, Series MC-2022A”, or as further designated by the Secretary-Treasurer. The Bonds are being issued in order to provide funds (i) to pay the costs of the Projects and (ii) to pay, at the discretion of the Secretary-Treasurer, all or a portion of the costs of issuance of the Bonds.

Section 2: Terms of the Bonds.

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

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

(b) Book-Entry. The Bonds shall initially be maintained under a book-entry system with The Depository Trust Company, New York, New York, or other securities depository, and shall be registered in the name of the nominee of such securities depository, all as more fully set forth in an official statement or offering memorandum with respect to the issuance and sale of the Bonds, *provided* the Secretary-Treasurer does not determine that it is in the best interest of the Commission to initially maintain the Bonds under a system other than the book-entry system. The Secretary-Treasurer is hereby authorized to take all action necessary or appropriate to provide for the issuance of the Bonds in book-entry form, including (without limitation) execution of letters of representations with The Depository Trust Company, or such other securities depository. If in

the judgment of the Secretary-Treasurer it is in the best interests of the Commission to maintain the Bonds or any series of the Bonds under a system other than the book-entry system or to discontinue the maintenance of the Bonds or any series of the Bonds under a book-entry system, the Secretary-Treasurer is hereby authorized to provide for the termination of the book-entry system, if necessary, and the delivery of printed certificates for such Bonds in lieu thereof. The Secretary-Treasurer may designate a different securities depository.

(c) County Guaranty. The Bonds shall be guaranteed as to payment of principal and interest by Montgomery County, Maryland (“Montgomery County”), as required by Section 18-204(c) of the Land Use Article, and such guaranty shall be endorsed on each bond certificate in the manner hereinafter provided as required by Section 18-204(c) of the Land Use Article. The Secretary-Treasurer is hereby authorized and directed to arrange with the County Executive of Montgomery County for the endorsement on the Bonds of the guarantee of the payment of the principal thereof and interest thereon, as herein outlined and as required by law. The Bonds shall not be delivered until after the endorsement of such guaranty thereon.

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

(e) Redemption Provisions. The Bonds may be subject to redemption at the times, upon the terms and conditions and at the redemption prices approved by the Chair or Vice Chair

and the Secretary-Treasurer in consultation with the Commission's financial advisor and bond counsel, at or prior to the sale of the Bonds.

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

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

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

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

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

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

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

Section 6: Registration, Transfer or Exchange of Bonds. The Commission shall cause to be kept at a designated corporate trust office of a bank or another designated entity hereafter to be determined by the Secretary-Treasurer, which shall be appointed the Registrar for the Bonds (the “Registrar”), a register (the “Bond Register”) for the registration of the transfer or exchange of the Bonds. The Secretary-Treasurer may determine that the Office of the Secretary-Treasurer of the Commission will serve as the Registrar or the Secretary-Treasurer may appoint a Registrar as provided in this Resolution. Such designation by the Secretary-Treasurer may be done at any time and from time to time. Each Bond shall be registered and transferred or exchanged in accordance with the terms and conditions with respect thereto set forth in such Bond, the form of which is hereinafter adopted.

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

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

to reflect the maintenance of the Bonds under a book-entry system or the termination of a book-entry system as provided herein.

Section 9: Negotiated Sale. The Secretary-Treasurer is hereby authorized to sell the Bonds or any series of the Bonds by private negotiated sale on behalf of the Commission as authorized by Section 18-203(f) of the Land Use Article. The Chair or Vice Chair and the Secretary-Treasurer of the Commission, in consultation with bond counsel and the financial advisor to the Commission, are hereby authorized to determine on behalf of the Commission the method for conducting such private negotiated sale. The Secretary-Treasurer is hereby authorized to solicit and accept proposals for the sale of such Bonds on a private, negotiated basis. The Secretary-Treasurer of the Commission is hereby authorized to negotiate an agreement for the purchase of such Bonds (the “Bond Purchase Agreement”), to be approved by the Secretary-Treasurer in consultation with the Planning Board of Montgomery County, in accordance with the limitations set forth in this Resolution.

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

Exhibit B. In lieu of publishing the entire notice of sale as set forth in Exhibit B in a financial journal or by electronic medium as above specified, the Secretary-Treasurer, upon the advice of the financial advisor to the Commission, may determine to publish a summary of said notice of sale.

Section 11: Official Statement.

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

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

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

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

The Commission covenants with each and every holder, from time to time, of the Bonds issued hereunder to allocate the proceeds of said taxes, as received, *pari passu*, to debt service on all outstanding bonds and notes issued by it, including the Bonds, payable from said taxes, subject only to the prior rights of the holders of bonds of the Commission which are secured by a pledge of a specific portion of said tax. The Commission further covenants not to issue any additional bonds or notes payable from said taxes in excess of the limits prescribed, from time to time, by Section 18-203(d) of the Land Use Article.

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

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

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

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

with Section 148 and the regulations thereunder which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds.

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

The Chair or Vice Chair and the Secretary-Treasurer, on behalf of the Commission, may make such covenants or agreements in connection with the issuance of the Bonds as such official shall deem advisable in order to assure the registered owners of the Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes, and such covenants or agreements shall be binding on the Commission so long as the observance by the Commission of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The foregoing covenants and agreements may include such covenants or agreements on behalf of the Commission regarding compliance with the provisions of the Internal Revenue Code of 1986, as amended, as the Chair or Vice Chair and the Secretary-Treasurer shall deem advisable in order to assure the registered owners of the Bonds that the interest thereon shall be and remain excludable from gross income for federal income tax purposes, including (without limitation) covenants or agreements relating to the investment of the proceeds of the Bonds, the payment of rebate (or payments in lieu of rebate) to the United States, limitations on the times within which, and the purpose for which, such proceeds may be expended, or the use of specified procedures for accounting for and segregating such proceeds.

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

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

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

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

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

I, GAVIN COHEN, the duly appointed, qualified and acting Secretary-Treasurer of The Maryland-National Capital Park and Planning Commission, do hereby certify that the foregoing is a true copy of Resolution No. 22-28, adopted by said Commission at a regular meeting thereof duly called and held on July 20, 2022.

I do further certify that Commissioners Anderson, Bailey, Cichy, Doerner, Geraldo, Patterson, Rubin, Shapiro, Verma and Washington were present. A motion to adopt was made and seconded. The Resolution was adopted unanimously.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of The Maryland-National Capital Park and Planning Commission, this 20th day of July, 2022.

Secretary-Treasurer

This is to certify that the foregoing is a true and correct copy of Resolution No. 22-28 adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____ seconded by Commissioner _____, with Commissioners Anderson, Bailey, Cichy, Doerner, Geraldo, Patterson, Rubin, Shapiro, Verma and Washington voting in favor of the motion, and Commissioners _____ absent during the vote, at its meeting held on July 20, 2022, in _____, Maryland.

Asuntha Chiang-Smith
Executive Director

UNITED STATES OF AMERICA

STATE OF MARYLAND

No. R- _____

\$ _____

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Montgomery County
General Obligation
Park Acquisition and Development Project Bond,
Series MC-2022A

<u>Dated Date</u>	<u>Interest Rate</u>	<u>Maturity Date</u>	<u>CUSIP</u>
[_____], 2022	___ % per annum	_____, 20__	_____

Registered Owner: Cede & Co.

Principal Amount: _____ DOLLARS

The Maryland-National Capital Park and Planning Commission (the “Commission”), a public body corporate, organized and existing under the laws of the State of Maryland, hereby acknowledges itself indebted for value received and, upon presentation and surrender hereof, promises to pay to the Registered Owner shown above, or its registered assigns, on the Maturity Date shown above, unless this bond shall have been called for prior redemption and payment of the redemption price made or provided for, the Principal Amount shown above, and to pay interest on the outstanding principal amount hereof from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, or, if no interest has been paid on this bond, from the date of this bond, at the annual rate of interest set forth above, payable semi-annually on _____ 1/15 and _____ 1/15 each year, beginning _____ 1/15, 2023 (each an “Interest Payment Date”) until payment of such Principal Amount shall be discharged as provided in the Resolution (hereinafter defined), by wire transfer or check mailed by the Commission or a banking institution or other entity designated as paying agent by the Commission

(the “Paying Agent”), or any successor thereto, to the person in whose name this bond is registered on the registration books maintained by the Registrar (identified herein) at the close of business on the [fifteenth day of the month immediately preceding such Interest Payment Date] [first day of the month in which such Interest Payment Date occurs] (the “Record Date”). Notwithstanding the preceding sentence, interest on this bond which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date shall forthwith cease to be payable to the owner of this Bond on the relevant Record Date by virtue of having been such owner and such interest shall be paid by the Paying Agent to the person in whose name this bond is registered at the close of business on a Special Record Date for the payment of such interest, which shall be fixed as provided in the Resolution (hereinafter defined). Interest on this bond shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

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

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

The principal of and premium and interest on this bond are payable in the first instance from mandatory limited annual ad valorem property taxes which the County is required by Section 18-304 of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2021 Supplement) (the “Land Use Article”) to impose at a fixed rate against all property assessed for the purposes of county taxation in the portion of the Maryland-Washington Metropolitan District (the “District”) established by Title 19 of the Land Use Article located in the County. Section 18-209 of the Land Use Article provides that, if said mandatory tax is insufficient to pay the principal of and interest on this bond, the County shall impose an additional tax upon

all assessable property within the portion of the District in the County, and, if the proceeds of such additional tax are still inadequate for such purposes, upon all assessable property within the corporate limits of the County, to pay such deficiency. By the guaranty endorsed hereon, the full faith and credit of the County is pledged to the payment, when due, of the principal of and interest on this bond.

This bond is one of an issue of bonds (the “Bonds”) each of a par value of \$5,000 or an integral multiple thereof in the aggregate principal amount of \$_____, numbered from No. R-1 upwards, all dated as of the Dated Date and all known as: “The Maryland-National Capital Park and Planning Commission Montgomery County General Obligation Park Acquisition and Development Project Bonds, Series MC-2022A”. Unless previously redeemed as herein provided, the Bonds mature and are payable in consecutive annual installments on _____ 1/15 in each of the years 2023 through 20____, and bear interest payable on each Interest Payment Date until their respective maturities or prior redemption. The Bonds are issued pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article and in accordance with Resolution No. 22-28 of the Commission duly adopted on July 20, 2022 (the “Resolution”).

The Bonds which mature on or after _____ 1/15, 2033, are subject to redemption prior to their respective maturities, at the option of the Commission, in whole or in part in any order of their maturities, at any time on or after _____ 1/15, 2032, at a redemption price equal to the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

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

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

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

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

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

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

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

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

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

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

ATTEST:

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Secretary-Treasurer

By:

Chair

(CORPORATE SEAL)

GUARANTY

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

ATTEST:

MONTGOMERY COUNTY,
MARYLAND

Clerk

By:

County Executive

(CORPORATE SEAL)

CERTIFICATE OF AUTHENTICATION

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

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Registrar

By: _____
Authorized Officer

Date of Authentication: _____, 2022

ASSIGNMENT

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

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

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

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

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

NOTICE OF SALE

\$ _____
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Montgomery County
General Obligation
Park Acquisition and Development Project Bonds,
Series MC-2022A

Electronic Bids only will be received until 11:00 a.m.,
Local Baltimore, Maryland Time, on _____, 2022

by The Maryland-National Capital Park and Planning Commission (the “Commission”), for the purchase of the above-named issue of bonds (the “Bonds”) of the Commission, to be dated as of the date of their delivery and to be issued pursuant to the authority of Sections 18-201 through 18-211, inclusive, of the Land Use Article of the Annotated Code of Maryland (2012 Replacement Volume and 2021 Supplement) (the “Land Use Article”) and a Resolution of the Commission adopted on July 20, 2022. The Bonds will bear interest from the date of delivery payable semiannually on each _____ 1/15 and _____ 1/15, commencing _____ 1/15, 2023 until maturity or prior redemption.

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

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

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

Adjustments: The aggregate principal amount and the principal amount of each maturity of the Bonds are subject to reduction by the Commission after the receipt of bids for their purchase. The final aggregate principal amount and maturity schedule for the Bonds will be communicated to the successful bidder by 5:00 p.m. local Baltimore, Maryland time on the date of sale and will not reduce the aggregate principal amount of the Bonds by more than the premium bid by the successful bidder. The dollar amount bid for principal by the successful bidder will be adjusted to

reflect any reduction in the aggregate principal amount of the Bonds, but the interest rates specified by the successful bidder for all maturities will not change. The successful bidder may not withdraw its bid as a result of any changes made within these limits.

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

Registrar and Paying Agent: The Maryland-National Capital Park and Planning Commission will act as Registrar and Paying Agent for the Bonds.

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

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

Redemption: The Bonds which mature on or after _____ 1/15, 2033, are subject to redemption prior to their respective maturities at any time on or after _____ 1/15, 2032, at the option of the Commission, in whole or in part, in any order of maturities, at a redemption price equal to the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

Electronic Bids: Notice is hereby given that electronic proposals will be received via *[PARITY]*, in the manner described below, until 11:00 a.m., local Baltimore, Maryland time, on _____, 2022.

Bids may be submitted electronically pursuant to this Notice until 11:00 a.m., local Baltimore, Maryland time, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in *[PARITY]* conflict with this Notice,

the terms of this Notice shall control. For further information about *[PARITY]*, potential bidders may contact *[PARITY]* at (212) 849-5021.

Disclaimer: Each prospective electronic bidder shall be solely responsible to submit its bid via *[PARITY]* as described above. Each prospective electronic bidder shall be solely responsible to make necessary arrangements to access *[PARITY]* for the purpose of submitting its bid in a timely manner and in compliance with the requirements of the Notice of Sale. Neither the Commission nor *[PARITY]* shall have any duty or obligation to provide or assure access to *[PARITY]* to any prospective bidder, and neither the Commission nor *[PARITY]* shall be responsible for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, *[PARITY]*. The Commission is using *[PARITY]* as a communication mechanism, and not as the Commission's agent, to conduct the electronic bidding for the Bonds. The Commission is not bound by any advice and determination of *[PARITY]* to the effect that any particular bid complies with the terms of this Notice of Sale and in particular the "Bid Specifications" hereinafter set forth. All costs and expenses incurred by prospective bidders in connection with their submission of bids via *[PARITY]* are the sole responsibility of the bidders; and the Commission is not responsible, directly or indirectly, for any of such costs or expenses. If a prospective bidder encounters any difficulty in submitting, modifying, or withdrawing a bid for the Bonds, the prospective bidder should telephone *[PARITY]* at (212) 849-5021 and notify the Commission's Financial Advisor, Davenport & Company LLC, by facsimile at (866) 932-6660 and by telephone at (410) 296-9426.

Electronic Bidding Procedures: Electronic bids must be submitted for the purchase of the Bonds (all or none) via *[PARITY]*. Bids will be communicated electronically to the Commission at 11:00 a.m. local Baltimore, Maryland time, on [____], 2022. Prior to that time, a prospective bidder may (1) submit the proposed terms of its bid via *[PARITY]*, (2) modify the proposed terms of its bid, in which event the proposed terms as last modified will (unless the bid is withdrawn as described herein) constitute its bid for the Bonds or (3) withdraw its proposed bid. Once the bids are communicated electronically via *[PARITY]* to the Commission, each bid will constitute an irrevocable offer to purchase the Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on *[PARITY]* shall constitute the official time.

Bid Specifications: Proposals for purchase of the Bonds must be for all of the Bonds herein described and must be submitted electronically pursuant to this Notice of Sale until 11:00 a.m. local Baltimore, Maryland time on [____], 2022. Bidders must pay not less than par and not more than ____% of par. In their proposals, bidders are requested to specify the annual rate or rates of interest to be borne by the Bonds. Bidders are requested to name the interest rate or rates in multiples of 1/8 or 1/20 of 1%. Bidders may specify more than one rate of interest to be borne by the Bonds, but all Bonds maturing on the same date must bear interest at the same rate. Bonds on successive maturity dates may bear the same interest rate. No Bond shall bear more than one rate of interest, which rate shall be uniform for the life of the Bond and no interest rate may be named that exceeds ____%. The difference between the highest and lowest interest rates may not exceed ____ percent (____%).

Award of Bonds: The successful bidder will be determined based on the lowest interest cost to the Commission. The lowest interest cost shall be determined in accordance with the true

interest cost (“TIC”) method by doubling the semi-annual interest rate, compounded semi-annually, necessary to discount the debt service payments from the payment dates to the date of the Bonds, and to the price bid. Where the proposals of two or more bidders result in the same lowest interest cost, the Bonds may be apportioned between such bidders, but if this shall not be acceptable, the Commission shall have the right to award all of the Bonds to one bidder. The Commission reserves the right to reject any or all proposals and to waive any irregularities in any of the proposals. The Secretary-Treasurer’s judgment shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity to the terms of this Notice of Sale. Any award of the Bonds may be made as late as 4:00 p.m. local Baltimore, Maryland time on the sale date. All bids shall remain firm until an award is made.

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

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

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

Establishment of Issue Price: The successful bidder shall assist the Commission in establishing the issue price of the Bonds and shall execute and deliver to the Commission at closing an “issue price” or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached hereto as Exhibit A-1 or Exhibit A-2, as applicable, with such modifications as may be appropriate or necessary, in the reasonable judgment of the successful bidder, the Commission and Bond Counsel. All actions to be taken by the Commission under this Notice of Sale to establish the issue price of the Bonds may be taken on behalf of the Commission by the Commission’s financial advisor identified herein and any notice or report to be provided to the Commission may be provided to the Commission’s financial advisor.

The Commission intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “competitive sale” for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the “competitive sale requirements”) because:

- (1) the Commission shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Commission may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the Commission anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

By submitting a bid, each bidder (i) confirms that its bid is a firm offer for the purchase of the Bonds identified in this Notice of Sale, on the terms set forth in its bid and this Notice of Sale, except as permitted by this Notice of Sale and (ii) represents that it has an established industry reputation for underwriting new issuances of municipal bonds.

In the event that the competitive sale requirements are not satisfied, the Commission shall so advise the successful bidder. The Commission may determine to treat (i) the first price at which 10% of a maturity of the Bonds (the “10% test”) is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the Bonds as the issue price of that maturity (the “hold-the-offering-price rule”), in each case applied on a maturity-by-maturity basis (and if different interest rates apply within a maturity, to each separate CUSIP number within that maturity). The successful bidder shall advise the Commission if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds. The Commission shall promptly advise the successful bidder, at or before the time of award of the Bonds, which maturities (and if different interest rates apply within a maturity, which separate CUSIP number within that maturity) of the Bonds shall be subject to the 10% test or shall be subject to the hold-the-offering-price rule. Bids will not be subject to cancellation in the event that the Commission determines to apply the hold-the-offering-price rule to any maturity of the Bonds. Bidders should prepare their bids on the assumption that some or all of the maturities of the Bonds will be subject to the hold-the-offering-price rule in order to establish the issue price of the Bonds.

By submitting a bid, the successful bidder shall (i) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the “initial offering price”), or at the corresponding yield or yields, set forth in the bid submitted by the successful bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

- (1) the close of the fifth (5th) business day after the sale date; or
- (2) the date on which the underwriters have sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The successful bidder shall promptly advise the Commission when the underwriters have sold 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5th) business day after the sale date.

If the competitive sale requirements are not satisfied, then until the 10% test has been satisfied as to each maturity of the Bonds, the successful bidder agrees to promptly report to the Commission the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing has occurred, until the 10% test has been satisfied as to the Bonds of that maturity or until all Bonds of that maturity have been sold.

The Commission acknowledges that, in making the representation set forth above, the successful bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The Commission further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the Bonds.

By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to (A) report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it until it is notified by the successful bidder that either the 10% test has been satisfied as to the Bonds of that maturity or all Bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the successful bidder and as set forth in the related pricing wires, and (ii) any agreement among underwriters relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to (A)

report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it until it is notified by the successful bidder or such underwriter that either the 10% test has been satisfied as to the Bonds of that maturity or all Bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the successful bidder or such underwriter and as set forth in the related pricing wires.

Sales of any Bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (i) “public” means any person other than an underwriter or a related party,
- (ii) “underwriter” means (A) any person that agrees pursuant to a written contract with the Commission (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the public),
- (iii) a purchaser of any of the Bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and
- (iv) “sale date” means the date that the Bonds are awarded by the Commission to the successful bidder.

CUSIP Numbers; Expenses of the Bidder: CUSIP identification numbers will be applied for by the Commission’s Financial Advisor with respect to the Bonds, and paid for by the Commission, but the Commission will assume no obligation for the assignment or printing of such numbers on the Bonds or the correctness of such numbers, and neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of this Notice of Sale.

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

Official Statement: Not later than seven (7) business days after the date of sale, the Commission will deliver to the successful bidder an Official Statement, which is expected to be substantially in the form of the Preliminary Official Statement referred to below. If so requested by the successful bidder for the Bonds at or before the close of business on the date of the sale, the Commission will include in the Official Statement such pricing and other information with respect to the terms of the reoffering of the Bonds of such issue by the successful bidder therefor, if any,

as may be specified and furnished in writing by such bidder (the “Reoffering Information”). If no such information is specified and furnished by the successful bidder, the Official Statement will include the interest rate or rates on the Bonds resulting from the bid of such successful bidder. The successful bidder shall be responsible to the Commission and its officials for such Reoffering Information furnished by such bidder, and for all decisions made by such bidder with respect to the use or omission of the Reoffering Information in any reoffering of the Bonds. The successful bidder will also be furnished, without cost, with a reasonable number of copies of the Official Statement as determined by the Secretary-Treasurer (and any amendments or supplements thereto).

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

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

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

Delivery of the Bonds, at the Commission’s expense, will be made by the Commission to the purchaser on _____, 2022, or as soon as practicable thereafter, through the facilities of DTC in New York, New York, and, thereupon, said purchaser will be required to accept delivery of the Bonds purchased and pay the balance of the purchase price thereon in federal or other immediately available funds. The Bonds will be accompanied by the customary closing documents including a no-litigation certificate effective as of the date of delivery.

Contacts: A preliminary official statement, which is in form “deemed final” as of its date by the Commission for purposes of SEC Rule 15c2-12 (the “Preliminary Official Statement”) but is subject to revision, amendment and completion in the final official statement (the “Official Statement”), together with this Notice of Sale, may be obtained from Joseph C. Zimmerman, Secretary-Treasurer, The Maryland-National Capital Park and Planning Commission, 6611 Kenilworth Avenue, Riverdale, Maryland 20737, (301) 454-1540 or Davenport & Company LLC, 8600 LaSalle Road, The Oxford Building, Suite 618, Towson, Maryland 21286-2011, (410) 296-9426.

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

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

By: _____
Chair

\$ __,000,000
**Montgomery County
General Obligation
Park Acquisition and Development Project Bonds,
Series MC-2022A**

ISSUE PRICE CERTIFICATE
(Qualified Competitive Bid)

The undersigned, on behalf of [NAME OF PURCHASER] (the “Purchaser”), hereby certifies as set forth below with respect to the sale of the above-captioned obligations (the “Bonds”).

1. ***Reasonably Expected Initial Offering Price.***

(a) As of the Sale Date, the reasonably expected initial offering prices of the Bonds to the Public by the Purchaser are the prices listed in Schedule A (the “Expected Offering Prices”). The Expected Offering Prices are the prices for the Bonds used by the Purchaser in formulating its bid to purchase the Bonds. Attached as Schedule B is a true and correct copy of the bid provided by the Purchaser to purchase the Bonds.

(b) The Purchaser was not given the opportunity to review other bids prior to submitting its bid.

(c) The bid submitted by the Purchaser constituted a firm offer to purchase the Bonds.

2. ***Defined Terms.***

(a) *Issuer* means The Maryland-National Capital Park and Planning Commission.

(b) *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

(c) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term “related party” for purposes of this Certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(d) *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is _____, 2022.

(e) *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Non-Arbitrage Certificate and Tax Covenants and with respect to compliance with the federal income tax rules affecting the Bonds, and by McGuireWoods LLP, as bond counsel to the Issuer, in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Bonds.

[NAME OF PURCHASER], as Purchaser

By: _____

Title: _____

Dated: _____, 2022

SCHEDULE A
Expected Offering Prices of the Bonds

SCHEDULE B
Copy of Bid

\$ __,000,000
**Montgomery County
General Obligation
Park Acquisition and Development Project Bonds,
Series MC-2022A**

ISSUE PRICE CERTIFICATE
(Nonqualified Competitive Bid)

The undersigned, on behalf of [NAME OF PURCHASER] (the “Purchaser”), hereby certifies as set forth below with respect to the sale and issuance of the above-captioned obligations (the “Bonds”).

1. ***Sale of the 10% Maturities.*** As of the date of this Certificate, for each Maturity of the 10% Maturities Bonds, the first price at which a Substantial Amount of such Maturity of the Bonds was sold to the Public is the respective price listed in Schedule A.

2. ***Initial Offering Price of the Undersold Maturities.***

(a) Each Underwriter offered the Undersold Maturities to the Public for purchase at the respective initial offering prices listed in Schedule B (the “Initial Offering Prices”) on or before the Sale Date. A copy of the pricing wire or equivalent communication for the Bonds is attached to this Certificate as Schedule C.

(b) As set forth in the Notice of Sale and bid award, each Underwriter has agreed in writing that, (i) for each Maturity of the Undersold Maturities, it would neither offer nor sell any of the Bonds of such Maturity to any person at a price that is higher than the Initial Offering Price for such Maturity during the Offering Period for such Maturity, nor would it permit a related party to do so (the “hold-the-price rule”) and (ii) any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any retail distribution agreement shall contain the agreement of each broker-dealer who is a party to the retail distribution agreement, to comply with the hold-the-price rule. Pursuant to such agreement, no Underwriter has offered or sold any Maturity of the Undersold Maturities at a price that is higher than the respective Initial Offering Price for that Maturity of the Bonds during the Offering Period.

3. ***Defined Terms.***

(a) *10% Maturities* means those Maturities of the Bonds shown in Schedule A hereto as the “10% Maturities.”

(b) *Issuer* means The Maryland-National Capital Park and Planning Commission.

(c) *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

(d) *Offering Period* means, with respect to an Undersold Maturity, the period starting on the Sale Date and ending on the earlier of (i) the close of the fifth business day after the Sale Date ([_____,2022]), or (ii) the date on which the Purchaser has sold a Substantial Amount of such Undersold Maturity to the Public at a price that is no higher than the Initial Offering Price for such Undersold Maturity.

(e) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term “related party” for purposes of this Certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(f) *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is _____, 2022.

(g) *Substantial Amount* means ten percent (10%).

(h) *Undersold Maturities* means those Maturities of the Bonds shown in Schedule B hereto as the “Undersold Maturities.”

(i) *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Non-Arbitrage Certificate and Tax Covenants and with respect to compliance with the federal income tax rules affecting the Bonds, and by McGuireWoods LLP, as bond counsel to the Issuer, in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of Internal Revenue Service Form 8038-G, and other federal income tax advice it may give to the Issuer from time to time relating to the Bonds.

[NAME OF PURCHASER], as
Purchaser
By: _____
Title: _____

Dated: _____, 2022

SCHEDULE A
Sale Prices of the 10% Maturities

SCHEDULE B
Initial Offering Prices of the Undersold Maturities

SCHEDULE C
Pricing Wire

148153034_1.docx

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Prince George's County Planning Department
Community Planning Division

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org
301-952-3972

July 20, 2022

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

VIA: Andree Green Checkley, Planning Director, Prince George's County Planning Department
 Derick Berlage, AICP, Acting Deputy Planning Director of Operations
 David S. Warner, Esq., Principal Counsel, Office of the General Counsel
 Kipling Reynolds, AICP, Division Chief, Community Planning Division
 Kierre McCune, Supervisor, Master Plans and Studies Section, Community Planning Division

FROM: Shubha Punase, AICP, LEED-GA, Planner III, Long-Range Planning Section, Community Planning Division

SUBJECT: **The Maryland-National Capital Park and Planning Commission certification of the adoption and approval of 2022 *Approved Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan and Sectional Map Amendment (SMA)***

Attached for your review and approval are the draft Full Commission Resolution M-NCPPC No. 2022-29 to adopt and certify the 2022 *Approved Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan and Sectional Map Amendment (SMA)*; a draft Certificate of Adoption; and a copy of the *Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan*. The approved plan consists of the preliminary sector plan; the Prince George's County Planning Board Resolutions of Adoption PGCPB No. 2022-41 (sector plan), and PGCPB No. 2022-42 (SMA), as amended dated April 14, 2022; and the Prince George's County Council Resolutions of Approval CR-075-2022 (sector plan) and CR-076-2022 (SMA), as amended dated June 7, 2022.

RECOMMENDATION

Staff recommends that the Full Commission approve Resolution M-NCPPC No. 2022-29, and the Certificate of Adoption and Approval.

Attachments:

1. Full Commission Resolution M-NCPPC No. 2022-29
2. Draft Certificate of Adoption and Approval
3. [October 2021 Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan](#) *(not attached - please follow link)*
4. [April 14, 2022, Prince George's County Planning Board Resolution of Plan Adoption PGCPB No. 2022-41](#)

The Maryland-National Capital Park and Planning Commission certification of the adoption and approval of 2022 *Approved Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan and Sectional Map Amendment (SMA)*

July 20, 2022

Page 2

5. [April 14, 2022, Prince George's County Planning Board Resolution of SMA Endorsement PGCPB No. 2022-42](#)
6. [June 7, 2022, Prince George's County Resolution of Plan Approval CR-075-2022](#)
7. [June 7, 2022, Prince George's County Resolution of SMA Approval CR-076-2022](#)

M-NCPPC No. 2022-29

RESOLUTION

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

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, held a duly advertised joint public hearing with the Prince George's County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District in Prince George's County, on January 18, 2022, to consider the *Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan* and *Proposed Sectional Map Amendment*; and

WHEREAS, the Sector Plan is a replacement for the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* and an amendment to Plan 2035, the 2009 *Approved Countywide Master Plan of Transportation, Formula 2040: Functional Master Plan for Parks, Recreation and Open Space* (2014), and the 2017 *Approved Resource Conservation Plan: A Countywide Functional Master Plan*, for the portion of Planning Area 66 within the Adelphi Road-UMGC-UMD Purple Line Station Area Sector; and

WHEREAS, the Prince George's County Planning Board on April 14, 2022, after due deliberation and consideration of the public hearing testimony, recommended adoption of the master plan with amendments, as described in the Prince George's County Planning Board Resolution PGCPB No. 2022-41, and endorsed the Sectional Map Amendment, as described in Prince George's County Planning Board Resolution PGCPB No. 2022-42, and transmitted both to the District Council on April 18, 2022; and

WHEREAS, the Prince George's County Council, convened as the Committee of the Whole, held two work sessions on May 12, 2022 and May 31, 2022, to consider hearing testimony and the Planning Board Resolutions; and

WHEREAS, the Prince George's County Planning Board provided comments on June 2, 2022 to the District Council's proposed revisions to the Sector Plan and Sectional Map Amendment (SMA); and

WHEREAS, upon consideration of the testimony received through the hearing process, and comment from the Planning Board, the District Council on June 7, 2022; adopted CR-75-2022 approving the *Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan* and CR-76-2022 approving the *Adelphi Road-UMGC-UMD Purple Line Station Area Sectional Map Amendment*;

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

BE IT FURTHER RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby adopt said *Approved Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan* as an amendment to Plan 2035 for physical development of the Maryland-Washington Regional District within Prince George's County as approved by the Prince George's County District Council in the attached Resolution CR-75-2022; and

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

BE IT FURTHER RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby certify the *Adelphi Road-UMGC-UMD Purple Line Station Area Sectional Map Amendment*.

* * * * *

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Maryland-National Capital Park and Planning Commission on the motion of Commissioner X, seconded by Commissioner X, with Commissioners X, X, X, and X and Commissioner X being absent, at its regularly held meeting on July 20, 2022, virtually in Riverdale and Wheaton, Maryland.

Asuntha Chiang-Smith
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC LEGAL DEPARTMENT
DATE:

CERTIFICATE OF ADOPTION AND APPROVAL

The 2022 *Approved Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan and Sectional Map Amendment (SMA)* supersedes the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* for the portion of Planning Area 66 within this Sector. This plan will amend portions of the 2014 *Plan Prince George's 2035 Approved General Plan*, the 2009 *Approved Countywide Master Plan of Transportation, Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the 2017 *Approved Resource Conservation Plan: A Countywide Functional Master Plan*. The Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan and Sectional Map Amendment (SMA) by Resolution No. 2022-41 (sector plan) and Resolution No. 2022-42 (SMA) on April 14, 2022. The Prince George's County Council approved the sector plan and SMA by Resolution No. CR-075-2022 (sector plan), and Resolution No. CR-076-2022 (SMA), on June 7, 2022, after duly advertised public hearing held on January 18, 2022.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Casey Anderson
Chairman

Peter A. Shapiro
Vice Chairman

Gavin Cohen, CPA
Secretary-Treasurer

PGCPB No. 2022-41

RESOLUTION

WHEREAS, a sector plan and concurrent sectional map amendment (SMA) were initiated by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on October 29, 2020, and authorized by the Prince George’s County Council, sitting as the District Council, pursuant to CR-123-2020 on November 10, 2020; and

WHEREAS, pursuant to Section 27-1703(h) of the Zoning Ordinance, this sector plan may be adopted and approved under the regulations (Part 13 of the prior Zoning Ordinance) under which the plan was initiated; and

WHEREAS, the Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan and its concurrent SMA was released for public review and comment by the Planning Board on October 28, 2021; and

WHEREAS, the Planning Board, in conjunction with the County Council, pursuant to Section 27-644 of the prior Zoning Ordinance of Prince George’s County, held a duly advertised joint public hearing on the Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan and its concurrent SMA on January 18, 2022; and

WHEREAS, the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan will amend the 2014 Prince George’s 2035 Approved General Plan by defining the center classification and boundaries of the UMD West Center; and

WHEREAS, the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan will replace the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* for the portion of Planning Area 66 within the sector plan boundaries; and

WHEREAS, the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan will amend the 2009 *Approved Countywide Master Plan of Transportation, Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the 2017 *Approved Resource Conservation Plan: A Countywide Functional Master Plan* for the portion of Planning Area 66 within the sector plan boundaries; and

WHEREAS, a sectional map amendment was prepared concurrently with this sector plan to implement the plan’s zoning recommendations; and

Underline indicates language added to the preliminary plan.
[Brackets] indicate language deleted from the preliminary plan.

WHEREAS, the sector plan area is located in the northwestern part of Prince George’s County, adjacent to the University of Maryland, College Park and University of Maryland Global Campus, with a portion of one property within the City of College Park and one property within the City of Hyattsville, located primarily south and west of the intersection of MD 193 (University Boulevard), Campus Drive, and Adelphi Road and the Adelphi Road-UMD-UMGC Purple Line Station; and

WHEREAS, Plan 2035 identifies the area around the Adelphi Road-UMD-UMGC Purple Line Station as a Campus Center, with boundaries and other details of the center to be determined by this sector plan; and

WHEREAS, the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan provides a new vision to guide future growth and redevelopment at the Purple Line station and the area south of the University of Maryland, College Park; and

WHEREAS, on March 29, 2022, pursuant to Section 27-645(b)(1) of the prior Zoning Ordinance, the District Council adopted CR-24-2022, approving the transportation and other public facilities within the Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan for inclusion in the adopted sector plan; and

WHEREAS, on April 1, 2022, the provisions of the County’s 2018 adopted Zoning Ordinance took effect; and

WHEREAS, on April 7, 2022, pursuant to Section 27-3502(f)(3) of the Zoning Ordinance, the Planning Board voted to accept into the public hearing record four pieces of testimony received by the Clerk of the County Council after the close of the public hearing record at 5:00 pm on February 2, 2022 (Exhibits T-1 through T-4); and

WHEREAS, on April 7, 2022, the Prince George’s County Planning Board held a public work session to examine the analysis of testimony, transcripts of oral testimony provided at the Joint Public Hearing (on January 18, 2022), and written testimonies (exhibits) contained within the joint public hearing record; and

WHEREAS, the Prince George’s County Planning Board agrees to amend the Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan based on its review of the record of the joint public hearing, including deletions and additions from the staff errata provided at the Joint Public Hearing on January 18, 2022 as Exhibit 3 and updated March 31, 2022 (**See Attachment A: Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan Errata Sheet**), and incorporate the recommended staff changes as outlined;

NOW, THEREFORE, BE IT RESOLVED, that the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby adopt the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan, incorporating therein amendments, deletions, and additions in response to the public hearing record as follows:

Plan Wide

1. Amend the Plan 2035 Center designation for the “UMD West” Local Center by reclassifying it from a “Campus Center” to “Local Transit Center” as follows:

Plan-wide: Replace all prospective references to the UMD West Campus Center with UMD West Local Transit Center.

2. Following final approval of Purple Line design, insert, as an appendix, design plans for the segment of the Purple Line along Campus Drive between MD 193 (University Boulevard) and Presidential Drive into the Sector Plan.

Section I: Blueprint for Tomorrow

3. Revise the “What’s in a Name” Text Box on page 8 as follows:

This sector plan is named the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan. This plan makes references to the UMD West [Campus] Center. This plan defines the boundaries, core, and edge of the Plan 2035-designated UMD West [Campus] Center and recommends that it be reclassified from a Campus Center to a Local Transit Center, in recognition of its proximity to the University of Maryland and the Purple Line. The Center includes all but two parcels within the Sector Plan area and may be further expanded by future master or sector plans. See Policy LU 1 and Map 10 for more details.

Section II: Defining the Context

4. Revise the History Section (pp. 20-21) to include a montage of the 1938, 1965, 1977, 1984, and 2011 aerial photographs.

5. Revise the description of “Centers” on page 23 as follows:

Local Centers are focal points of concentrated residential development and limited commercial activity serving the County’s Established Communities. A location’s center designation is based on its access or proximity to high-capacity transit services, universities, or significant public and private investments in infrastructure. Plan 2035 further categorizes Local Centers into Local Transit Centers, Neighborhood Centers, Town Centers, and Campus Centers. [This Plan covers the entire UMD West Campus Center.] Plan 2035 defined the UMD West Center as a Campus Center, in anticipation of this designation being re-evaluated through this sector plan. Campus Centers [are] were envisioned by Plan 2035 to be transit accessible with low- to medium-density, mixed-use development oriented toward supporting university research as well as community and student housing and retail needs. As defined by Plan 2035, the Campus Center designation is inappropriate for all of the centers at the University of Maryland, College Park campus. Both the level and scale of housing needs and the development capacity for this area far exceed that envisioned by a Campus Center. Accordingly, this sector plan designates the UMD West Center as a Local Transit Center. Plan 2035 defines Local Transit Centers as “smaller-scale, mixed-use centers that are well connected by transit. Many of these areas are integrated with an established street grid and offer local-serving retail and limited office uses.”

6. Revise the UMD West Center Text Box on page 23 as follows:

UMD WEST [Campus] Center

Plan 2035 identifies the Adelphi Road-UMGC-UMD Purple Line Station area as the UMD West Campus Center, which is defined by development that is still dense and walkable, but at much lower densities than a typical transit-oriented development around a Metro station. Campus Centers were envisioned by Plan 2035 to have an average net housing density of about 10-15 dwelling units per acre and floor area ratios between 0.5 and 3. However, residential market demand at the Campus Centers associated with the University of Maryland far exceeds Plan 2035’s recommendations for Campus Centers. Accordingly, this sector plan classifies the UMD West Center as a Local Transit Center and defines the Center’s [This plan defines the] boundaries, Core, and Edge [of the UMD West Campus Center].

Section III: Land Use

7. Delete Map 7. *Approved Development Applications in Plan Area*, and renumber subsequent maps accordingly.

8. Revise the Parks and Open Space Text Box on page 37 as follows:

The Future Land Use Map of a master or sector plan may identify certain properties for Parks and Open Space land uses. Parks and other public open spaces may be recommended in the Public Facilities Element (See Section X. Public Facilities) for other properties within a master or sector plan; a Parks and Open Space future land use designation is only applied when an entire property is recommended for park and open space uses. The Parks and Open Space future land use category is intended solely for property that has been acquired or designated by its owner as preserved open space or parks. Undeveloped properties are not automatically considered open space.

9. Create a new Strategy LU 1.1 as follows:

- a. LU 1.1: Designate the UMD West Center as a Local Transit Center.
- b. Renumber the remaining strategies in Policy LU 1 accordingly.
- c. Update Table 19 in Appendix D: Plan 2035 and Functional Master Plan Amendments accordingly.

10. Add Strategy LU 2.2: Encourage the University of Maryland to subdivide the parcel at 7500 Mowatt Lane to facilitate conservation of southern portion of that property. Any new parcel or lot abutting Guilford Run created by such a subdivision should be reclassified to the Reserved Open Space (ROS) Zone.

11. Add LU 5: Maximize use of the Local Transit-Oriented, Planned Development (LTO-PD) Zone to encourage and facilitate the addition of desired amenities, including, but not limited to, Center-appropriate streetscapes, innovative stormwater management facilities, additional on-site tree preservation, and the provision of below-market-rate-housing.

- a. Add Strategy LU 5.1: The LTO-PD Zone should be used on all properties in the UMD West Local Transit Center except those zoned ROS.

12. Revise Map 9. *Future Land Use Map (FLUM)* to show the northern portion of current Lot 4 at 7500 Mowatt Lane as Mixed Use, and the ROS-zoned southern portion of Lot 4 as Parks and Open Space. **(See Attachment I. Revised Map 9. *Future Land Use Map (FLUM)*)**

13. Revise the boundaries of the UMD Local Transit Center to exclude the new ROS-zoned southern portion of Lot 4 at 7500 Mowatt Lane from the UMD West Center.

- a. Revise Map 10. *UMD West Campus Center - Recommended Boundary, Core, and Edge*, accordingly. **(See Attachment II. Revised Map 10. *UMD West Campus Center - Recommended Boundary, Core, and Edge*)**

14. Revise Strategies LU 1.7, LU 3.1, Map 11. *Strategies LU 1.4, LU 1.5, LU 1.6, and LU 1.7*, Map 12. *Recommended Consolidation of Parcels*, and Table 18. *Recommended Consolidation of Parcels*, as necessary to exclude the new ROS-zoned southern portion of Lot 4 at 7500 Mowatt Lane. **(See Attachment III. Revised Map 11. *Strategies LU 1.4, LU 1.5, LU 1.6, and LU 1.7*; and Attachment IV. Revised Map 12. *Recommended Consolidation of Parcels*)**

15. Revise Strategy LU 2.1 to include the new ROS-zoned southern portion of Lot 4 at 7500 Mowatt Lane.

Section IV: Economic Prosperity

16. Revise strategy EP 1.3: Concentrate new ground-floor retail along Campus Drive [and Mowatt Lane].
17. Delete Map 13. *Commercial Main Streets*.

Section V: Transportation and Mobility

18. Clarify language pertaining to traffic on page 53 by making the following revision:

[The roadways in the sector plan area provide enough capacity to accommodate growth in traffic; however, the experience for motorists traveling in the area, especially when accessing Adelphi Road and MD 193 (University Boulevard), can be challenging. Unsignalized intersections and traffic speeds can complicate the ease of navigating the area. The introduction of the Purple Line represents an opportunity for additional traffic control devices, engineering improvements, or enforcement actions to improve access to and along Adelphi Road.] The roadways in the sector plan area provide capacity to accommodate some growth in traffic; however, some stakeholders expressed concerns about accessibility and spot congestion along Adelphi Road and MD 193 (University Boulevard). Unsignalized intersections and traffic speeds can complicate the ease of navigating the area, especially for bicyclists and pedestrians. The opening of the Purple Line and the addition of housing in the sector plan area where people can walk, bicycle, or take transit to most of their destinations, creates choices for travelers.

19. Remove the word “appropriate” from Strategy TM 1.1.
20. Add Strategy TM 1.3: Evaluate the potential to use off-peak, on-street parking as a traffic calming mechanism, and convenience for shoppers and visitors, on Campus Drive and Adelphi Road. Should a pilot project be successful, DPW&T and/or SHA should consider permanent on-street parking in the outside lanes.
21. Add Strategy TM 1.4: Where existing streets cannot be retrofit to the DPW&T Urban Street Design Standards due to operational considerations, retrofit such streets with stormwater management facilities, such as bioswales and other best SWM management facilities, as encouraged or required by the DPW&T Urban Street Design Standards or equivalent SHA design standards.
22. Add Strategy TM 1.5: All new streets should be dedicated to any municipality in which they are located, or Prince George’s County.

23. Revise Table 7. *Recommended Master Plan of Transportation Complete and Green Streets* as follows:

Route Id	Facility Name	From	To	Min. Row	Right-Of-Way Type	Elements [*]	Motor Vehicle Lanes	Notes
A-10	Adelphi Road	Cool Spring Road	Pennsylvania Street	[93'] <u>106'</u> <u>122' w/ parking</u>	Mixed-Use Boulevard (A) Center Turn Lane Std. 100.24	10' wide sidewalks in Core 8' wide sidewalks outside Core <u>10' two-way cycle track on east side</u> <u>8' buffer</u> ¹⁴ [Separated bicycle lanes]	[2] 4 (with center turn lane)	<u>Cycle track may be replaced by buffered on-street bicycle lanes.</u> <u>Min. ROW will be less in Edge.</u> <u>Min. ROW will increase if on-street parking is added.</u> [(See Strategy TM 1.5 for more information.)]
A-16	MD 193 (University Boulevard)	Temple Street	Adelphi Road	137'	Urban Major Collector Std. 100.02 [Mixed-Use Boulevard (B) Std. 100.23]	[Light Rail] <u>Purple Line</u> 10' wide sidewalks in Core 8' wide sidewalks outside Core <u>10' two-way cycle track on south side</u> <u>Shared-use path on north side.</u> <u>8' buffer</u> [Buffered bicycle lanes]	4	<u>Cycle track may be replaced by buffering the on-street bicycle lanes constructed as part of the Purple Line improvements.</u> [This allows for construction of a complete street plus space for the Purple Line]
[C-203 ¹⁵]	[Campus Drive]	[Presidential Drive]	[Guilford Drive]	[83']	[Neighborhood Connector Std. 100.26]	[10' wide sidewalks in Core]	[2]	

Underline indicates language added to the preliminary plan.
[Brackets] indicate language deleted from the preliminary plan.

Route Id	Facility Name	From	To	Min. Row	Right-Of-Way Type	Elements [*]	Motor Vehicle Lanes	Notes
						8' wide sidewalks outside Core Separated bicycle lanes]		
<u>C-203</u>	<u>Campus Drive</u>	<u>MD 193 (University Boulevard)</u>	<u>Presidential Drive/UC-201</u>	<u>106' 122' w/ parking</u>	<u>Mixed-Use Boulevard (A) Std. 100.22</u>	<u>Purple Line 10' wide sidewalks 10' two-way cycle track on south side 8' buffer</u>	<u>4</u>	<u>Cycle track may be replaced by buffered on-street bicycle lanes. Min. ROW will increase if on-street parking is added.</u> <u>As of March 31, 2022, the Purple Line design along Campus Drive has not been finalized. This number will be revised prior to plan approval upon finalization of Purple Line design along Campus Drive.</u>
<u>C-203</u>	<u>Campus Drive</u>	<u>Presidential Drive/UC-201</u>	<u>Mowatt Lane</u>	<u>106' 122' w/ parking</u>	<u>Mixed-Use Boulevard (A) Std. 100.22</u>	<u>10' wide sidewalks 10' two-way cycle track on south side 8' buffer</u>	<u>4</u>	<u>Cycle track may be replaced by buffered on-street bicycle lanes.</u> <u>Min. ROW will increase if on-street parking is added.</u>
<u>C-203</u>	<u>Mowatt Lane</u>	<u>Campus Drive</u>	<u>Guilford Drive</u>	<u>103'</u>	<u>Mixed-Use Boulevard (A) Center Turn Lane Std. 100.24</u>	<u>10' wide sidewalks 8' buffer Separated bicycle lanes</u>	<u>2</u>	

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Route Id	Facility Name	From	To	Min. Row	Right-Of-Way Type	Elements [*]	Motor Vehicle Lanes	Notes
UC-200	UC-200	Campus Drive (C-203)	UC-201	83'	Neighborhood Connector Std. 100.27	10' wide sidewalks in Core 8' wide sidewalks outside Core <u>Separated bicycle lanes</u> ¹⁶	2	
UC-201	UC-201	Mowatt Lane (C-203)	Campus Drive (C-203)	83'	Neighborhood Connector Std. 100.27	10' wide sidewalks in Core 8' wide sidewalks outside Core Separated bicycle lanes	2	
UC-202	UC-202	UC-200	UC-201	60'	Neighborhood Residential Std. 100.28.	Shared lane markings (Sharrows)	2	
UC-203	UC-203	UC-201	Adelphi Road (A-10)	83'	Neighborhood Connector (B) Std. 100.27	8' wide sidewalks Separated bicycle lanes	2	

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24. Revise Map 19. *Master Plan of Transportation Complete and Green Street Recommendations* (Preliminary Plan, p. 63) to reflect the revisions in Table 7. *Recommended Master Plan of Transportation Complete and Green Streets* above. **(See Attachment V. Revised Map 19. *Master Plan of Transportation Complete and Green Street Recommendations*)**

25. Revise Table 8. *Recommended Master Plan of Transportation Shared-Use Paths and Trails*, to reflect the changes identified above and in the errata sheet:

Route Id	Facility Name	From	To	Min. Row	Right-Of-Way Type	Notes
T-200	[Trail A] <u>Cycle Track A</u>	[Adelphi Road] <u>Mowatt Lane</u>	Northwest Branch	10'	[Shared-Use Path] <u>Cycle Track</u>	[Connect] <u>Construct</u> the planned 10'-12' hard-surface [shared-use path] <u>off-street cycle track</u> consistent with AASHTO Guidelines along <u>the south side of University Boulevard and Campus Drive.</u>
T-201	Trail B	Adelphi Road	University Hills Duck Pond Park	10'	Shared-Use Path	Construct the planned side path as a 10'- 12' hard-surface shared-use path consistent with AASHTO Guidelines from the west side of Adelphi Rd to the University Hills Duck Pond Park.
T-202	Trail C	Mowatt Lane	Calverton Drive	10'	Shared-Use Path	Complete the natural-surface shared-use path but connecting the University of Maryland Hillel property and the College Heights neighborhood via the State of Maryland property in the southeastern corner of the plan area. This replaces a previous MPOT trail in this location.
T-203	Trail D	Mowatt Lane	Commander Drive	10'	Shared-Use Path	Formalize the existing undeveloped natural-surface shared-use path from Mowatt Lane to Commander Drive in the College Heights Neighborhood. This replaces a previous MPOT trail in this location.

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[Brackets] indicate language deleted from the preliminary plan.

Route Id	Facility Name	From	To	Min. Row	Right-Of-Way Type	Notes
T-204	Trail C + Trail D Connection	N/A	N/A	10'	Shared-Use Path	Connect Trail C + Trail D to expand connectivity between the University of Maryland Campus and the College Heights Neighborhood.
T-205	Shared- Use Path A	Adelphi Road	University Boulevard	8'	Shared-Use Path	Connect the plan area to the existing [sidepath] <u>side path, along Cool Spring Road and Adelphi Road, which is a planned five (5) foot sidewalk with three (3) foot buffer or eight (8) foot wide shared use path.</u>
T-206	Shared- Use Path B	Mowatt Lane	UC-201	8'	Shared-Use Path	Path will replace previously approved access road to 7500 Mowatt Lane.
<u>T-207</u>	<u>Cycle Track B</u>	<u>Sector Plan Boundary</u>	<u>MD 193 (University Boulevard)</u>	<u>10'</u>	<u>Cycle Track</u>	<u>Construct the planned 10'-12' hard-surface off-street cycle track consistent with AASHTO Guidelines along the east side of Adelphi Road.</u>

26. Revise Map 20. *Recommended Bicycle and Pedestrian Facilities* to show the bicycle accommodations on Campus Drive and Adelphi Road as off-street cycle tracks. (See **Attachment VI. Revised Map 20. Recommended Bicycle and Pedestrian Facilities**)
27. Revise Strategy TM 2.1 as follows: Ensure all existing and new streets within the sector plan area meet the required Level of Service (LOS) for [Transportation Service Area 1 or for] the Local Transit-Oriented (LTO) Zones in both the AM and PM peak periods.
28. Revise Strategy TM 4.7 as follows: Evaluate the potential for replacing the five-lane segment of Adelphi Road from the southern plan boundary to Campus Drive with the Mixed-Use Boulevard (A) Center Turn Lane (DPW&T Standard [Std.] 100.24), which includes on-street parking, separated bicycle lanes and wide sidewalks, and reduces vehicle travel lanes from four to two.
29. Add a new strategy TM 5.5: Explore the opportunity to expand the Stanford Street right-of-way to accommodate a sidewalk in addition to the recommended shared use path as development occurs.

30. Delete Strategy TM 4.6.

Section VI: Natural Environment

31. Delete Footnote 4 on p. 81.
32. Add Strategy NE 1.4: Maximize the use of conservation easements to preserve, in perpetuity, sensitive environmental features within the sector plan area.
33. Revise Strategy NE 2.2: Construct underground/structured stormwater management facilities as a [space]land-saving option to retain [hold] and [slowly] release the stormwater volume [consistent with] resulting from proposed development densities, pursuant to County stormwater management regulations.
34. Revise Strategy NE 2.3: As redevelopment and street construction/reconstruction occur, retrofit portions of properties and rights-of-way using stormwater best management practices (known as BMPs) to facilitate stormwater infiltration, reduce surface runoff volumes, and minimize adverse impacts to water quality [enhance stormwater infiltration.] Stormwater BMPs are defined as control measures implemented to mitigate changes to both the quality and quantity of runoff. BMPs usually focus on water quality problems caused by an increase in impervious surfaces. Stormwater BMPs can include storage practices (e.g., retention ponds or green infrastructure design), vegetative practices (e.g., buffers, green roofs, or wetlands), filtration/infiltration practices (e.g., porous pavement or functional stormwater design), and water-sensitive development (e.g., low impact development [LID]). (See also Strategy TM 1.4).
35. Add Strategy NE 2.4: Retrofit the University of Maryland campus with modern stormwater management facilities and green infrastructure to reduce runoff into Guilford Run.
36. Add a new paragraph to the “Green Infrastructure” section called “Conservation Easements” to the Natural Environment chapter of the plan, directly above the text box on Green Infrastructure:

Conservation Easements

A conservation easement is a voluntary legal agreement recorded between a landowner and a land trust or government agency that permanently limits the uses of the land to protect its conservation values and sensitive environmental features. All conservation easements must provide public benefits, which may include water quality, wildlife habitat, outdoor recreation, and education. A conservation easement is a “tool in the toolbox” that permanently protects regulated environmental features.

Section VII: Housing and Neighborhoods

37. Revise Policy HN 1 as follows:

To accommodate projected demand, [C]construct a range of housing units affordable to undergraduate and graduate students, employees, and seniors at transit-supportive densities proximate to the Adelphi Road-UMGC-UMD Purple Line Station.

38. Revise Strategy HN 1.5 as follows:

Identify opportunities to implement the recommendations of Housing Opportunities for All, including developing affordable [senior] multifamily housing, especially for students and seniors, by forming a partnership with the Prince George's County Housing Authority, DHCD, the University of Maryland, and the City of College Park.

39. Add Strategy HN 1.6: To increase housing opportunities and affordability for university students, faculty, and/or staff, consider the construction of dormitory or other on-campus residential space for students, faculty, and/or staff on the appropriate areas of the University's property at 7500 Mowatt Lane, and/or at other areas of campus beyond the Sector Plan's boundaries.

Section IX: Healthy Communities

40. Add a new paragraph after the second paragraph in the Existing Conditions Summary of the Healthy Communities chapter:

There has been an increase in scientific research that demonstrates the importance of environmental areas on the improvement of mental health. Environmental areas can include wilderness environments, nature reserves, and urban parks. In the presence of nature and experiencing nature, individuals have noted less anxiety, less depression, less mental distress, lessened disease prevalence, healthier levels of cortisol, and a greater sense of well-being.

Section X: Public Facilities

41. Add Strategy PF 2.8: As the property at 7500 Mowatt Lane develops, facilitate the creation of recommended "Conservation Area C (Guilford Run Stream Valley Park)" through the transfer of ownership to DPR and appropriate acquisition process. This should include, but not be limited to, areas zoned ROS, all approved tree conservation areas, primary management areas (TDML stream buffer, preservation of Willow Oak and specimen tree critical root zones), and other sensitive environmental features on the subject properties to Conservation Area C.

42. Revise the description of Conservation Area C in Table 15. *Recommended Parks and Public Open Spaces* as follows:

- a. Location: Located along [the] Guilford Run [Area] at the southern portion of the plan area.
- b. Revise the acreage: At least 12.4 acres
- c. Revise the acreage to incorporate the area of the ROS-zoned southern portion of Lot 4 at 7500 Mowatt Lane to the total acreage.
- d. Delete [Locate hard-surface trails outside the environmentally regulated areas] to recognize the potential for adding regulated or otherwise protected areas north of T-206.

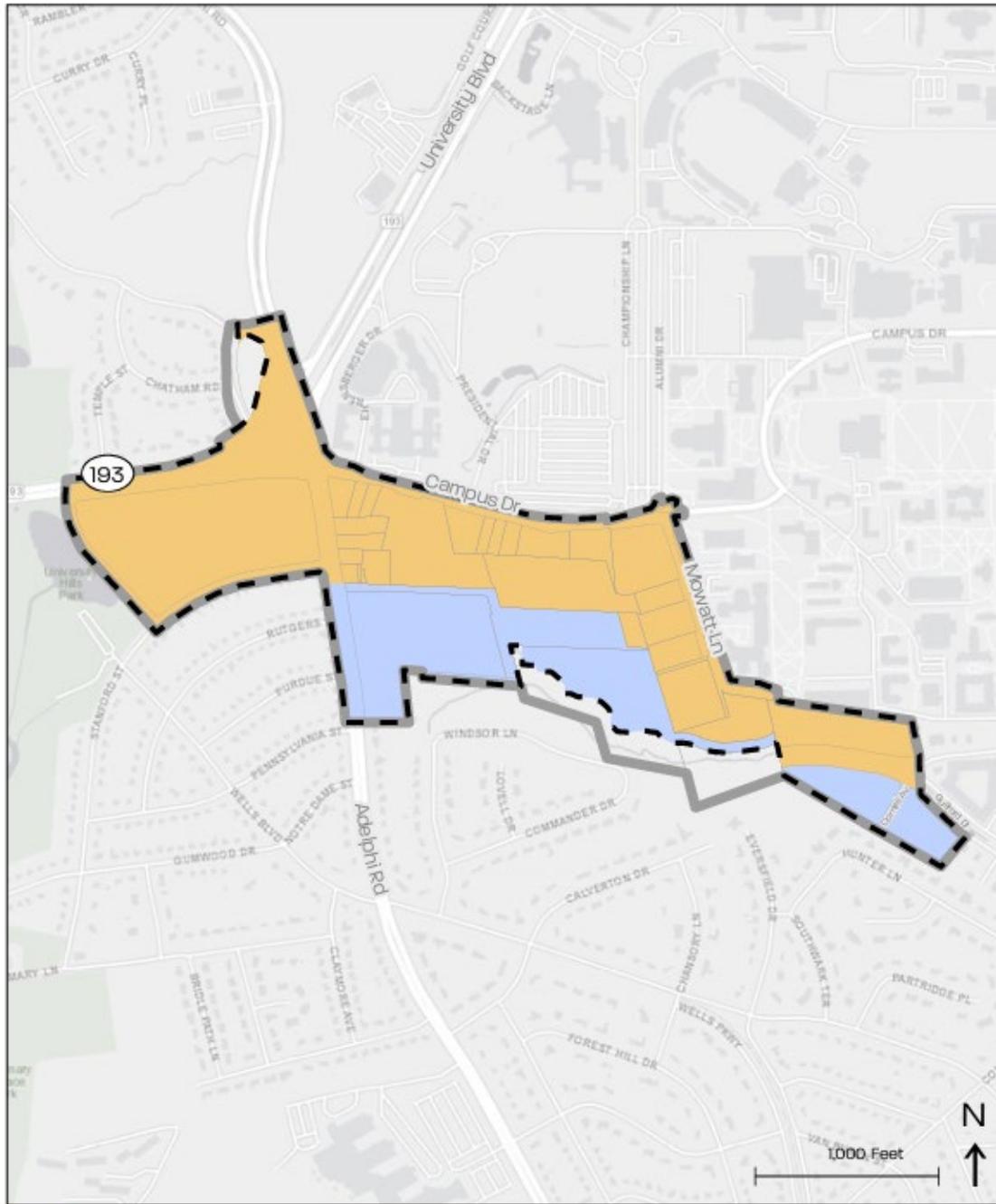
43. Revise Map 29. *Recommended Parks and Open Spaces*, to include all of the area west and south of recommended shared-use path T-206 and the new southern parcel (former portion of Lot 4) and/or ROS zone district within Conservation Area C. (See **Attachment VII. Revised Map 29. Recommended Parks and Public Open Spaces**)

Attachment I. Revised Map 9. *Future Land Use Map (FLUM) (Preliminary Plan, p. 38)*



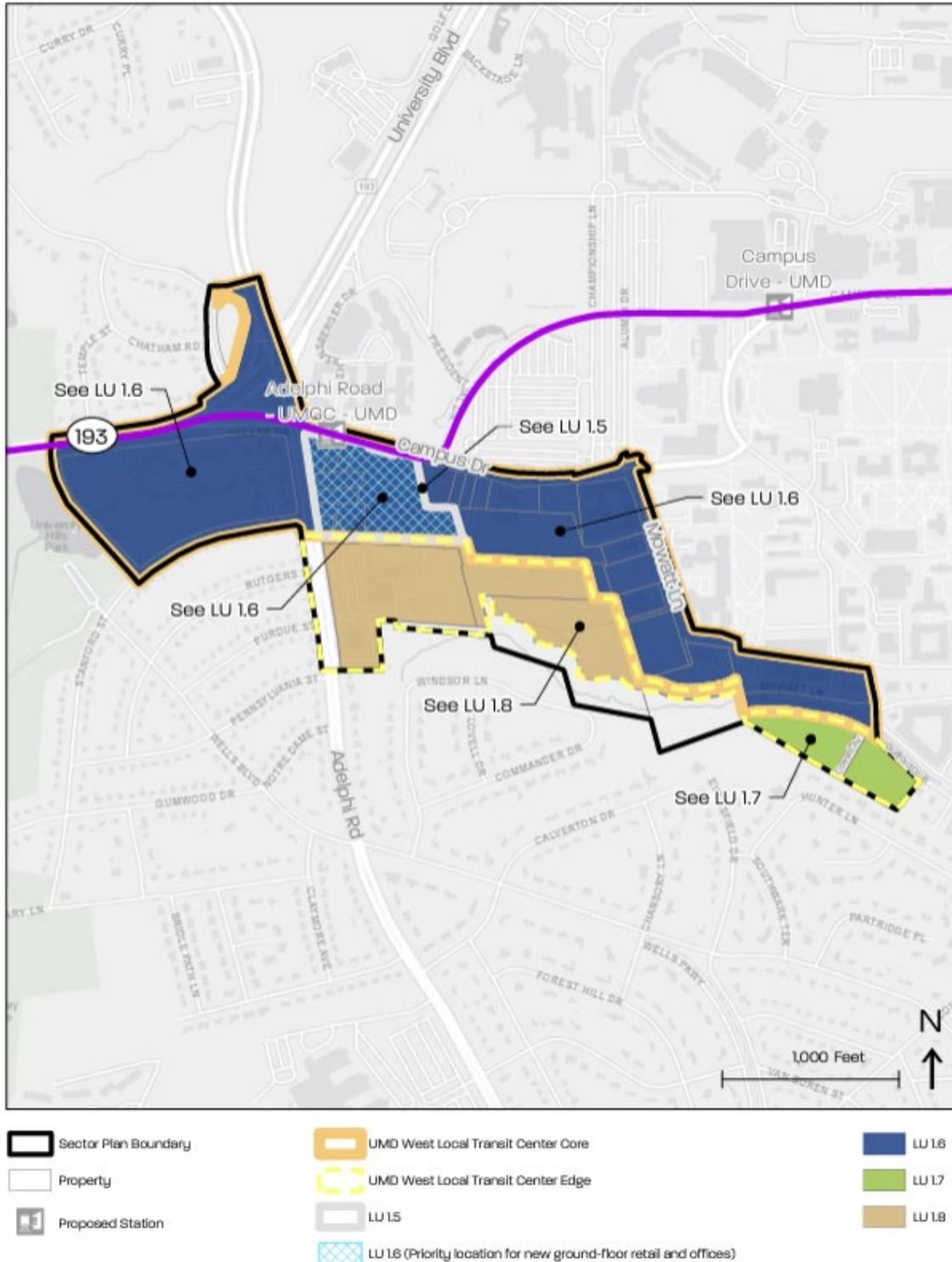
Underline indicates language added to the preliminary plan.
 [Brackets] indicate language deleted from the preliminary plan.

Attachment II. Revised Map 10. UMD West Campus Center - Recommended Boundary, Core, and Edge
(Preliminary Plan, p. 40)



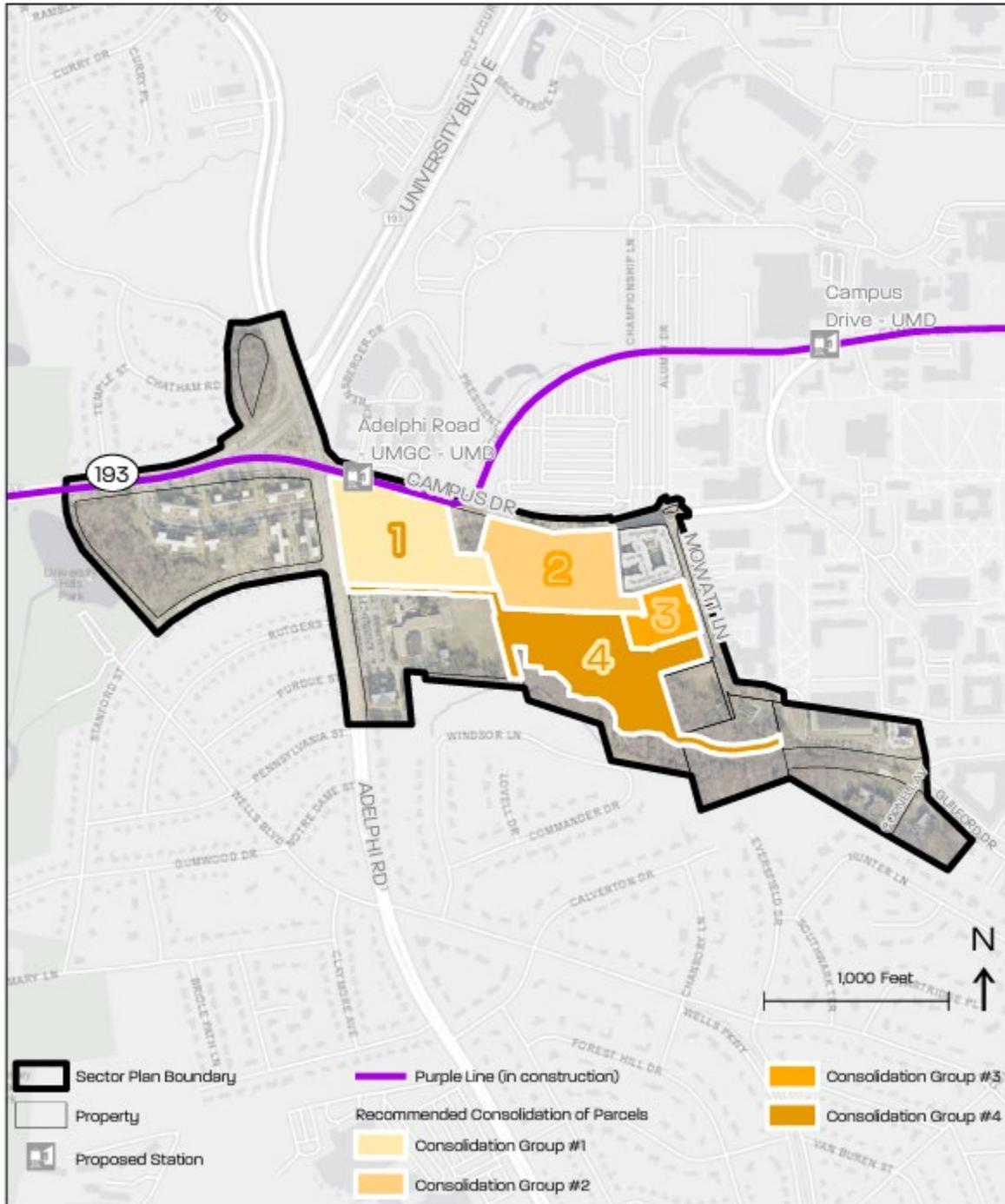
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Attachment III. Revised Map 11. Strategies LU 1.4, LU 1.5, LU 1.6, and LU 1.7 (Preliminary Plan, p. 42) - Map 11. Strategies LU 1.5, LU 1.6, LU 1.7, and LU 1.8



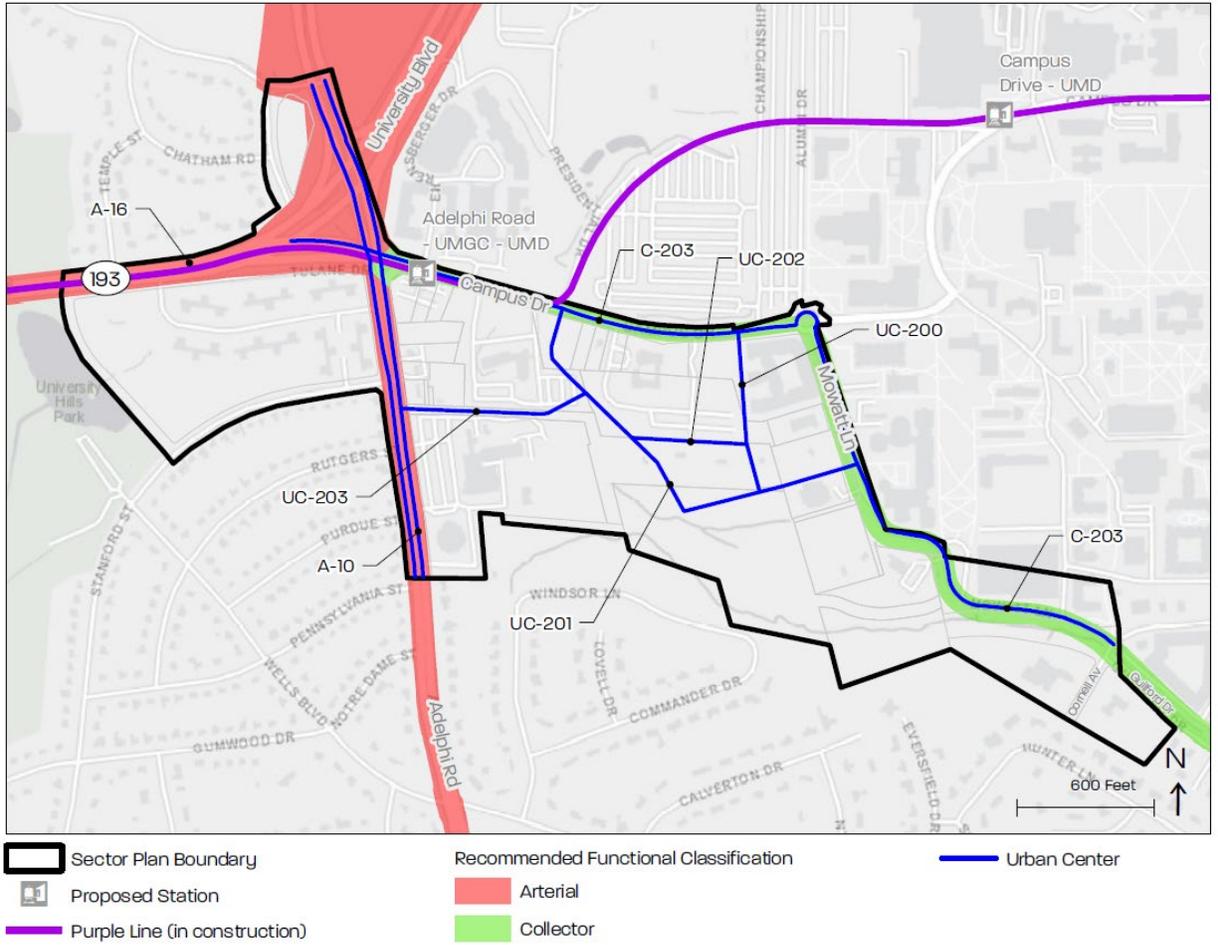
Underline indicates language added to the preliminary plan.
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Attachment IV. Revised Map 12. Recommended Consolidation of Parcels (Preliminary Plan, p. 44)



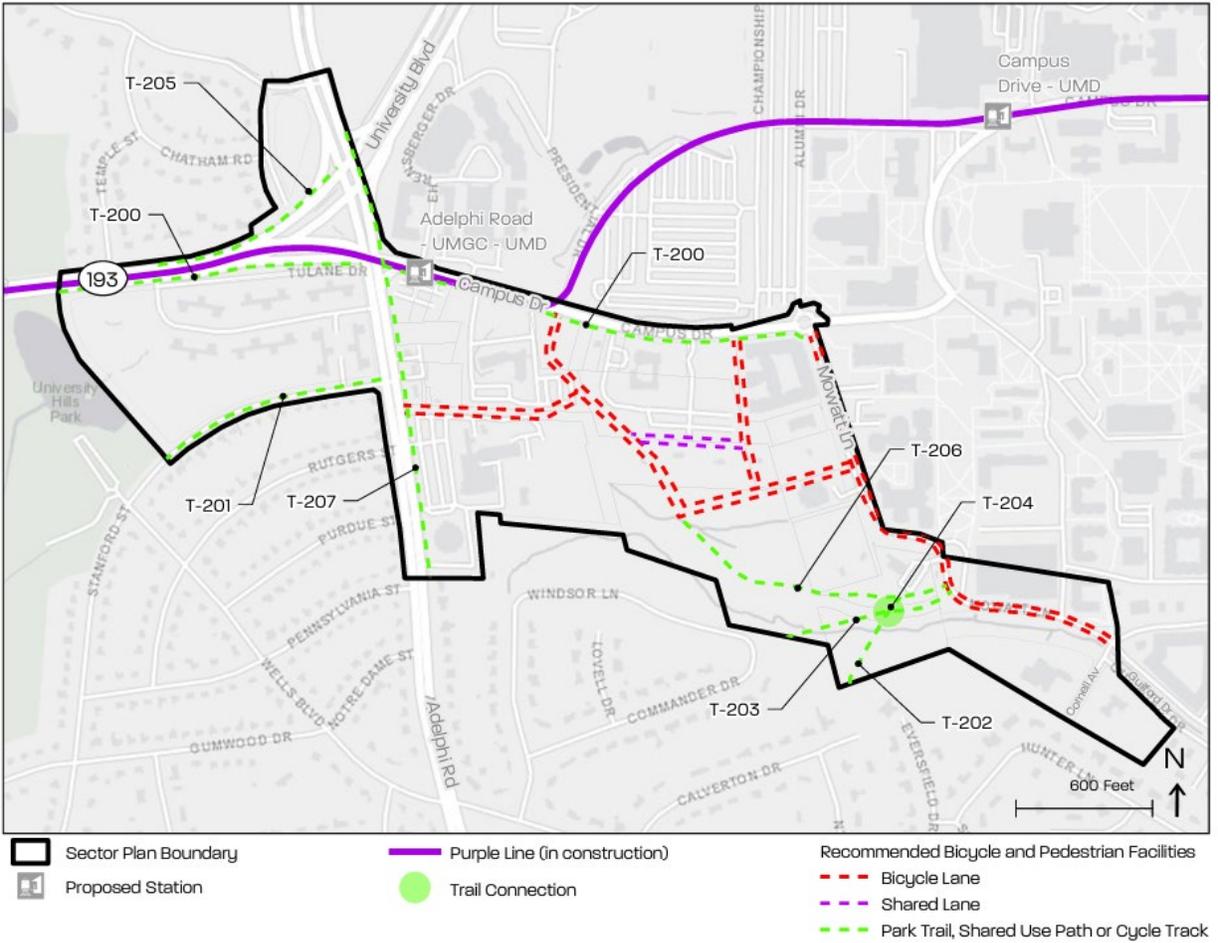
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Attachment V. Revised Map 19. Master Plan of Transportation Complete and Green Street Recommendations (Preliminary Plan, p. 63)



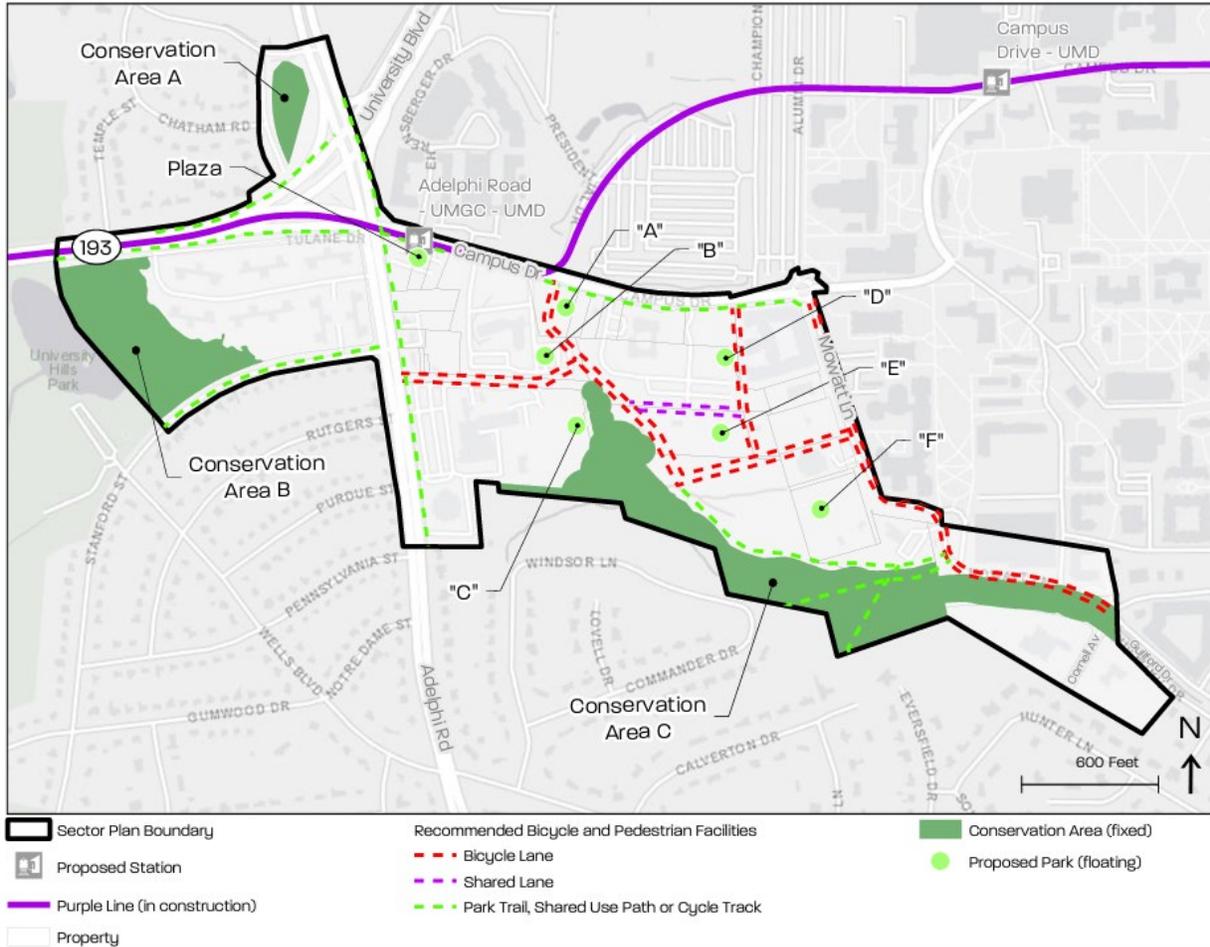
Underline indicates language added to the preliminary plan.
 [Brackets] indicate language deleted from the preliminary plan.

Attachment VI. Revised Map 20. Recommended Bicycle and Pedestrian Facilities (Preliminary Plan, p. 68)



Underline indicates language added to the preliminary plan.
[Brackets] indicate language deleted from the preliminary plan.

Attachment VII. Revised Map 29. Recommended Parks and Public Open Spaces (Preliminary Plan, p. 115)



Underline indicates language added to the preliminary plan.
[Brackets] indicate language deleted from the preliminary plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby adopt the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan, amending the 2014 Prince George's 2035 Approved General Plan by defining the center classification and boundaries of the UMD West Center, and will replace the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt* and amend the 2009 *Approved Countywide Master Plan of Transportation, Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the 2017 *Approved Resource Conservation Plan: A Countywide Functional Master Plan* for the portion of Planning Area 66 within the sector plan boundaries; and

BE IT FURTHER RESOLVED that the adopted sector plan comprises the Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan as amended by this resolution; and

BE IT FURTHER RESOLVED that, in accordance with Section 27-3502(f)(6)(B) of the Prince George's County Zoning Ordinance, a copy of this adopted sector plan and its concurrent SMA will be transmitted to the County Executive and to each municipality within one mile of the area of the SMA; and

BE IT FURTHER RESOLVED that an attested copy of the adopted plan, and all parts thereof, shall be transmitted to the District Council of Prince George's County for its approval pursuant to the Land Use Article, Annotated Code of Maryland; and

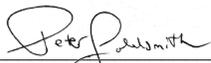
BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the plan recommendations, as heretofore described, are in conformance with the principles of orderly comprehensive land use planning and staged development, and with consideration having been given to the applicable County Laws, Plans, and Policies; and

BE IT FURTHER RESOLVED that Prince George's County Planning Board staff is authorized to make appropriate text and graphical revisions to the sector plan to correct errors, reflect updated information and revisions, and incorporate the changes reflected in this Resolution.

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Vice Chair Bailey, and Commissioners Bailey, Doerner, and Geraldo voting in favor of the motion, with Chair Shapiro abstaining, and Commissioner Washington absent at its regular meeting held on Thursday, April 14, 2022, in Upper Marlboro, Maryland.

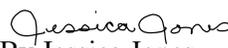
Adopted by the Prince George's County Planning Board this 14th day of April 2022.

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC LEGAL DEPARTMENT
DATE: April 14, 2022

Peter A. Shapiro
Chairman


By Jessica Jones
Planning Board Administrator

Underline indicates language added to the preliminary plan.
[Brackets] indicate language deleted from the preliminary plan.

Attachment A

Errata Sheet for the Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan (as of March 31, 2022)

Correction No.	Error	Correction	Page #
1	The page shows the Council Chair’s name at the bottom of the Council Member list.	The Council Chair and Vice-Chair should be listed at the top of the Council Member list	4
1a	Replace County Councilmember for District 8.	Replace Monique Anderson-Walker with Edward Burroughs III	
2	The Montgomery County Planning Board list is incomplete due to a vacancy at the time of public release.	Ensure that the final approved plan document reflects the current membership of the Prince George’s and Montgomery County Planning Boards on the date of plan approval.	5
3	The Preliminary Sector Plan does not contain a Table of Contents.	Add Table of Contents	7
4	Most of the maps are low-resolution maps.	Update all the maps and legends with high resolution versions	All maps
5	Map 4. Municipal Boundaries did not have the complete municipal names spelled out on the labels	Add the complete municipal names as labels on "Map 4. Municipal Boundaries" -- 1) "Town of University Park;" 2) "City of College Park;" and "City of Hyattsville"	17
6	"Map 5. Sector Plan Area: Major Geographic Features" requires edits to the labels.	On "Map 5. Sector Plan Area: Major Geographic Features" update the following: 1) Change the park label font color to white; 2) Add Knox Road label	18
7	At the top of the page, the text "24,212 residents in the sector plan area, which is 3% of the entire County population" fails to mention the accurate geography the data represents.	Reword the text to --- "24,212 residents in the [sector plan area] <u>Sector Plan - Primary Market Area (PMA)</u> , which is 3% of the entire County population"	19

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Correction No.	Error	Correction	Page #
8	The text for the "CENTERS" ("This Plan covers the entire UMD West Campus Center") fails to mention that portions of the UMD Center Campus Center was also included within this sector plan area boundary.	Reword the text to -- "This Plan covers the entire UMD West Campus Center <u>and portions of the UMD Center Campus Center.</u> "	23
9	On the "PARKS AND OPEN SPACE" text box, the parenthesis is of the wrong font color.	Update the font color of to match the rest of the text.	37
10	The map links are missing on LU 1.1, LU 2.1	Add the missing map links	39
10a	Add UMD West Core and Edge boundaries on – Map 11. Strategies LU 1.4, LU 1.5, LU 1.6, and LU 1.7	Add UMD West Core and Edge boundaries on – Map 11. Strategies LU 1.4, LU 1.5, LU 1.6, and LU 1.7	42
11	The table link is missing on LU 3.1	Add the missing table link	43
11a	The Preliminary Sector Plan omitted several artistic renderings of the potential buildout of the Sector Plan, illustrating conceptual street and building layouts, preservation areas, and streetscapes.	Upon approval of the Sector Plan, these renderings will be updated to reflect any Planning Board and/or District Council amendments and included at the end of the Land Use Element.	44
12	On EP 1.3, the text incorrectly states "retail" for the "commercial" corridors	Replace "retail" with "commercial"	48
13	On EP 2.1, "to" is missing before "... the Purple Line station ..."	On EP 2.1, add "to" before "... the Purple Line station ..."	48
14	On "Table 6. Bus Stop Service and Design Features in the Sector Plan Area", the title fails to specify the date of the field data collection.	Add the month and year of the field data collection on the table title.	59
14a	Map 19. Master Plan of Transportation Complete and Green Street Recommendations, shows UC-201 inadvertently traversing an area recommended by this Sector Plan for inclusion as a Regulated Area of the Countywide Green Infrastructure Network.	Modify Map 19 to realign interior street UC-201 alignment outside of the Regulated Area	63

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Correction No.	Error	Correction	Page #
14b	New interior street UC-201 “bisects” existing Hillel building at 7612 Mowatt Lane.	Revise Map 19: Master Plan of Transportation Complete and Green Street Recommendations to reflect updated alignment of new interior street UC-201 away from the Hillel Building	63
14c	On "Table 7. Recommended Master Plan of Transportation Complete and Green Streets" there is an extraneous reference to “(A-10)” in the Notes column.	Delete this reference	64
15	On "Table 7. Recommended Master Plan of Transportation Complete and Green Streets" the “Elements” column fails to include the “Separated bicycle lanes” on the list of elements for the "UC-200" facility. "Map 20. Recommended Bicycle and Pedestrian Facilities" also fails to show the correct element.	Add "Separated bicycle lanes" on the "Elements" column for the "UC-200" facility. Reflect this change on the "Map 20. Recommended Bicycle and Pedestrian Facilities"	64, 68

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 [Brackets] indicate language deleted from the preliminary plan.

Correction No.	Error	Correction	Page #
15a	Table 7. Recommended Master Plan of Transportation Complete and Green Streets, does not include separate rows for C-203 Campus Drive (with the Purple Line), C-203 Campus Drive (without the Purple Line) and C-203 Mowatt Lane.	Add replace the one row for C-203 with separate rows for each segment. See additional information in Table below, “Errata 15a Correction”	64, 68
15b	The text box describing the Local Transit Oriented (LTO) Zone—Traffic Level of Service (LOS) Requirements refers erroneously to the Zoning Ordinance. These requirements are found in the Subdivision Regulations	Revise Source: Prince Georges County [Zoning Code] <u>Subdivision Regulations, Sections 24-4500 through 4506.</u>	66
16	Map numbers and links are missing in TM 4.1, TM 5.1, TM 5.2, NE 1.3, "Evaluation Areas" text box, NE 4.4, NE 4.6,	Add the correct map numbers and links	67, 70, 83,
17	There is a typo in TM 4.5	Change "TM: 4.5" to "TM 4.5"	67
18	On "Table 8. Recommended Master Plan of Transportation Shared-Use Paths and Trails," there is a typo error on the “Notes” column of the "T-200" facility.	Change "Connect" to "Construct"	69
19	On "Table 8. Recommended Master Plan of Transportation Shared-Use Paths and Trails," there is a typo error on the “Notes” column of the "T-202" facility.	Change "but connecting" to "by connecting"	69

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Correction No.	Error	Correction	Page #
20	On "Table 8. Recommended Master Plan of Transportation Shared-Use Paths and Trails," there is a typo on the "Notes" column of the "T-205" facility.	Change "sidepath" to "sidewalk"	69
21	There is a typo on Strategy TM 7.2	Change "receptable" to "receptacle"	72
22	TM 9.1 cites the incorrect County Code citation for the parking standards	Change "Sec. 21A-306" with the correct zoning ordinance citation -- "Subtitle 26, Division 9"	75
23	On "Map 22. Existing Environmental Easements and Regulated Areas of the Countywide Green Infrastructure Network," the "Existing GI Regulated Areas" layer has an error. The layer mistakenly included portions of the "Green Infrastructure Network (2017) Amendments - Addition (Regulated Area)" layer within "Map 23. Proposed Amendments to the Countywide Green Infrastructure Network."	Redraw the "Existing GI Regulated Areas" polygon on Map 22 to remove the area recommended as "Addition (Regulated Area)" on the "Green Infrastructure Network (2017) Amendments" on Map 23. Proposed Amendments to the Countywide Green Infrastructure Network.	80
24	On "Table 15. Recommended Parks and Public Open Spaces" the "Park C" facility mistakenly lists a design feature "Mini stage for concerts" on the "Functions, and features/Comments" column that conflicts with HD 2.3 -- "Discourage locating community gathering spaces that allow for noise generating activities (such as movies, festivals, concerts, etc.) within the Edge of the UMD Campus Center and non-center properties adjacent to existing single-family detached homes."	Delete "Mini stage for concerts" from the "Functions, and features/Comments" column of the "Park C" facility	119
25	On "Table 16. Implementation Matrix", the "Time" column is blank for the "PF 2.1"	Insert the (identify the short, media or Long-identify now) Fill the "Time" column with "O"	134
26	Appendix I-2, "Table 27: Parks and Recreation Facilities" the title of the "IN CURRENT COUNTY/M-NCPPC CIP" column should also include "(Y/N)"	Add "(Y/N)" on the "IN CURRENT COUNTY/M-NCPPC CIP" column title	Appendix I-2

Underline indicates language added to the preliminary plan.
 [Brackets] indicate language deleted from the preliminary plan.

Correction No.	Error	Correction	Page #
27	Appendix I-4, "Table 28: Transportation Facilities" the title of the "IN CURRENT COUNTY CIP/ STATE CTP" column title should also include "(Y/N)"	Add "(Y/N)" on the "IN CURRENT COUNTY CIP/ STATE CTP" column title	Appendix I-4
28	Links were not available to add in Appendix B: Technical Reports section of the Preliminary Plan at the time of Permission to Print (October 28, 2021).	Add the following technical report links on Appendix B: Technical Reports section of the Preliminary Plan, and update the titles to match the final publication titles of all the reports: <ul style="list-style-type: none"> • 2013 Purple Line TOD Study (UMD West Excerpt) • Existing Conditions Highlights • Scenario Planning Summary <ul style="list-style-type: none"> ○ [Scenario Planning Methodology Report] Scenario Development Report ○ Scenario Evaluation Criteria Report ○ [Finalized Scenario Option – Summary] • Cool Spring, Adelphi Road, Pedestrian and Bicycle Access Improvement Project 	

Underline indicates language added to the preliminary plan.
 [Brackets] indicate language deleted from the preliminary plan.

Errata 15a Correction:

Route Id	Facility Name	From	To	Min. Row	Right-Of-Way Type	Elements	Motor Vehicle Lanes	Notes
[C-203	Campus Drive	Presidential Drive	Guilford Drive	83'	Neighborhood Connector Std. 100.26	10' wide sidewalks in Core 8' wide sidewalks outside Core Separated bicycle lanes	2]	
<u>C-203</u>	<u>Campus Drive</u>	<u>MD 193 (University Boulevard)</u>	<u>Presidential Drive</u>	<u>106' 122' w/ parking</u>	<u>Mixed-Use Boulevard (A) Std. 100.22</u>	<u>Purple Line 10' wide sidewalks 10' two-way cycle track on south side 8' buffer</u>	4	<u>Cycle track may be replaced by buffered on-street bicycle lanes.</u> <u>Min. ROW will increase if on-street parking is added.</u>
<u>C-203</u>	<u>Campus Drive</u>	<u>Presidential Drive/UC-201</u>	<u>Mowatt Lane</u>	<u>106' 122' w/ parking</u>	<u>Mixed-Use Boulevard (A) Std. 100.22</u>	<u>10' wide sidewalks 10' two-way cycle track on south side 8' buffer</u>	4	<u>Cycle track may be replaced by buffered on-street bicycle lanes.</u> <u>Min. ROW will increase if on-street parking is added.</u>
<u>C-203</u>	<u>Mowatt Lane</u>	<u>Campus Drive</u>	<u>Guilford Drive</u>	<u>103'</u>	<u>Mixed-Use Boulevard (A) Center Turn Lane Std. 100.24</u>	<u>10' wide sidewalks 8' buffer</u>	2	

Underline indicates language added to the preliminary plan.
[Brackets] indicate language deleted from the preliminary plan.

PGCPB No. 2022-42

R E S O L U T I O N

WHEREAS, the Prince George’s County Zoning Ordinance provides procedures for the comprehensive rezoning of all planning areas in Prince George’s County by adoption of a Sectional Map Amendment; and

WHEREAS, this Sectional Map Amendment was initiated under the regulations of the Zoning Ordinance in effect on November 10, 2020; and

WHEREAS, pursuant to Section 27-220 of the prior Zoning Ordinance, the intent of establishing procedures for comprehensive rezoning includes: to provide for a systematic review of zoning and land use and how they conform to the principles of orderly comprehensive land use planning and staged development (as reflected in established public plans and policies) and planned public facilities; to limit piecemeal rezoning; to limit the number of certain Zoning Map Amendment cases heard by the Zoning Hearing Examiner; and to consider cases where sufficient evidence justifies rezoning but does not compel it; and

WHEREAS, on November 10, 2020, the County Council of Prince George’s County, Maryland, sitting as the District Council, pursuant to Section 27-225.01.05(a)(1) of the prior Zoning Ordinance, adopted CR-123-2020, thereby authorizing initiation of a Sectional Map Amendment concurrent with the initiation of the *Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan*; and

WHEREAS, the boundaries of this Sectional Map Amendment are contiguous to those of the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan and are depicted on Map 1 of this Resolution; and

WHEREAS, pursuant to Section 27-3503(a)(2), this Sectional Map Amendment was prepared and reviewed concurrently with the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan; and

WHEREAS, this Sectional Map Amendment covers the portion of the Prince George’s County Zoning Map identified in Map 1 of this Resolution within Planning Area 66 (College Park and Vicinity), adopted into the Maryland-Washington Regional District on April 26, 1927; and

WHEREAS, comprehensive rezoning of the entirety of the plan area last occurred on April 1, 2022, pursuant to approval of Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, on November 29, 2021; and

Underline indicates language added to the proposed SMA pursuant to the motion of the Planning Board at its April 7, 2022 Work Session.

[Brackets] indicate language deleted from the proposed SMA pursuant to the motion of the Planning Board at its April 7, 2022 Work Session.

WHEREAS, amendments of the Zoning Map are necessary to implement and bring the zoning of the Adelphi Road-UMGC-UMD Purple Line Station Area Sector into conformance with the concurrent Sector Plan; and

WHEREAS, pursuant to Section 27-225.01.05(b)(1) of the prior Zoning Ordinance, the Planning Board has prepared, and incorporated in this Sectional Map Amendment, a zoning map based upon the recommendations contained in the *2022 Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan*; and

[WHEREAS, the provisions of the County’s 2018 Zoning Ordinance took effect on April 1, 2022; and]

WHEREAS, pursuant to Section 27-225.01.05(b)(2) of the prior Zoning Ordinance, this Sectional Map Amendment includes the information required in Section 27-225(c)(2) of the prior Zoning Ordinance; and

WHEREAS, pursuant to Section 27-3503(a)(5)(A) of the Zoning Ordinance and Section 27-223(g)(1) of the prior Zoning Ordinance, no property was zoned by zoning map amendment within five years prior to the initiation of this SMA; and

WHEREAS, pursuant to Section 27-3503(a)(5)(B) of the Zoning Ordinance and Section 27-223(g)(2) of the prior Zoning Ordinance, no properties are being recommended for a less-intense zone resulting in the creation of a nonconforming use; and

WHEREAS, pursuant to Section 27-225(e)(3)(E) of the prior Zoning Ordinance, there are no “properties on which any use exists which is not allowed under the current zoning classification of that property[.]” [pursuant to Section 27-225(e)(3)(E) of the prior Zoning Ordinance]; and

WHEREAS, pursuant to Section 27-644(b)(3)(A) of the prior Zoning Ordinance, this proposed Sectional Map Amendment was released for public review and comment by the Planning Board on October 28, 2021, concurrent to the Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan[pursuant to Section 27-644(b)(3)(A) of the prior Zoning Ordinance]; and

WHEREAS, pursuant to Section 27-644(b)(3)(A) of the prior Zoning Ordinance, a copy of this proposed Sectional Map Amendment was transmitted to the County Executive and to each municipality located within one-half mile of this Sectional Map Amendment; and

WHEREAS, pursuant to Section 27-225.01.05(e) of the prior Zoning Ordinance, the Planning Board notified all owners of land within the boundaries of the January 18, 2022 joint public hearing to receive testimony on this proposed Sectional Map Amendment; and

[WHEREAS, on January 18, 2022, the County Council, sitting as the District Council, and the Prince George's County Planning Board held a joint public hearing to receive testimony from the public; and

WHEREAS, on April 7, 2022, the Prince George's County Planning Board held a public worksession to review the testimony and exhibits received; and]

WHEREAS, there are no Zoning Map Amendments pending within the area of this Sectional Map Amendment, therefore, the provisions of Section 27-3503(b)(4)(D)(i) of the Zoning Ordinance and Sections 27-225.01.05(f), 27-225(g), and 27-226(a) of the prior Zoning Ordinance are not applicable; and

WHEREAS, no lots or parcels of land within this Sectional Map Amendment are in a Commercial or Industrial Zone; therefore the provisions of Section 27-225.02(a)(1) of the prior Zoning Ordinance is not applicable; and

WHEREAS, no lots or parcels of land within this Sectional Map Amendment are in a nonresidential zone; therefore the provisions of Section 27-3503(b)(4)(D)(ii) of the prior Zoning Ordinance is not applicable; and

WHEREAS, Section 27-3502(g)(9) of the Zoning Ordinance requires the District Council to approve any portion of this Sectional Map Amendment that is contrary to the recommendation of a municipality concerning land within its boundaries by a two-thirds majority vote; and

WHEREAS, the proposed Sectional Map Amendment for the Adelphi Road-UMGC-UMD Purple Line Station Area is to protect the health, safety, and general welfare of all citizens in Prince George's County; and

WHEREAS, approval of this Sectional Map Amendment will result in the revision of the official 1 inch = 200 feet scale Zoning Maps for the Adelphi Road-UMGC-UMD Purple Line Station Area Sector; and

WHEREAS, the Sectional Map Amendment includes a description of the area covered, zoning maps delineating property boundaries, maps indicating where the proposed zones differ from existing zones, and scaled maps with a north arrow, and;

WHEREAS, on January 18, 2022, the County Council, sitting as the District Council, and the Prince George's County Planning Board held a joint public hearing to receive testimony from the public; and

WHEREAS, on April 1, 2022, the provisions of the County's 2018 adopted Zoning Ordinance took effect; and

WHEREAS, on April 7, 2022, pursuant to Section 27-3502(f)(3) of the Zoning Ordinance, the Planning Board voted to accept into the public hearing record four pieces of testimony received by the Clerk of the County Council after the close of the public hearing record by 5 p.m. on February 2, 2022

(Exhibits T-1 through T-4); and

WHEREAS, on April 7, 2022, the Prince George’s County Planning Board held a public work session to examine the analysis of testimony, transcripts of oral testimony provided at the Joint Public Hearing (on January 18, 2022), and written testimonies (exhibits) contained within the Joint Public Hearing record; and

WHEREAS, this Sectional Map Amendment conforms with the applicable requirements of Section 27-3502 and 27-3503 of the Zoning and Section 27-225.01.05 of the prior Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby endorse this Sectional Map Amendment for the Adelphi Road-UMGC-UMD Purple Line Station Area Sector, by this resolution and recommends that it be approved as an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George’s County;

BE IT FURTHER RESOLVED that, in accordance with Section 27-3502(f)(6)(B) of the Prince George’s County Zoning Ordinance, a copy of this [adopted sector plan and its concurrent SMA]endorsed Sectional Map Amendment and its concurrent adopted sector plan will be transmitted to the County Executive and to each municipality within one mile of the area of the Sectional Map Amendment [SMA]; and

[BE IT FURTHER RESOLVED that the Prince George’s County Planning Board finds that the Sectional Map Amendment has been prepared in accordance with the requirements of Section 27-225.01.05 of the Zoning Ordinance; and]

BE IT FURTHER RESOLVED that the endorsed Sectional Map Amendment comprises the text, tables, maps, and graphics set forth in this resolution, and the following areas are reclassified as part of this action, consistent with the recommendations of the *Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan*:

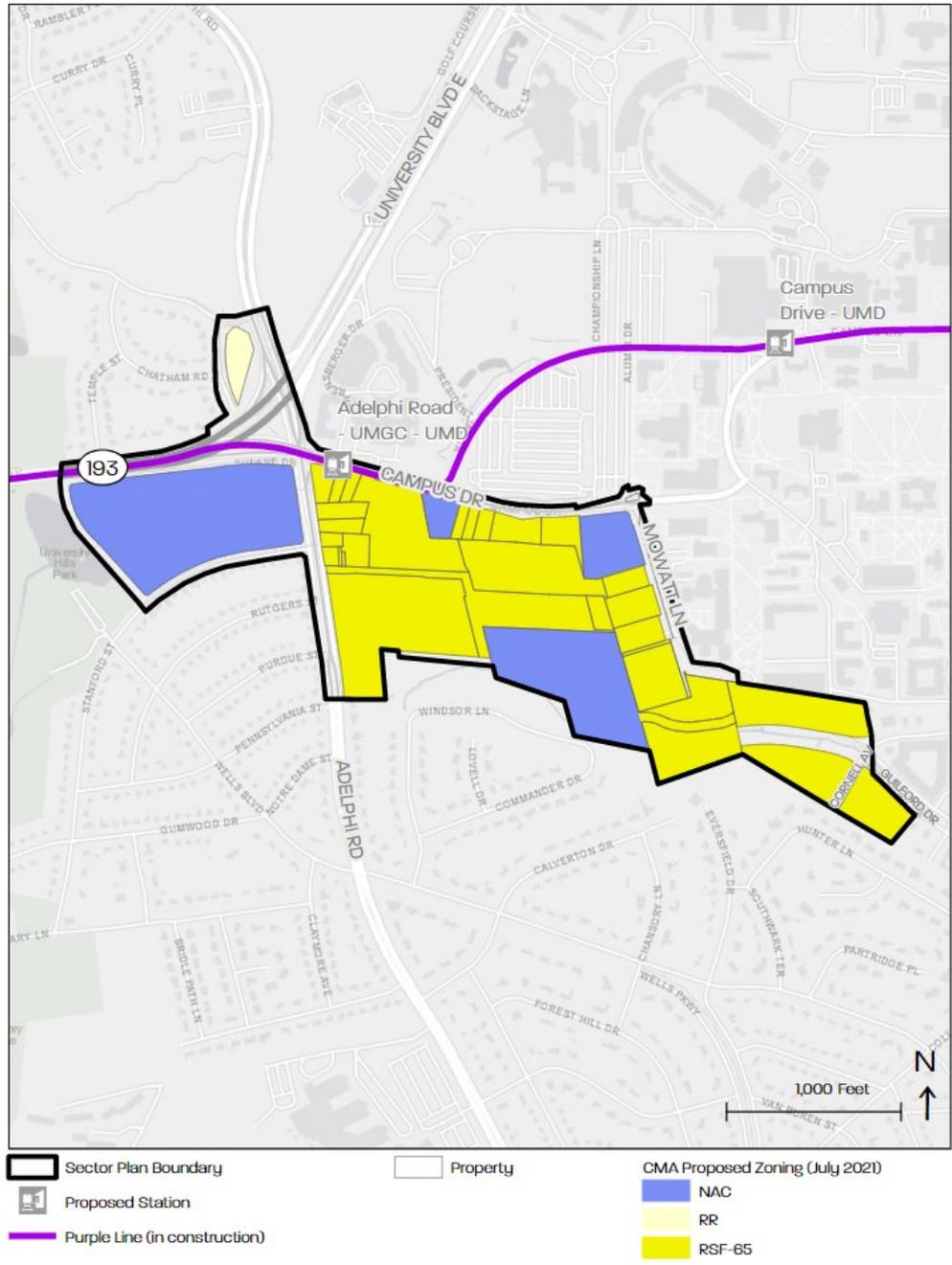
Table 1: Comprehensive Rezoning Changes

Change	Zoning Change	Acreage
1	NAC to LTO-c	14.86
2	RR to ROS	1.08
3	[NAC and]RSF-65 to LTO-e	<u>13.81</u> [22.61]
4	NAC and RSF-65 to LTO-c	30.30
5	RSF-65 to ROS	2.86
6	RSF-65 to LTO-e	2.75
7	RSF-65 to LTO-e	2.23
8	<u>NAC and RSF-65 to LTO-e and ROS</u>	<u>9.52</u>

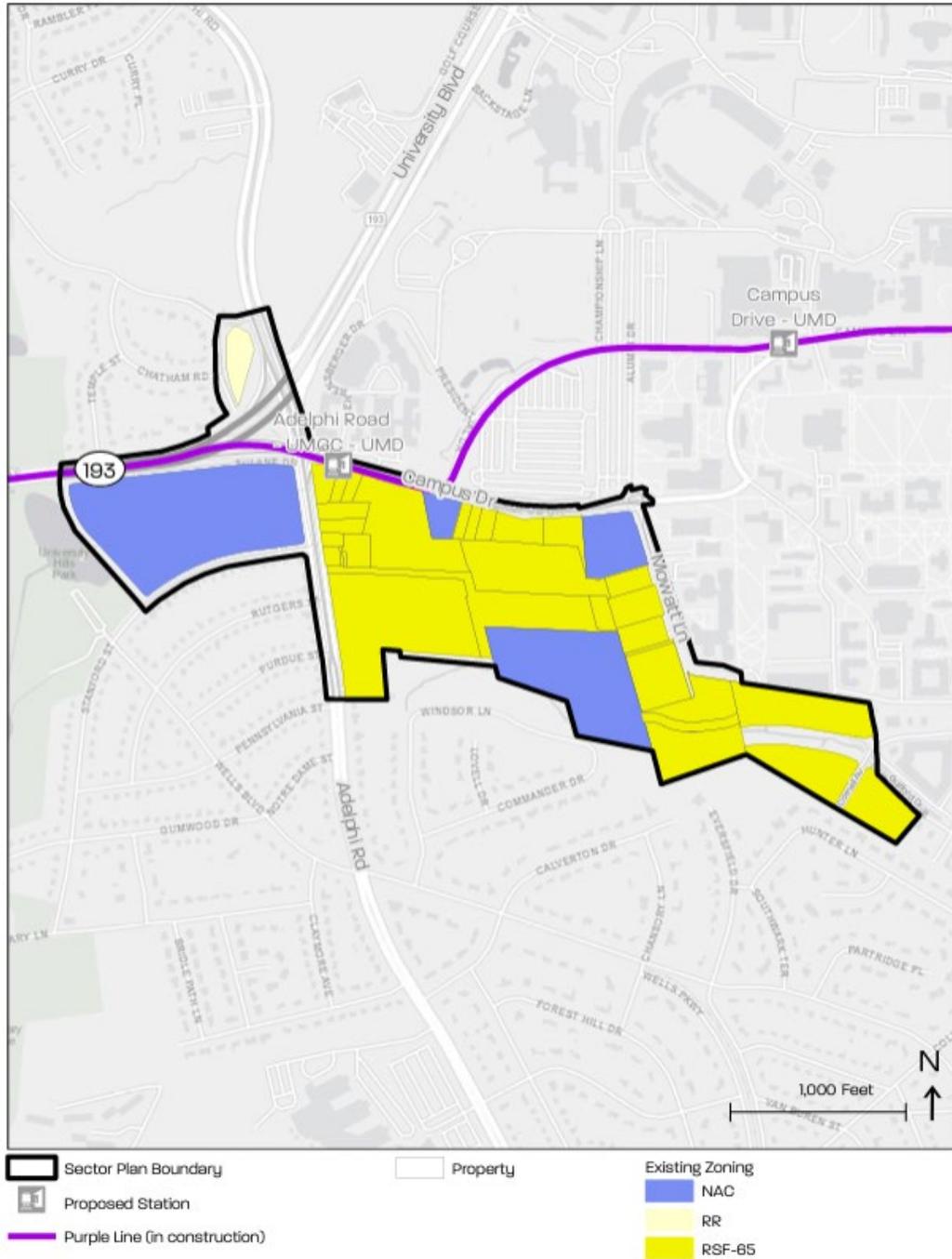
Table 2: Zoning Inventory (in acres)

Zoning Class	SMA Proposed Acreage	[Endorsed Countywide Sectional Map Amendment] Existing Acreage (on April 1, 2022)	Change in Acreage
ROS	7.47[3.94]	0	7.47[3.94]
LTO-c	45.17	0	45.17
LTO-e	24.78[28.31]	0	24.78[28.31]
NAC	0	27.13	-27.13
RSF-65	0	49.20	-49.20
RR	0	1.08	-1.08

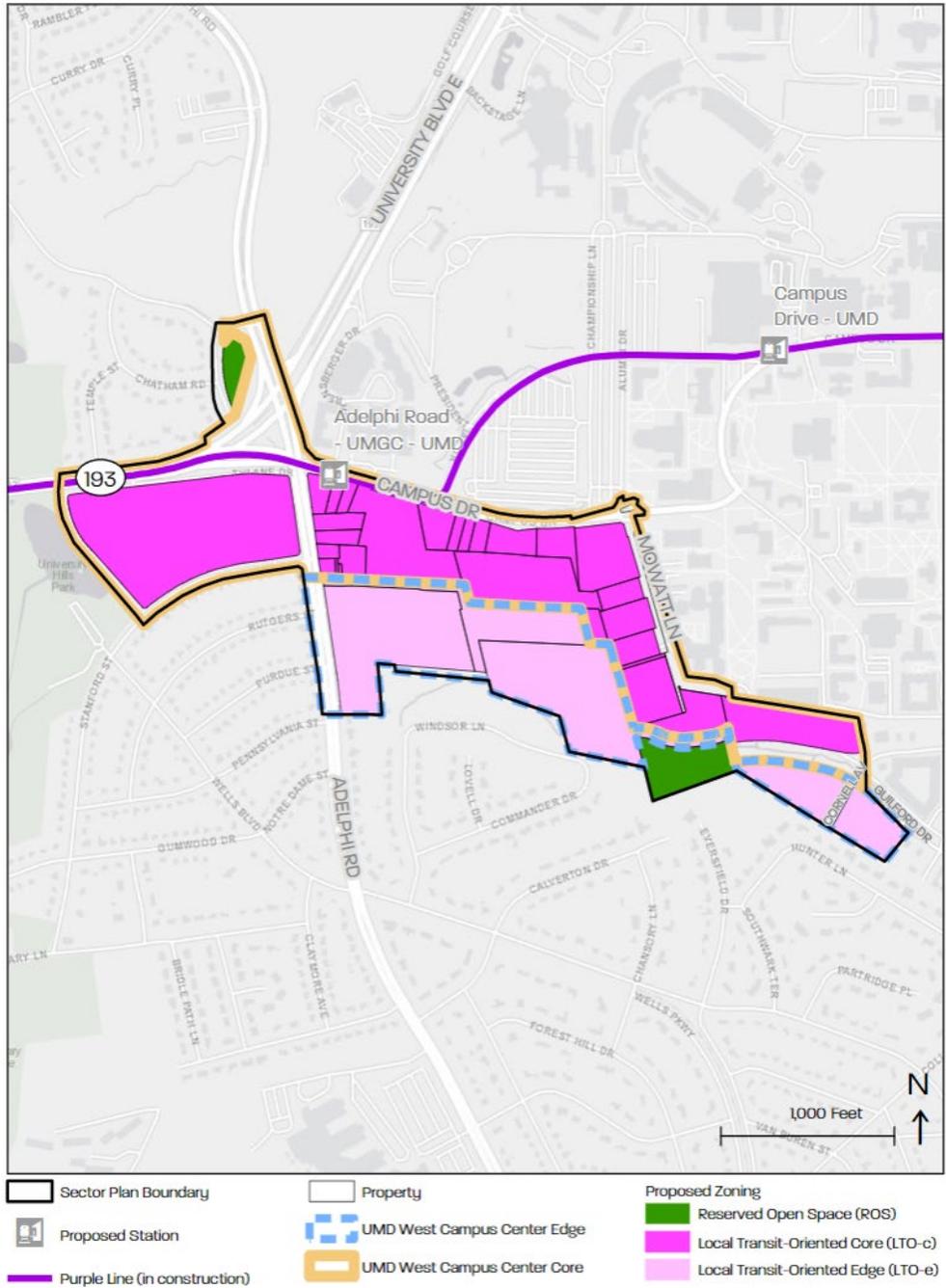
[Map 1: Endorsed Countywide Sectional Map Amendment Zoning (October 28, 2021)

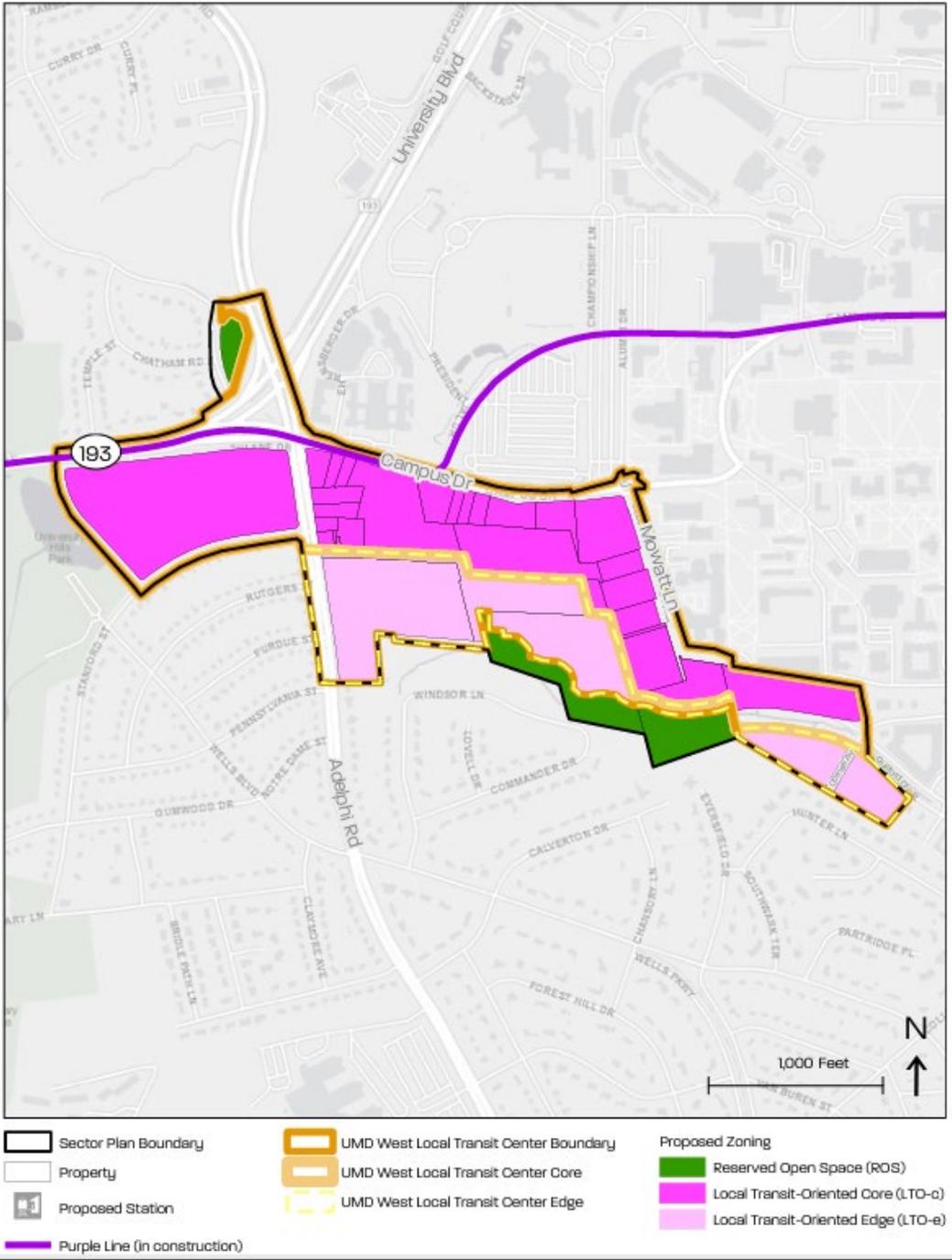


Map 1: Existing Zoning (on April 1, 2022)

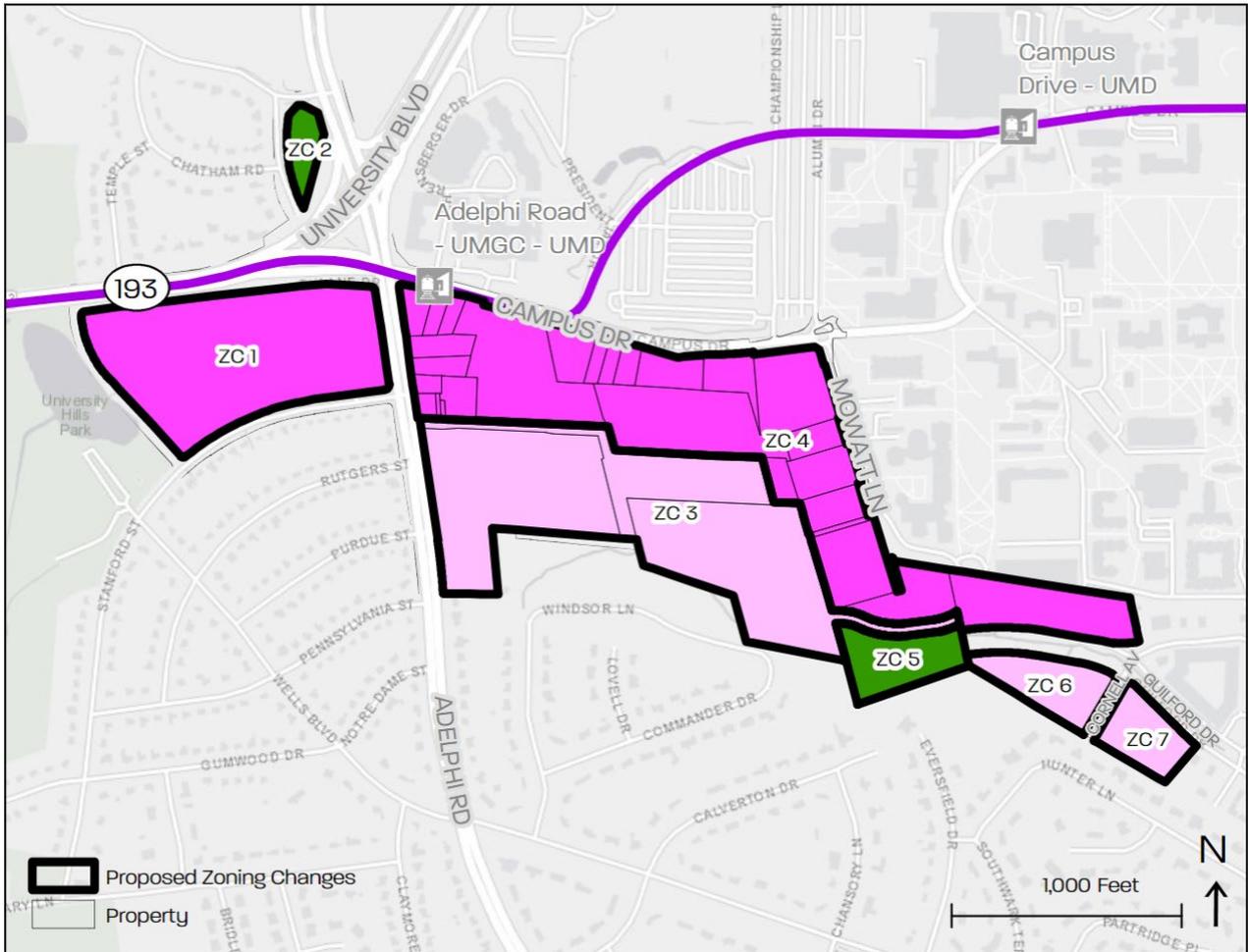


[Map 2: Proposed Zoning



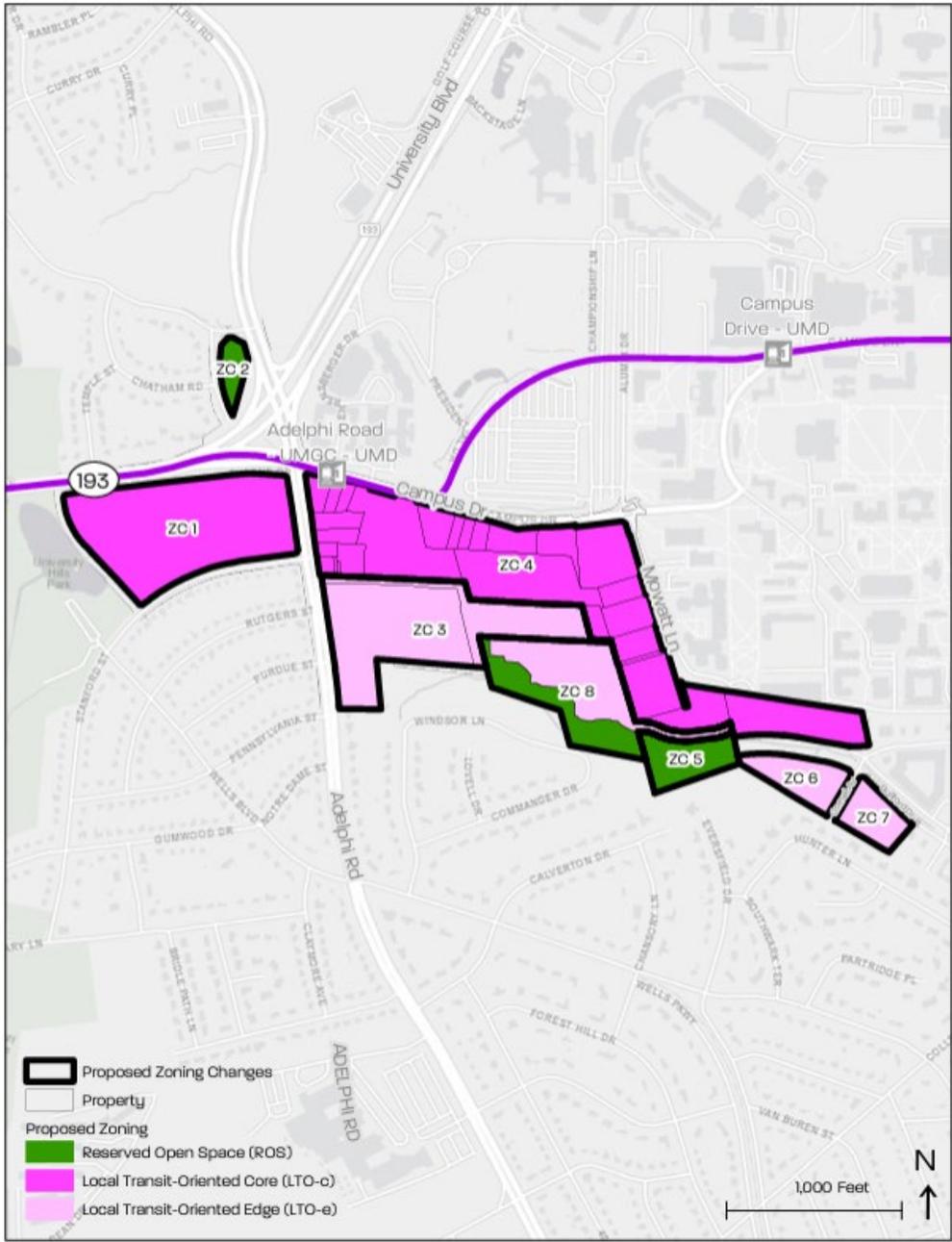


[Map 3: Change Map of Proposed Zoning



]

Map 3: Endorsed Zoning Changes



Zoning Change 1: NAC to LTO-c ¹

Change Number	Zoning Change	Area of Change (Acres)	Approved CMA/SMA/ZMA/SE +-Number	Approved CMA/SMA/ZMA/SE Date	200' Scale Index Map
1	NAC - LTO-c	14.86	CMA	[Pending] <u>April 1, 2022</u>	209NE03
			[SMA	May 1, 1990]	

This property is within the Core of the UMD West Local Transit [Campus] Center (See Map 2. *Proposed Zoning*). The Future Land Use Map in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan recommends a mix of uses on this property. (See Map 2. *Future Land Use Map* in the sector plan and Map 4: *Zoning Change (ZC) 1: NAC to LTO-c, Zoning Change (ZC) 2: RR to ROS*).

[The Endorsed Countywide Sectional Map Amendment (October 28, 2021) recommends this parcel for classification] This property is currently classified in the Neighborhood Activity Center (NAC) Zone; the NAC Zone does not permit the density of the existing Graduate Hills Apartments, nor would it allow for redevelopment of this property at the same or greater density as recommended by the Sector Plan. In addition, being the single largest parcel located adjacent to the Purple Line station presents a unique opportunity to concentrate density and a mix of uses a short walk from the station. In addition, adjacency to the University of Maryland campus, and University of Maryland Global Campus, and proximity to the US 1 corridor makes it a prime location for the highest transit-supportive density and use through the recommended Local Transit-Oriented-Core (LTO-c) Zone. See also Policy HN 1 and Strategies LU [1.2]1.3, [HN 1.1,]NE 1.1, NE 3.6, and NE 3.8 in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan.

¹ The acreages shown in the tables in this Sectional Map Amendment are estimates of acreage to be rezoned; the actual acreage will depend on future engineering surveys. In approving the Zoning Maps, the District Council is approving the boundary lines, not a precise acreage amount.

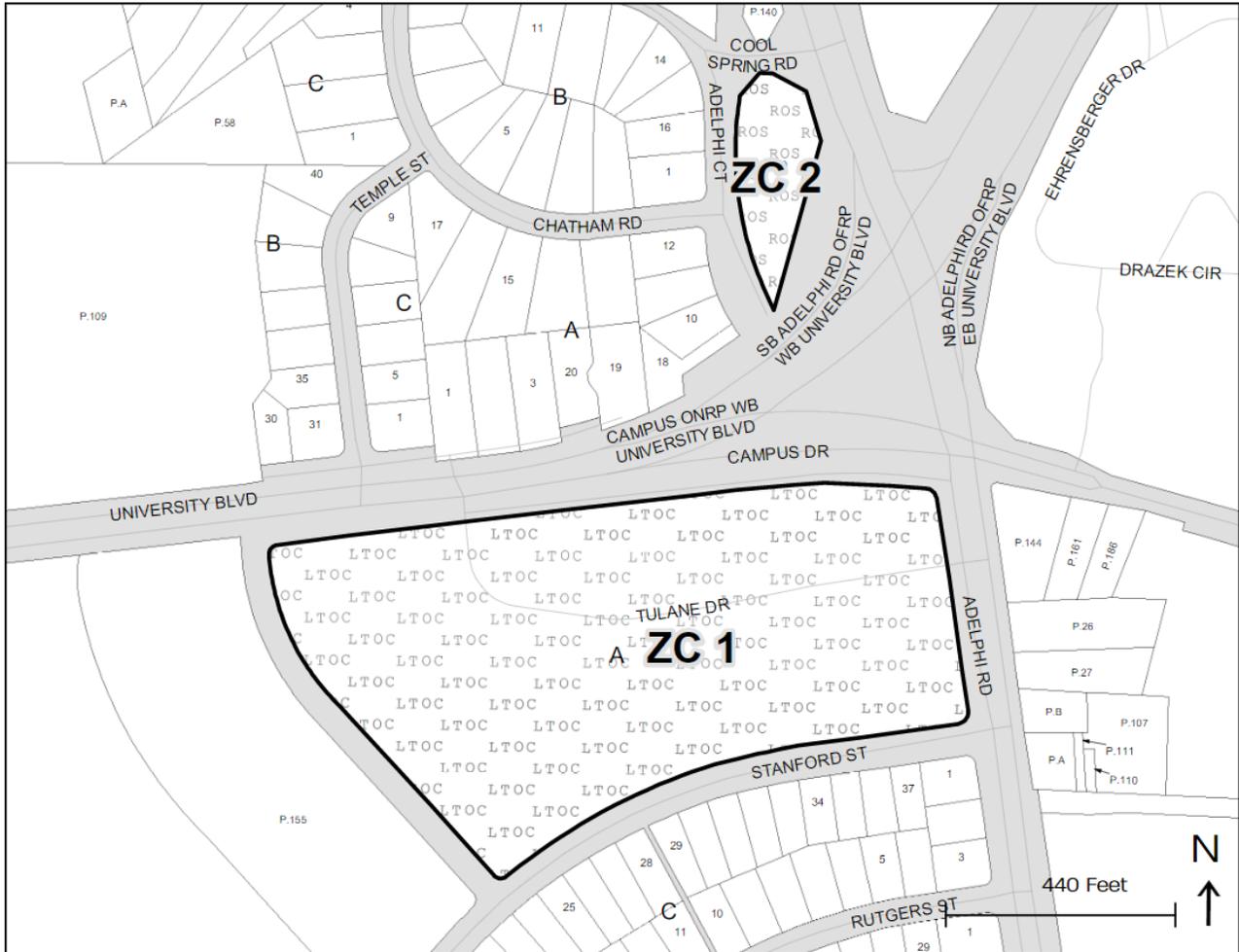
Zoning Change 2: RR to ROS

Change Number	Zoning Change	Area of Change (Acres)	Approved CMA/SMA/ZMA/SE Number	Approved CMA/SMA/ZMA/SE Date	200' Scale Index Map
2	RR - ROS	1.08	CMA	[Pending] <u>April 1, 2022</u>	210NE03
			[SMA	May 1, 1990]	

The Future Land Use Map in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan recommends Parks and Open Space land uses on this property. (See Map 2. *Future Land Use Map* in the sector plan and Map 4: *Zoning Change (ZC) 1: NAC to LTO-c, Zoning Change (ZC) 2: RR to ROS* below).

This parcel is currently covered with trees and serves as a natural area. The sector plan recommends preserving this property as Conservation Area A due to its public ownership, and value to the neighborhood as a wooded area that acts a natural barrier and transition from the higher-density development at the core of the sector plan area to the low-density single-family detached homes to the north and west of the plan boundary. See also Policy LU 2, Strategies NE 1.1, NE 1.3, NE 1.4, NE 3.1, NE 3.6, NE 3.7, HC 1.6, PF 2.1, [and] PF 5.1, and Map 29. *Recommended Parks and Public Open Spaces* in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan.

Map 4: Zoning Change (ZC) 1: NAC to LTO-c, Zoning Change (ZC) 2: RR to ROS



Source: Prince George's County Planning Department, *GIS Open Data Portal*, 2021,
<https://gisdata.pgplanning.org/opendata/>.

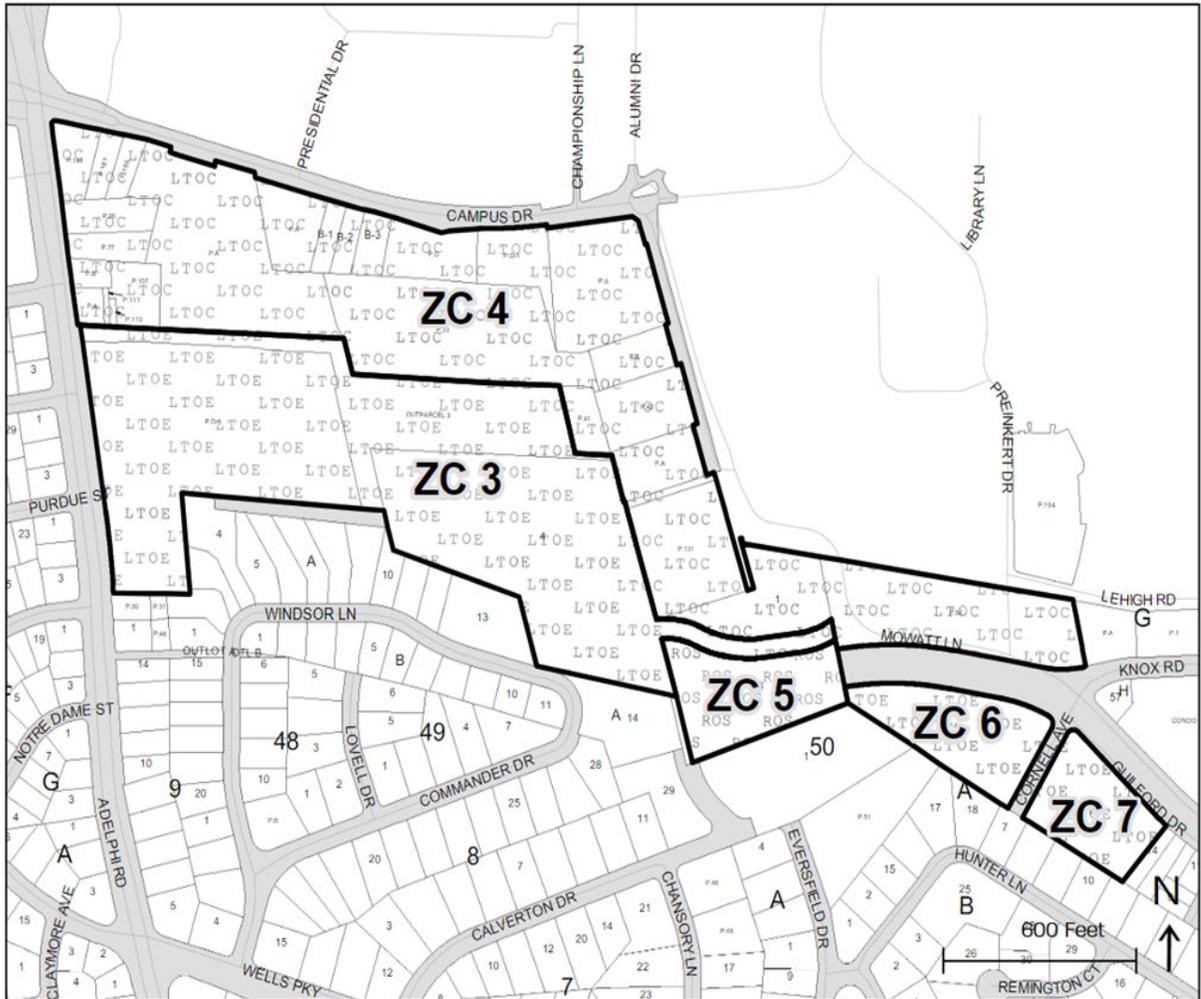
Zoning Change 3: [NAC and]RSF-65 to LTO-e

Change Number	Zoning Change	Area of Change (Acres)	Approved CMA/SMA/ZMA/SE Number	Approved CMA/SMA/ZMA/SE Date	200' Scale Index Map
3	[NAC and] RSF-65 – LTO-e	13.81[22.61]	CMA	[Pending] <u>April 1, 2022</u>	209NE03
			[SMA	May 1, 1990]	
			[A-9983	September 18, 2006]	

The subject parcels comprise most of the UMD West Local Transit [Campus] Center Edge (see Map 5). The Future Land Use Map in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan recommends a mix of uses on [this property] these properties. (See Map 2. *Future Land Use Map* in the sector plan and Map 5: *Zoning Change 3: NAC/RSF-65 to LTO-e, Zoning Change 4: NAC/RSF-65 to LTO-c, Zoning Change 5: RSF-65 to ROS, [and]Zoning Changes 6 & 7: RSF-65 to LTO-e, and Zoning Change 8: NAC/RSF-65 to LTO-e/ROS* below).

These parcels are largely undeveloped or places of worship. [The Endorsed Countywide Sectional Map Amendment (October 28, 2021) recommends these parcels for classification] These parcels are currently classified in the Neighborhood Activity Center (NAC) and Residential, Single Family-65 (RSF-65) Zones; this zoning does not permit the development of these properties at the densities recommended by the Adopted Sector Plan. The proximity of these parcels to the Purple Line station, UMD campus and US 1 corridor presents a unique opportunity to concentrate high density and mix of uses a short walk from the station and other nearby destinations while allowing for a transition in densities and building heights between the UMD West Local Transit [Campus] Center Core (see Map 5) and adjacent neighborhoods. See also Policies LU 1, LU 2, and HN 1 [LU 1.3, LU 1.7, NE 1.1, NE 3.4, and NE 3.9]in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan.

[Map 5: Zoning Change 3: NAC/RSF-65 to LTO-e, Zoning Change 4: NAC/RSF-65 to LTO-c, Zoning Change 5: RSF-65 to ROS, and Zoning Changes 6 & 7: RSF-65 to LTO-e



Source: Prince George's County Planning Department, *GIS Open Data Portal*, 2021, <https://gisdata.pgplanning.org/opendata/>.]

Zoning Change 4: NAC/RSF-65 to LTO-c

Change Number	Zoning Change	Area of Change (Acres)	Approved CMA/SMA/ZMA/SE Number	Approved CMA/SMA/ZMA/SE Date	200' Scale Index Map
4	NAC and RSF-65 – LTO-c	30.30	CMA	[Pending] <u>April 1, 2022</u>	209NE03, 209NE04
			[SMA	May 1, 1990]	
			[A-10011	July 13, 2009]	

These properties are located within the Core of the UMD West Local Transit [Campus] Center. The Future Land Use Map in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan recommends a mix of uses on these properties[this property]. (See Map 2. *Future Land Use Map* in the [sector plan] Adopted Sector Plan and Map 5 *Zoning Change 3: NAC/RSF-65 to LTO-e, Zoning Change 4: NAC/RSF-65 to LTO-c, Zoning Change 5: RSF-65 to ROS, [and]Zoning Changes 6 & 7: RSF-65 to LTO-e, and Zoning Change 8: NAC/RSF-65 to LTO-e/ROS above).*

[The Endorsed Countywide Sectional Map Amendment (October 28, 2021) recommends these parcels for classification] These parcels are currently classified in the Neighborhood Activity Center (NAC) and Residential, Single Family-65 (RSF-65) Zones; this zoning does not permit the development of these properties at the densities recommended by the Sector Plan. Their adjacency to the Purple Line station, University of Maryland campus, and University of Maryland Global Campus, and proximity to the US 1 corridor makes them prime locations for the highest transit-supportive densities and uses through the recommended Local Transit-Oriented-Core (LTO-c) Zone. Existing uses include a parking garage, places of worship, public utilities, and single-family detached housing (which is inappropriate for a transit station area); several parcels are currently vacant. See also[Policy] Policies LU 1, EP 1, and HN 1 and Strategy[ies LU 1.2, LU 1.4, LU 1.5, LU 1.8, LU 1.9, and] PF 2.1 in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan.

The sector plan recommends consolidation of several of these properties to facilitate the envisioned transit-oriented development. See Strategy LU 3.1 in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan for additional details.

Zoning Change 5: RSF-65 to ROS

Change Number	Zoning Change	Area of Change (Acres)	Approved CMA/SMA/ZMA/SE Number	Approved CMA/SMA/ZMA/SE Date	200' Scale Index Map
5	RSF-65 - ROS	2.86	CMA	[Pending] <u>April 1, 2022</u>	209NE03
			[SMA	May 1, 1990]	

The Future Land Use Map in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan recommends Parks and Open Space land uses on this property (See Map 2. *Future Land Use Map* in the sector plan and Map 5: *Zoning Change 3: NAC/RSF-65 to LTO-e, Zoning Change 4: NAC/RSF-65 to LTO-c, Zoning Change 5: RSF-65 to ROS, [and]Zoning Changes 6 & 7: RSF-65 to LTO-e, and Zoning Change 8: NAC/RSF-65 to LTO-e/ROS* above).

This parcel is entirely located within recommended Conservation Area C and predominantly contains Regulated Areas of the Countywide Green Infrastructure Network, and the remainder of the property contains additional environmental constraints that greatly limit its potential for development. The sector plan recommends preserving this property due to its public ownership, infeasibility for development, and value to the adjacent neighborhood as a forested area that acts a natural barrier and transition from the higher-density development at the edge of the sector plan area to the low-density, single-family detached homes to the southeast of the plan boundary. See Policy LU 2 and Strategies NE 1.3, NE 1.4, NE 3.1, NE 3.4, NE 3.5, NE 3.6, NE 3.7, NE 3.9, HC 1.6, PF 2.1, [and]PF 5.1, and Map 29. *Recommended Parks and Public Open Spaces* in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan for additional details.

Zoning Change 6: RSF-65 to LTO-e

Change Number	Zoning Change	Area of Change (Acres)	Approved CMA/SMA/ZMA/SE Number	Approved CMA/SMA/ZMA/SE Date	200' Scale Index Map
6	RSF-65 - LTO-e	2.75	CMA	[Pending] <u>April 1, 2022</u>	209NE04
			[SMA	May 1, 1990]	

[These parcels are] This property is located within the Edge of the UMD West Local Transit [Campus] Center. The Future Land Use Map in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan recommends a mix of uses on this property (See Map 2. *Future Land Use Map* in the sector plan and Map 5: *Zoning Change 3: NAC/RSF-65 to LTO-e, Zoning Change 4: NAC/RSF-65 to LTO-c, Zoning Change 5: RSF-65 to ROS, [and]Zoning Changes 6 & 7: RSF-65 to LTO-e, and Zoning Change 8: NAC/RSF-65 to LTO-e/ROS* above).

The parcel currently consists of a place for worship. [The Endorsed Countywide Sectional Map Amendment (October 28, 2021) recommends this property for classification]This property is currently classified in the Residential, Single Family-65 (RSF-65) Zones; its adjacency to the University of Maryland campus and proximity to the Purple Line station and US 1 corridor makes it a prime location for allowing higher, transit-supportive densities through the recommended Local Transit-Oriented-Edge (LTO-e) Zone. See Strategies LU 1.4[3] and LU 1.7[6] in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan for additional details.

Zoning Change 7: RSF-65 to LTO-e

Change Number	Zoning Change	Area of Change (Acres)	Approved CMA/SMA/ZMA/SE Number	Approved CMA/SMA/ZMA/SE Date	200' Scale Index Map
7	RSF-65 - LTO-e	2.23	CMA	[Pending] <u>April 1, 2022</u>	209NE04
			[SMA]	May 1, 1990]	

This property is located within the Edge of the UMD West Local Transit Center. The Future Land Use Map in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan recommends a mix of uses on this property (See Map 2. Future Land Use Map in the sector plan and Map 5: Zoning Change 3: NAC/RSF-65 to LTO-e, Zoning Change 4: NAC/RSF-65 to LTO-c, Zoning Change 5: RSF-65 to ROS, [and]Zoning Changes 6 & 7: RSF-65 to LTO-e, and Zoning Change 8: NAC/RSF-65 to LTO-e/ROS above).

The parcel currently consists of a place for worship. [The Endorsed Countywide Sectional Map Amendment (October 28, 2021) recommends this property for classification]This property is classified in the Residential, Single Family-65 (RSF-65) Zone[s]; its adjacency to the University of Maryland campus and proximity to the Purple Line station and US 1 corridor makes it a prime location for allowing higher, transit-supportive densities through the recommended Local Transit-Oriented-Edge (LTO-e) Zone. See Strategies LU 1.4[3] and LU 1.7[6] in the [Preliminary] Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan for additional details.

Zoning Change 8: NAC/RSF-65 to LTO-e/ROS

<u>Change Number</u>	<u>Zoning Change</u>	<u>Area of Change (Acres)</u>	<u>Approved CMA/SMA/ZMA/SE Number</u>	<u>Approved CMA/SMA/ZMA/SE Date</u>	<u>200' Scale Index Map</u>
8	NAC to LTO-e	5.28	CMA	April 1, 2022	209NE03
	NAC to ROS	3.53			
	RSF-65 to LTO-e	0.71			

Strategy LU 2.2 of the Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan states “encourage the University of Maryland to subdivide the parcel at 7500 Mowatt Lane to facilitate conservation of southern portion of that property. Any new parcel or lot abutting Guilford Run created by such a subdivision should be reclassified to the Reserved Open Space (ROS) Zone.”

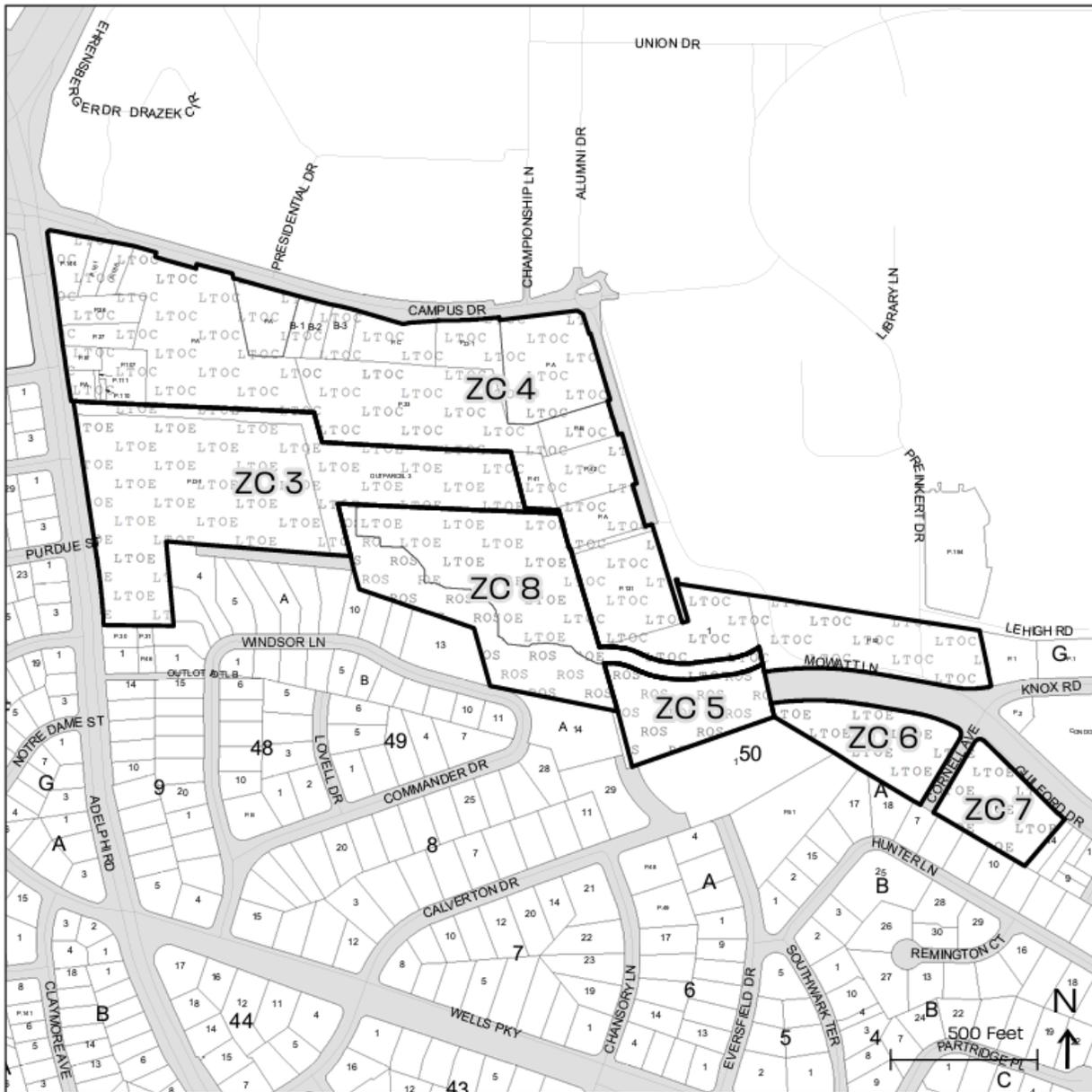
The northern 6.07 acres of the subject property are located in the Edge of the UMD West Local Transit Center. The Future Land Use Map in the Adopted Sector Plan recommends a mix of uses on this portion of the property.

The southern 3.46 acres of the subject property are not located within the UMD West Local Transit Center. The Future Land Use Map in the Adopted Sector Plan recommends Parks and Open Space land uses on this property (See Map 2. *Future Land Use Map* in the Adopted Sector Plan and Map 5: *Zoning Change 3: NAC/RSF-65 to LTO-e, Zoning Change 4: NAC/RSF-65 to LTO-c, Zoning Change 5: RSF-65 to ROS, Zoning Changes 6 & 7: RSF-65 to LTO-e, and Zoning Change 8: NAC/RSF-65 to LTO-e/ROS* above).

The northern portion of the subject property is currently classified in the Neighborhood Activity Center (NAC) Zone; this zone does not permit the development of this portion of the subject property at the densities recommended by the Adopted Sector Plan. The proximity of this portion of the subject property to the Purple Line station, UMD campus and US 1 corridor presents a unique opportunity to concentrate high density and a mix of uses a short walk from the station and other nearby destinations while allowing for a transition in densities and building heights between the UMD West Local Transit Center Core (see Map 5) and adjacent neighborhoods. See also LU 1.4, LU 1.8, LU 2.1, and LU 2.2 in the Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan.

The southern portion of the subject property is currently classified in the NAC and RSF-65 Zones; these zones would inhibit the recommendations of the Adopted Sector Plan to preserve the southern portion of the subject property. This portion of the subject property is entirely part of recommended Conservation Area C and contains Regulated Areas of the Countywide Green Infrastructure Network; this portion of the subject property contains environmental constraints that greatly limit its potential for development. The Adopted Sector Plan recommends preserving this property due to its public ownership, infeasibility for development, and value to the adjacent neighborhood as a forested area that acts a natural barrier and transition from the higher-density development at the edge of the sector plan area to the low-density, single-family detached homes to the southeast of the plan boundary. See Policy LU 2 and Strategies NE 1.3, NE 1.4, NE 3.1, NE 3.4, NE 3.5, NE 3.6, NE 3.7, NE 3.9, HC 1.6, PF 2.1, PF 5.1, and Map 29. *Recommended Parks and Public Open Spaces* in the Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan for additional details.

Map 5: Zoning Change 3: RSF-65 to LTO-e, Zoning Change 4: NAC/RSF-65 to LTO-c, Zoning Change 5: RSF-65 to ROS, Zoning Changes 6 & 7: RSF-65 to LTO-e, and Zoning Change 8: NAC/RSF-65 to LTO-e/ROS



Source: Prince George's County Planning Department, *GIS Open Data Portal*, 2021, <https://gisdata.pgplanning.org/opendata/>.

Map 6: Parcel Information

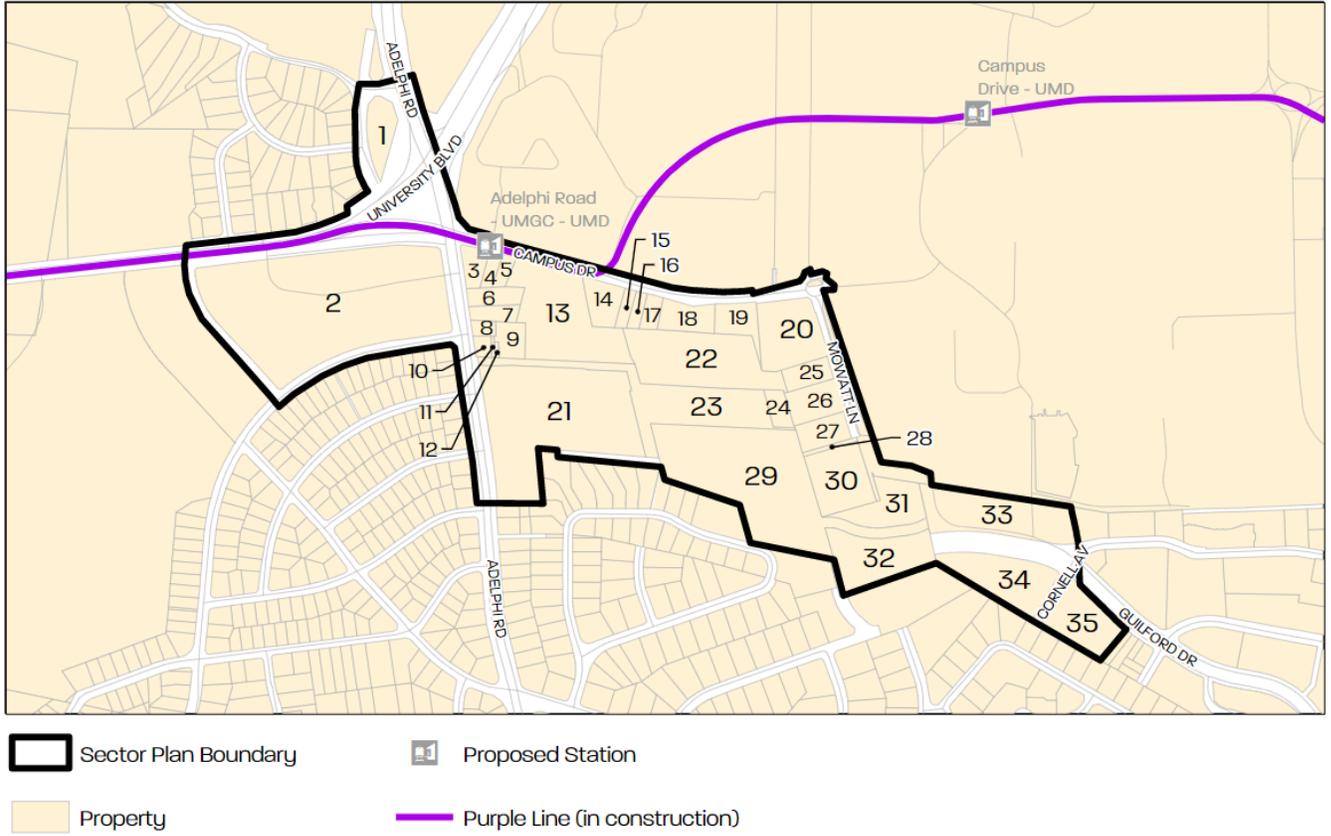


Table 3 Parcels Subject to this Sectional Map Amendment

Zoning Change	Map 6 ID	Address	Tax Map and Grid	Tax Account	Description	Lot	Block	Parcel	Ownership
ZC 1	2	3424 Tulane Drive	032F3	1965334	University of Md University Hills Apartments	N/A	A	N/A	State
ZC 2	1	3841 Campus Drive	033B2	2411122	Pt Par 140	N/A	N/A	140	State
ZC 3	21	7501 Adelphi Road,	033A3	2379394	Parcel D-1	N/A	N/A	P D-1	Nonprofit
	23	3623 Campus Drive,	033A3	2424737	Outparcel 3	N/A	N/A	Parcel 034	Private
	[29	7500 Mowatt Lane	033A3	4018024	N/A	4	N/A	N/A	State]
ZC 4	3	Adelphi Road	033A3	2400109	SE Cor Colesville Rd & Univ Lane	N/A	N/A	144	State
	4	University Lane	033A3	2411379	NR University of Maryland	N/A	N/A	161	State
	5	University Lane	033A3	2411387	Near University of Maryland	N/A	N/A	186	State
	6	7715 Adelphi Road	033A3	2314870	Colesville Rd	N/A	N/A	26	State
	7	7713 Adelphi Road	033A3	2342988	N/A	N/A	N/A	027	Private
	8	7703 Adelphi Road	033A3	2402303	Rawleys Addn Parcel B	N/A	N/A	P.B	Private

Zoning Change	Map 6 ID	Address	Tax Map and Grid	Tax Account	Description	Lot	Block	Parcel	Ownership
ZC 4 (cont.)	9	7607 Adelphi Road	033A3	2384410	Colesville Rd	N/A	N/A	107	Private
	10	7601 Adelphi Road	033A3	2384386	Rawleys Addn Par A	N/A	N/A	N/A	Private
	11	7601 Adelphi Road	033A3	2297349	Rawleys Addn Par A	N/A	N/A	Parcel 111	Private
	12	Adelphi Road	033A3	2384394	N/A	N/A	N/A	110	Private
	13	Campus Drive	033A3	2382919	Baptist Ch Prop Pt Par A Eq .04a	N/A	N/A	P.A	County
	13	Campus Drive	033A3	5636031	Pt Par A Eq 29,589 sf	N/A	N/A	N/A	State
	13	Campus Drive	033A3	3345402	Baptist Chrch Prop Pt Par A Cell Tower (Town DNX 05)	N/A	N/A	N/A	Nonprofit
	13	3515 Campus Drive	033A3	2411049	Baptist Ch Prop Pt Par A	N/A	N/A	N/A	Nonprofit
	14	Campus Drive	033A3	2411528	Parcel A	N/A	N/A	N/A	State
	15	3617 Campus Drive	033A3	2411056	Lots B1.B2	N/A	N/A	N/A	Nonprofit
	16	3617 Campus Drive	033A3	5533451	Leasehold Interest Pt Lots B1.B2	N/A	N/A	B-1	Private
	17	Campus Drive	033A3	2411627	Church Parking	N/A	N/A	B-3	Nonprofit

Zoning Change	Map 6 ID	Address	Tax Map and Grid	Tax Account	Description	Lot	Block	Parcel	Ownership
ZC 4 (cont.)	18	3621 Campus Drive	033A3	2411593	Par C & Pt Aband Rd Btw Par C & Univ La	N/A	N/A	P.C.	Nonprofit
	19	3701 Campus Drive	033A3	4000956	Parcel D-1	N/A	N/A	P.D-1	Nonprofit
	22	3621 Campus Drive	033A3	2411577	Cat Tail Hill	N/A	N/A	033	Nonprofit
	20	3711 Campus Drive	033B3	5516582	Domain College Park, Parcel A	N/A	N/A	N/A	Private
	25	7706 Mowatt Lane	033B3	2382372	Parcel B Public Utility Oper Perperty	N/A	N/A	P.B.	Utility
	26	7618 Mowatt Lane	033B3	2287043	N/A	N/A	N/A	042	Private
	24	7620 Mowatt Lane	033B3	2340404	N/A	N/A	N/A	Parcel 041	Private
	27	7612 Mowatt Lane	033B3	2292571	Parcel A	N/A	N/A	P.A.	Nonprofit
	30	7604 Mowatt Lane	033B3	2287050	N/A	N/A	N/A	131	Private
	31	7601 Mowatt Lane	033B3	4007274	N/A	1	N/A	1	Nonprofit
	33	Knox Road	033B3	2411171	N/A	N/A	N/A	052	State
ZC 5	32	Mowatt Lane	033B4	4018016	N/A	3	N/A	3	State

Zoning Change	Map 6 ID	Address	Tax Map and Grid	Tax Account	Description	Lot	Block	Parcel	Ownership
ZC 6	34	4141 Guilford Drive	033B4	2379410	Parcel A	N/A	N/A	N/A	Nonprofit
ZC 7	35	4201 Guilford Drive	033B4	2347151	Parcel A	N/A	Eye	N/A	Nonprofit
ZC 8	<u>29</u>	<u>7500 Mowatt Lane</u>	<u>033A3</u>	<u>4018024</u>	<u>N/A</u>	<u>4</u>	<u>N/A</u>	<u>N/A</u>	<u>State</u>

BE IT FURTHER RESOLVED that there are no pending Zoning Map Amendment applications before the Planning Board or Zoning Hearing Examiner within the area of this Sectional Map Amendment; and

BE IT FURTHER RESOLVED that the provisions of Section 27-3502(g)(9) of the Zoning Ordinance only apply to land within a municipality, and do not apply to any part of a property outside municipal boundaries; and

BE IT FURTHER RESOLVED that endorsed Zoning Changes 6 and 7 are contrary to the recommendations of the City of College Park for the properties at 4201 Guilford Drive (Tax Account 2347151) and 4141 Guilford Drive (Tax Account 2379410), which lie entirely within the City of College Park, and that, pursuant to Section 3502(g)(9), a two-thirds majority vote of the full Council shall be required to approve these amendments to the Zoning Map; and

BE IT FURTHER RESOLVED that the recommendation of the City of College Park that the properties at 4201 Guilford Drive (Tax Account 2347151) and 4141 Guilford Drive (Tax Account 2379410) be reclassified into the Residential, Multifamily-20 (RMF-20 Zone) is not consistent with the 2022 Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan, for several reasons, including, a) Euclidean, single-use zones such as the RMF-20 Zone allow for the flexibility to construct modern buildings and landscape, but also to create traditional suburban apartment development, including garden-style apartments and “towers in the park” that ignore or disregard the street and the community and are designed for increased automobile usage; b) the RMF-20 Zone permits a maximum 40 percent net lot coverage, and a maximum building height of 50 feet at 20 dwelling units to the acre; and c) given the size of these two parcels and the Neighborhood Compatibility Standards, construction of the desired uses requires additional permissible building heights and the up-to-90 percent lot coverage for residential uses permitted in the LTO-e Zone, along with the other design standards that make LTO-e zoning preferable to Euclidean zoning; and

BE IT FURTHER RESOLVED that the recommendation of the City of College Park that the properties at 4201 Guilford Drive (Tax Account 2347151) and 4141 Guilford Drive (Tax Account 2379410) be reclassified into the Residential, Multifamily-20 (RMF-20 Zone) recommends a zone that is not the same as the one existing on the land prior to this endorsed Sectional Map Amendment; and

BE IT FURTHER RESOLVED that endorsed Zoning Change 8 is contrary to the recommendations of the City of College Park for the portion of the property at 7500 Mowatt Lane (Tax Account 4018024) that lies within the City of College Park, and that, pursuant to Section 27-3502(g)(9) of the Zoning Ordinance, a two-thirds majority vote of the full Council shall be required to approve this amendment to the Zoning Map; and

BE IT FURTHER RESOLVED that endorsed Zoning Change 8 is contrary to the recommendations of the City of College Park for the portion of the property at 7500 Mowatt Lane (Tax Account 4018024) that lies within the City of College Park, and that the City’s recommendation that this parcel be reclassified into the Reserved open Space (ROS) Zone is consistent with the 2022 Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan, since this portion of the property is identified for preservation within the recommended Conservation Area C. However, the zone is inconsistent with the University of Maryland survey submitted on their testimony that did not identify this portion of their property for ROS zone; and

BE IT FURTHER RESOLVED that the recommendation of the City of College Park that the property at 7500 Mowatt Lane (Tax Account 4018024) be reclassified into the Reserved open Space (ROS) Zone recommends a zone that is not the same as the one existing on the land prior to this endorsed Sectional Map Amendment; and

BE IT FURTHER RESOLVED that endorsed Zoning Change 4 is contrary to the recommendations of the City of College Park for the portion of the property at 7601 Mowatt Lane (Tax

Account 4007274) that lies within the City of College Park, and that, pursuant to Section 27-3502(g)(9) of the Zoning Ordinance, a two-thirds majority vote of the full Council shall be required to approve this amendment to the Zoning Map; and

BE IT FURTHER RESOLVED that endorsed Zoning Change 4 is contrary to the recommendations of the City of College Park for the portion of the property at 7601 Mowatt Lane (Tax Account 4007274) that lies within the City of College Park, and that the City's recommendation that this parcel be retained in its existing Residential, Single-Family-65 (RSF-65) Zone is not consistent with the 2022 Adopted Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan, for several reasons, including, a) that this property fronts Mowatt Lane, which, along with Campus Drive, are the primary streets through this neighborhood; b) the subject property lies immediately across the street from a six-story parking deck and is singularly located across from the Robert H. Smith School of Business and the William E. and Kathy Mayer Mall; this is a prime location for new residential or academic-related construction at densities commensurate with those of the University campus and walking distance to a Purple Line station; and c) the importance of developable and re-developable property to the success of the University of Maryland, the City's and County's largest employer, makes this zone inappropriate for any non-residential property abutting the University of Maryland campus; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Department is hereby authorized to make appropriate textual and graphical revisions to the sector plan to correct identified errors, reflect updated information and revisions, and otherwise incorporate the changes reflected in this Resolution; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission finds that this Sectional Map Amendment, as heretofore described, is in conformance with the principles of orderly comprehensive land use planning and staged development being consistent with the Adopted *Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan*, and with consideration having been given to the applicable County Laws, Plans, and Policies.

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Vice Chair Bailey, and Commissioners Bailey, Doerner, and Geraldo voting in favor of the motion, with Chair Shapiro abstaining, and Commissioner Washington absent at its regular meeting held on Thursday, April 14, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of April 2022

Peter A. Shapiro
Chairman



By Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date: April 14, 2022

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

2022 Legislative Session

Resolution No. CR-075-2022
Proposed by The Chair (by request—Planning Board)
Introduced by Council Members Harrison, Turner, Glaros, Medlock, Taveras, Franklin, Streeter
Co-Sponsors _____
Date of Introduction June 7, 2022

RESOLUTION

1 A RESOLUTION concerning
2 The Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan
3 For the purpose of approving, with certain revisions herein that are based on the joint public
4 hearing record of testimony, as an Act of the County Council of Prince George’s County,
5 Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional
6 District in Prince George’s County, the *Adelphi Road-UMGC-UMD Purple Line Station Area*
7 *Sector Plan*, thereby approving a new vision to guide growth and redevelopment within the
8 portion of Planning Area 66 within the sector plan boundaries, generally comprised of the area
9 south of the of the Adelphi Road-UMGC-UMD Purple Line Station, comprised of properties
10 south of MD 193 (University Boulevard) and Campus Drive, east of the University Hills Duck
11 Pond Park, north of the College Heights Estates subdivision, and west of the Central US 1
12 Corridor Sector, including portions of the Cities of College Park and Hyattsville, respectively.

13 WHEREAS, on November 10, 2020, the County Council of Prince George’s County,
14 Maryland, sitting as the District Council, adopted Council Resolution No. CR-123-2020, thereby
15 directing the initiation and preparation of a new sector plan and concurrent sectional map
16 amendment by the Planning Board of the Maryland-National Capital Park and Planning
17 Commission; and

18 WHEREAS, the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan will
19 amend the 2014 *Prince George’s 2035 Approved General Plan* by defining the center
20 classification and boundaries of the UMD West Center; and

21 WHEREAS, the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan will

1 replace the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity*
 2 for the portion of Planning Area 66 within the sector plan boundaries; and

3 WHEREAS, the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan will
 4 amend the 2009 *Countywide Master Plan of Transportation, Formula 2040: Functional Master*
 5 *Plan for Parks, Recreation and Open Space*, and the 2017 *Resource Conservation Plan: A*
 6 *Countywide Functional Master Plan* for the portion of Planning Area 66 within the sector plan
 7 boundaries; and

8 WHEREAS, a sectional map amendment was prepared concurrently with this sector plan
 9 to implement the plan's zoning recommendations; and

10 WHEREAS, the District Council, by way of its adoption of CR-123-2020, and pursuant to
 11 the prescriptions of Sections 27-641 and 27-643 of the County Zoning Ordinance, also endorsed
 12 Goals, Concepts, Guidelines and a Public Participation Program to guide the preparation of the
 13 plan, and to establish sector plan area boundaries for the Adelphi Road-UMGC-UMD Purple
 14 Line Station Area Sector Plan; and

15 WHEREAS, as part of the approved Public Participation Program, the Planning staff of
 16 the Maryland-National Capital Park and Planning Commission engaged a broad spectrum of
 17 stakeholders, including community leaders and residents, business and property owners,
 18 advocacy groups, nonprofit organizations, developers, as well as other municipal, County, State,
 19 and regional agencies; and

20 WHEREAS, on October 28, 2021, the Planning Board granted permission to print the
 21 Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan and its
 22 concurrent Proposed Sectional Map Amendment (SMA) and release those to the public; and

23 WHEREAS, the District Council and the Planning Board held a duly-advertised joint public
 24 hearing on the Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan
 25 and its concurrent Proposed Sectional Map Amendment on January 18, 2022; and

26 WHEREAS, pursuant to Section 27-645(b)(1) of the prior Zoning Ordinance, the County
 27 Executive and the District Council reviewed the Public Facilities and Transportation and
 28 Mobility elements of the Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area
 29 Sector Plan in order to identify inconsistencies between the proposed public and transportation
 30 facilities recommended within the preliminary Sector Plan and existing County or state public

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[Brackets] indicate language deleted from the Adopted Plan

1 and transportation facilities, as embodied in the District Council adopted CR-24-2022 on March
2 29, 2022; and

3 WHEREAS, on April 1, 2022, the provisions of the County's 2018 adopted Zoning
4 Ordinance took effect; and

5 WHEREAS, on April 7, 2022, pursuant to Section 27-3502(f)(3) of the Zoning Ordinance,
6 the Planning Board voted to accept into the public hearing record four pieces of testimony
7 received by the Clerk of the County Council after the close of the public hearing record at 5:00
8 pm on February 2, 2022 (Exhibits T-1 through T-4); and

9 WHEREAS, on April 7, 2022, the Prince George's County Planning Board held a public
10 work session to examine the analysis of testimony, transcripts of oral testimony provided at the
11 Joint Public Hearing (on January 18, 2022), and written testimonies (exhibits) contained within
12 the joint public hearing record; and

13 WHEREAS, on April 14, 2022, the Planning Board, in response to the public hearing
14 testimony, adopted the Preliminary Adelphi Road-UMGC-UMD Purple Line Station Area Sector
15 Plan with revisions in Prince George's County Planning Board Resolution of Plan Adoption
16 PGCPB No. 2022-41, and transmitted the adopted Sector Plan to the District Council on April
17 18, 2022; and

18 WHEREAS, on May 12, 2022, and May 31, 2022, respectively, the District Council held
19 duly advertised public work sessions, convened as the Committee of the Whole, to examine the
20 Planning Board adopting resolution, the analysis of testimony prepared by the staff, as well as
21 the array of exhibits and other testimony within the record of public hearing testimony; and

22 WHEREAS, after respective procedural and substantive presentations by legal counsel to
23 the Council and Planning Board staff, as well as questions and other discussion regarding the
24 record of hearing testimony for the adopted Sector Plan by members of the District Council, the
25 Committee of the Whole voted favorably on May 31, 2022 to direct staff to prepare a Resolution
26 of Approval of the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan; and

27 WHEREAS, on June 2, 2022, the Planning Board reviewed the amendments contained in
28 this resolution and transmitted their comments to the District Council; and

29 WHEREAS, upon approval by the District Council, the Adelphi Road-UMGC-UMD Purple
30 Line Station Area Sector Plan will amend the 2014 *Prince George's 2035 Approved General*

Underline indicates language added to the Adopted Plan

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1 *Plan* by defining the center classification and boundaries of the UMD West Center; and

2 WHEREAS, upon approval by the District Council, the Adelphi Road-UMGC-UMD
3 Purple Line Station Area Sector Plan will replace the 1989 *Approved Master Plan for Langley*
4 *Park-College Park-Greenbelt and Vicinity* for the portion of Planning Area 66 within the sector
5 plan boundaries; and

6 WHEREAS, upon approval by the District Council, the Adelphi Road-UMGC-UMD
7 Purple Line Station Area Sector Plan will amend the 2009 *Approved Countywide Master Plan of*
8 *Transportation, Formula 2040: Functional Master Plan for Parks, Recreation and Open Space,*
9 and the 2017 *Approved Resource Conservation Plan: A Countywide Functional Master Plan* for
10 the portion of Planning Area 66 within the sector plan boundaries; and

11 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
12 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
13 Regional District in Prince George's County, Maryland, that the 2022 Adelphi Road-UMGC-
14 UMD Purple Line Station Area Sector Plan as adopted by Planning Board and embodied within
15 the resolution adopted on April 14, 2022, PGCPB No. 2022-41, as set forth in Attachment A,
16 which is attached hereto and incorporated as if restated fully herein, be and the same is hereby
17 APPROVED, subject to the following, revisions, in accordance with express prescriptions of
18 law:

19 **REVISION NUMBER 1:**

20 On page 82, add a new Strategy NE 1.3 as follows:

21 NE 1.3: Maximize the forested buffer along Guilford Run.

22 a. Any new development should be designed to maximize buffers beyond one-hundred
23 (100) feet measured from the top of the bank on each side of the stream.

24 b. Amend applicable county codes to increase the minimum forest buffer requirements.

25 **REVISION NUMBER 2:**

26 On page 82, add a new Strategy NE 1.4: Acquire additional portions of properties to be
27 added to the Guilford Run Stream Valley Park (Conservation Area C).

28 **REVISION NUMBER 3:**

29 On page 82, add a new Strategy NE 1.5: Tree requirements associated with the Woodland
30 and Wildlife Habitat Ordinance should be fulfilled within the Guilford Run sub-watershed unless

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1 a receiving location is deemed unavailable pursuant to Section 25-122 of the Woodland and
 2 Wildlife Conservation Ordinance.

3 **REVISION NUMBER 4:**

4 On page 60, add a new Strategy TM 1.3: Coordinate with property owners to create a
 5 minimum street grid that facilitates the movement of vehicles, bikes, and people safely including
 6 road access off of Adelphi Road and Mowatt Lane as recommended in Table 7 and additional
 7 road access onto Campus Drive at or near its intersection with Presidential Drive. All streets
 8 should avoid impacting the Regulated Area of the Countywide Green Infrastructure Network.

9 **REVISION NUMBER 5:**

10 Revise Strategy TM 3.1 as follows:

11 TM 3.1: Provide primary access to 7500 Mowatt Lane by constructing new recommended street
 12 UC-201 (See Table 7. *Recommended Master Plan Transportation Complete and Green Streets*;
 13 and Map 19. *Master Plan of Transportation Complete and Green Street Recommendations*).

14 Replace the previously approved vehicular access on the southern side of the property with
 15 Shared-Use Path T-206. (See Map 20. *Recommended Bicycle and Pedestrian Facilities*), as far
 16 north on the parcel as possible, and outside the hundred (100) feet stream buffer recommended
 17 by Strategy NE 1.3(a), while still providing critical connectivity.

18 **REVISION NUMBER 6:**

19 Add new Strategy EP 1.4 to the Economic Prosperity Element of the plan as follows:

20 EP 1.4: Coordinate with UMD to update their UMD Facilities Master Plan 2011-2030 for the
 21 west portion of campus, in particular Parking Lot 1, to integrate transit-oriented development,
 22 sustainability, and stormwater management best practices.

23 **REVISION NUMBER 7:**

24 Delete the text of Strategy EP 2.2 entirely.

25 **REVISION NUMBER 8:**

26 Revise Map 10 and Table 19, to designate the following parcels in the Edge of the UMD
 27 West Local Transit Center:

- 28 a) 7604 Mowatt Lane (Parcel 30, Tax ID 2287050)
 29 b) 7601 Mowatt Lane (Parcel 31, Tax ID 4007274)
 30 c) Knox Road (Parcel 33, Tax ID 241171)

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1 Designate the Guilford Drive right-of-way abutting Parcel 33 in the Edge of the UMD West
 2 Local Transit Center. Revise all maps and tables that show the UMD West Local Transit Center
 3 Core and Edge accordingly.

4 **REVISION NUMBER 9:**

5 Adjust the transparency on Map 23. Proposed Amendments to the Countywide Green
 6 Infrastructure Network, so that the base map showing existing streets and buildings is visible.

7 **REVISION NUMBER 10:**

8 Add the property at 7604 Mowatt Lane (Tax Account 2287050) to Strategy LU 1.7.

9 BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate
 10 textual and graphical revisions to the Master Plan to correct identified errors, reflect updated
 11 information and revisions, and otherwise incorporate the changes reflected in this Resolution.

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

Underline indicates language added to the Adopted Plan

[Brackets] indicate language deleted from the Adopted Plan

Adopted this 7th day of June, 2022.

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: 

Calvin S. Hawkins, II
Chair

ATTEST:



Donna J. Brown
Clerk of the Council

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

2022 Legislative Session

Resolution No. CR-076-2022
Proposed by The Chair (by request—Planning Board)
Introduced by Council Members Harrison, Franklin, Turner, Glaros, Medlock, Streeter, Taveras
Co-Sponsors _____
Date of Introduction June 7, 2022

RESOLUTION

1 A RESOLUTION concerning
2 The Adelphi Road-UMGC-UMD Purple Line Station Area Sectional Map Amendment
3 For the purpose of approving, , with certain revisions herein that are based on the joint public
4 hearing record of testimony, as an Act of the County Council of Prince George’s County,
5 Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional
6 District in Prince George’s County, the *Adelphi Road-UMGC-UMD Purple Line Station Area*
7 *Sectional Map Amendment* (“SMA”), thereby setting forth and adopting detailed zoning
8 proposals for the Adelphi Road-UMGC-UMD Purple Line Station Area, generally comprised of
9 properties south of MD 193 (University Boulevard) and Campus Drive, east of the University
10 Hills Duck Pond Park, north of the College Heights Estates subdivision, and west of the Central
11 US 1 Corridor Sector, including portions of the Cities of College Park and Hyattsville,
12 respectively.

13 WHEREAS, upon approval by the District Council, this SMA will amend portions of the
14 Prince George’s County Zoning Map for the portion of Planning Area 66 within the Adelphi
15 Road-UMGC-UMD Purple Line Station Area; and

16 WHEREAS, on November 10, 2020, the County Council of Prince George’s County,
17 Maryland, sitting as the District Council, pursuant to Section 27-225.01.05(a)(1) of the prior
18 Zoning Ordinance and consistent with Section 27-3502(c)(2)(A) of the Zoning Ordinance,
19 adopted CR-123-2020, thereby authorizing initiation of a Sectional Map Amendment concurrent
20 with the initiation of the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan; and

1 WHEREAS, the boundaries of this Sectional Map Amendment are contiguous to those of
2 the Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan; and

3 WHEREAS, pursuant to Section 27-225.01.05(a)(1) of the prior Zoning Ordinance and
4 Section 27-3503(a)(2) of the Zoning Ordinance, this Sectional Map Amendment was prepared
5 and reviewed concurrently with the Adelphi Road-UMGC-UMD Purple Line Station Area
6 Sector Plan; and

7 WHEREAS, the District Council and the Prince George's County Planning Board of The
8 Maryland-National Capital Park and Planning Commission held a duly advertised joint public
9 hearing on January 18, 2022; and

10 WHEREAS, the Planning Board held a work session on April 7, 2022, to review comments
11 contained in the public hearing record and staff recommendations thereon; and

12 WHEREAS, pursuant to Section 27-3502(f)(3) of the Zoning Ordinance, the Planning
13 Board permitted the inclusion of four additional pieces of public testimony submitted after the
14 close of the joint public hearing record on February 2, 2022; and

15 WHEREAS, pursuant to Section 27-3502(f)(4) of the Zoning Ordinance, the Planning
16 Board adopted the concurrent Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan
17 on April 14, 2022, and, pursuant to this Section and Section 27-3503(b)(4) of the Zoning
18 Ordinance, adopted Resolution PGCPB No. 2022-42, endorsing the Adelphi Road-UMGC-UMD
19 Purple Line Station Area Sectional Map Amendment; and

20 WHEREAS, pursuant to Section 27-3502(f)(6) of the Zoning Ordinance, the Planning
21 Board transmitted the adopted sector plan and endorsed sectional map amendment to the District
22 Council; and

23 WHEREAS, on May 12, 2022, and May 31, 2022, respectively, the District Council held
24 public work sessions, sitting as the Committee of the Whole, to consider the record of public
25 hearing testimony and the Planning Board's recommendations embodied in PGCPB No. 2022-42
26 and, after discussion, voted to direct the Technical Staff to prepare a resolution of approval,
27 incorporating revisions based on the public record; and

28 WHEREAS, in accordance with the provisions of Title 25, Land Use Article, Maryland
29 Annotated Code, the Council, also considered and voted by supermajority on May 31, 2022, to

Underline indicates language added to the Endorsed SMA

[Brackets] indicate language deleted from the Endorsed SMA

1 approve the recommendations of the Planning Board within the Endorsed SMA as to one request
 2 submitted by a municipal corporation as to land within the Regional District in the County, as set
 3 forth in Attachment A to this Resolution, of which same hereby incorporated as if fully set forth
 4 herein.

5 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
 6 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
 7 Regional District in Prince George's County, Maryland, that the Adelphi Road-UMGC-UMD
 8 Purple Line Station Area Sectional Map Amendment, as endorsed on April 14, 2022, via the
 9 Prince George's County Planning Board's adoption of Resolution PGPCB No. 2022-42, be and
 10 the same and is hereby approved with the following revisions:

11 **REVISION 1:**

12 Add Zoning Change 9 to reclassify the parcel identified as #30 on Map 6 of the Endorsed
 13 SMA (at 7604 Mowatt Lane, Tax ID 2287050) to the Local Transit-Oriented, Edge (LTO-e)
 14 Zone. Delete from Zoning Change 4 and add Zoning Change 9 to Map 5.

15
 16 Add the following Zoning Change 9 justification statement:

17 This property is located within the Edge of the UMD West Local Transit Center. The Future
 18 Land Use Map in the Approved Adelphi Road-UMGC-UMD Purple Line Station Area Sector
 19 Plan recommends a mix of uses on this property (See Map 2. Future Land Use Map in the sector
 20 plan and Map 5: Zoning Change 3: RSF-65 to LTO-e, Zoning Change 4: NAC/RSF-65 to LTO-
 21 c, Zoning Change 5: RSF-65 to ROS, Zoning Changes 6 & 7: RSF-65 to RMF-20, Zoning
 22 Change 8: NAC/RSF-65 to LTOe/ROS, Zoning Change 9, RSF-65 to LTO-e, and Zoning
 23 Change 10: RSF-65 to LTO-e.

24
 25 This parcel currently contains a single-family home. This property was previously classified in
 26 the Residential, Single Family-65 (RSF-65) Zone; its adjacency to the University of Maryland
 27 campus and proximity to the Purple Line station and US 1 corridor makes it a prime location for
 28 allowing higher, transit-supportive densities through the recommended Local Transit-Oriented-
 29 Edge (LTO-e) Zone. See Strategies LU 1.4 and LU 1.6 in the Approved Adelphi Road-UMGC-

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1 UMD Purple Line Station Area Sector Plan for additional details.

2 **REVISION 2:**

3 Delete the parcel identified as #31 on Map 6 of the Endorsed SMA (at 7601 Mowatt Lane,
4 Tax ID 4007274) from Zoning Change 4. Update the maps and tables to show the retention of
5 the existing RSF-65 zone on this parcel.

6 **REVISION 3:**

7 Add Zoning Change 10 to reclassify the parcel identified as #33 on Map 6 of the Endorsed
8 SMA (at 7601 Mowatt Lane, Tax ID 4007274) from its current zone to the Local Transit-
9 Oriented, Edge (LTO-e) Zone. Delete from Zoning Change 4 and add Zoning Change 10 to Map
10 5.

11 Add the following Zoning Change 10 justification statement:

12 This property is located within the Edge of the UMD West Local Transit Center. The Future
13 Land Use Map in the Approved Adelphi Road-UMGC-UMD Purple Line Station Area Sector
14 Plan recommends a mix of uses on this property (See Map 2. Future Land Use Map in the sector
15 plan and Map 5: Zoning Change 3: RSF-65 to LTO-e, Zoning Change 4: NAC/RSF-65 to LTO-
16 c, Zoning Change 5: RSF-65 to ROS, Zoning Changes 6 & 7: RSF-65 to RMF-20, Zoning
17 Change 8: NAC/RSF-65 to LTOe/ROS, Zoning Change 9, RSF-65 to LTO-e, and Zoning
18 Change 10: RSF-65 to LTO-e.

19 The parcel currently consists the nine-story South Campus Commons apartment building at 6801
20 Preinkert Drive and the six-story Mowatt Lane Parking Garage on the University of Maryland,
21 College Park campus. The scale of this development is commensurate with that in the LTO
22 Zones. This property was previously classified in the Residential, Single Family-65 (RSF-65)
23 Zone, which is not reflective of the scale of existing development. See Strategies LU 1.4 and LU
24 1.7 in the Approved Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan for
25 additional details.

26 **REVISION 4:**

27 Revise Zoning Change 6 to reclassify the parcel identified as #34 on Map 6 of the Endorsed
28

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1 SMA (at 4141 Guilford Drive, Tax ID 2379410) from its current zone to the Residential,
2 Multifamily-20 (RMF-20) Zone.

3
4 Revise the justification statement on Zoning Change 6 as follows:

5 This property is located within the Edge of the UMD West Local Transit Center. The Future
6 Land Use Map in the [Adopted] Approved Adelphi Road-UMGC-UMD Purple Line Station
7 Area Sector Plan recommends a mix of uses on this property (See Map 2. *Future Land Use Map*
8 in the sector plan and Map 5: Zoning Change 3: NAC/RSF-65 to LTO-e, Zoning Change 4:
9 NAC/RSF-65 to LTO-c, Zoning Change 5: RSF-65 to ROS, Zoning Changes 6 & 7: RSF-65 to
10 [LTO-e]RMF-20, [and]Zoning Change 8: NAC/RSF-65 to LTO-e/ROS, Zoning Change 9, RSF-
11 65 to LTO-e, and Zoning Change 10: RSF-65 to LTO-e above).

12
13 The parcel currently consists of a place for worship. This property is currently classified in the
14 Residential, Single Family-65 (RSF-65) Zones; its adjacency to the University of Maryland
15 campus and proximity to the Purple Line station and US 1 corridor makes it a prime location for
16 allowing higher, transit-supportive densities through the recommended [Local Transit-Oriented-
17 Edge (LTO-e)] Residential, Multifamily-20 (RMF-20) Zone. See Strategies LU 1.4 and LU 1.7
18 in the [Adopted]Approved Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan for
19 additional details.

20 **REVISION 5:**

21 Revise Zoning Change 7 to reclassify the parcel identified as #35 on Map 6 of the Endorsed
22 SMA parcel #35 (at 4201 Guilford Drive, Tax ID 2347151) from its current zone to the
23 Residential, Multifamily-20 (RMF-20) Zone.

24
25 Revise the justification statement on Zoning Change 7 as follows:

26 This property is located within the Edge of the UMD West Local Transit Center. The Future
27 Land Use Map in the [Adopted] Approved Adelphi Road-UMGC-UMD Purple Line Station
28 Area Sector Plan recommends a mix of uses on this property (See Map 2. *Future Land Use Map*
29 in the sector plan and Map 5: Zoning Change 3: NAC/RSF-65 to LTO-e, Zoning Change 4:

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1 *NAC/RSF-65 to LTO-c, Zoning Change 5: RSF-65 to ROS, Zoning Changes 6 & 7: RSF-65 to*
 2 *[LTO-e]RMF-20, [and]Zoning Change 8: NAC/RSF-65 to LTO-e/ROS, and Zoning Change 10:*
 3 *RSF-65 to LTO-e above).*

4
 5 The parcel currently consists of a place for worship. This property is classified in the Residential,
 6 Single Family-65 (RSF-65) Zone; its adjacency to the University of Maryland campus and
 7 proximity to the Purple Line station and US 1 corridor makes it a prime location for allowing
 8 higher, transit-supportive densities through the recommended [Local Transit-Oriented-Edge
 9 (LTO-e)] Residential, Multifamily-20 (RMF-20) Zone. See Strategies LU 1.4 and LU 1.7 in the
 10 [Adopted]Approved Adelphi Road-UMGC-UMD Purple Line Station Area Sector Plan for
 11 additional details.

12 **REVISION 6:**

13 Revise all maps and tables to reflect the revisions in this Resolution.

14 BE IT FURTHER RESOLVED that, in accordance with the prescriptions of Title 25, Land
 15 Use Article, the one zoning request submitted by a municipal corporation concerning the portion
 16 of a property within that municipality with an address known as “7500 Mowatt Lane, College
 17 Park, Maryland,” as set forth in Attachment A hereto and incorporated herein by reference, be
 18 and the same is hereby DENIED, consistent with the respective recommendations of the Prince
 19 George’s County Planning Board in the Endorsed SMA via adoption of PGCPB No. 2022-42.

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

23 BE IT FURTHER RESOLVED that the provisions of this Resolution are hereby declared to
 24 be severable; and, in the event that any zoning map revision, section, subsection, paragraph,
 25 subparagraph, sentence, clause, phrase, or word of this Resolution is declared invalid or
 26 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
 27 not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
 28 subsections, sections, or zoning map revisions of this Resolution, since the same would have
 29 been enacted without the incorporation of this Resolution of any such invalid or unconstitutional

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1 word, phrase, clause, sentence, paragraph, subparagraph, subsection, section, or zoning map
2 revision.

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

Adopted this 7th day of June, 2022.

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: 

Calvin S. Hawkins, II
Chair

ATTEST:



Donna J. Brown
Clerk of the Council

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Prince George's County Planning Department
Community Planning Division

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org
301-952-3972

July 20, 2022

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

VIA: Andree Green Checkley, Planning Director, Prince George's County Planning Department
Derick Berlage, AICP, Acting Deputy Planning Director of Operations **DB**
Kipling Reynolds, AICP, Division Chief, Community Planning Division *kee*
Kierre McCune, Planning Supervisor, Master Plans and Studies Section, Community Planning Division **KM**
Scott Rowe, AICP, CNU-A, Planner IV, Master Plans and Studies Section, Community Planning Division *BSR*

FROM: Thomas Lester, Planner III, Master Plans and Studies Section, Community Planning Division *TEL*

SUBJECT: **The Maryland-National Capital Park and Planning Commission Resolution M-NCPPC No. 22-30 to certify the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan.***

Attached for your review and approval is the draft Full Commission Resolution M-NCPPC No. 22-30 to certify the *Approved Bowie-Mitchellville and Vicinity Master Plan*; a draft Certificate of Adoption and Approval; and a copy of the *Preliminary Bowie-Mitchellville and Vicinity Master Plan*. The approved plan consists of the preliminary master plan; the Prince George's County Planning Board Resolution of Adoption PGCPB No. 2021-142 dated December 16, 2021; and the Prince George's County Council Resolution CR-018-2022 as amended dated March 8, 2022.

RECOMMENDATION

Staff recommends that the Full Commission approve Resolution M-NCPPC No. 22-30, and the Certificate of Adoption and Approval.

Attachments:

1. Full Commission Resolution M-NCPPC No. 22-30
2. Draft Certificate of Adoption and Approval
3. [2021 Preliminary Bowie-Mitchellville and Vicinity Master Plan](#) *(not attached - please follow link)*
4. [Prince George's County Planning Board Resolution of Adoption No. 2021-142](#) *(not attached - please follow link)*
5. [Prince George's County Resolution CR-018-2022](#)

M-NCPPC No. 22-30

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Code of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend, and add to a General Plan for physical development of the Maryland-Washington Regional District; and

WHEREAS, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission, held a duly advertised joint public hearing with the Prince George’s County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Prince George’s County, on October 4, 2021, to consider the *Preliminary Bowie-Mitchellville and Vicinity Master Plan*, being also a replacement for the 2006 *Approved Master Plan for Bowie and Vicinity* and the 2010 *Approved Bowie State MARC Station Sector Plan*, and an amendment to the 2014 *Plan Prince George’s 2035 Approved General Plan*, the 2009 *Approved Countywide Master Plan of Transportation*, and the 2014 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, for Planning Areas 71A, 71B, 74A and 74B; and

WHEREAS, the Prince George’s County Planning Board on December 16, 2021, after due deliberation and consideration of the public hearing testimony, adopted the master plan with amendments, as described in the Prince George’s County Planning Board Resolution PGCPB No. 2021-142, and transmitted to the District Council on January 10, 2022; and

WHEREAS, the Prince George’s County Council, convened as the Committee of the Whole, held two work sessions on January 24, 2022 and February 17, 2022, to consider hearing testimony and the Planning Board Resolution; and

WHEREAS, the Prince George’s County Planning Board provided comments on March 4, 2022 regarding the draft District Council Resolution CR-018-2022 transmitted to the Planning Board on March 1, 2022; and

WHEREAS, upon consideration of the testimony received through the hearing process, and comment from the Planning Board, the District Council on March 8, 2022, determined that the adopted plan should be approved as the master plan for Bowie-Mitchellville and Vicinity for Prince George’s County, Maryland, subject to the modifications and revisions set forth in Resolution CR-018-2022; and

WHEREAS, on April 20, 2022, the Commission approved Resolution 2022-05 with the intention of adopting the master plan approved by the District Council for Bowie-Mitchellville and Vicinity, but

which Resolution contained certain omissions to be corrected by rescinding Resolution 2022-05 and adopting the master plan as provided for herein;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby adopt said master plan for Bowie-Mitchellville and Vicinity as an amendment to the General Plan for physical development of the Maryland-Washington Regional District within Prince George’s County as approved by the Prince George’s County District Council in the attached Resolution CR-018-2022; and

BE IT FURTHER RESOLVED, that the Recitals are hereby incorporated into this Resolution by references; 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, and X and Commissioner X being absent, at its regularly held meeting on April 20, 2022 virtually in Riverdale and Wheaton, Maryland.

Asuntha Chiang-Smith
Executive Director

APPROVED FOR LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: July 6, 2022

CERTIFICATE OF ADOPTION AND APPROVAL

This 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* supersedes the 2006 *Approved Master Plan for Bowie and Vicinity for Planning Areas 71A, 71B, 74A, and 74B* and the 2010 *Approved Bowie State MARC Station Sector Plan* and amends the 2014 *Plan Prince George's 2035 Approved General Plan*, the 2009 *Approved Countywide Master Plan of Transportation*, and the 2014 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, for Planning Areas 71A, 71B, 74A and 74B within the Master Plan boundaries. The Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the master plan by Resolution No. 2021-142 on December 16, 2021. The Prince George's County Council approved the master plan by Resolution No. CR-18-2022 on March 8, 2022, after a duly advertised joint public hearing held on October 4, 2021.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Casey Anderson
Chairman

Peter A. Shapiro
Vice Chairman

Gavin Cohen, CPA
Secretary-Treasurer

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2022 Legislative Session

Resolution No. CR-018-2022

Proposed by Council Members Davis and Turner

Introduced by Council Members Turner, Davis, Harrison, Franklin, and Hawkins

Co-Sponsors _____

Date of Introduction March 8, 2022

RESOLUTION

1 A RESOLUTION concerning

2 The Bowie-Mitchellville and Vicinity Master Plans

3 For the purpose of approving, with certain revisions herein that are based on the joint public
4 hearing record of testimony, as an Act of the County Council of Prince George's County, sitting
5 as the District Council for that part of the Maryland-Washington Regional District in Prince
6 George's County, the Bowie-Mitchellville and Vicinity Master Plan, approving therein a new
7 vision to guide future growth and redevelopment for Planning Areas 71A (Bowie and Vicinity),
8 71B (City of Bowie), 74A (Mitchellville and Vicinity), and 74B (Collington and Vicinity); an
9 area generally defined by the Patuxent Research Refuge to the north, MD 193 (Enterprise
10 Road/Watkins Park Drive) to the west, Leeland Road/Queen Anne Road to the south, and the
11 Patuxent River to the east, including the entire City of Bowie and the portions of the
12 unincorporated communities of Mitchellville and Collington. The Master Plan includes the Plan
13 Prince George's 2035 (Plan 2035)-designated Bowie Local Town Center and Bowie State
14 University MARC Campus Center, Old Town Bowie, the Collington Local Employment Area,
15 and the MD 450, MD 197, and US 301/MD 3 corridors.

16 **WHEREAS**, on February 18, 2020, the County Council of Prince George's County,
17 Maryland, sitting as the District Council, adopted Council Resolution No. CR-5-2020, thereby
18 directing the initiation and preparation of a new master plan by the Planning Board of the
19 Maryland-National Capital Park and Planning Commission to amend the 2014 General Plan,
20 *Plan Prince George's 2035*, by defining the boundaries of the Bowie Local Town Center, the
21 Bowie State University MARC Campus Center, and the Rural and Agricultural Area and County

1 Growth Boundary; replacing the 2006 *Master Plan for Bowie and Vicinity*, and the 2010 *Bowie*
2 *State MARC Station Sector Plan* in their entirety; and

3 **WHEREAS**, this Master Plan does not include a concurrent sectional map amendment;
4 accordingly, zoning for properties within the Master Plan area will remain the same upon
5 approval of this Master Plan; and

6 **WHEREAS**, the District Council, by way of its adoption of CR-5-2020, and pursuant to
7 the prescriptions of Sections 27-641 and 27-643 of the County Zoning Ordinance, also endorsed
8 Goals, Concepts, Guidelines and a Public Participation Program to guide the preparation of the
9 plan, and to establish master plan area boundaries for the Bowie-Mitchellville and Vicinity
10 Master Plan area; and

11 **WHEREAS**, as part of the approved Public Participation Program, the Planning staff of
12 the Maryland-National Capital Park and Planning Commission held numerous community
13 meetings with a broad spectrum of stakeholders, including community leaders and residents,
14 business and property owners, nonprofit organizations, developers, as well as other municipal,
15 County, State, and regional agencies; and

16 **WHEREAS**, on July 29, 2021, the Planning Board granted permission to print the
17 Preliminary Bowie-Mitchellville and Vicinity Master Plan and release it to the public; and

18 **WHEREAS**, the District Council and the Planning Board held a duly-advertised joint
19 public hearing on the Preliminary Bowie-Mitchellville and Vicinity Master Plan on October 4,
20 2021; and

21 **WHEREAS**, pursuant to Section 27-645(b) of the Zoning Ordinance, the County Executive
22 and the District Council reviewed the Public Facilities and Transportation and Mobility elements
23 of the Preliminary Bowie-Mitchellville and Vicinity Master Plan in order to identify
24 inconsistencies between the proposed public and transportation facilities recommended within
25 the preliminary Master Plan and existing County or state public and transportation facilities, as
26 embodied in CR-134-2021; and

27 **WHEREAS**, on December 9, 2021, the Planning Board held a public work session to
28 consider the transcript and testimony analysis compiled from comments received in the October
29 4, 2021, joint public hearing record and in written testimony received prior to the close of the
30 public record on October 19, 2021, and staff recommendations thereon; and

31 **WHEREAS**, on December 16, 2021, the Planning Board, in response to the public hearing

1 testimony, adopted the Bowie-Mitchellville and Vicinity Master Plan with revisions in Prince
2 George's County Planning Board Resolution PGCPB No. 2021-142, and transmitted the adopted
3 Master Plan to the District Council on January 10, 2022; and

4 **WHEREAS**, on January 25, 2022, and February 17, 2022, respectively, the District
5 Council held duly advertised public work sessions, convened as the Committee of the Whole, to
6 examine the Planning Board adopting resolution, the analysis of testimony prepared by the staff,
7 as well as the array of exhibits and other testimony within the record of public hearing testimony;
8 and

9 **WHEREAS**, after respective procedural and substantive presentations by legal counsel to
10 the Council and Planning Board staff, as well as questions and other discussion regarding the
11 record of hearing testimony for the adopted Master Plan by members of the District Council, the
12 Committee of the Whole voted favorably on February 17, 2022, to direct staff to prepare a
13 Resolution of Approval of the Bowie-Mitchellville and Vicinity Master Plan; and

14 **WHEREAS**, on March 3, 2022, the Planning Board reviewed the revisions contained in
15 this resolution and transmitted their comments to the District Council; and

16 **WHEREAS**, upon approval by District Council, this Master Plan will amend the 2014
17 General Plan, *Plan Prince George's 2035*, by defining the boundaries of the Bowie Local Town
18 Center, Bowie State University MARC Campus Center, the Rural and Agricultural Area and the
19 County Growth Boundary; and it will replace the 2006 *Master Plan for Bowie and Vicinity* and
20 the 2010 *Bowie State MARC Station Sector Plan* in their entirety; and

21 **WHEREAS**, upon approval by the District Council, the Bowie-Mitchellville and
22 Vicinity Master Plan will amend the 2009 *Countywide Master Plan of Transportation* and 2013
23 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space* for Planning
24 Areas 71A, 71B, 74A, and 74B.

25 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Prince George's
26 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
27 Regional District in Prince George's County, Maryland, that the 2022 Bowie-Mitchellville and
28 Vicinity Master Plan as adopted by Planning Board and embodied within the resolution adopted
29 on December 16, 2021, PGCPB No. 2021-142, as set forth in Attachment A, which is attached
30 hereto and incorporated as if restated fully herein, be and the same is hereby APPROVED,

1 subject to the following, non-substantive revisions, in accordance with express prescriptions of
2 law:

3 **REVISION NUMBER 1:**

4 **DESIGNATION OF THE BOWIE LOCAL TOWN CENTER BOUNDARY**

- 5 • **Digest of Testimony:** Item Nos. 32, 37, 47, 52, 58, and 59; Exhibits 4, and 29, and Speaker
6 7
- 7 • **Plan Elements:** Land Use (LU 5, LU 21), and Comprehensive Zoning (CZ 4 and CZ 5)
- 8 (a) Amend Strategy LU 5.4 as follows:
- 9 **LU 5.4:** Remove [all] certain properties east of US 301 (Robert Crain Highway) south of
10 US 50/US 301 (John Hanson Highway) from the Bowie Local Town Center and put into
11 the Established Communities policy area, so that limited mixed-use redevelopment ₂ [can
12 be concentrated west of the future F-10 freeway and] automobile-oriented and service
13 uses can be located east of the freeway (see CZ 4.1[, 4.2, and 4.3]; Map 25. Plan 2035
14 Growth Policy Map Amendments; and Appendix B. Plan 2035 and Functional Master
15 Plan Amendments).
- 16 (b) Update Table 12. CZ 4.1 Zoning Recommendations-East of Bowie Local Town Center
17 in the Comprehensive Zoning chapter, accordingly.
- 18 (c) Revise Strategy **LU 5.5** In Map 15. Future Land Use, recommend Commercial,
19 Residential Medium-High, or Residential Low Land Uses east of US 301 (Robert Crain
20 Highway) south of US 50/301 (John Hanson Highway) on the properties removed from
21 Bowie Local Town Center to [strongly discourage] limit mixed-use development outside
22 of the Bowie Local Town Center.
- 23 (d) Revise Strategy LU 21.1 as follows:
- 24 **LU 21.1:** As US 301 is upgraded to a limited-access freeway (F-10), concentrate retail
25 and service commercial development on the west side of planned interchanges at Leeland
26 Road[,] and MD 214[, and MD 197] to reduce the burden on existing infrastructure and
27 conserve sensitive environments, such as woodland, wetlands, and farmland. Discourage
28 commercial land use elsewhere along the corridor.
- 29 (e) Update Map 16. Future Land Use and any other associated Tables, Appendices, and/or
30 Comprehensive Zoning policies in the plan, as appropriate, to reflect approved changes.
31 (See Attachment A, Amended Bowie Local Town Center Boundary Map).

REVISION NUMBER 2:

3600, 3702, AND 3900 CHURCH ROAD BOWIE, MARYLAND

- **Property Description:** Freeway Airport Property/Freeway Realty, LLC
 - **Map/Parcel:** Tax Map 54/Parcels 7, 49, 50, 51, 57, 58, 59, and 60
 - **Tax ID/Account:** 0801258, 0801357, 0801290, 0801340, 0801241, 0801274, 0801233, 0801282, and 0728741
 - **Digest of Testimony Major Issue #4**
 - **Plan Elements:** Land Use (LU 3), and Comprehensive Zoning (CZ 3)
- (a) Revise LU 3.1, by substituting the following language for Strategy LU 3.1, under Land Use Policy 3:
- LU 3.1:** Should Freeway Airport be unable to redevelop pursuant to Preliminary Plan of Subdivision 4-20006, and should it cease operation as an airport, the properties located at 3600, 3702, and 3900 Church Road (Tax ID 0801258, 0801357, 0801290, 0801340, 0801241, 0801274, 0801233, 0801282, and 0728741) should be redeveloped with medium-density single-family, attached or detached, housing [appropriate for its Agricultural-Residential (AR) zoning at densities not to exceed 0.5 dwelling units per acre.] Uses other than aviation, single-family attached or detached housing, or rural or agricultural uses do not conform with this master plan. Map 16, Future Land Use, designates this property in the [Rural and Agricultural] Residential Medium land use category.
- (b) Add a new Strategy CZ 3.3, under Comprehensive Zoning Policy 3, as follows:
- CZ 3.3** Reclassify the properties located at 3600, 3702, and 3900 Church Road (Tax ID 0801258, 0801357, 0801290, 0801340, 0801241, 0801274, 0801233, 0801282, and 0728741) known as Freeway Airport to the RSF-A (Residential, Single-Family-Attached) Zone.
- (c) Revise Map 16. Future Land Use to reflect Residential Medium land use for the subject properties, Table 35. Land Use Implementation Matrix with updated text for LU 3.1, and associated Appendices, as appropriate, to reflect approved changes. (See Attachment B, 3600/3702/3900 Church Road Map (Freeway Airport Properties)).

REVISION NUMBER 3:

12205, 12105 ANNAPOLIS ROAD/5015 ENTERPRISE ROAD, BOWIE, MARYLAND

1 **Property Description:** Hawkins Property/Frank’s Nursery, located at the Southeast quadrant of
2 the intersection of MD 193 and MD 450

3 **Map/Parcel:** Tax Map 45/Parcels 5, 118, and 123

4 **Tax ID/Account:** Tax ID 0733741, 0733782, and 0817676

5 **Digest of Testimony** Item No. 26, Exhibit 17

6 **Plan Elements:** Land Use (LU 3) and Comprehensive Zoning (CZ 3)

7 (a) Revise Policy **LU 18** regarding under MD 450 Corridor as follows **LU 18:** Create
8 strategic opportunities for infill [single-family housing] commercial land use along MD
9 450, served by existing infrastructure[rather than greenfields].

10 (b) Revise strategy LU 18.1 regarding Frank’s Nursery’s land as follows

11 **LU 18.1:** Redevelop the former Frank’s Nursery property at 12205 and 12105 Annapolis
12 Road (Tax ID 0733741 and 0733782) and 5015 Enterprise Road (Tax ID 0817676) into
13 [single-family housing pursuant to its RE (Residential Estate) zoning] commercial land
14 use. Map 16. Future Land Use, designates this property in the [Residential Low]
15 Commercial land use category.

16 (c) Add a new Strategy CZ 3.2 to Comprehensive Zoning Policy 3, as follows:

17 **CZ 3.2:** Reclassify the property known as Frank’s Nursery property located at 12205 and
18 12105 Annapolis Road (Tax ID 0733741 and 0733782) and 5015 Enterprise Road (Tax ID
19 0817676) to the CGO (Commercial, General, Office) Zone to support the recommended
20 commercial development.

21 (d) Update Map 16. Future Land Use Map and associated Appendices, as appropriate, to reflect
22 approved changes. (See Attachment C. 12205/12105 Annapolis Road/5015 Enterprise
23 Road Map (Hawkins Property/Frank’s Nursery)).

24 **REVISION NUMBER 4:**

25 **6513, 6517 NE ROBERT CRAIN HWY, BOWIE, MARYLAND**

26 • **Property Description:** TMC 450 LLC/KHM ROUTE 3 LLC Property, located between the
27 northbound and southbound lanes of MD 3 (Robert Crain Highway), just south of the
28 intersection of MD 3with MD 450 (Annapolis Road).

29 • **Map/Parcel:** Tax Map 38/Parcels 4, 78, and 79

30 • **Tax Account/ID:** 0822239, 5635696 and 5635708

31 • **Digest of Testimony** Item No. 29; Exhibit 23

REVISION NUMBER 6:**1800 MITCHELLVILLE ROAD/1808 CRAIN HIGHWAY (BLAKE PROPERTIES)**

- **Property Description:** 1800 Mitchellville Road/1808 NE Robert Crain Highway, Bowie, Maryland (Blake Properties)
- **Tax Account/ID:** 0679738 and 0679746
- **Map/Parcel:** Tax Map 63/Parcels 81 and 82
- **Digest of Testimony** Item No. 57; Speaker Number 10
- **Plan Elements:** Land Use LU 3 and Comprehensive Zoning (CZ 3)
 - (a) Add a new strategy under Land Use Policy 3 as follows: LU 3.X In Map 16. Future Land Use, designate the properties located 1800 Mitchellville Road/1808 NE Robert Crain Highway (Tax IDs 0679738 and 0679746) as Commercial land use.
 - (b) Add a new Strategy under Comprehensive Zoning Policy 3—to recommend this property to the CS (Commercial Service) Zone.
 - (c) Revise Map 16. Future Land Use, to recommend this property for Commercial land use.
 - (d) Make associated revisions to Maps and Appendices, as appropriate, to reflect the approved designations for Commercial development at these properties. (See Attachment F, 1800/1808 Robert Crain Highway Map (Blake Properties)).

REVISION NUMBER 7:**GOVERNOR BRIDGE ROAD BRIDGE REPLACEMENT PROJECT**

- **Digest of Testimony** County CIP Item; DPWT No. 4.66.0038
- **Plan Elements:** Transportation and Mobility Element (TM 12.4)
 - (a) Add a new Strategy TM 12.4 to Transportation and Mobility Policy 12, as follows:
 - TM 12.4:** Construct a replacement for the Governor’s Bridge Road bridge (Historic Site PG:74B-001) over the Patuxent River. Explore the feasibility of preservation and adaptive reuse of the existing historic bridge structure.
 - (b) Make associated revision to Appendices.

REVISION NUMBER 8:**BOWIE LOCAL TOWN CENTER NEW ROADWAYS**

- **Digest of Testimony** Item No. 102; Exhibit 4
- **Plan Elements:** Transportation and Mobility (TM 16)
 - (a) Revise the text of Strategies TM 16.2, TM 16.3, and TM 16.4 within Policy 16 of the

1 Transportation and Mobility Element of the master plan to add the phrase, “if determined
2 to be feasible at the time of redevelopment,” before the word “construct”.

3 **REVISION NUMBER 9:**

4 **FUTURE ROADWAY BETWEEN MD 197 AND MD 424 NEAR BOWIE STATE**

5 **UNIVERSITY**

6 • **Digest of Testimony** Item No. 74; Exhibit 4

7 • **Plan Elements:** Transportation and Mobility (TM 29)

8 (a) Add a new strategy TM 29.X to Policy TM 29 of the Transportation and Mobility element
9 of the plan to explore the feasibility of adding a future roadway between MD 197 and MD
10 424.

11 **REVISION NUMBER 10:**

12 **FUTURE INTERCHANGE ON ALONG US 50 BETWEEN MD 704 AND MD 197**

13 • **Digest of Testimony** Item No. 78; Exhibit. 4, (PGCPB Res. No. 2021-142, Amendment No.
14 48)

15 • **Plan Elements:** Transportation and Mobility (TM 29)

16 (a) Delete [TM 29.11 Maintain the plan’s recommended land use and regional traffic pattern
17 by not constructing any interchanges on US 50 (John Hanson Highway) between MD 704
18 (Martin Luther King, Jr. Highway) and MD 197 (Collington Road).]

19 Replace strategy TM 29.11 under Policy TM 29 of the Transportation and Mobility element of
20 the plan for the Maryland Department of Transportation (MDOT) to explore the feasibility of
21 adding a future interchange along US 50 between MD 704 and MD 197.

22 **REVISION NUMBER 11:**

23 **MD 450/MD 3 INTERSECTION**

24 • **Digest of Testimony:** Item No. 117; Exhibit No. 4

25 • **Plan Elements:** Transportation and Mobility (TM 29.1, TM 29.6, TM 29.7, TM 29.8, TM
26 29.9)

27 (a) Revise Strategy 29.1 of Transportation and Mobility Policy 29, as follows:

28 **TM 29.1:** Construct a limited access freeway (F10) to carry US 301/MD 3 traffic
29 from Charles County [to Belair Drive interchange in Bowie] to Anne Arundel
30 County. This freeway should be constructed generally within and to the east of the
31 current northbound right-of-way of US 301.

1 (b) Delete entirely the text of Strategies TM 29.6, TM 29.7, TM 29.8, and TM 29.9,
2 respectively.

3 • [TM 29.6 Amend the Countywide Master Plan of Transportation (MPOT) to
4 truncate F-10 at the north end of its interchange with Belair Drive.]

5 • [TM 29.7 Reclassify MD 3 (Robert Crain Highway) as an expressway north of
6 this point.]

7 • [TM 29.8 Delete P-304, a proposed primary road that was intended to provide
8 access to properties along existing southbound MD 3 were F-10 constructed, from
9 the MPOT.]

10 REVISION NUMBER 12:

11 NATURAL ENVIRONMENT FUNDING COSTS

12 • **Digest of Testimony** Item No. 4

13 • **Plan Elements:** Natural Environment (NE 4.3)

14 Strike entirely the text of Strategy NE 4.3 [Increase City of Bowie's Funding for the Emerald
15 Ash Tree Borer Abatement Program.] within Policy 4 of the Natural Environment

16 REVISION NUMBER 13:

17 BOWIE GATEWAY RECREATION

18 • **Digest of Testimony** Item Nos. 150, 151, 152, 161; Exhibit 4; (PGCPB Res. No. 2021-142,
19 Amendment No. 58)

20 • **Plan Elements:** Economic Prosperity; Healthy Communities (HC 4.1, 6.2); Public Facilities
21 (PF 9.1)

22 (a) Add a text box in the Economic Prosperity Element of the master plan that acknowledges
23 the potential to coordinate and market the MD 3/US 301 corridor as a regional sports,
24 entertainment, and recreation corridor, referencing the opportunities created by existing
25 and proposed facilities including Whitemarsh Park, Prince George's Stadium, Green
26 Branch Regional Park, and Liberty Sports Park.

27 (b) Revise the text of Strategy HC 4.1 within Healthy Communities Policy 4, as follows:

28 **HC 4.1:** Add active outdoor recreation infill uses from Bowie Gateway (in Bowie Local
29 Town Center) to Prince George's Stadium (in the Established Communities) (see PF 9.1).

30 The City of Bowie should evaluate the feasibility and desirability of recreation and
31 wellness activities on City-owned property.

1 (c) Revise the text of Strategy PF 9.1 within the Public Facilities Policy 9, as follows:

2 **PF 9.1:** Determine the feasibility of creating a linear active recreation park from Bowie
 3 Gateway (in Bowie Local Town Center) to Prince George’s Stadium (in the Established
 4 Communities), including a pedestrian crossing of the F-10 freeway. This park [should]
 5 could include playgrounds, shared-use paths, exercise equipment, and other outdoor
 6 recreation uses, such as a climbing wall. This park [should] could include city-owned
 7 parcels at 16401 Harbour Way (Tax ID 0818773), 4220 Robert Crain Highway (Tax ID
 8 0818765), and 4400 Mitchellville Road (Tax ID 2976868) , if so desired by the City of
 9 Bowie, and a privately-owned parcel east of US 301 (Tax ID 3149275) (see Figure 2.
 10 Bowie Gateway Concept Plan and Table 33. Recommended Parks, Recreation, and Open
 11 Space Improvements).

12 **REVISION NUMBER 14:**

13 **CHURCH ROAD RECREATION FACILITY**

- 14 • **Property Description:** 4151 Church Road, Bowie, Maryland
- 15 • **Tax Map/Parcel:** Tax Map 54/Parcel 78
- 16 • **Digest of Testimony** Item No. 158, Exhibit No. 4 (PGCPB Res. No. 2021-142 Amendment
 17 No. 61)
- 18 • **Plan Elements:** Public Facilities (PF 7.2)
- 19 (a) Amend/restore Strategy 7.2 within Policy 7 of the Public Facilities Element of the master
 20 plan concerning construction of a recreation facility at 4151 Church Road (Tax ID
 21 3665791), Bowie, MD, to provide for future recreational opportunities, upon appropriate
 22 review by the City of Bowie.
- 23 (b) Update Table 33 and Table 42, as well as Map 49, accordingly.

24 **BE IT FURTHER RESOLVED** that the planning staff is authorized to make appropriate
 25 textual and graphical revisions to the Master Plan to correct identified errors, reflect updated
 26 information and revisions, and otherwise incorporate the changes reflected in this Resolution.

27 **BE IT FURTHER RESOLVED** that the provisions of this Resolution are severable. If any
 28 provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid,
 29 unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or
 30 unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses,
 31 sections, zones, zoning maps, or parts hereof or their application to other zones, persons, or

1 circumstances. It is hereby declared to be the legislative intent that this Resolution would have
2 been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence,
3 clause, section, zone, zoning map, or part had not been included therein.

Adopted this 8th day of March, 2022.

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: 

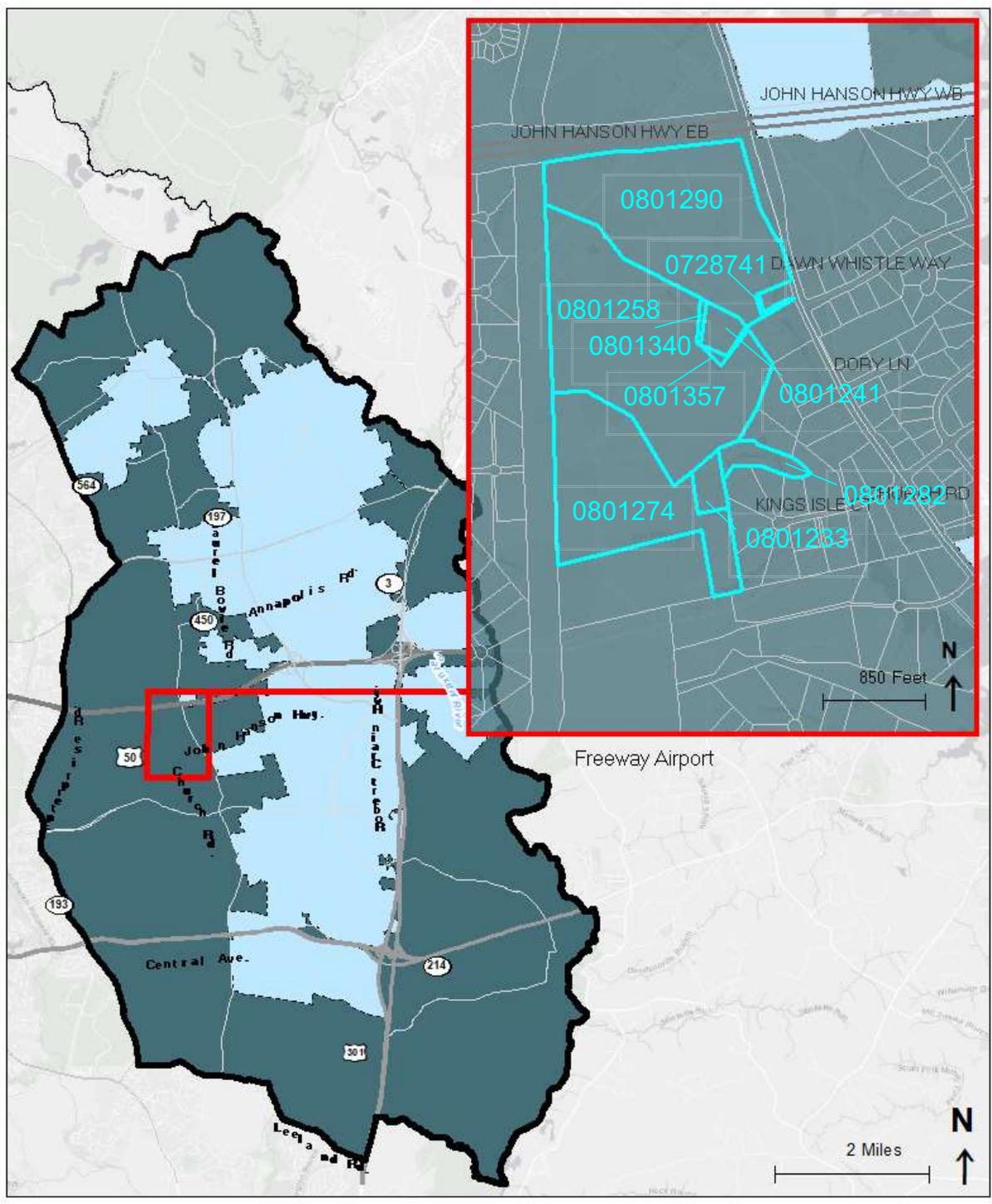
Calvin S. Hawkins, II
Chair

ATTEST:

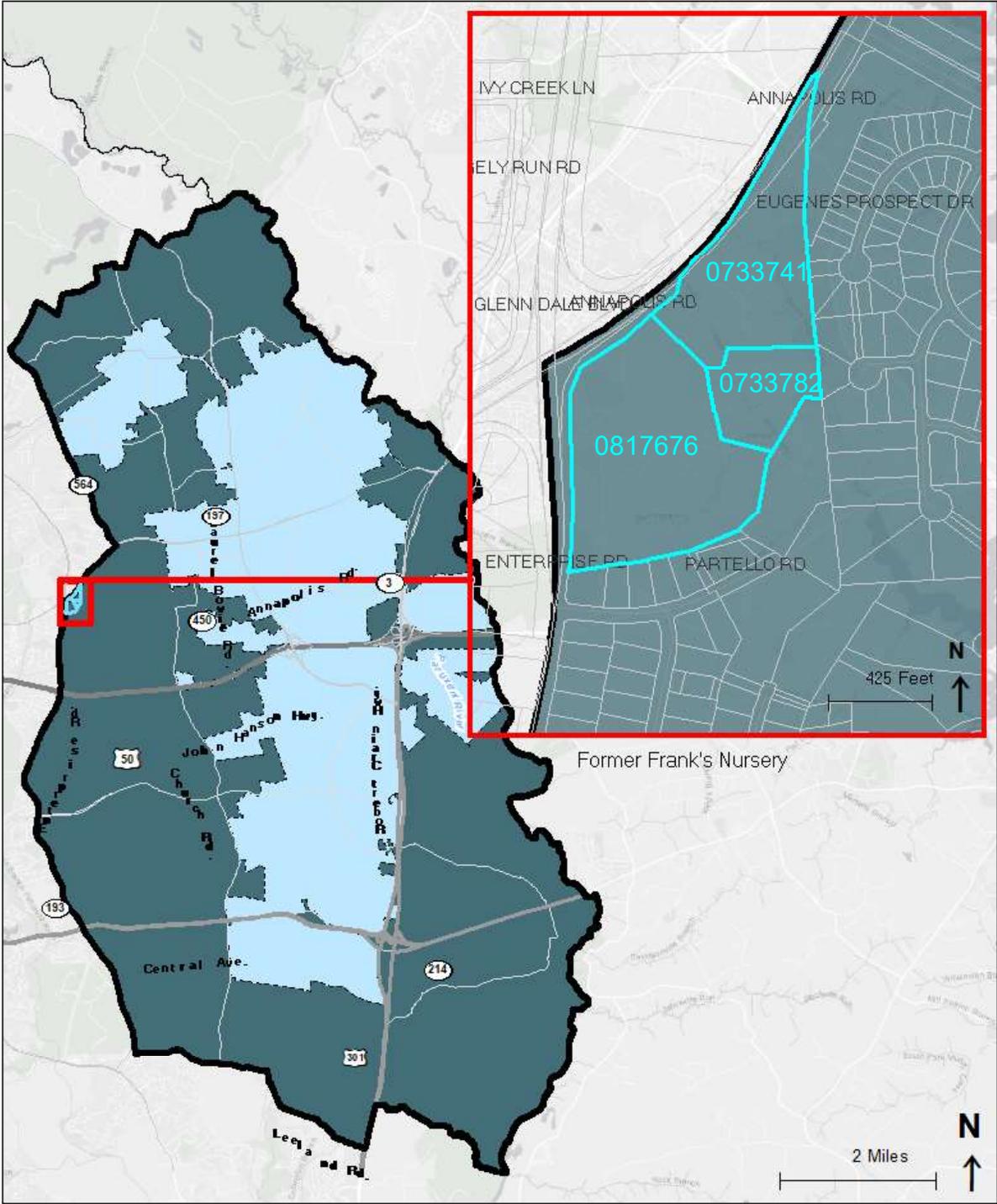


Donna J. Brown
Clerk of the Council

Attachment B. Map 1. 3600/3702/3900 Church Road (Freeway Airport Properties)

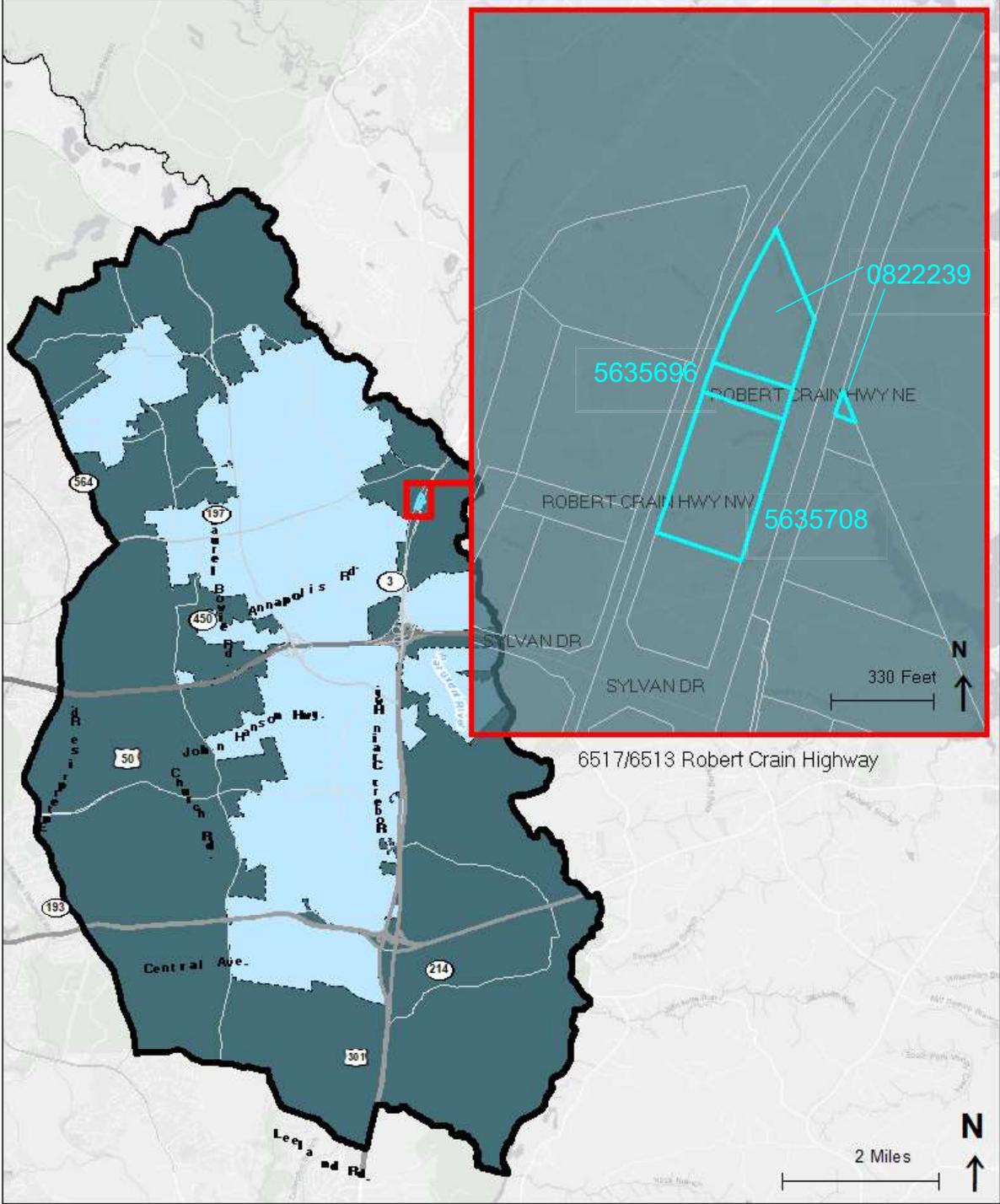


Attachment C. Map 3. 12205/12105 Annapolis Road/5015 Enterprise Road (Hawkin's Property/Former Frank's Nursery)



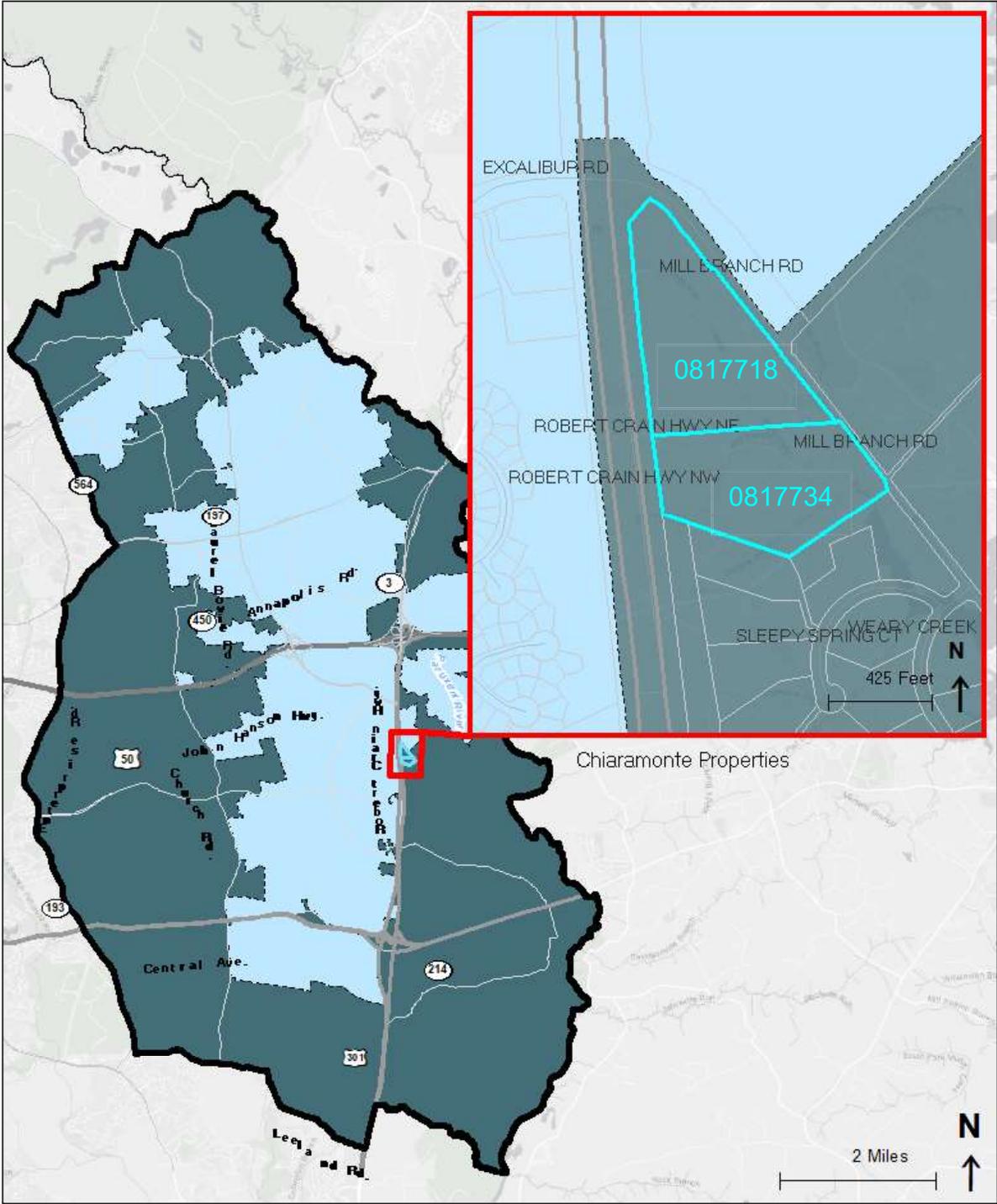
Master Plan Boundary City of Bowie

Attachment D. Map 4. 6517/6513 Robert Crain Highway



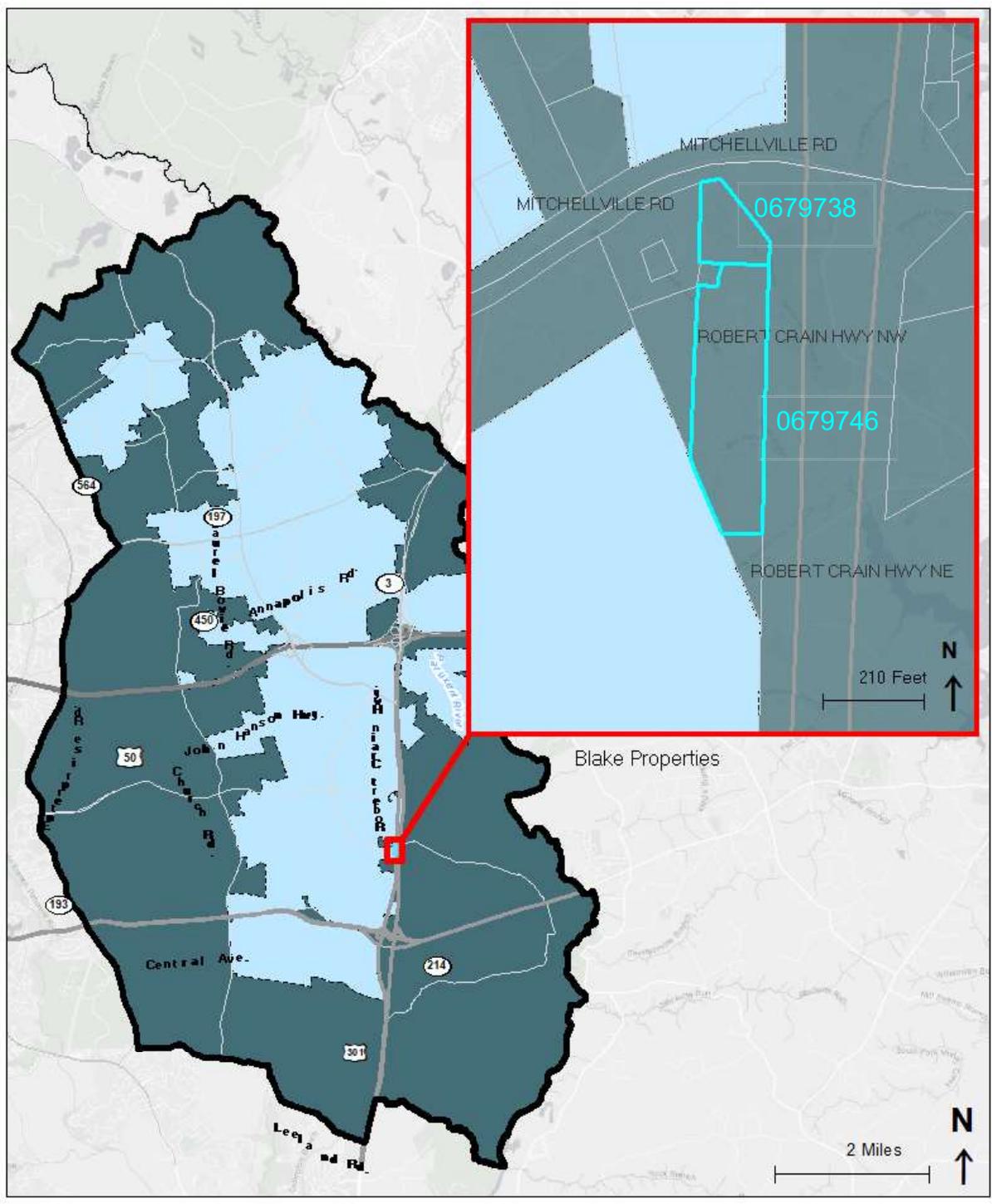
Master Plan Boundary City of Bowie

Attachment E. Map 5. 3412 Robert Crain Highway/Mill Branch Road (Chiaromonte Properties)



Master Plan Boundary City of Bowie

Attachment F. Map 6. 1800/1808 Robert Crain Highway



Master Plan Boundary City of Bowie

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB No. 22-060
M-NCPPC No. 22-31

Disposition of Nees Lane Lot (2317 Nees Lane, Silver Spring, MD 20905)

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (“**Commission**”) is authorized under the Md. Code, Ann., Land Use, §§ 17-205, to dispose and transfer land held by it when the Commission determines such land is no longer needed for public use; and

WHEREAS, the Commission holds fee simple title to a parcel of property known as 2317 Nees Lane, Silver Spring, Maryland 20905 containing approximately 1/3rd acre of land, unimproved, recorded among the Land Records of Montgomery County at Liber 5660 folio 138 (Tax Account No. 05-00385757) (the “**Property**”); and

WHEREAS, following review and analysis of the Property and negotiation of a proposed Sale and Purchase Agreement (the “**Agreement**”) between the Commission and Jamal Shaikh and Patricia Shaikh (collectively, “**Buyer**”) for the sale of the Property for a price of \$160,000, the said staff issued a memorandum to the Montgomery County Planning Board (“**Planning Board**”), dated June 29, 2022, setting forth its analysis and recommendation for the disposal and sale of the Property; and

WHEREAS, on July 7, 2022, the Planning Board held a public hearing at which the Planning Board heard testimony and received evidence submitted for the record and voted to recommend that the Commission approve the disposition and sale of the Property by the vote certified below; and

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board has determined that the Property is no longer needed for public use, and that the proceeds from the sale of the Property will be used for future parkland acquisition purposes; and

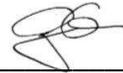
BE IT FURTHER RESOLVED that, the Planning Board hereby recommends that the Commission approve the disposition and sale of the Property from the Commission to Buyer under the terms of the Agreement; and

BE IT FURTHER RESOLVED that, the Commission hereby adopts the Planning Board's finding, accepts the Planning Board's recommendation, and approves the disposition and sale of the Property on this 20th day of July, 2022 and the Executive Director is authorized to execute said Agreement on behalf of the Commission.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Carol Rubin seconded by Commissioner Gerald Cichy, with Chair Anderson and Commissioners Rubin, Cichy, and Verma voting in favor and Commissioner Patterson absent at its regular meeting held on Thursday, July 7, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

APPROVED AS TO LEGAL SUFFICIENCY:

By:  7/7/22
M-NCPPC Legal Department Date

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with a vote of ___-___; Commissioners _____ voting in favor of the motion, at its regular meeting held on Wednesday, July 20, 2022, in _____, Maryland.

Asuntha Chiang-Smith
Executive Director



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

July 20, 2022

TO: The Commission

VIA: Asuntha Chiang-Smith, Executive Director

FROM: Michael Beckham, Acting Director, Corporate Policy and Management Operations (CPMO)
Areaya Abebe, Acting Policy Manager, CPMO
Michael Doaks, Senior Policy Analyst, CPMO

SUBJECT: Proposed Changes to Administrative Practice 6-40, M-NCPPC Sustainability Standards

Requested Action

The Commission is requested to approve proposed updates to Administrative Practice 6-40, M-NCPPC, Sustainability Standards (Attachment A). The updates were developed collaboratively with the Sustainability Committee and are designed to reflect current industry standards and provide updated guidance for achieving sustainability.

Proposed changes were presented to and supported by Department Heads at their June 28, 2022, meeting and the Executive Committee at their July 6, 2022, meeting, where they requested staff to ensure the policy emphasizes that sustainability efforts should be workable and economically feasible. This update has been incorporated into the Practice's policy statement on page 6 of Attachment A.

With the Commission's approval, amendments to the policy will be finalized and promulgated.

Background

Administrative Practice 6-40, M-NCPPC Sustainability Standards (originally titled, "Commission Resource Conservation Program") was initially approved by the Executive Committee on October 4, 1976, to establish the agency's policy on conserving energy such as electricity, natural gas, fuel, and motor oil. The Commission subsequently amended the Policy on November 19, 2012, to incorporate modern industry concepts and sustainability standards.

Proposed Amendments

The revised Practice establishes agency-wide sustainability efforts within three pillars: (1) environmental responsibility; (2) social justice, and (3) economic vitality. Detailed goals will be contained within a five-year Sustainability Plan developed by the Sustainability Committee for Prince George's and Montgomery Counties. There is also a shift from two-year to five-year Sustainability Plans, to ensure adequate time between plans to implement and track goals. The chart below shows the existing and proposed framework for the Practice.

Existing Framework	Proposed Framework
<p>I. <u>Utility/Energy Conservation:</u></p> <ul style="list-style-type: none"> A. Utility Measurement and Monitoring B. Conservation of Electricity and Natural Gas C. Conservation of Water D. Management of Heating, Ventilation, and Air Conditioning (HVAC) Systems E. Fleet Management & Alt. Commuting Resources <p>II. <u>Sustainable Acquisition and Use of Agency Supplies:</u></p> <ul style="list-style-type: none"> A. Office Supplies and Furniture B. Printing and Copying C. Procurement <p>III. <u>Recycling and Solid Waste Management</u></p> <ul style="list-style-type: none"> A. Implement recycling - 90% of recyclable materials B. Recycle materials including but not limited to oils, batteries, computers C. Recycle/reuse plants, trees, and related vegetation D. Develop community-based information programs to educate patrons <p>IV. <u>Sustainable Infrastructure and Natural Areas:</u></p> <ul style="list-style-type: none"> A. Sustainable Building B. Sustainable Site Work C. Natural Resources Management D. Community Planning and Development <p>V. <u>Health and Wellness</u></p> <ul style="list-style-type: none"> A. Support Health Communities B. Raise awareness to promote workplace health, safety & wellness C. Mitigate workplace hazards <p>VI. <u>Employee Education & Training on Sustainability Goals</u></p> <ul style="list-style-type: none"> A. Foster sustainability & environmental awareness through promotion & education B. Encourage employees to seek sustainability credentials C. Require supervisors to review work program requirements for sustainability 	<p>I. <u>Environmental Responsibility</u></p> <ul style="list-style-type: none"> A. Climate Action and Resiliency B. Greening Agency Buildings and Facilities C. Waste Reduction and Recycling D. Water Resources E. Natural Resources and Natural Areas F. Transportation and Equipment <p>II. <u>Social Justice</u></p> <ul style="list-style-type: none"> A. <u>Diversity, Equity, and Inclusion</u> <ol style="list-style-type: none"> 1. Expand Availability of Resources to Underserved Communities 2. Remove Barriers to Accessing and Participating in Programs, Services, and Facilities B. <u>Social Responsibility</u> <ol style="list-style-type: none"> 1. Engage and Educate the Community on Sustainability 2. Engage and Educate Commission Employees on Sustainability 3. Promote Community Health C. <u>Planning and Community Development</u> <ol style="list-style-type: none"> 1. Advance Policies and Development Goals that Minimize Harmful Environmental Impacts 2. Encourage Greater Participation of Historically Under-Represented Population Groups in Planning and Project Development 3. Protect Environmentally Sensitive Underserved Areas <p>III. <u>Economic Vitality</u></p> <ul style="list-style-type: none"> A. Sustainable Procurement B. Project Performance and Cost Analysis C. Grants and Incentives

Attachment A: Proposed Amendments to Administrative Practice 6-40, M-NCPPC Sustainability Standards

**PROPOSED AMENDMENTS TO
ADMINISTRATIVE PRACTICE 6-40, M-NCPPC SUSTAINABILITY STANDARDS**

Key to Revisions:

Shaded: Recommended additions

~~Strikeout~~: Recommended deletions*Italics*: Notes to draft reviewer on recommended revisions**AUTHORITY**

This Administrative Practice was initially approved by the Executive Committee at its meeting on October 4, 1976, and last amended by the (governing body to be inserted) on (TBA) ~~Commission on November 19, 2012.~~

APPLICATION

This Practice applies to all M-NCPPC employees, including Department Heads and appointed officials of the Commission. ~~This Practice applies agency-wide.~~

RESCISSION

The Practice, as amended on ~~November 19, 2012~~ [Date TBD] updates and replaces all other internal sustainability ~~practices and~~ procedures.

**PURPOSE/ AND
BACKGROUND**

This Practice (originally titled Commission Resource Conservation Program) was initially established to communicate agency-wide policy on the conservation of energy utilities sources, such as electricity, natural gas, fuel oil, and motor fuel. ~~The Practice was revised on November 19, 2012 to update and replace initial measures through a broader understanding of sustainability standards, which benefit the environment, our workplace, and the communities we serve.~~

Subsequent to initial adoption, the Practice, ~~as originally approved,~~ has been revised amended as follows:

- May 1, 1979 and January 9, 1980: Revised to incorporated updated practices and responsibilities for achieving sustainability goals ~~due to agency restructuring.~~
- November 19, 2012: ~~Policy~~ Amended to reflect more modern concepts in the area of sustainability, including: green building management strategies which meet nationally accepted sustainability certifications for energy conservation and use of renewable resources; procurement of goods and services aimed at high efficiency products and other sustainable practices; implementation of green development strategies in community planning, landscape design and other site planning; strategies elements aimed to foster ongoing awareness among agency ~~our~~ employees and patrons on sustainability objectives and programs; and updated County and State sustainability mandates.

- (TBA): Amended to update legal and policy references that pertain to the Practice; remove prescriptive requirements and detailed goals; incorporate three pillars of sustainability (environmental responsibility, social justice, and economic vitality) as guiding principles for the development of Sustainability Plans. The revised Practice serves as a guiding framework to develop the Sustainability Plans which will outline five-year goals, targets, and programs. (*Note to Draft Reviewer:* Text describes the approach recommended for this Practice which is to establish high-level focus areas instead of detailed goals which should be reserved for each county Sustainability Plan.)

REFERENCES

Federal/State/Local Standards:

- Maryland Stormwater Management Act of 2007 and accompanying Environmental Site Design Standards
- Maryland Code, State Finance and Procurement, § 5-3123-602.1, High Performance Building Act
- Annotated Code of Maryland, Environment Article; Title 9, Water, Ice, and Sanitary Facilities; Subtitle 22, Expanded Polystyrene (effective July 1, 2020)
- Title 40 CFR§122.25(b)(16) and 122.32(a)(1) and Code of Maryland Regulations (COMAR) 26.08.01, 26.17.01, and 26.17.02. National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer (MS4) Permit
- Title 9 of the Environment Article, Annotated Code of Maryland, and the provisions of the Federal Clean Water Act (CWA), 33 U.S.C. §1251 et seq. and implementing regulations 40 CFR Parts 122, 123, 124, and 125, General Permit for Discharges from Stormwater Associated with Industrial Activities
- Code of Maryland Regulations (COMAR) 26.17.01 – Erosion and Sediment Control
- Montgomery County Bill 2-14, ~~32-07~~ Environmental Sustainability – Buildings – Benchmarking, and Bill 35-15 Environmental Sustainability – Benchmarking – Amendments ~~Climate Protection Plan~~
- Montgomery County Code ~~Section~~ Chapter 18A, Environmental Sustainability ~~Energy Policy—Regulations~~
- Montgomery County Resolution 16-757, County Energy Policy (with reference to Interagency Committee on Energy and Utilities Management (ICEUM))
- Montgomery County Resolution 18-974, Emergency Climate Mobilization and associated Montgomery County Climate Action Plan
- Montgomery County Code; Chapter 19, Erosion, Sediment Control and Stormwater Management
- Montgomery County Code; Chapter 48, Solid Wastes Regulations
- Montgomery County Code; Chapter 48, Solid Waste (Trash); Article VI, Disposable Food Service Products and Packaging Materials
- Montgomery County Code; Chapter 33B, Pesticides
- Montgomery County Code; Chapter 22A, Forest Conservation - Trees
- Montgomery County Code; Chapter 8, 12-20 – 2018 International Green Construction Code (IgCC)

- Prince George’s County 2017 Resource Conservation Plan: Countywide Functional Master Plan
- Prince George’s County Executive Order 22-2007, Goes Green Program
- Prince George’s County Energy Policy
- Prince George’s County Comprehensive Ten-Year Solid Waste Management Plan 2020 – 2029: Adopted by the County Council October 27, 2020; CR-50-2020
- Draft Climate Action Plan, Prince George’s County Climate Action Commission, November 1, 2021
- Maryland Sustainable Communities Act of 2010
- Leadership in Energy and Environmental Design (LEED) Certification Standards, as issued by the United States Green Building Council
- Standards and Guidelines for Sustainable Sites (United States Sustainable Sites Initiative)

M-NCPPC Policies:

- Administrative Practice 2-18, Work-Life Program and related Administrative Procedures including:
 - Administrative Procedures 95-04 03-01, Telework
 - Administrative Procedures 03-02, Alternative Commuting Resources
 - Administrative Procedures 95-02, Compressed Work Schedule Scheduling
- Administrative Practice 4-10, Purchasing Policy
- Administrative Practice 6-10, M-NCPPC Vehicle Use Program

Note to Draft Reviewer: The deleted terms below are not utilized in the Practice because either they cover a level of detail that would now be covered in the individual Sustainability Plans or the terms are out of date. New terms have been added to be in sync with current industry standards. This will enable greater flexibility to adjust to changes in industry standards, regulations, technology, and science.

DEFINITIONS

~~**Chlorine-free Processing:** Paper is whitened without the use of chlorine in the process (PCF), eliminating production of chlorinated toxic chemicals and dioxins in processing wastes.~~

Biodiversity: Measure of biological variation at the genetic, species, and ecosystem level.

Climate Action: Making the necessary changes to reduce greenhouse gas emissions and protect the planet through education, innovation, and adherence to our climate commitments.

Climate Change: A change in conditions (e.g. rainfall/temperature/storm strength) in a region over an extended time period that is directly or indirectly related to human activity and is in addition to natural climate variability.

Climate Resiliency: The capacity of social, economic, and environmental systems to cope with a hazardous event or trend or disturbance, responding or reorganizing in ways that maintain their essential function, identity, and structure, while also maintaining the

1 capacity for adaptation, learning, and transformation.

2
3 **Commission:** “Commission” or “agency” means the Maryland-National Capital Park and
4 Planning Commission. The public body corporate entity that operates as the bi-county
5 agency of the State of Maryland organized under Maryland law as the Maryland-National
6 Capital Park and Planning Commission.

7
8 **Ecosystem Services:** The benefits provided to humans by healthy ecosystems in the
9 natural environment.

10
11 ~~**Energy Star:** The Department of Energy rating for appliances and building products that~~
12 ~~minimize the use of energy.~~

13
14 **Environmental Performance:** Data-driven summary of the environmental impact arising
15 from the use or operation of a building or facility including consumption of energy and
16 associated generation of greenhouse gas emissions, consumption of water, waste
17 generation and management, and any other environmental impacts. ~~Environmental Site~~
18 ~~Design (ESD): Using small-scale stormwater management practices, nonstructural~~
19 ~~techniques, and better site planning to mimic natural hydrologic runoff characteristics~~
20 ~~and minimize the impact of land development on water resources. (Note to Draft~~
21 ~~Reviewer:~~ The scope of environmental performance has shifted. Definition updated to
22 accurately reflect that the term has changed from environmental site design to
23 environmental performance)
24

25 **Fleet and Equipment Rightsizing:** Management practice to assess resource needs
26 (vehicles or equipment) against comparable job duties and make environmentally
27 focused decisions to maximize efficiency within the organization.

28
29 ~~**Forest Stewardship Council (FSC) Certification:** A third party guarantee that wood~~
30 ~~products, including paper, are harvested from a certified sustainably managed forest.~~

31
32 **Green Practice:** The wise use of resources, conservation, and innovative environmentally-
33 friendly designs that create or enhance sustainability.

34
35 **Greenhouse Gas (GHG):** A gas that increases the atmospheric reflection of infrared heat
36 emissions from Earth’s surface, measured in carbon dioxide equivalent.

37
38 **Natural Climate Solutions:** Actions that avoid greenhouse gas emissions and promote
39 conservation, restoration, and improved land management practices that support and
40 enhance the removal and storage of carbon (sequestration) in the environment.

41
42 **Net-Zero Greenhouse Gas Emissions:** Reduction of greenhouse gas emissions as close to
43 zero as possible, with remaining emissions balanced with an equivalent amount of carbon
44 removal (sequestration).

45
46 ~~**Leadership in Energy and Environmental Design (LEED):** A building certification system~~
47 ~~designed by the U.S. Green Building Council (USGBC) that promotes design and~~

1 construction strategies aimed at improving environment and resource stewardship. The
2 tiered standards, which use Certified, Silver, Gold, and Platinum, vary by project type and
3 are made available at USGBC.org.
4

5 **Net Metering:** Net metering is a policy that allows a solar system owner to receive credit
6 on his/her electricity bill for surplus solar electricity sent back to the utility.
7

8 **Post Consumer Recycled Content:** Contains material that was consumed in a final
9 product and then recycled.
10

11 **Renewable Energy Certificate:** Also known as “Green Tags” and “Green Certificates” is a
12 tradable, non-tangible energy commodity that represents proof that one megawatt-hour
13 of electricity was generated from an eligible renewable energy resource.
14 Renewable Energy Certificates provide organizations a convenient way to purchase
15 renewable energy, offset carbon emissions, and encourage clean energy development.
16

17 **Smart Growth:** Urban planning that supports efficient and sustainable land development
18 and utilizes redevelopment that optimizes prior infrastructure investments. Smart growth
19 incorporates strategies such as mixed-use urban centers that support and enhance public
20 transit; promote walking and bicycling, provide for a range of housing and retail options,
21 and consume less land that can be preserved for open spaces and natural systems.
22

23 **Sustainable Sites Initiative (SITES):** A rating system, similar to LEED developed by the
24 American Society of Landscape Architects, that establishes voluntary national guidelines
25 and performance benchmarks for sustainable land design, construction and maintenance
26 practices.
27

28 **Sustainability:** Creates and maintains the conditions under which humans and nature can
29 exist in productive harmony and preserves resources so that they are not depleted or
30 permanently damaged.
31

32 **Sustainability Plan:** A document outlining the strategies and resources to be
33 implemented throughout the Commission in achieving sustainable goals that reduce the
34 agency's dependence upon fossil fuels, reduce its carbon footprint, and increase the use
35 of renewable energy, and recyclable materials; while moving toward greater conservation
36 of energy, natural resources, and water quality to attain a maximum level of climate-
37 friendly management of all resources under stewardship.
38

39 **Sustainably Sourced:** Integration of social, ethical, and environmental performance
40 factors into the process of selecting suppliers and materials.
41

42 **Watershed Hydrology:** the science of water as it relates to a land unit, such as a basin,
43 for water resource management.
44
45
46
47

1 **POLICY**

2 The Maryland National Capital and Planning Commission (M-NCPPC) seeks to stand as a leader
3 among park and recreational organizations nationwide in the responsible management of its
4 human and physical resources in a way that minimizes adverse impacts on the environment and
5 advances concepts of social justice, equity, and inclusion. Toward that end, this policy
6 incorporates forward-thinking concepts and approaches that lay the foundation for continued
7 progress in accomplishing the agency’s sustainability goals.

8 The M-NCPPC is committed to stewardship of the environment, ~~the~~ ~~our~~ community, and the
9 workplace through the implementation of sustainable practices that preserve natural and
10 economic resources; reduce waste and consumption; reduce the carbon footprint; promote green
11 practices in ~~our~~ Commission facilities and programs; and support the health and wellness of ~~our~~
12 employees and ~~the~~ community. The agency also strives to inform and educate employees and
13 patrons about sustainable best practices.

14
15 ~~The goal of this agency is to lead and implement meaningful sustainability initiatives. The~~
16 ~~sustainability initiatives goals outlined in this Practice are to be carried out as an agency and within~~
17 ~~each department, wherever economically feasible and practicable. The feasibility analysis of~~
18 ~~initiatives should consider the following: In determining the economic feasibility and practicability~~
19 ~~of sustainability initiatives, the agency shall assess:~~

- 20 • The prudent use of public dollars;
- 21 • **The cost-benefit of proposed actions and the return-on-investment for dollars**
22 **expended;**
- 23 • The availability of green materials/services;
- 24 • The ability to maintain or improve existing service levels and safety; and
- 25 • The ability to safeguard the integrity of facilities/structures, including concerns for
26 historic preservation.

27
28 Sustainability efforts shall culminate in the form of a five-year Sustainability Plan developed by a
29 Sustainability Committee comprised of representatives from the M-NCPPC operating
30 departments within Montgomery and Prince George’s Counties. One plan is developed by
31 Montgomery Parks and Montgomery Planning, and another is developed by the Prince George’s
32 County Department of Parks and Recreation and the Prince George’s County Planning
33 Department.

34
35 Each plan shall prescribe methods the agency will undertake to ensure continued progress toward
36 achieving specific goals that ~~increase the value or longevity of services while reduce~~ ~~ing~~ ~~reliance~~
37 ~~on resources and~~ the negative effects on health and ~~or~~ the environment. Each plan shall also
38 incorporate social justice concepts and its principles of diversity, equity and inclusion, and social
39 responsibility as well as embrace outreach and community participation through effective
40 planning and community development.

41
42 The goals, programs, practices, and initiatives outlined in the Sustainability Plan shall be based on
43 existing environmental regulations and current scientific research. The Sustainability Plan shall
44 identify rigorous long-term and short-term goals and milestones to advance agency-wide

1 sustainability efforts.

2
3 In developing the Plans, ~~The agency's sustainability efforts under this Practice will also be~~
4 ~~supported through a Sustainability Committee comprised of representatives from each~~
5 ~~department. the Committee shall:~~

- 6 • Ensure coordinated efforts for agency-wide initiatives wherever practical;
- 7 • Share ideas and expertise for the implementation of sustainability goals on a
8 departmental level; and
- 9 ~~Prepare a Sustainability Report to the Commission that describes the initiatives~~
10 ~~implemented throughout the agency; and~~
- 11 • Recommend new or revised goals to ensure that the M-NCPPC stays at the forefront of
12 sustainability practices. ~~Where feasible, each respective M-NCCPC Sustainability Plan~~
13 ~~shall strive to mirror the goals, programs, and policies of the more restrictive plan.~~

14
15 The Sustainability Committee shall also submit a report every two years to the Executive
16 Committee, and if requested, to the Commission. The report will outline progress made toward
17 achieving the Sustainability Plan's goals which are updated every five years.

18
19 ~~These goals are intended to serve as benchmarks that may be further enhanced on a~~
20 ~~departmental, programmatic, or facility basis. It is recognized that certifications/standards~~
21 ~~identified in this Practice may evolve over time. The agency shall be guided by the~~
22 ~~certification/standard requirements that are in place at the time an initiative is being designed.~~
23 **(Note to Draft Reviewer:** Deleted text referencing sustainability goals is no longer applicable to
24 the Practice because goals would now be moved to the Sustainability Plans.)

25
26 To implement this policy, each Department shall generate a Sustainability Plan that explains
27 how goals identified in this Practice are being implemented for its respective facilities,
28 operations or services. These Plans shall be presented to the Executive Committee by
29 September 2013 and updated at least every two years. **(Note to Draft Reviewer:** Deleted text
30 referencing the Sustainability Plans have been revised and covered above.)

31
32 Specific requirements for developing Sustainability Plans and reporting results to the Executive
33 Committee and Commission are outlined in the Section titled Responsibilities. The following
34 goals and objectives, are designed to guide implementation of this Sustainability policy. **(Note to**
35 **Draft Reviewer:** Deleted text referencing the Sustainability Plans and reporting results have
36 been revised and covered above.)

Note to Draft Reviewer: The revisions incorporate high level “pillars” and strategies as guidance for development of the detailed Sustainability Plans to be developed over a five-year period.

The principles established in this Practice are represented by three pillars, as follows:

I. Environmental Responsibility:

- A. Climate Action and Resiliency
- B. Greening Agency Buildings and Facilities
- C. Waste Reduction and Recycling
- D. Water Resources
- E. Natural Resources and Natural Areas
- F. Transportation and Equipment

II. Social Justice:

- A. Diversity, Equity, and Inclusion
 - 1. Expand Availability of Resources and to Underserved Communities
 - 2. Remove Barriers to Accessing and Participating in Programs, Services, and Facilities
- B. Social Responsibility
 - 1. Engage and Educate the Community on Sustainability
 - 2. Engage and Educate Commission Employees on Sustainability
 - 3. Promote Community Health
- C. Planning and Community Development
 - 1. Advance Policies and Development Goals that Minimize Harmful Environmental Impacts
 - 2. Encourage Greater Participation of Historically Under-Represented Population Groups in Planning and Project Development
 - 3. Protect Environmentally Sensitive Underserved Areas.

III. Economic Vitality:

- A. Sustainable Procurement
- B. Project Performance and Cost Analysis
- C. Grants and Incentives

1 **I. ENVIRONMENTAL RESPONSIBILITY**

2 The goal of the M-NCPPC is to protect, restore, and responsibly utilize resources while eliminating unnecessary
3 waste.

4
5 **Note to Draft Reviewer:** The concepts covered below in Section A. “Climate Action & Resiliency” were previously
6 covered in Section I. Utility/Energy Conservation. These concepts have been updated and reformulated to speak
7 to broader issues such as climate change and to provide guidance on developing the Sustainability Plans.

8
9 **A. Climate Action and Resiliency:** To achieve net-zero greenhouse gas emissions produced from operations by
10 reducing utility consumption, advancing the use of renewable energy resources, and implementing natural
11 climate solutions, the M-NCPPC shall strive to:

- 12
13 1. Implement targeted actions to combat climate change and its impacts through utility conservation and
14 efficiency projects that reduce energy demand and consumption, reduce carbon emissions, and
15 increase local renewable energy generation. These efforts are intended to, meet or exceed, the climate
16 action targets of federal, state, and local jurisdictions.
- 17
18 2. Increase the amount of electricity produced or supported through renewable energy sources,
19 prioritizing on-site generation from sources such as wind, solar, geothermal, hydro, water, etc. and/or
20 other alternative energy sources. ~~the acquisition of renewable energy from utility companies.~~ (**Note to**
21 **Draft Reviewer:** Text revised and moved from Section I. Utility/Energy Conservation; B. Conservation of
22 Electricity and Natural Gas.)
- 23
24 3. Accelerate the natural removal of carbon (sequestration) from the atmosphere with land use policies
25 and protocols that provide for the protection, resilience, and restoration of soil and plants, wetland
26 habitats, meadows, forests, and trees.
- 27
28 4. Employ measures to enhance organizational capacity to actively prepare for and respond to adverse
29 conditions, trends, and hazards as they relate to the changing climate.

30
31 **Note to Draft Reviewer:** The concepts covered below in Section B., “Greening Agency Buildings and Facilities”
32 were previously covered in Section I., “Utility/Energy Conservation, and Section III., “Sustainable Resources and
33 Natural Areas”. These concepts have been updated and reformulated to speak to green buildings and facilities
34 and to provide guidance on developing the Sustainability Plans.

35
36 **B. Greening Agency Buildings and Facilities:** To continually improve the environmental performance of
37 buildings and facilities, the M-NCPPC shall strive to:

- 38
39 1. Ensure adherence to all relevant federal, state, and local green building standards and regulations for
40 the design, construction, and maintenance of new and retrofit facilities.
- 41
42 2. Establish internal guidelines and specifications for the sustainable siting, design, material selection,
43 construction, retrofit, and maintenance of facilities, structures, and amenities on M-NCPPC parkland.

- 1 3. Ensure compliance in reporting on buildings and facilities to achieve targets and determine annualized
2 progression.
- 3
- 4 4. Encourage the use of ~~Light emitting diodes daily fixtures or other~~ efficient low-energy lighting solutions
5 ~~should be used~~ in place of ~~less efficient lighting incandescent, halogen, or fluorescent lights where~~
6 ~~practical.~~ (**Note to Draft Reviewer:** Portions of this text were revised and moved from Section I.
7 Utility/Energy Conservation B. Conservation of Electricity & Natural Gas)
- 8
- 9 5. ~~In addition to established internal maintenance programs, departments should~~ Pursue grants for energy
10 efficiency studies, upgrades, and retrofits for planned and existing facilities, and support enhancements
11 and improvements to internal maintenance programs. (**Note to Draft Reviewer:** Portions of this text
12 were revised and moved from Section I. Utility/Energy Conservation, B. Conservation of Electricity &
13 Natural Gas.)
- 14

15 (**Note to Draft Reviewer:** The concepts covered below in Section C, "Waste Reduction and Recycling, were revised
16 and moved from Section VI. Recycling and Solid Waste Management.

- 17
- 18 **C. Waste Reduction and Recycling:** To achieve, if not exceed, any waste diversion targets established by state
19 and/or local regulation, the M-NCPPC shall strive to:
- 20
- 21 1. Identify, promote, and pursue initiatives and programs for sustainable materials and resource
22 management.
 - 23
 - 24 2. Reduce and eliminate waste and maximize the use of appropriate recycling streams (including food
25 scrap composting, as available and appropriate).
 - 26
 - 27 3. Recycle and dispose of materials in a manner that complies with relevant federal, state, and local safety
28 and regulations.
 - 29
 - 30 4. Maximize the processing of yard trim, brush, trees, vegetation, and other organic waste into compost
31 or reuse as other useful, recycled materials (e.g. mulch, wood chips, topsoil, milled wood, manure).
 - 32
 - 33 5. Integrate sustainably focused practices into the procurement process through the development of
34 supply and service specifications that reduce waste, provide for resource conservation and
35 environmental protection, and reduce adverse social impacts.
 - 36
 - 37 6. Implement strategies that reduce material and supply waste in office settings, at public and employee
38 events, and in settings that involve construction and maintenance activities.
 - 39
 - 40
 - 41
 - 42
 - 43
 - 44

1 **Note to Draft Reviewer:** The concepts covered below in Section D., “Water Resources”, were revised and moved
2 from Section I. Utility/Energy Conservation; C: Conservation of Water.

3
4 **D. Water Resources:** To efficiently use potable water resources, mitigate flooding, and protect local water
5 quality, the M-NCPPC shall strive to:

- 6
7 1. Reduce consumption of potable water resources through investment in conservation and efficiency
8 projects and technologies within interior (buildings and facilities) and exterior (parks, open spaces, and
9 athletic fields) spaces.
- 10
11 2. Protect and enhance water resources, including headwaters, wetlands, stream habitat, and water
12 quality to improve watershed hydrology and ecological functions. Implement strategies through
13 protective land use, restorative plans, and investments to achieve improved habitat, more naturalized
14 flow, and enhancement of conveyance and storage capacity in streams, floodplains, wetlands, and
15 aquifers.
- 16
17 3. Ensure compliance with applicable federal, state, and local regulations for the management of
18 stormwater through the implementation of programs identified in the National Pollutant Discharge
19 Elimination System (NPDES), Municipal Separate Storm Sewer System (MS4), and/or other applicable
20 program(s).
- 21
22 4. Ensure compliance with applicable federal, state, and local regulations related to sediment and erosion
23 control for construction projects completed on M-NCPPC parkland.

24
25 **Note to Draft Reviewer:** The concepts in Section E., “Natural Resources & Natural Areas”, were revised and
26 moved from Section IV. Sustainable Infrastructure and Natural Areas.)

27
28 **E. Natural Resources and Natural Areas:** To enhance local biodiversity and ecosystem services, accelerate
29 natural climate solutions (sequestration), and integrate sustainable principles into operations and
30 maintenance, the M-NCPPC shall strive to:

- 31
32 1. Protect and enhance land-based resources, including forests, meadows, shrubs, and edge habitats, as
33 well as wildlife, through practices and policies that support the acquisition, preservation, and
34 restoration of unique and valuable habitats. Implement strategies to enhance ecological function
35 through protective land use, restorative plans, and investments to promote healthy plant and animal
36 communities, including tree canopy.
- 37
38 2. Implement strategies, programs, and/or policies to increase the use of trees, shrubs, and herbaceous
39 plants best suited for long-term survival under existing growing conditions at developed sites. Take
40 targeted action to restore tree canopy, promote tree health, structural integrity, and species diversity
41 for landscape trees in developed areas.
- 42
43 3. Implement policies and operational best management practices that integrate sustainable strategies
44 into managed park spaces including athletic fields, structural amenities (e.g. playgrounds, trails, and

1 sports courts), and other maintained unprogrammed park open spaces. These efforts would focus on
2 practices related to equipment selection, use, material and product selection, maintenance protocols,
3 and support plant health through effective selection of species best suited for site conditions (including
4 turfgrass).

- 5
- 6 4. Utilize and adjust integrated pest management practices where effective and control of non-native/
7 invasive (NNI) plants control to protect the natural habitat. (**Note to Draft Reviewer:** The above
8 text was revised and moved from Section IV. Sustainable Infrastructure and Natural Areas, C.
9 Natural Resource Management.)

10

11 **Note to Draft Reviewer:** The concepts below in Section F. "Transportation & Equipment", were revised and moved
12 from Section I. Utility/Energy Conservation: E: "Fleet Management and Use of Alternative Commuting Resources".

13

14 **F. Transportation and Equipment:** To eliminate greenhouse gas emissions and air pollution through vehicle
15 and equipment selection, operational best management practices, and transportation strategies, the M-
16 NCPPC shall strive to:

- 17
- 18 1. Pursue strategies to ensure that the staff-utilized vehicle fleet and equipment program operates under
19 progressive management with safety, fuel efficiency, and energy conservation as basic components.
20 This includes sound management, purpose-driven fleet and equipment right-sizing, use of alternative
21 fuels and innovative technology, implementation of appropriate maintenance schedules, and
22 promotion of alternatives to physical travel for workday meetings. Furthermore, to implement
23 strategies to ensure operational best management practices for the use and maintenance of the
24 vehicle fleet and equipment.
- 25
- 26 2. Establish targets for the utilization of high-efficiency fleet vehicles and equipment. Implement the use
27 of progressively innovative technologies, as available (e.g. installation of electric vehicle charging
28 infrastructure).
- 29
- 30 3. Implement strategies and promote publicly available transit programs/resources to reduce single-
31 occupancy vehicle (SOV) travel for daily workday meetings, business-related travel, and personal
32 commutes.
- 33
- 34 4. Encourage procurement Fleet managers shall assist Departments in assessing the function use/need
35 of vehicles and equipment based on assigned work program needs, and recommend vehicle purchases
36 to most effectively that meet the highest these needs to include standards for such factors such as
37 fuel/energy efficiency, energy conservation, safety, and effective operation. All new vehicles
38 purchases shall consider the most energy efficient options suitable to meet the indicates use for the
39 vehicle. (**Note to Draft Reviewer:** This text was revised and moved from Section I. Utility/Energy
40 Conservation: E: "Fleet Management and Use of Alternative Commuting Resources".)
- 41
- 42
- 43

Note to Draft Reviewer: Section II. below, Social Justice has been added to recognize the importance of diversity, equity, and inclusion of underserved populations in the decision-making activities of the Commission. It incorporates some content previously covered in Section IV. D. “Community Planning and Development.” “Engagement and Education of Commission Employees” is added to emphasize the importance of educating Commission employees in furthering sustainability.

II. SOCIAL JUSTICE

The goal of social justice is to equitably promote awareness about the environment and conservation within the community, inclusive of under-represented populations. This goal shall be accomplished by ensuring that opportunities, outreach, and projects are prioritized to promote social connectivity and meet the needs of diversity, equity, and inclusion.

A. Diversity, Equity, and Inclusion:

To ensure under-served populations (inclusive of protected groups covered in the Commission’s Diversity Resolution 21-07) are afforded equal access to facilities, parks, natural areas, programs, and services provided by the Commission and can enjoy the benefits of a healthier, greener, and more livable community, the M-NCPPC shall strive to:

1. Expand availability of agency resources to underserved communities by:
 - a. Equitably implementing programs, events, public forums, and services that are accessible to all persons and maximize reach in diverse communities served by the agency, including but not limited to areas where there are concentrations of non-English speaking persons and racial and ethnic minority populations and
 - b. Planning programs and services that fill gaps in resources not readily available in communities with significant racial and ethnic minorities and non-English speaking populations;
2. Remove barriers to accessing and participating in programs, services, and facilities by:
 - a. Offering programs and services in buildings or facilities near convenient locations such as major public transportation routes, high-density residential areas, high-density commercial areas, and near existing Commission facilities;
 - b. Ensuring that new features are accessible to all when designing parks, buildings, and facilities;
 - c. Implementing programs, events, public forums, and equitable services, and seek to maximize reach in the diverse communities served by the agency; and
 - d. Ensuring that the natural environment and parks are equitably distributed, and available in all communities throughout the Commission’s service area to foster a better quality of life, and equitable access to all ages, abilities, socio-economic groups, and people of different cultures.

B. Social Responsibility: To inform and engage the community and Commission employees on programs and resources that promote sustainability, conservation, and health, the M-NCPPC shall strive to:

1. Engage and educate the community on sustainability by:
 - a. ~~Support healthy communities by~~ Integrating sustainability concepts and green practices with relevant program offerings, to further enhance knowledge of environmental preservation and to encourage conservation practices by patrons and employees ~~well-being.~~ **(Note to Draft**

1 **Reviewer:** This text was revised and moved from Section V. Health & Wellness.)

- 2 b. Develop community-based information programs to encourage, demonstrate, and educate
3 patrons on sustainable best practices including but not limited to ways to recycle, reuse, and
4 reduce solid waste, and transitioning to renewable and/or more economical energy
5 alternatives as well as the conservation of water resources. at M-NCPPC facilities/programs.

6 **(Note to Draft Reviewer:** This text was revised and moved from Section III: “Recycling and Solid
7 Waste Management.)

8
9 2. Engage and educate Commission employees on sustainability by:

- 10 a. Providing training for agency staff on how to implement and maintain sustainable best
11 practices as it pertains to the workplace;
12 b. Developing strategies and programming that raise awareness about conservation and
13 operational best management practices to promote behavior change and minimize adverse
14 impacts on the environment;
15 c. Promoting practices that reduce energy consumption and a healthier workplace by
16 encouraging the use of alternative work arrangements such as telework and compressed
17 work schedules/workweeks to reduce, among other things, environmental impact and
18 costs/needs associated with workspace operations (See: Administrative Practice 2-18 Work-
19 Life Program and related Administrative Procedures); and **(Note to Draft Reviewer:** This text
20 was revised and moved from Section I. Utility/Energy Conservation: E: “Fleet Management
21 and Use of Alternative Commuting Resources”.)

22
23 3. Promote community health by:

- 24 a. Coordinating agency resources, programs, and services with community partners, when
25 practical, to address concerns such as education, employment, economic opportunities,
26 improved transportation options, and food insecurity;
27 b. Advancing initiatives and events that support a healthy community such as nutrition
28 programs, mental health & family counseling and exercise classes, financial literacy classes,
29 exposure to nature and outdoor activities; and
30 c. Linking commission resources with local government programs to enhance the quality of
31 life.

32
33 **C. Planning and Community Development:** To foster community participation as stakeholders in the
34 planning and development process the M-NCPPC shall strive to:

- 35
36 1. Advance policies and development goals that minimize harmful environmental impacts by:
37 a. Drafting and implementing effective land-use policies, and master plans that focus on the
38 intersection of sustainability with health and wellness; and
39 b. Incorporating environmental justice principles as a component when assessing the impact of
40 plans and projects, particularly, when proposals could negatively affect sensitive geographical
41 areas that have been disproportionately damaged by environmental and socio-economic
42 factors.
43
44 2. Encourage greater participation of historically underrepresented populations in planning and
45 project development by:

- a. Engaging the community in the planning stages when developing agency facilities to ensure maximum input so that resources are allocated efficiently and meet the needs of the public being served;
- b. Including a diverse pool of community partners in building projects and land use planning processes; and
- c. Ensuring transparency to build trust, and equitable access to all ages, abilities, socio-economic, and cultural groups.

3. Protect environmentally sensitive underserved areas by:

- a. Considering the environmental impact of land-use planning and investments in parks and land acquisitions on sensitive geographic areas that have been disproportionately impacted by environmental damage caused by development activities; and
- b. Using available “state-of-the-art” tools to aid the agency in targeting its land-use planning programs and in making decisions about investments in parks, land acquisitions, and focusing resources on areas with a concentration of low-income, minority, and immigrant populations.

(Note to Draft Reviewer: Some of the content in Section III. Economic Vitality was revised and moved from Section I. /Energy Conservation; B. Conservation of Electricity and Section II: Sustainable Acquisition and Use of Agency Supplies: C: Procurement. These concepts have been updated and reformulated to incorporate stewardship of financial resources and the attainment of grants to further sustainability efforts.

III. ECONOMIC VITALITY

The goal of economic vitality is to establish equitable guidelines for financial resource stewardship within the context of sustainability initiatives and policies. The objective is to strengthen project viability and engage leadership in support of strategies that improve economic opportunity in service area communities inclusive of under-represented populations.

A. Sustainable Procurement: To create and maintain equitable procurement and employment policies that reduce resource use, include a diverse pool of vendors and promote sourced materials that further sustainability goals, the M-NCPPC shall strive to:

1. Create policies for procurement contracts and solicitations that promote diversity by:

- a. Addressing gaps in diversity inclusion; particularly seeking to engage and educate minority, women, disadvantaged, disabled, and veteran-owned businesses on how to register and participate in the procurement process; and.
- b. Including a commitment to diversity and inclusion in purchase orders, cardholder agreements, and any other procurement actions.

2. Training staff on sustainable procurement policies for new and existing purchase card holders and staff who handle procurement in departments, divisions, and offices throughout the Commission.

3. Develop procurement specifications that encourage the use of goods and services that ~~which~~ support the agency’s commitment to sustainability in areas including, but not

1 limited to, resources conservation, protection of the environment, and workplace health
2 and safety. (**Note to Draft Reviewer:** The above text was revised and moved from Section II:
3 Sustainable Acquisition and Use of Agency Supplies.)
4

5 4. Encourage procurement practices that promote efficiencies and save economic and
6 environmental resources by:

7
8 a. ~~Procurement policies shall incorporate~~ Incorporating sustainable purchasing guidelines to
9 secure economies of scale and promote sustainable product and service offerings by vendors;
10 and

11 b. ~~Purchases should be combined~~ Combining purchases of equipment, goods, and materials
12 whenever reasonable to reduce deliveries to minimum essential requirements and to save
13 costs and energy where possible. (**Note to Draft Reviewer:** The above text was revised and
14 moved from Section II: Sustainable Acquisition and Use of Agency Supplies: C: Procurement.)
15

16 **B. Project Performance and Cost Analysis:** To create and maintain reliable indicators to measure and
17 track project performance and cost-effectiveness, the M-NCPPC shall strive to:

18
19 1. Implement processes to periodically assess performance and cost analysis for projects specifically
20 designed and constructed with energy and water conservation goals; and

21
22 2. Assess outset costs, potential or actual cost savings, and projected long-term savings as factors in
23 analyzing cost-effectiveness and efficiencies.
24

25 **C. Grants and Incentives:** To seek alternative funding resources to further sustainability strategies, and
26 projects and achieve overall goals, the M-NCPPC shall strive to:

27
28 1. Identify innovative opportunities to fund sustainability projects and programs; and

29
30 2. Proactively apply for grants and incentive programs to help advance progress toward
31 sustainability goals.
32
33

34 **RESPONSIBILITIES** The following responsibilities are assigned for the overall administration of the agency's
35 sustainability policy. Responsibilities may be delegated as appropriate.
36

37 **Department Heads of Montgomery County Parks, Montgomery County Planning, Prince**
38 **George's County Parks and Recreation and Prince George's County Planning shall:**

- 39 • Ensure compliance with this policy.
- 40 • Name members from their respective department to the Sustainability Committee.
- 41 • Review reports on the status of achieving sustainability goals and objectives outlined
42 in this Practice and in the departmental Sustainability Plan.
- 43 • Participate in quarterly sustainability program briefings.
- 44 • Ensure progress on milestones are reviewed and the findings are presented, in the

1 form of an Executive Summary-style presentation, to the Executive Committee at
2 least every two years and the full Commission upon request.

- 3 • Develop a departmental bi-annual Sustainability Plan that shall be presented to the
4 Executive Committee by September 2013 to outline initiatives for the upcoming two-
5 year period. The Sustainability Plan shall be reviewed and presented every two years.
6 *(Note to Draft Reviewer: Text stricken as the milestone was achieved.)*
- 7 ~~• Following the first year of implementation of the Plan, Departmental Directors shall~~
8 ~~report on the status of achieving sustainability goals and objectives outlined in this~~
9 ~~Practice and in the departmental Sustainability Plan. *(Note to Draft Reviewer: Text*~~
10 ~~stricken as this task is the responsibility of the Sustainability Committee.)~~
- 11 • Designate one or more employees to act as the departmental Sustainability
12 Coordinator(s) and serve as the representative(s) to the agency-wide Sustainability
13 Committee. *(Note to Draft Reviewer: Text deleted because Sustainability*
14 *Coordinators and Sustainability Specialists are staffed positions that no longer require*
15 *designation by the Department Head.)*

16
17 **Departmental Sustainability Coordinators shall:**

- 18 • Serve as the departmental liaison to the sustainability Committee and as the point of
19 contact and clearinghouse for all sustainability-related issues for the M-NCPPC.
- 20 • Lead development of ~~Assist the Department Director in preparing the Departmental~~
21 ~~Sustainability Plan that meets the sustainability goals and objectives and focus areas~~
22 ~~outlined in this Practice.~~
- 23 • Lead development of Departmental Sustainability reporting and associated
24 presentations.
- 25 • Communicate goals outlined in the departmental Sustainability Plan to administrative
26 and operational staff ~~all operations/facilities~~ and provide support for implementation
27 of the Plan.
- 28 • Strengthen information exchange with intergovernmental relationships in the area of
29 sustainability (e.g., Council of Governments, County/State agencies, local
30 municipalities) and, where relevant, explore opportunities to promote cooperative
31 partnerships and complementary cost-savings with potential implementation of
32 various measures with or across organizational boundaries. *(Note to Draft Reviewer:*
33 *This text has been moved from the responsibilities of the Sustainability Committee.)*
- 34 • Collect data and perform analyses to monitor and assess ongoing progress on meeting
35 standards and complying with guidelines.

36
37 **Sustainability Committee shall:**

- 38 ▪ Prepare an Executive Summary-style Sustainability Report to the Executive
39 Committee every two years, and to the Commission as requested, that describes the
40 progress from initiatives that have been implemented throughout the agency.
- 41 ▪ Prepare and present a final five-year report to the Executive Committee with an
42 updated five-year Sustainability Plan that would be presented to the Commission
43 upon request.-
- 44 ▪ Prepare a five-year Sustainability Plan that aligns with Commission-wide and

1 Departmental goals and regulatory mandates.

- 2 ■ Work collaboratively to share ideas for development implementation of sustainability
- 3 goals throughout the agency and on a departmental level. Tasks may include:
- 4 - Recommending to Department Directors, and develop/implement approved
- 5 communication tools to educate the workforce and the community on
- 6 sustainability goals, initiatives, and progress; and
- 7 - Recommending to Department Directors new or amended initiatives to
- 8 comply with the goals identified in the Sustainability Plan outlined in this
- 9 Practice.
- 10 ■ Promote sustainability awareness within M-NCPPC and the region.
- 11 ■ Assist, as needed, in preparing reports on sustainability initiatives implemented
- 12 throughout the agency.
- 13 ■ ~~Strengthen information exchange with intergovernmental relationships in the area of~~
- 14 ~~sustainability (e.g., Council of Governments, County/State agencies, local~~
- 15 ~~municipalities) and, where relevant, explore opportunities to promote cooperative~~
- 16 ~~partnerships and complementary cost-savings with potential implementation of~~
- 17 ~~various measures with or across organizational boundaries. (Note to Draft Reviewer:~~
- 18 ~~Text stricken as the responsibility for this task is with the Sustainability Coordinator.)~~

Note to Draft Reviewer: The text below is recommended for deletion because much of the information is either no longer applicable and/or contains details that should be relegated to the M-NCPPC Sustainability Plans developed by the two M-NCPPC departments in each county. In some instances, existing text has been revised however, since the revisions are substantial the entire section has been deleted with new content entered above.

20
21 ~~I. **Utility/Energy Conservation:** Conserve natural and fiscal resources by eliminating waste,~~

22 ~~improving efficiency, reducing the consumption of energy, and increasing the use of~~

23 ~~renewable sources of energy. Whenever feasible, new appliances and building materials shall~~

24 ~~meet Energy Star or equivalent rating for high efficiency and energy conservation. This should~~

25 ~~be in addition to also considering other environmental attributes such as recyclability and~~

26 ~~applicable federal/state safety and building code requirements.~~

27
28 **A. Utility Measurement and Monitoring**

- 29 1. ~~Department Sustainability Coordinators shall collect utility use information to~~
- 30 ~~develop/enhance utility management standards and track the cost of each facility's~~
- 31 ~~utility consumption over time.~~
- 32 2. ~~Utility consumption trends shall be made available to facility managers and~~
- 33 ~~Department Directors to evaluate and refine utility and cost saving practices.~~
- 34 3. ~~Managers who operate buildings or spaces leased by the M-NCPPC should work with~~
- 35 ~~the facility owners to include utility metering or reporting for the leased~~
- 36 ~~space(s). (Note to Draft Reviewer: The concept of Utility Measurement and~~
- 37 ~~Monitoring is covered in Section I Environmental Responsibility, Section A. Climate~~
- 38 ~~Action and Resiliency and Section B. Greening Agency Buildings and Facilities)~~

B. ~~Conservation of Electricity and Natural Gas~~

- ~~1. In addition to established internal maintenance programs, departments should pursue grants for energy efficiency studies, upgrades, and retrofits for planned and existing facilities.~~
- ~~2. All M-NCPPC facility managers should seek to meet Leadership in Energy and Environmental Design (LEED) Volume Program for Operations and Maintenance, or LEED for Existing Buildings: Operations and Maintenance criteria, for at least a Silver or equivalent rating standards for operations and maintenance. These standards are issued by the U.S. Green Building Council which can be accessed through its website (www.usgbc.org).~~
- ~~3. Where practical, indoor and outdoor lighting fixtures shall be programmable or linked to occupancy or motion sensor(s).~~
- ~~4. Light emitting diodes (LEDs), daylight fixtures, or other efficient low energy lighting solutions should be used in place of incandescent, halogen, or fluorescent lights, where practical.~~
- ~~5. By 2020, the agency, through coordination with the Department of Finance, will strive to meet a target whereby 40% of its electricity is produced or supported through renewable energy sources. These sources may include, but are not limited to, the purchase of Renewable Energy Certificates, onsite generation of energy from renewable sources (such as wind, solar, geothermal, water, etc.), and/or the acquisition of renewable energy from utility companies. This target may be adjusted by the Executive Committee, with input from the Secretary-Treasurer, based on fluctuating costs and availability of renewable energy sources.~~
- ~~6. Renewable sources (such as solar, wind and geothermal) should be considered for new and replacement systems where life cycle cost savings are justified in addition to aggregate net metering or power purchase agreements, among other financing or contract mechanisms, to further reduce the Commission's carbon footprint with its energy use, save costs, and further promote clean power alternatives wherever practicable. (Note to Draft Reviewer: Concepts pertaining to solar, wind and geothermal are covered in Section I Environmental Responsibility, Section A. Climate Action and Resiliency.)~~

C. ~~Conservation of Water~~

- ~~1. Install and properly maintain automatic faucets, where practical.~~
- ~~2. Whenever feasible, utilize low flow toilets and other innovations to reduce water demands.~~
- ~~3. Investigate and where feasible, install an efficient infrastructure for use of rainwater or grey water at M-NCPPC facilities, including water amenities and landscape watering.~~
- ~~4. Upon learning of any abnormal water usage pattern, facility managers shall investigate, locate, and immediately repair any leaks and inefficiencies.~~
- ~~5. Strive to plant native trees and shrubs in landscaping.~~
- ~~6. Strive to reduce lawn areas to minimize the need for irrigation and plant areas with appropriate drought tolerant native species.~~

(*Note to Draft Reviewer:* Concepts pertaining to water conservation are covered in Section I Environmental Responsibility, Section D. Water Resources.)

~~D. Management of Heating, Ventilation, and Air Conditioning (HVAC) Systems~~

~~Whenever feasible:~~

- ~~1. Insulate exposed piping and ventilation ducts in accordance with at least LEED Silver or equivalent standard.~~
- ~~2. Integrate installation of high efficiency HVAC equipment, such as Energy Star or equivalent, in new construction or in replacement plans for existing equipment, such as Energy Star or equivalent.~~
- ~~3. Use programmable thermostats to minimize HVAC use when buildings are not in use. In the planning of new buildings or major renovations to existing buildings, review insulation specifications to meet LEED Silver or equivalent standards.~~

(*Note to Draft Reviewer:* This component is not specifically addressed in the revised Practice because it is too detailed and would be more appropriately address in the individual Sustainability Plans.)

~~E. Fleet Management and Use of Alternative Commuting Resources~~

- ~~1. Employees utilizing M-NCPPC vehicles are encouraged to carpool with other employees to conserve fuel, minimize operating costs, and reduce environmental impacts related to pollution and congestion.~~
- ~~2. Fleet managers shall assist Departments in assessing the functional use/need of vehicles based on assigned work program needs and recommend vehicle purchases to most effectively meet these needs to include factors such as fuel/energy efficiency, safety, and effective operation. All new vehicle purchases shall consider the most energy efficient options suitable to meet the indicated use for the vehicle.~~
- ~~3. Vehicle assignments shall ensure the most efficient use of the agency's fleet.~~
- ~~4. To maintain highest operating efficiency, fleet managers should ensure that all vehicles receive periodic maintenance consistent with manufacturer specifications.~~
- ~~5. Reduce impact of employee travel to and from M-NCPPC facilities by implementing the following strategies:
 - ~~a) Implement feasible options and/or incentives to encourage staff's use of public transportation, regional commuting resources (e.g., ride share and car pools), and internal programs such as departmental pool vehicles and vanpools.~~
 - ~~b) Establish and encourage carpooling by M-NCPPC employees, allocating reserved spaces for carpoolers.~~
 - ~~c) Encourage the use of alternate work arrangements such as telework and compressed Workweeks to reduce, among other things, environmental impact and costs/needs associated with workspace operations.~~
 - ~~d) Capitalize on meeting and conferencing technology by using more phone and video conference calls (including webinars for training), even locally, to cut back on use of vehicles and travel times. (*Note to Draft Reviewer:* Concepts pertaining to fleet management and alternate commuting are covered in Section I Environmental Responsibility, Section F. Transportation & Equipment.)~~~~

1 ~~II. Sustainable Acquisition and Use of Agency Supplies:~~

2 Develop procurement specifications that encourage the use of goods and services which
3 support the agency's commitment to sustainability in areas including, but not limited to,
4 resources conservation, protection of the environment, and workplace health and safety.
5 **(Note to Draft Reviewer:** Procurement strategies and goals is covered in Section III, Economic
6 Vitality Section A. Sustainable Procurement.)

7 ~~a. Office Supplies and Furniture~~

- 8 ~~1. Actively reuse office supplies whenever possible, maintaining a returned inventory of~~
9 ~~supplies for reuse.~~
- 10 ~~2. Durable office equipment, including furniture, should be considered for reuse or~~
11 ~~repurpose by other M-NCPPC facilities/operations before it is recycled/surplused/or~~
12 ~~disposed.~~
- 13 ~~3. All disposal or external surplus/recycling of M-NCPPC property shall be coordinated~~
14 ~~with the Department of Finance, Purchasing Office, to ensure adherence to legal~~
15 ~~dispossession of assets, with a preference placed on repurposing outside M-NCPPC~~
16 ~~for the benefit of the community.~~
- 17 ~~4. Where feasible, identify and use environmentally friendly cleaning supplies/other~~
18 ~~products and services that are effective, enhance worker safety and health, and meet~~
19 ~~or exceed federal/state safety requirements. (Note to Draft Reviewer: This~~
20 ~~component is not specifically addressed in the revised Practice because it is too~~
21 ~~detailed and would be more appropriately address in the individual Sustainability~~
22 ~~Plans.)~~

23
24 ~~b. Printing and Copying~~

- 25 ~~1. Utilize two-sided printing whenever one-sided printing is not necessary.~~
- 26 ~~2. Limit use of color copying/printing to reduce costs and resources.~~
- 27 ~~3. Unless specific job demands or technical specifications of a printer require otherwise,~~
28 ~~purchase and use 100% post-consumer recycled paper, preferably with chlorine-free~~
29 ~~processing.~~
- 30 ~~4. Purchase of papers containing less than 100% post-consumer content should be~~
31 ~~limited to those that are Forest Stewardship Council (FSC) Certified.~~
- 32 ~~5. Incorporate other practical measures to reduce print material such as e-signatures,~~
33 ~~document imaging, and other paperless means of doing business. (Note to Draft~~
34 ~~Reviewer: This component is not specifically addressed in the revised Practice~~
35 ~~because it is too detailed and would be more appropriately address in the individual~~
36 ~~Sustainability Plans.)~~

37
38 ~~c. Procurement~~

- 39 ~~1. Procurement policies shall incorporate sustainable purchasing guidelines to secure~~
40 ~~economies of scale and promote sustainable product and service offerings by~~
41 ~~vendors. (See, for example, the Environmental Protection Agency's list of greener~~
42 ~~products that promote resource conservation, efficiency, safer alternatives, and,~~
43 ~~recycled content and recyclability, among other factors, in addition to other, similar~~
44 ~~sources. See also Section I.B., Conservation of Electricity and Natural Gas.)~~

- ~~2. Purchases should be combined whenever reasonable to reduce deliveries to minimum essential requirements, to save costs and energy where possible.~~
- ~~3. In cooperation with the Chief Information Officer, departments should create and sustain an efficient information technology (IT) infrastructure that supports operational needs while increasing paperless options for reviewing and storing information, and using environmentally preferable and energy efficient equipment including computers, printers, copiers, document imaging systems, servers, etc.).~~
(Note to Draft Reviewer: The subject of procurement is covered in Section III, Economic Vitality Section A. Sustainable Procurement.)

~~III. **Recycling and Solid Waste Management:**~~

~~Implement projects and programs to recycle, reuse, and reduce solid wastes used by M-NCPPC employees and patrons to meet or exceed the regulatory mandates established by government regulations. Recycling and disposal of materials shall comply with relevant federal/State safety regulations.~~

- ~~A. Implement recycling and reuse programs to achieve an overall rate of 90% of recyclable materials mandated by state or local law (including mixed paper, commingled materials, yard trim materials, Christmas trees, and scrap metal).~~
- ~~B. Implement recycling and reuse programs to include other material to include, but not be limited to oils, batteries, asphalt, tires, furniture, computers, electronics, construction debris, etc.~~
- ~~C. Implement programs to recycle and reuse plant, tree, and related vegetation materials to include composting within the natural resources of the agency.~~
- ~~D. Develop community-based information programs to encourage, demonstrate, and educate patrons on best practices to recycle, reuse, and reduce solid waste at M-NCPPC facilities/programs. (Note to Draft Reviewer: Sections A. B. & C. above pertaining to recycling and solid waste management is now covered in Section I. Environmental Responsibility; Section C. Waste Reduction & Recycling. Section D. above has been revised and moved to Sec. II. Social Justice; B. Social Responsibility)~~

~~IV. **Sustainable Infrastructure and Natural Areas**~~

~~The M-NCPPC will utilize the national and State standards for green practices in the design of facilities and in the management of natural resources. Natural areas will be managed to maintain healthy ecosystems and maximize biodiversity.~~

~~a. **Sustainable Building** Whenever feasible:~~

- ~~1. All new construction of M-NCPPC buildings shall be at least Leadership in Energy and Environmental Design (LEED) Silver eligible or equivalent standard.~~
- ~~2. Major renovation of M-NCPPC buildings shall meet at least LEED Silver eligibility or equivalent standard.~~
- ~~3. Capital improvement plans shall include implementation of LEED or equivalent~~

standards in construction and renovation.

4. ~~When planning new office sites, consideration should be given to locations that offer access to public transportation resources such as metro rail, trains, buses, and carpools.~~ **(Note to Draft Reviewer:** The concept of Sustainable Infrastructure & Natural Areas is covered in Section I Environmental Responsibility, Section B. Greening Agency Buildings & Facilities.)

~~b. **Sustainable Site Work** Where appropriate:~~

1. ~~Capital improvement plans shall include implementation of the Sustainable Sites Initiative (SITES) or equivalent standards (such as LEED) in construction and renovation.~~
2. ~~Plant native trees and shrubs around agency-owned buildings to provide wind and summer sun shelter.~~
3. ~~Utilize appropriate site layout, landscaping, and material choice to reduce heat island effect and summer cooling costs.~~
4. ~~Use best practices including, but not limited to, current environmental site design standards to avoid, trap, and control erosion or surface runoff of detergents, fertilizers, pesticides, and soil into storm drains and surface waters.~~ **(Note to Draft Reviewer:** Content pertaining to sustainable resources & natural areas are covered in Section I Environmental Responsibility, Section E. Natural Resources & Natural Areas.)

~~c. **Natural Resources Management:**~~

1. ~~Develop and implement a Natural Resources Management Plan for all parklands acquired for conservation purposes by 2012. This Plan provides general guidance to park management staff for the management of natural areas in parks.~~
2. ~~Maintain, and expand as appropriate, the existing program for the inventory, assessment, and control of non-native and invasive (NNI) plants.~~
3. ~~Maintain, and expand, as appropriate, the existing program for the control of nuisance wildlife (e.g., White-tailed deer, Canada geese, etc.).~~
4. ~~Utilize integrated pest management practices, where effective.~~
5. ~~Maintain, and expand, as required by State regulations, the storm sewer system, and the monitoring of water bodies and restoration of watersheds within the park system.~~ **(Note to Draft Reviewer:** Content pertaining to natural resources management is covered in Section I Environmental Responsibility, Section E. Natural Resources & Natural Areas.)

~~d. **Community Planning and Development:**~~

~~Where possible and practical, Community Planning and Development shall:~~

1. ~~Plan and locate new development according to Smart Growth principles and in conjunction with Maryland Sustainability initiatives.~~
2. ~~Locate recreation facilities to afford access via public transit and trails networks.~~
3. ~~Co-locate community recreation centers and major recreation facilities with other public facilities.~~ **(Note to Draft Reviewer:** Content pertaining to community planning & development is covered in Section II Social Justice, Section B. Social Responsibility.)

1 ~~V. Health and Wellness~~

2 Promote safety, health, and wellness through our workplace, programs, and services.

3 A. ~~Support healthy communities by integrating sustainability concepts and green practices~~
4 ~~with relevant program offerings, to further enhance patron and employee well-being.~~

5 **(Note to Draft Reviewer:** This section has been incorporated is covered in Section II Social
6 Justice, Section B.)

7 B. ~~Raise awareness of workplace health, safety, and wellness issues through~~
8 ~~comprehensive training and education programs targeting illness and injury prevention.~~

9 C. ~~Mitigate workplace hazards through timely identification, investigation, and remedial~~
10 ~~action. Whenever reasonable, complete collaborative reviews of accidents and design~~
11 ~~new programs to encourage greater understanding of risks and actions to~~
12 ~~implementation~~ **(Note to Draft Reviewer:** The concept of Community Health to include
13 patrons and employees have been revised and located in Section II Social Justice; B.
14 Social Responsibility in the revised Practice. Content having to do with workplace health,
15 safety and workplace hazards are no longer covered in the Practice because these
16 subjects are not specific to the topic of sustainability.)

17
18 ~~VI. Employee Education & Training on Sustainability Goals~~

19 A. ~~Sustainability efforts will be fostered through agency wide promotion and education of~~
20 ~~environmental awareness and conservation.~~

21 B. ~~Employees should be encouraged to seek sustainability credentials appropriate to their~~
22 ~~work program.~~

23 C. ~~Supervisors are responsible for reviewing work program requirements as they pertain to~~
24 ~~implementation of sustainability efforts. Applicable sustainability goals are to be~~
25 ~~incorporated into employee performance expectations.~~ **(Note to Draft Reviewer:** Content
26 pertaining to employee education & training on Sustainability is covered in Section II
27 Social Justice, Section B. Social Responsibility.)

Why revise?

What has changed?

Focus areas?

Discussion

Sustainability Practice 6-40 Revisions



Overview of Practice 6-40, M-NCPPC Sustainability Standards

Administrative Practice 6-40 prescribes agency-wide sustainability strategies with standards that place the agency at the forefront of parks and recreation organizations nationwide by instilling foundational concepts, including but not limited to:

- Environmental Responsibility: Such as energy conservation, recycling, green building & energy- efficient vehicles.
- Social Justice: Such as ensuring diversity, equity & inclusion in programs, services and planning activities.
- Economic Vitality: Such as procurement practices that reach out to minority, women, disabled and veteran-owned businesses.



A Brief History

1976

First Practice Issued
M-NCPPC commits to
conservation practices

#1

1979-1980

Agency restructuring triggers first
updates to include responsibilities

#3

Early 2020

Practice revisions begin to better
align with industry best practices

Now

#2

2012

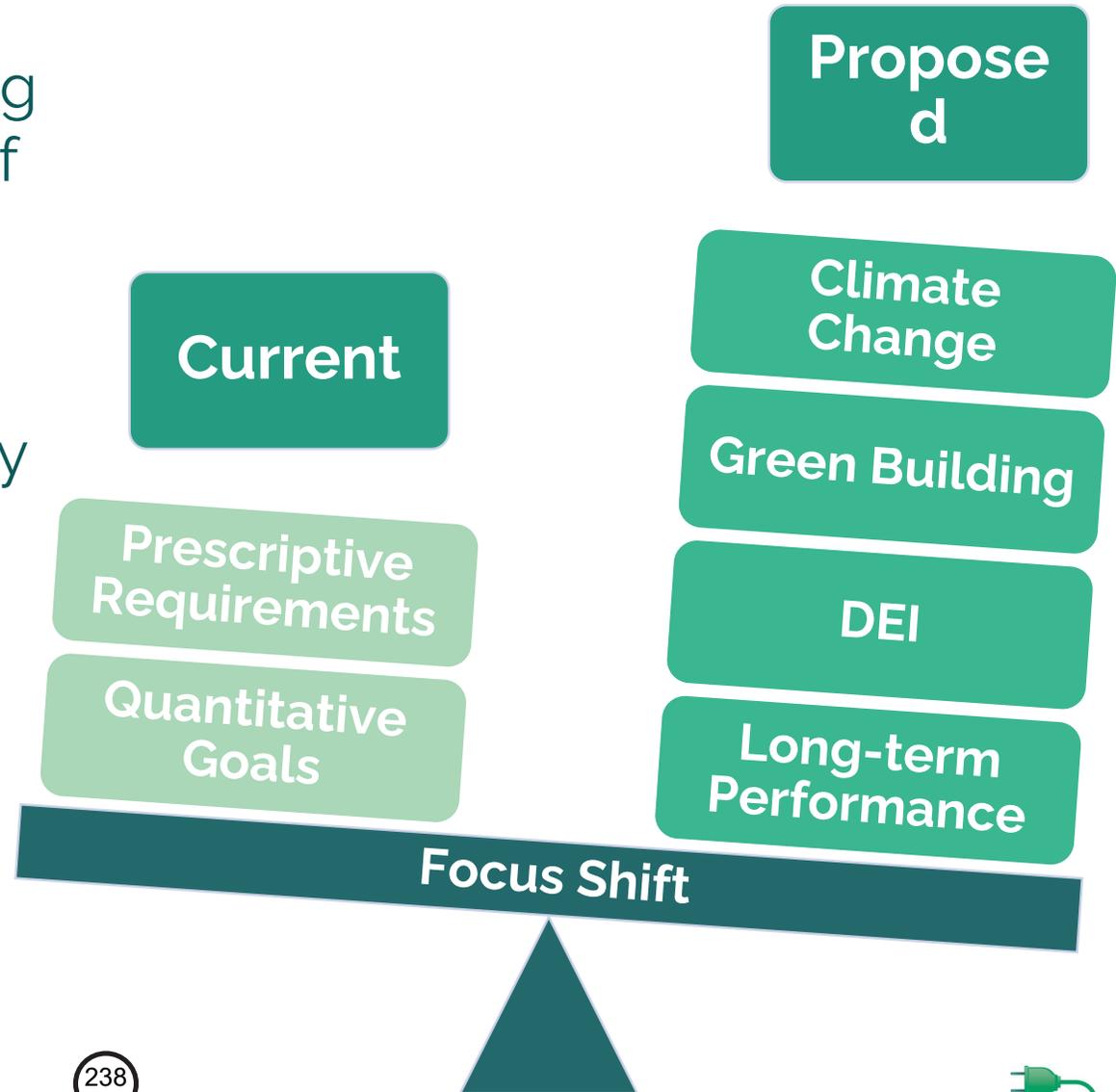
Updates reflected more modern concepts
of sustainability management including green
buildings, county mandates, & education

237



How Would Practice 6-40 change?

- Practice 6-40 becomes the guiding framework for the development of 5-year Sustainability Plans
- Detailed/specific strategies and quantifiable goals would be developed by staff in Sustainability Plans
- 5-year progress reports with updates reported out bi-annually



Moving from Sections to Pillars



Reorganized Into



- Utility/Energy Conservation
- Sustainable Acquisition & Use of Agency Supplies
- Recycling & Solid Waste Management
- Sustainable Infrastructure & Natural Areas
- Health & Wellness
- Employee Education & Training on Sustainability Goals

- Environmental Responsibility
- Social Justice
- Economic Vitality



Pillar 1: Environmental Responsibility

40% electricity from renewable energy sources

- Reducing energy consumption
- Reducing carbon emissions
- Utilizing on-site renewable energy transition away from RECs

90% recycle rate

- Guidance on implementing recycle & reuse programs

Prescriptive metrics set by LEED

- Establish & adhere to internal green building standards
- Use of low energy lighting
- Maintenance & retrofit standardization to prioritize energy conservation

Measurable Goals Live in Sustainability Plans



Pillar II. Social Justice



Pillar III. Economic Vitality

Focuses on specifics for purchasing paper products

- Support sustainable procurement practices that also address gaps in diversity & inclusion

Focus on reduction of energy costs

- Focus on long-term savings & project performance as whole

Grants mentioned only in relation to energy efficiency

- Proactively seek grants and incentives to fund any sustainability related project

Measurable Goals Live in Sustainability Plans



Principles of Sustainability



Transition to Sustainability Plans

From a high level, we propose transitioning away from the detailed goals of the current practice and instead towards broader agency-wide sustainability goals within the 3-pillars of sustainability, that:

Why?

- Recognize each county has a unique set of circumstances (laws, ordinances, facilities, resources & plans) that impact priorities.
- Enable flexibility and tailoring of sustainability programs.
- Place the details in a living document which is designed to set specific guidelines.



Three Pillars of Sustainability



So...what are the focus areas?

Environmental Responsibility

Goal: Protect, restore, and responsibly utilize resources while eliminating unnecessary waste.



Climate Action & Resiliency



Waste Reduction & Recycling



Transportation & Equipment



Greening Agency Buildings & Facilities



Natural Resources & Natural Areas



Water Resources



So...what are the focus areas?

Social Justice

Goal: To promote understanding and awareness about the environment and conservation within the community, inclusive of under-represented populations. This shall be accomplished by ensuring that opportunities, outreach, and projects are prioritized to promote social connectivity and meet the needs of diversity, equity and inclusion.



Diversity, Equity,
& Inclusion



Social
Responsibility



Planning/
Community
Development

So...what are the focus areas?

Economic Vitality

Goal: Establish guidelines for financial resource stewardship within the context of sustainability initiatives to strengthen project viability, engage leadership and our communities, and establish M-NCPPC as a responsible steward of taxpayer monies.



Sustainable
Procurement



Project
Performance &
Cost Analysis

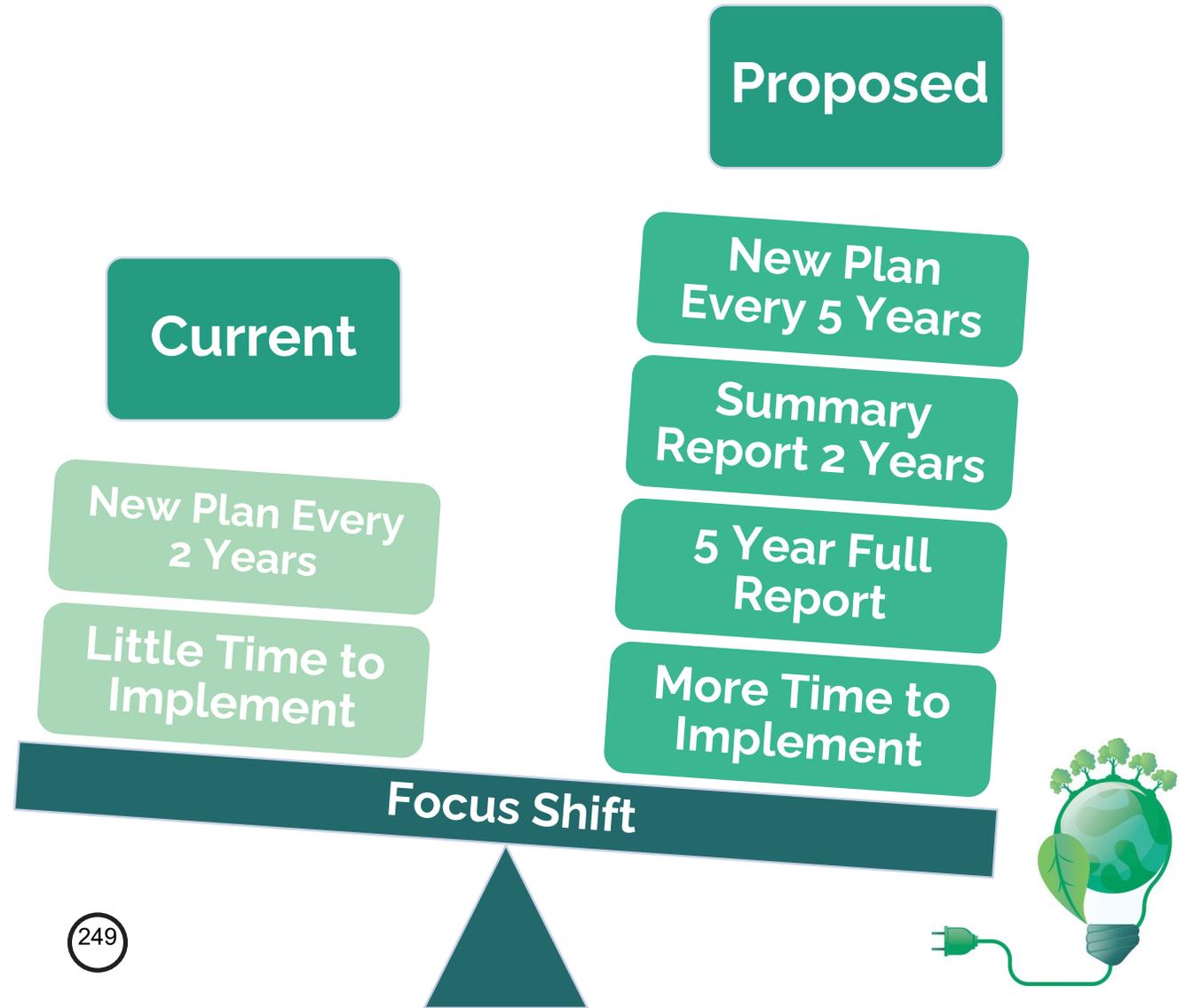


Grants &
Incentives



Reporting Requirements

- Aligns Commission with industry standard best practice
- Allows Sustainability Committee time to track impact over time
- Executive summary timeframe establishes project benchmarks



Clarifies Roles & Responsibilities

Modifies language in existing Practice to more accurately reflect current roles and responsibilities for planning and reporting, shifting from the Department Directors to Sustainability Coordinators. Ensures regular briefings to Directors on progress.

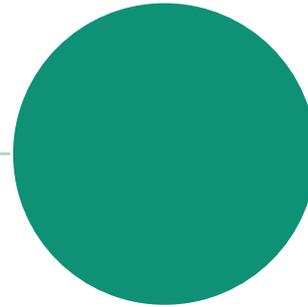
Why?

- Establish Sustainability Coordinators as SME
- Reflects current procedure
- Ensures Directors are up to date on latest progress to ensure compliance

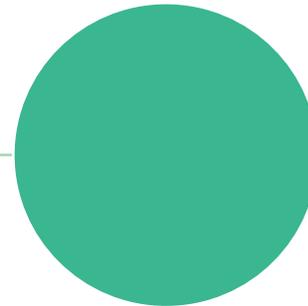


What are the impacts of this revision?

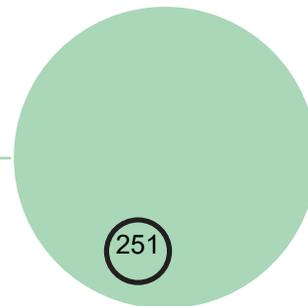
Sustainability Plans are more aligned across the Commission



Ensures efforts of good faith to mirror more stringent regulations



Sets focus areas that embrace ever evolving regulations



Establishes stronger bi-county committee to foster efforts



Sustainability Planning Timeline

Drafting of 5-Year Sustainability Plan

July 20, 2022:

Full Commission Vote on Practice 6-40 Revisions

Next 6-Months (July – January 2023):

Creation of the 5-Year Sustainability Plan. Sustainability Committee will create working groups and engaging with all staff to build out a Sustainability Plan for each respective county.

September 2022:

Representatives from each county will set up working meetings with their Department Heads and respective Planning Board Chairs to get their input on the Sustainability Plan.

5-Year Sustainability Plan Approval Process

January 24, 2023: Department Head Meeting

Finalized draft of the 5-year Sustainability Plan and Progress Report for each county will be presented. Department Heads will be provided a comment period.

March 1, 2023: Executive Committee Meeting

*****Date contingent on comments from Department Heads*****
The Progress Report for the previous Plan will be presented, for information. The finalized draft of the new 5-year Sustainability Plan for each county will also be presented, for approval. Chairs of each respective county will be able to request changes to the Plan and provide comments. If significant changes are requested, the Plan will go back to Executive Committee April 5, 2023, for approval.

*****IF REQUESTED*****

Full Commission Meeting, March 15, 2023 or April 19, 2023 (depending on comments)

The updated Plan would be presented to the Full Commission either March or April 2023, depending upon Executive Committee meeting comments.

Questions?

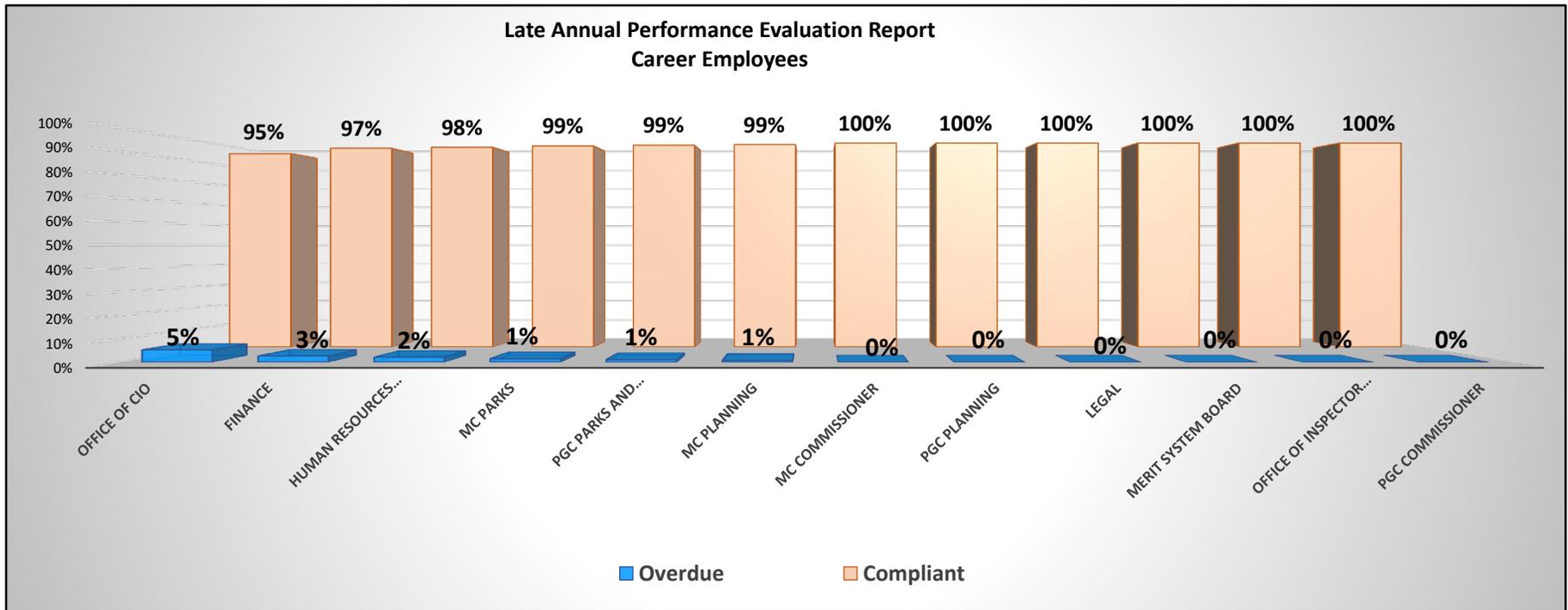


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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF JUNE 2022**

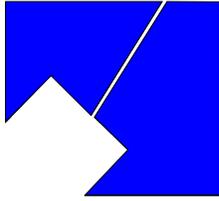
	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	May-22	Jun-22	May-22	Jun-22	May-22	Jun-22	May-22	Jun-22
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	1	1	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	2	1	0	0	2	0	4	1
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	2	1	0	0	1	0	3	1
PRINCE GEORGE'S PLANNING	2	0	0	0	0	0	2	0
PRINCE GEORGE'S PARKS & RECREATION	20	11	0	0	2	0	22	11
MONTGOMERY COUNTY PARKS	13	9	0	1	2	0	15	10
MONTGOMERY COUNTY PLANNING	2	1	0	0	0	0	2	1
DEPARTMENT TOTAL BY DAYS LATE	41	23	0	1	8	1		
COMMISSION-WIDE TOTAL							49	25

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data As Of June 30, 2022

Employee Count Department	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance	1	37	38
Human Resources and Mgt	1	46	47
Legal		22	22
MC Commissioner		3	3
MC Parks	10	658	668
MC Planning	1	130	131
Merit System Board		1	1
Office of CIO	1	18	19
Office of Inspector General		4	4
PGC Commissioner		8	8
PGC Parks and Recreation	11	965	976
PGC Planning		163	163
Total Employees	25	2,055	2,080



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

July 5, 2022

TO: Commissioners

VIA: Asuntha Chiang-Smith, Executive Director

FROM: Gavin Cohen, Secretary/Treasurer

SUBJECT: MFD Purchasing Statistics— Third Quarter FY22

In an on-going effort to establish appropriate procurement programs for minority and small local-owned businesses, we are pleased to report that an agreement has been fully executed with the Maryland Department of Transportation (“MDOT”) that will enable the Commission to participate in the State’s current disparity study. Staff is currently partnering with MDOT to provide data in support of the study. Additionally, in an effort to increase minority participation within the Commission, representatives from the Corporate Procurement Division and the Office of the Executive Director attended the MBE Night in Annapolis, Maryland. The event was well attended by over 300 minority businesses and civic leaders across the State of Maryland.

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 Corporate Procurement Division and includes a 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 FY22 report include:

- Attachment A indicates that through the Third Quarter of FY22, the Commission procured \$86,558,109 in goods, professional services, construction and miscellaneous services and 16.6% or \$14,383,406 was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the Third Quarter of FY22, 15.5% was spent with minority, female and disabled (MFD) owned firms.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the Third Quarter of FY22 was 17.2%. 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 16 % and 10.6 %, respectively.

- Attachment D presents the FY22 activity for the Purchase Card program totaling \$8,604,6968 or 1.8% was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents 9.9% of the Commission's total procurement dollars.
- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to Third Quarter FY22.
- Attachments F & 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 analysis, MFD vendors do appear to be participating, at an overall rate of 14.6% in informal (under \$30,000) and 17.4% in the formal (over \$30,000) procurements. For transactions under \$10k, MFD participation is 9.7%. MFD vendors are participating at an overall rate of 11.2% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$86,558,109 in total procurement, \$58,531,416 was procured from Maryland vendors. Of the \$14,383,406 in procurement from MFD vendors, \$10,191,725 was procured from MFD vendors located in Maryland with 49% or \$7,036,388 procured from vendors located in Montgomery and Prince George's Counties.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Native American, Hispanic 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 June 25, 2018.
- 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 3.9% of total procurement.

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 2022
 FOR NINE MONTHS ENDED MARCH 31, 2022

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>
<u>Prince George's County</u>						
Commissioners' Office	\$ 36,833	\$	-	-	\$ 4,083	11.1%
Planning Department	2,111,564		-	-	312,418	14.8%
Parks and Recreation Department	44,327,473		1,354,587	14	7,088,646	16.0%
Total	46,475,870		1,354,587	14	7,405,147	15.9%
<u>Montgomery County</u>						
Commissioners' Office	7,014		-	-	-	0.0%
Planning Department	1,810,758		198,023	5	549,999	30.4%
Parks Department	34,008,526		1,091,426	10	3,619,524	10.6%
Total	35,826,298		1,289,449	15	4,169,523	11.6%
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	561,368		100,000	1	150,537	26.8%
Finance Department	256,760		-	-	108,803	42.4%
Legal Department	63,465		360,000	6	-	0.0%
Merit Board	-		-	-	-	0.0%
Office of Chief Information Officer	3,370,769		329,288	1	2,549,396	75.6%
Office of Inspector General	3,579		-	-	-	0.0%
Total	4,255,941		789,288	8	2,808,736	66.0%
Grand Total	\$ 86,558,109	\$	3,433,324	37	\$ 14,383,406	16.6%

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
 May 6, 2022

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2022

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	0.0%	0.0%	11.1%	
Planning Department	34.9%	14.4%	14.8%	
Parks and Recreation Department	23.8%	17.5%	16.0%	
Total	<u>24.2%</u>	<u>17.4%</u>	<u>15.9%</u>	
<u>Montgomery County</u>				
Commissioners' Office	0.0%	0.0%	0.0%	
Planning Department	47.7%	33.6%	30.4%	
Parks Department	10.1%	9.5%	10.6%	
Total	<u>11.7%</u>	<u>11.2%</u>	<u>11.6%</u>	
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	10.9%	17.9%	26.8%	
Finance Department	8.7%	43.9%	42.4%	
Legal Department	0.0%	0.0%	0.0%	
Merit Board	0.0%	0.0%	0.0%	
Office of Chief Information Officer	14.4%	79.2%	76.6%	
Office of Inspector General	0.0%	0.0%	0.0%	
Total	<u>13.0%</u>	<u>72.0%</u>	<u>66.0%</u>	
Grand Total	<u><u>19.0%</u></u>	<u><u>18.9%</u></u>	<u><u>16.6%</u></u>	

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	0.0%	0.0%	18.4%		11.1%
Planning Department	34.9%	3.4%	7.9%		14.8%
Parks and Recreation Department	23.8%	11.4%	11.9%		16.0%
Total	<u>24.2%</u>	<u>11.0%</u>	<u>11.7%</u>		<u>15.9%</u>
<u>Montgomery County</u>					
Commissioners' Office	0.0%	0.0%	0.0%		0.0%
Planning Department	47.7%	26.4%	24.7%		30.4%
Parks Department	10.1%	8.8%	10.9%		10.6%
Total	<u>11.7%</u>	<u>10.7%</u>	<u>11.6%</u>		<u>11.6%</u>
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	10.9%	19.7%	28.5%		26.8%
Finance Department	8.7%	69.4%	65.2%		42.4%
Legal Department	0.0%	0.0%	0.0%		0.0%
Merit Board	0.0%	0.0%	0.0%		0.0%
Office of Chief Information Officer	14.4%	91.2%	86.4%		75.6%
Office of Inspector General	0.0%	0.0%	0.0%		0.0%
Total	<u>13.0%</u>	<u>84.8%</u>	<u>75.9%</u>		<u>66.0%</u>
Grand Total	<u><u>19.0%</u></u>	<u><u>18.9%</u></u>	<u><u>15.5%</u></u>		<u><u>16.6%</u></u>

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS
 BY MAJOR PROCUREMENT CATEGORY
 FY 2022
 FOR NINE MONTHS ENDED MARCH 31, 2022

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Resources	Finance Dept.	Legal Dept.	Office of Chief Information
Goods:									
Total \$	\$ 24,390,776	\$ 843,042	\$ 9,541,392	13,195,685	\$ 473,425	\$ 98,616	\$ 145,271	1,078	\$ 92,267
MFD \$	\$ <u>2,407,657</u>	\$ <u>194,298</u>	\$ <u>456,735</u>	<u>1,341,891</u>	\$ <u>281,414</u>	\$ <u>29,037</u>	\$ <u>99,723</u>	<u>0</u>	\$ <u>4,559</u>
Percentage	9.9%	23.0%	4.8%	10.2%	59.4%	29.4%	68.6%	0.0%	4.9%
Miscellaneous Services:									
Total \$	\$ 13,743,939	\$ 638,163	\$ 5,356,728	3,631,802	\$ 1,220,733	\$ 81,776	\$ 16,529	20,024	\$ 2,778,184
MFD \$	\$ <u>3,664,604</u>	\$ <u>228,401</u>	\$ <u>506,595</u>	<u>470,822</u>	\$ <u>25,360</u>	\$ <u>39,727</u>	\$ <u>0</u>	<u>0</u>	\$ <u>2,393,699</u>
Percentage	26.7%	35.8%	9.5%	13.0%	2.1%	48.6%	0.0%	0.0%	86.2%
Professional Services:									
Total \$	\$ 4,883,346	\$ 328,553	\$ 1,579,928	1,773,501	\$ 413,158	\$ 268,361	\$ 94,960	42,363	\$ 382,522
MFD \$	\$ <u>810,951</u>	\$ <u>127,300</u>	\$ <u>329,472</u>	<u>253,160</u>	\$ <u>5,644</u>	\$ <u>3,675</u>	\$ <u>9,080</u>	<u>0</u>	\$ <u>82,620</u>
Percentage	16.6%	38.7%	20.9%	14.3%	1.4%	1.4%	9.6%	0.0%	21.6%
Construction:									
Total \$	\$ 43,492,622	\$ 1,000	\$ 17,530,478	25,726,485	\$ 4,248	\$ 112,615	\$ 0	0	\$ 117,796
MFD \$	\$ <u>7,496,111</u>	\$ <u>0</u>	\$ <u>2,326,722</u>	<u>5,022,773</u>	\$ <u>0</u>	\$ <u>78,098</u>	\$ <u>0</u>	<u>0</u>	\$ <u>68,518</u>
Percentage	17.2%	0.0%	13.3%	19.5%	0.0%	69.3%	0.0%	0.0%	58.2%
SUBTOTAL									
Total \$	\$ 86,510,683	\$ 1,810,758	\$ 34,008,526	44,327,473	\$ 2,111,564	\$ 561,368	\$ 256,760	63,465	\$ 3,370,769
MFD \$	\$ <u>14,379,323</u>	\$ <u>549,999</u>	\$ <u>3,619,524</u>	<u>7,088,646</u>	\$ <u>312,418</u>	\$ <u>150,537</u>	\$ <u>108,803</u>	<u>0</u>	\$ <u>2,549,396</u>
Percentage	16.6%	<u>30.4%</u>	<u>10.6%</u>	<u>16.0%</u>	<u>14.8%</u>	<u>26.8%</u>	<u>42.4%</u>	<u>0.0%</u>	<u>75.6%</u>
Pr. Geo. Commissioners' Office									
Total \$	\$ 36,833								
MFD \$	\$ <u>4,083</u>								
Percentage	11.1%								
Mont. Commissioners' Office									
Total \$	\$ 7,014								
MFD \$	\$ <u>0</u>								
Percentage	0.0%								
Merit Board									
Total \$	\$ 0								
MFD \$	\$ <u>0</u>								
Percentage	0.0%								
Office of Inspector General									
Total \$	\$ 3,579								
MFD \$	\$ <u>0</u>								
Percentage	0.0%								
GRAND TOTAL \$	\$ 86,558,109								
MFD\$	\$ <u>14,383,406</u>								
Percentage	<u>16.6%</u>								

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2022
FOR NINE MONTHS ENDED MARCH, 31, 2022

Attachment D

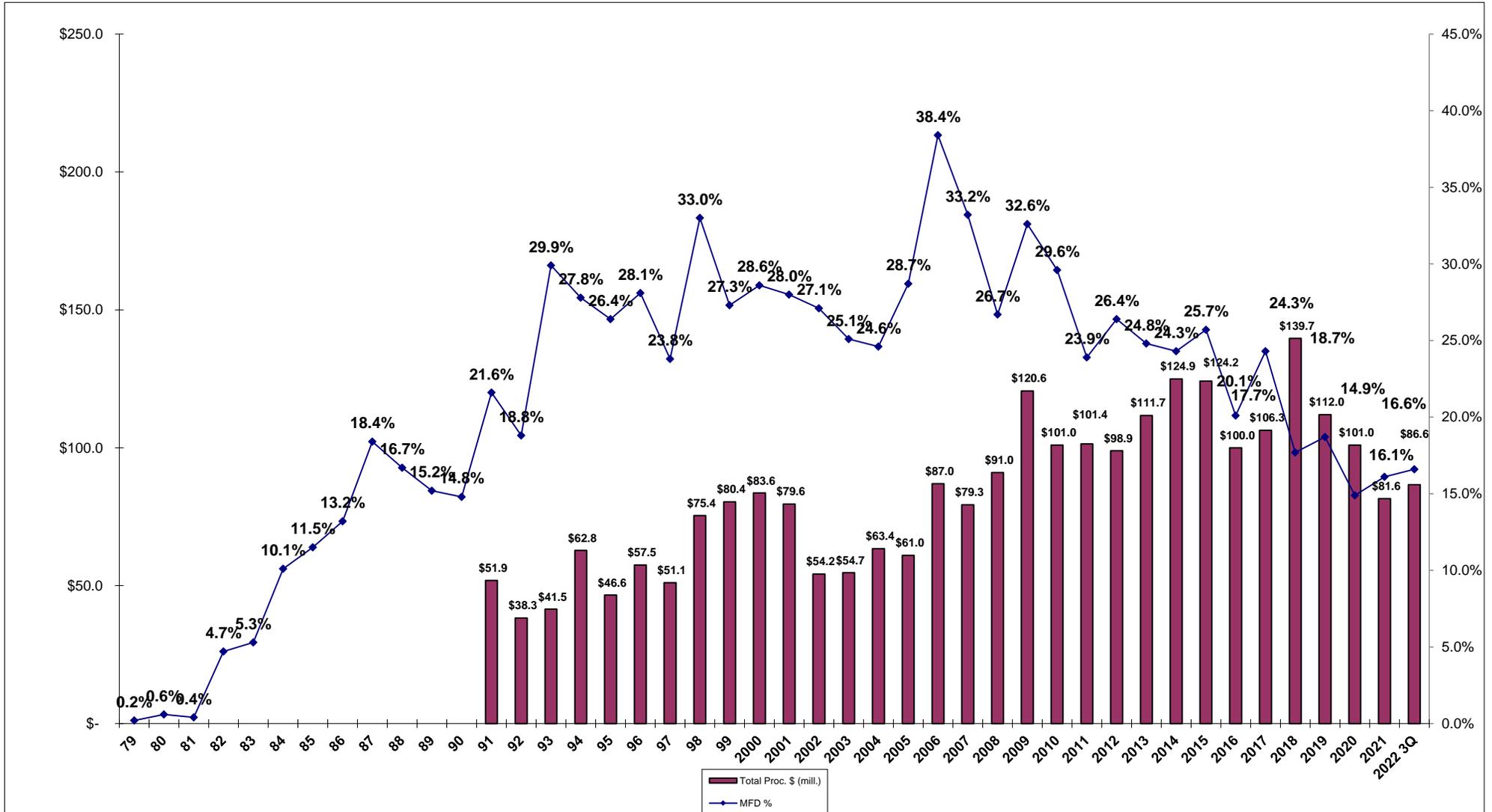
	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 36,833	11.1%	\$ 31,000	0.0%
Planning Department	2,111,564	14.8%	128,881	0.3%
Parks and Recreation Department	44,327,473	16.0%	3,914,433	1.5%
Total	<u>46,475,870</u>	<u>15.9%</u>	<u>4,074,314</u>	<u>1.5%</u>
<u>Montgomery County</u>				
Commissioners' Office	7,014	0.0%	7,014	0.0%
Planning Department	1,810,758	30.4%	104,436	0.0%
Parks Department	34,008,526	10.6%	4,312,078	2.2%
Total	<u>35,826,298</u>	<u>11.6%</u>	<u>4,423,528</u>	<u>2.1%</u>
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	561,368	26.8%	18,116	0.0%
Finance Department	256,760	42.4%	43,349	0.0%
Legal Department	63,465	0.0%	17,601	0.0%
Merit Board	-	0.0%	-	0.0%
Office of Chief Information Officer	3,370,769	75.6%	24,209	1.6%
Office of Inspector General	3,579	0.0%	3,579	0.0%
Total	<u>4,255,941</u>	<u>66.0%</u>	<u>106,854</u>	<u>0.4%</u>
Grand Total	<u>\$ 86,558,109</u>	<u>16.6%</u>	<u>\$ 8,604,696</u>	<u>1.8%</u>

Percentage of Purchase Card Procurement to Total Procurement 9.9%

Prepared by Finance Department
May 6, 2022

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

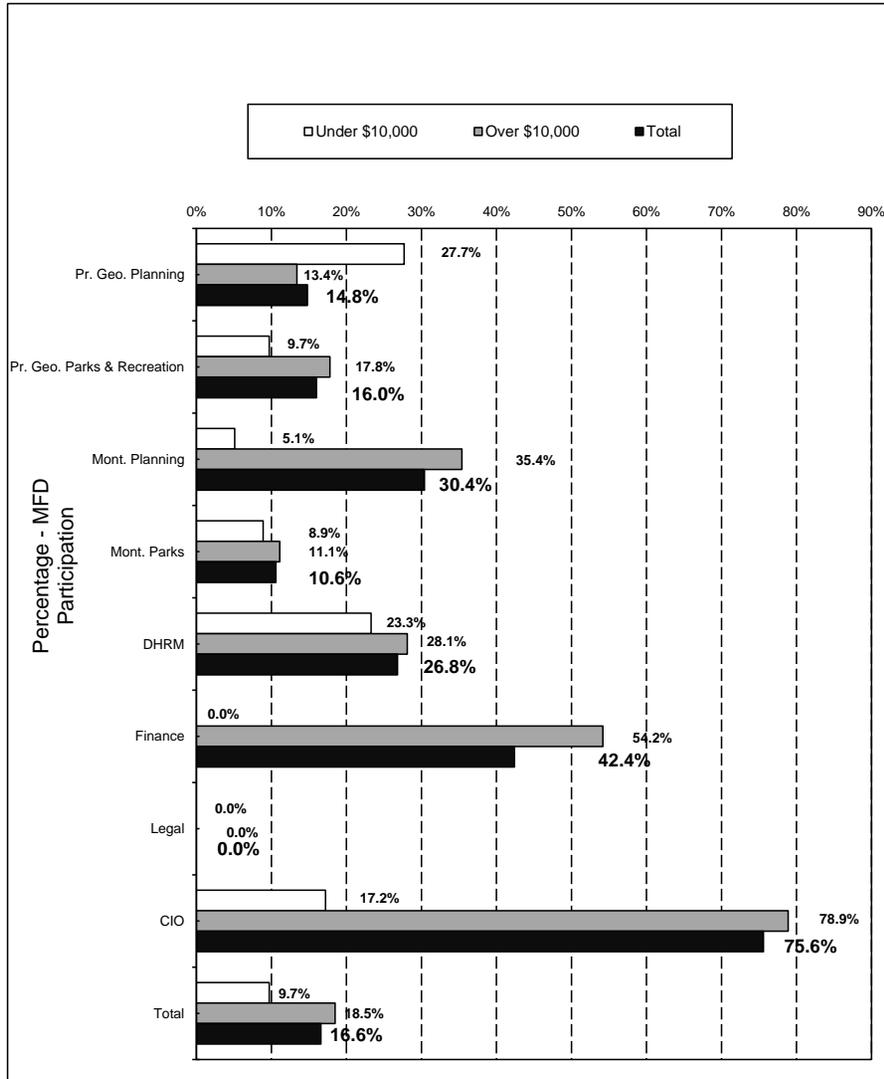
Attachment E



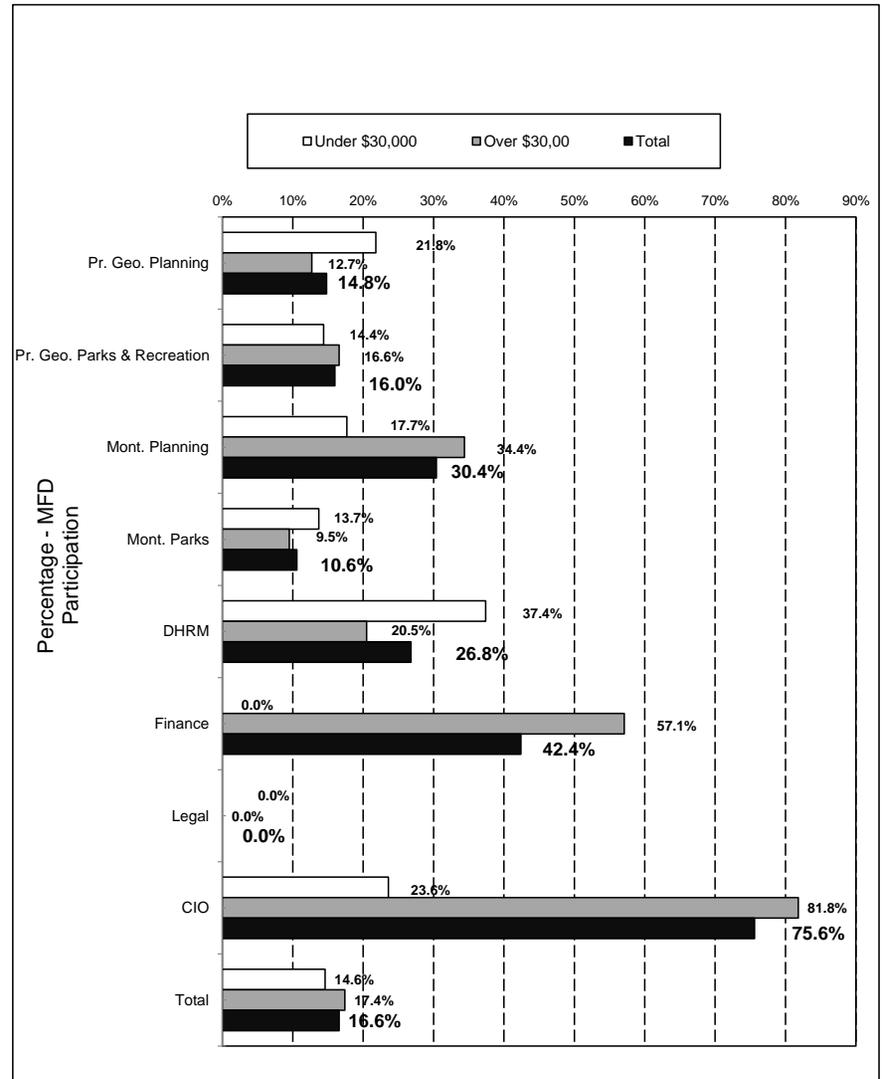
	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 3Q
TOTAL PROCUREMENT \$ (MIL.)	\$111.7	\$124.9	\$124.2	\$100.0	\$106.3	\$139.7	\$112.0	\$101.0	\$81.6	\$86.6
MFD %	24.8%	24.3%	25.7%	20.1%	24.3%	17.7%	18.7%	14.9%	16.1%	16.6%

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %
 FY 2022 3Q

Under/Over \$10,000

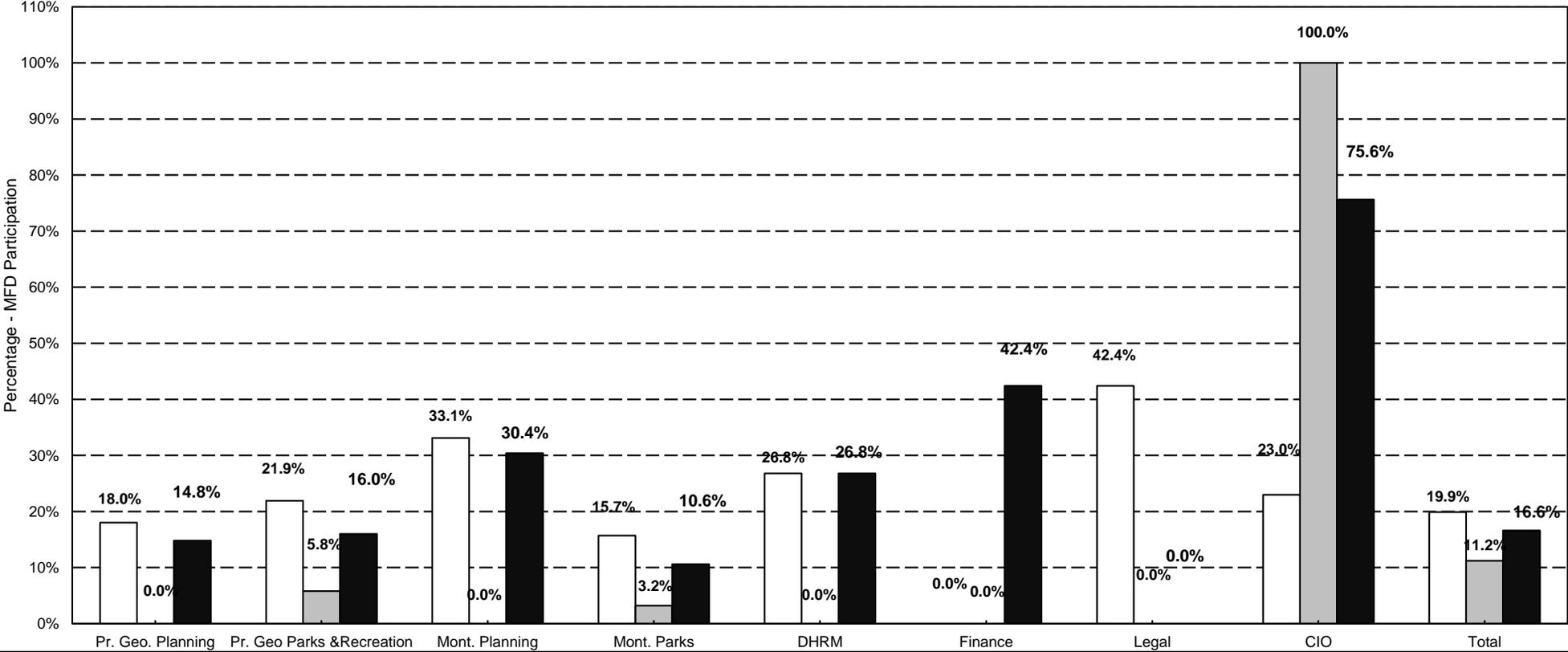


Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2022 3Q

□ Under \$250K □ Over \$250K ■ Total



Prepared by Finance Department
 May 6, 2022

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Amount of Procurement and Number of Vendors by Location
FY 2022
FOR NINE MONTHS ENDED MARCH 31, 2022

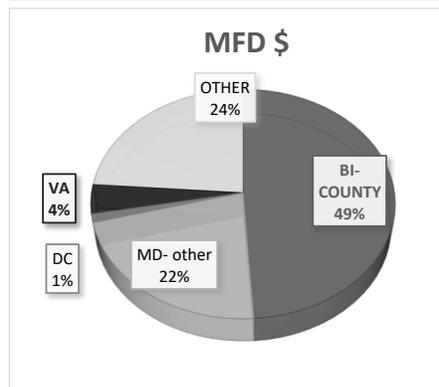
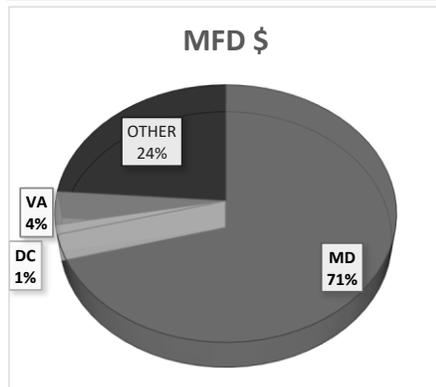
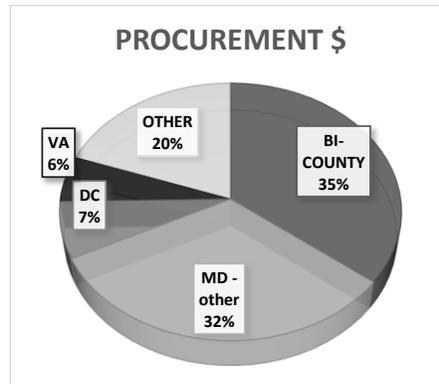
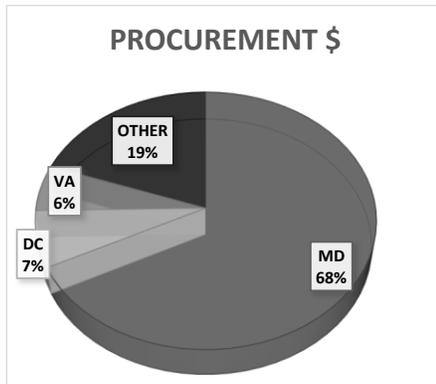
Attachment H

ALL VENDORS

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 9,566,491	11.1%	181	14.4%
Prince George's County	21,136,311	24.3%	300	23.9%
Subtotal	30,702,802	35.4%	481	38.3%
Maryland - other locations	27,828,614	32.2%	243	19.4%
Total Maryland	58,531,416	67.6%	724	57.7%
District of Columbia	6,126,764	7.1%	60	4.8%
Virginia	4,988,159	5.8%	133	10.6%
Other Locations	16,911,770	19.5%	337	26.9%
Total	\$ 86,558,109	100.0%	1,254	100.0%

MFD Vendors

Location	Procurement		Number of Vendors	
	Amount	%	Number	%
Montgomery County	\$ 2,762,524	19.2%	38	19.7%
Prince George's County	4,273,864	29.8%	60	31.0%
Subtotal	7,036,388	49.0%	98	50.7%
Maryland - other locations	3,155,337	21.9%	43	22.3%
Total Maryland	10,191,725	70.9%	141	73.0%
District of Columbia	171,202	1.2%	10	5.2%
Virginia	590,870	4.1%	16	8.3%
Other Locations	3,429,609	23.8%	26	13.5%
Total	\$ 14,383,406	100.0%	193	100.0%



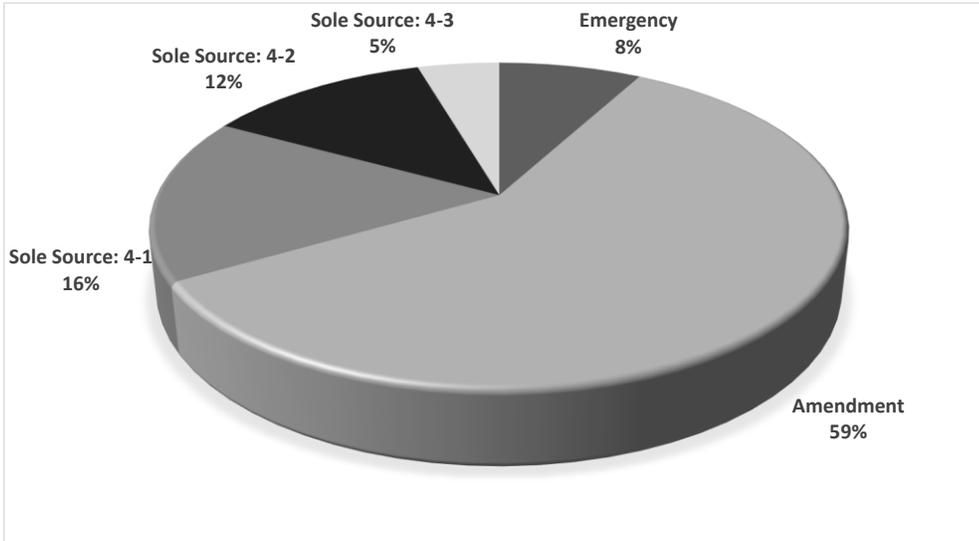
Prepared by Finance Department
 May 6, 2022

Note: The number of vendors excludes purchase card vendors.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2022
FOR NINE MONTHS ENDED MARCH 31, 2022**

Attachment J

REASON	NUMBER	AMOUNT	%
Emergency	7	\$ 271,984	7.9%
Public Policy	0	\$ 0	0.0%
Amendment	13	\$ 2,014,895	58.7%
Sole Source: 4-1	9	\$ 562,540	16.4%
Sole Source: 4-2	4	\$ 428,000	12.5%
Sole Source: 4-3	4	\$ 155,905	4.5%
Total	37	\$ 3,433,324	100.0%



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 2022
FOR THE NINE MONTHS ENDED MARCH 31, 2022**

Attachment K

	Total Waivers		MFD/Waivers		% of MFD	Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		% Sole Source
	\$	Number	\$	Number	%	\$	Number	\$	Number	\$	Number	%
Prince George's County												
Commissioners' Office	\$ -	0	\$ -	0	0.0%	\$ -	0	\$ -	0	\$ -	0	0.0%
Planning Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Parks and Recreation Department	1,354,587	14	-	0	0.0%	251,567	3	-	0	12,473	1	19.5%
Total	1,354,587	14	-	0	0.0%	251,567	3	-	0	12,473	1	19.5%
Montgomery County												
Commissioners' Office	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Planning Department	198,023	5	-	0	0.0%	193,973	4	-	0	-	0	98.0%
Parks Department	1,091,426	10	-	0	0.0%	17,000	1	238,000	1	143,432	3	36.5%
Total	1,289,449	15	-	0	0.0%	210,973	5	238,000	1	143,432	3	45.9%
Central Administrative Services												
Dept. of Human Resources and Mgt.	100,000	1	-	0	0.0%	100,000	1	-	0	-	0	100.0%
Finance Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Legal Department	360,000	6	-	0	0.0%	-	0	190,000	3	-	0	52.8%
OCIO	329,288	1	-	0	0.0%	-	0	-	0	-	0	0.0%
Merit Board	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Total	789,288	8	-	0	0.0%	100,000	1	190,000	3	-	0	36.7%
Grand Total	\$ 3,433,324	37	\$ -	0	0.0%	\$562,540	9	\$ 428,000	4	\$ 155,905	4	33.4%

Purpose of Summary of Waiver Report:

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

Sole Source: 4

It has been determined that:

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

Prepared by Department of Finance
May 6, 2022

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

**Single Audit Together with
Reports of Independent Public Accountants**

For the Year Ended June 30, 2021



S B & COMPANY, LLC
KNOWLEDGE • QUALITY • CLIENT SERVICE

JUNE 30, 2021

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REPORT OF INDEPENDENT PUBLIC ACCOUNTANTS

Board of Commissioners
The Maryland-National Capital Park and Planning Commission

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Maryland-National Capital Park and Planning Commission (the Commission) as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements.

Management's Responsibility for the Financial Statements

The Commission's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, the aggregate remaining fund information of the Commission as of June 30, 2021, and the respective changes in financial position and, where applicable, cash flows thereof and the respective budgetary comparison for the general fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, the schedules of required supplementary information for defined benefit pension plans, and the schedules of required supplementary information for Other Postemployment Benefits, as referenced in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with evidence sufficient to express an opinion or provide any assurance.

Supplementary and Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Commission's basic financial statements. The introductory section, statistical section, and supplementary data listed in the table of contents are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The supplementary data is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.



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The introductory section and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 29, 2021, on our consideration of the Commission's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Commission's internal control over financial reporting and compliance.

Owings Mills, MD
December 29, 2021

SB & Company, LLC



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**REPORT OF INDEPENDENT PUBLIC ACCOUNTANTS ON INTERNAL CONTROL
OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

Board of Commissioners
The Maryland-National Capital Park and Planning Commission

We have audited in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the Maryland-National Capital Park and Planning Commission (the Commission) as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements, and have issued our report thereon dated December 29, 2021.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Commission's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.



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Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Commission’s financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Commission’s internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Commission’s internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Owings Mills, MD
December 29, 2021

S B & Company, LLC



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REPORT OF INDEPENDENT PUBLIC ACCOUNTANTS ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM AND ON INTERNAL CONTROL OVER COMPLIANCE IN ACCORDANCE WITH THE UNIFORM GUIDANCE

Board of Commissioners
The Maryland-National Capital Park and Planning Commission

Report on Compliance for Each Major Federal Program

We have audited the Maryland-National Capital Park and Planning Commission's (the Commission) compliance of with the types of compliance requirements described in the *U.S. Office of Management and Budget (OMB) Compliance Supplement* that could have a direct and material effect on each of its major Federal programs for the year ended June 30, 2021. The Commission's major Federal programs are identified in the summary of independent public accountants' results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with Federal statutes, regulations, and the terms and conditions of its Federal awards applicable to its Federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the Commission's major Federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the compliance audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major Federal program occurred. An audit includes examining, on a test basis, evidence about the Commission's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major Federal program. However, our audit does not provide a legal determination of the Commission's compliance.



Opinion on Each Major Federal Program

In our opinion, the Commission complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major Federal programs for the year ended June 30, 2021.

Report on Internal Control over Compliance

Management of the Commission is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Commission’s internal control over compliance with the types of requirements that could have a direct and material effect on each major Federal program as a basis for designing auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major Federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Commission’s internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a Federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a Federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a Federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.



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Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Commission as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements. We issued our report thereon dated December 29, 2021, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated, in all material respects, in relation to the basic financial statements as a whole

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Owings Mills, MD
July 8, 2022

SB & Company, LLC

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Schedule of Expenditures of Federal Awards
For the Year Ended June 30, 2021**

<u>Federal Grantor/Pass Through Grantor/Program or Cluster Title</u>	<u>Federal Assistance Listing</u>	<u>Pass Through Entity Identifying Number</u>	<u>Federal Expenditures</u>	<u>Passed Through to Subrecipients</u>
Department of Treasury				
Pass through the Maryland Department of Public Health Coronavirus Relief Fund	21.019	Unknown	\$ 2,038,476	\$ -
Total Department of Treasury			<u>2,038,476</u>	<u>-</u>
Department of Homeland Security				
Disaster Grant - Public Assistance	97.036	031-UE4FD-00	1,479,681	-
Total Department of Homeland Security			<u>1,479,681</u>	<u>-</u>
Total Expenditures of Federal Awards			<u>\$ 3,518,157</u>	<u>\$ -</u>

The accompanying notes are an integral part of this schedule.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Notes to the Schedule of Expenditures of Federal Awards For the Year Ended June 30, 2021

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

All Federal grant operations of the Maryland-National Capital Park and Planning Commission (the Commission) are included in the scope of the Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (the Single Audit or Uniform Guidance). The Single Audit was performed in accordance with the provisions of the OMB Compliance Supplement (the Compliance Supplement). Compliance testing of all requirements, as described in the Compliance Supplement, was performed for the major grant program noted below. The programs on the accompanying schedule of expenditures of Federal awards represent all Federal award programs and other grants with fiscal year 2021 cash or non-cash expenditure activities. For our Single Audit testing, we tested the Federal award program with 2021 cash and non-cash expenditures to ensure coverage of at least 40% of Federally granted funds. Our actual coverage was 100%.

Expenditures reported on the schedule of expenditures of Federal awards (the Schedule) are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement. In the opinion of management, disallowed costs, if any, from such audit will not have a material effect on this Schedule of financial position of the Commission. The Commission has elected not to use the 10 percent de minimis indirect cost rate allowed under the Uniform Guidance.

<u>Major Programs</u>	<u>Federal Assistance Listing</u>	<u>Federal Expenditures</u>
Coronavirus Relief Fund	21.019	\$ 2,038,476
Disaster Grant - Public Assistance	97.036	1,479,681
Total Major Programs		<u>\$ 3,518,157</u>

2. BASIS OF PRESENTATION

The accompanying Schedule includes the Federal award activity of the Commission and is presented on the accrual basis of accounting. The information in the Schedule is presented in accordance with the requirements of the cost principles contained in the Uniform Guidance.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Schedule of Findings and Questioned Costs
For the Year Ended June 30, 2021**

Section I - Summary of Independent Public Accountants' Results

Financial Statements

Type of Independent Public Accountant' report issued:	Unmodified
Internal control over financial reporting:	
Material weakness(es) identified?	No
Significant deficiency(ies)?	None Reported
Noncompliance material to the financial statements noted?	No

Federal Awards

Type of Independent Public Accountant' report issued on compliance for major programs	Unmodified
Internal control over major programs:	
Material weakness(es) identified?	No
Significant deficiency(ies)?	None Reported
Any audit findings disclosed that are required to be reported in accordance with Section 200.516(a) of Uniform Guidance?	No

<u>Major Programs</u>	<u>Federal Assistance Listing</u>	<u>Federal Expenditures</u>
Coronavirus Relief Fund	21.019	\$ 2,038,476
Disaster Grant - Public Assistance	97.036	1,479,681
Total Major Programs		<u>\$ 3,518,157</u>
Threshold for distinguishing between Type A and B programs		\$ 750,000
Does the Commission qualify as a low risk auditee?		No

Section II – Financial Statement Findings

None noted.

Section III – Federal Award Findings

None noted.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Schedule of Prior Year Findings and Questioned Costs
For the Year Ended June 30, 2021**

There was no single audit for the fiscal year ended June 30, 2020, as the Commission was not required to have a single audit.



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

Reply To

July 6, 2022

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

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission
FROM: Debra S. Borden
Acting General Counsel
RE: Litigation Report for June 2022 – FY 2022

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, July 20, 2022. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

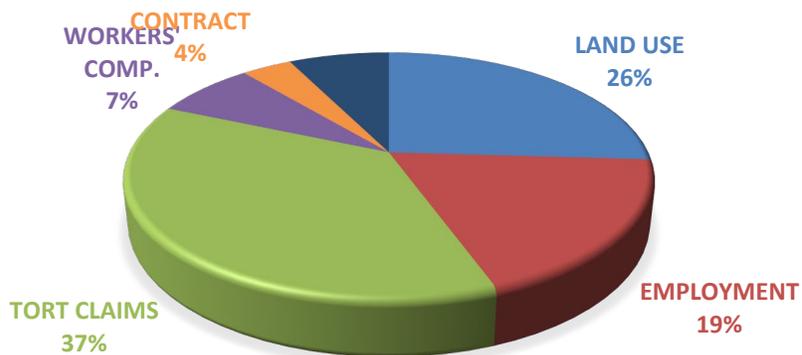
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June 2022
Composition of Pending Litigation
(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	4	2	1				7
ADMIN APPEAL: OTHER							
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	1						1
DEBT COLLECTION							
EMPLOYMENT DISPUTE	2	1		2			5
LAND USE DISPUTE							
MISCELLANEOUS	2						2
PROPERTY DISPUTE							
TORT CLAIM	10						10
WORKERS' COMPENSATION	2						2
PER FORUM TOTALS	21	3	1	2			27

OVERVIEW OF PENDING LITIGATION



June 2022 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2022			
	Pending May 2022	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	7			10	7	10	7
Admin Appeal: Other (AAO)							
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	3		2	3	1	3	1
Debt Collection (D)							
Employment Disputes (ED)	7		2	4	6	5	5
Land Use Disputes (LD)							
Miscellaneous (M)	2			2	2	2	2
Property Disputes (PD)							
Tort Claims (T)	10	1	1	8	6	4	10
Workers' Compensation (WC)	2			7	4	7	2
Totals	31	1	5	34	23	26	27

**INDEX OF YTD NEW CASES
(7/1/2021 TO 6/30/22)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Izadjoo v. M-NCPPC	MC	ED	July 21
McGill v. Commission	PG	WC	Aug 21
Payne v. M-NCPPC	PG	Tort	Aug 21
Troublefield v. Commission	PG	Tort	July 21
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	MC	AALU	Oct. 21
Commission v. Alan's Outlet, et al.	St. M	CD	Nov. 21
Robinson, et al. v. Prince George's County Planning Board, et al.	PG	AALU	Nov. 21
In the Matter of Michael Fox	Calvert	WC	Dec. 21
In the Matter of Michael Fox	Calvert	WC	Dec. 21
Village of Friendship Heights v. Montgomery Planning Board	MC	AALU	Jan. 22
Miles v. Commission, et al.	MC	ED	Mar 22
Walters v. Commission, et al.	PG	Tort	Mar 22
Tolson v. Commission	PG	ED	Mar 22
Deakins v. Commission	MC	ED	Mar 22
Lopez v. Commission	MC	ED	Mar 22
Davis v. Commission	PG	Tort	April 22
Commission v. Conwell	PG	Tort	April 22
Commission v. Faulk	PG	Tort	April 22
Troublefield v. Prince George's County, et al.	PG	Tort	April 22
Chambers v. Commission	PG	Tort	June 22

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	July 21
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	PG	AALU	Dec. 21
Heard v. Maryland-National Capital Park and Planning Commission	PG	AALU	Dec. 21
Izadjoo v. M-NCPPC	MC	ED	Jan. 22
Stewart v. Prince George's County Planning Board	PG	AALU	May 22

**INDEX OF YTD RESOLVED CASES
(7/1/2021 TO 6/30/2022)**

A. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	June 21
Commission v. Batson	PG	WC	June 21
Gibson v. Commission	PG	WC	June 21
Hoenig v. Commission	PG	WC	June 21
Simmons, et al. v. Prince George's Planning Bd.	PG	AALU	June 21
Frederick-Bey v. Dick, et al.	PG	Tort	July 21
Deutsche Bank National Trust Company v. Commission	PG	Misc.	July 21
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 21
Izadjoo v. Maryland-National Capital Park & Planning Commission	MC	ED	Aug. 21
Snoots v. Commission	MC	WC	Sep. 21
Murray v. Commission	MC	WC	Sep. 21
Kosary v. Montgomery County Planning Board	MC	AALU	Oct. 21
Troublefield v. Commission, et al.	PG	Tort	Oct. 21
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	PG	AALU	Nov. 21
Heard v. Maryland-National Capital Park and Planning Commission	PG	AALU	Dec. 21
Izadjoo v. Maryland-National Capital Park & Planning Commission	MC	ED	Dec. 21
Hitchcock v. M-NCPPC	MC	WC	Jan. 22
Structural Engineering Group Inc. v. M-NCPPC	MC	CD	Jan. 22
In the Matter of Michael Fox	Calvert	WC	Mar. 22
In the Matter of Michael Fox	Calvert	WC	Mar. 22
Nuzback, Kathryn A., Revocable Trust v. Commission	PG	Misc.	Mar. 22
Beck v. Montgomery County Department of Parks, et al.	MC	ED	Mar. 22
Commisison v. Alan's Outlet, et al.	St. Mary's	CD	Apr. 22
Wanda I. Davis v. Commission	PG	Tort	May 22
Deakins v. Commission	MC	ED	May 22
Lopez v. Commission	MC	ED	May 22
Coakley & Williams Construction v. Commission	PG	CD	June 22

B. Appellate Court Cases Resolved.

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Apr. 21
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Sep. 21
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Sep. 21
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	Mar. 22
Stewart, et al. v. Prince George's Planning Board et al.	PG	AALU	Mar. 22

	Disposition of FY21-FY22 Closed Cases Sorted by Department	
CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Commission v. Batson	The Commission filed for Judicial Review on the record of WCC order regarding surgical authorization for leg causally related to accidental injury.	06/03/2021 - Order of the Court. Case Dismissed and Remanded to the Workers' Compensation Commission for consideration and approval of the Agreement of Final Compromise and Settlement.
Gibson v. Commission	Claimant seeks judicial review of an order from the Workers' Compensation Commission denying causal connection of back injury to the accidental injury of October 20, 2017.	06/10/2021 - Order of Court. Case remanded to Workers' Compensation Commission.
Hoening v. Commission	Claimant seeks judicial review of February 7, 2020, order from the Workers' Compensation Commission regarding extent of disability.	06/02/2021 - Order of Court. Case Dismissed and Remanded to Workers' Compensation Commission.
Izadjoo v. Maryland-National Capital Park and Planning Commission	Izadjoo filed an appeal of the Merit Board decision of February 25, 2021, denying his appeal of the Montgomery County Department of Parks' denial of grievance 20-14 regarding his 2020 Annual Performance Evaluation.	08/23/2021 – Order of Court – Decision of Merit Board affirmed.
Snoots v. Commission	Petition for Judicial Review of Workers' Compensation Commission determination that not permanently totally disabled	09/01/2021 – Order of Court. Case remanded to Workers' Compensation Commission.
Murray v. Commission	Petition for Judicial Review of an order from the Workers' Compensation Commission that held claimant is not permanently and totally disabled.	09/01/2021 – Order of Court. Case remanded to Workers' Compensation Commission.
Izadjoo v. Maryland-National Capital Park and Planning Commission	Izadjoo filed an appeal of the Merit Board decision of denying appeal of his request for reclassification.	12/20/21 Decision of Merit Board affirmed.

Hitchcock v. Commission	Hitchcock filed appeal of Workers' Compensation Commission determination that he did not sustain a compensable accidental injury on June 5, 2020.	01/12/2022 – Order of Court. Case remanded to the Workers' Compensation Commission for approval of settlement.
In the Matter of Michael Fox	Fox appealed a determination by the Workers' Compensation Commission that he did not sustain a compensable occupation disease (hypertension) as a result of his work as a Park Police officer.	03/16/2022 – Case settled and remanded to Worker's Compensation Commission for approval of settlement.
In the Matter of Michael Fox	Fox appealed a determination by the Workers' Compensation Commission that he did not sustain a compensable occupation disease (hypertension) as a result of his work as a Park Police officer.	03/16/2022 – Case settled and remanded to Worker's Compensation Commission for approval of settlement.
Montgomery County Department of Planning		
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	Judicial Review of Montgomery County Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040.	06/04/21 - Planning Board's decision affirmed.
Kosary v. Montgomery County Planning Board	Judicial Review of Montgomery County Planning Board's approval of Primrose School Preliminary Forest Conservation Plan CU-18-08.	10/19/21 – Summary Judgment in favor of Plaintiff.
Montgomery County Department of Parks		
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	Subrogation suit for damages caused by a tulip poplar striking a home.	08/12/21 – Joint Stipulation of Dismissal with Prejudice.
Structural Engineering Group Inc. v. M-NCPPC	Construction change order dispute and time delay claim related to greenhouse at Brookside Gardens.	01/3/2022 – Order of Court. Matter dismissed with prejudice. Parties entered into settlement agreement.
Beck v. Montgomery County Department of Parks, et al.	Plaintiff alleged discrimination based on disability under the ADA and FMLA.	03/04/2022 – Order approving Stipulation of Dismissal and directing clerk to close the case.

Montgomery County Park Police		
Deakins v. Commission	Show Cause Action under the LEOBR regarding mandatory COVID vaccination requirements for police officers.	5/13/2022 – Order denying Application for Show Cause.
Lopez v. Commission	Show Cause Action under the LEOBR regarding mandatory COVID vaccination requirements for police officers.	5/13/2022 – Order denying Application for Show Cause
Montgomery County Planning Board		
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	Appeal from Circuit Court decision affirming Montgomery County Planning Board's approval of RCCG Jesus Hose Preliminary Plan 120160040.	03/17/2022 – Judgment of the Circuit Court affirmed.
Prince George's County Department of Parks and Recreation		
Frederick-Bey v. Dick, et al.	Plaintiff claims injury in the course of using weight room at Allentown Splash and Fitness Center allegedly due a defect in the equipment as a result of negligence on the part of Commission staff and has sued a Commission employee who has not been properly served.	07/28/2021 – Order of the Court. Case Dismissed with Prejudice on grounds barred by statute of limitations.
Deutsche Bank National Trust Company v. Commission	Action seeking to quiet title as to alleged encroachment on Commission land.	07/08/2021 – Amended Complaint filed that no longer included the Commission as no encroachment on Commission land.
Troublefield v. Commission, et al.	Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Place Arena.	10/21/2021 Voluntary Dismissal
Nuzback, Kathryn A., Revocable Trust v. Commission	Action filed against the Commission and Prince George's County to obtain documents pertaining to a Maryland Public Information Act request.	03/31/2022 – Case dismissed by Plaintiff.
Commission v. Alan's Outlet et al.	Commission's claim for damages regarding an undelivered garage shed. Commission submitted an order with payment for five sheds but only four were delivered.	04/18/2022 Default judgment in favor of Commission entered for \$8,236.
Wanda I. Davis v. Commission	Slip and fall case at Southern Regional Technology and Recreation Complex resulting in injuries.	05/27/2022 – Case settled and dismissed.

Coakley & Williams Construction v. Commission	Breach of contract regarding work done at the Southern Area Aquatics Recreation Center.	06/02/2022 - Case settled and dismissed. Elizabeth need help filling in.
Prince George's County Planning Department		
Prince George's County Planning Board		
Simmons v. Prince George's County Planning Board	Judicial Review of Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-20006 (Freeway Airport)	06/17/2021 - Prince George's County Planning Board's Motion to Dismiss Granted.
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration.	04/20/2021 - Mandate. Circuit Court decision affirmed. Costs to be paid by appellant.
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board on Preliminary Plan of Subdivision 4-18007, Woodmore Overlook Commercial. Before the parties filed legal memoranda, in the Circuit Court and before the court held oral argument, and before the Planning Board had a chance to transmit the agency record, the developer's attorney filed a motion to dismiss based on, among other things, lack of standing. The Circuit Court granted the motion to dismiss. Benton appealed.	09/01/2021 – Mandate. Motion for reconsideration denied.

Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration	09/28/2021 – Petition Dismissed.
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contends that Defendants have misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff seeks to enjoin the Planning Board from approving a Detailed Site Plan.	11/11/2021 – Motion to Dismiss granted as to all parties.
Heard v. Maryland-National Capital Park and Planning Commission	Judicial review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.	11/09/2021 – Decision of the Prince George's County Planning Board affirmed.
Stewart, et al. v. Prince George's Planning Board, et al.	Appeal from Circuit Court decision affirming Prince George's Planning Board's approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No. 4-19023	03/31/2022 – Judgment of the Circuit Court affirmed.
Prince George's Park Police		
Office of Internal Audit		

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Cases

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Chambers v. Commission

Case No. 050200212652020 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.

Status: Notice of Intent to Defend filed.

Docket:

09/08/2020	Complaint filed
06/06/2022	Commission served
06/27/2022	Notice of Intent to Defend filed
07/19/2022	Trial

Commission v. Conwell

Case No. 050200086402022 (Misc.)

Lead Counsel: Harvin
Other Counsel:

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

Status: Awaiting service of process.

Docket:

04/25/2022	Complaint filed
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Commission v. Faulk

Case No. 050200086392022 (Misc.)

Lead Counsel: Harvin
Other Counsel:

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

Status: Awaiting service of process.

Docket:

04/25/2022	Complaint filed
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CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

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

Case No. 487649-V (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial Review of the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.

Status: Awaiting hearing.

Docket:

10/12/2021	Petition for Judicial Review filed
10/27/2021	Response to Petition
11/02/2021	Response to Petition
11/12/2021	Amended Petition to add Petitioner Norman Mease
01/18/2022	Memorandum in Support of Petition for Judicial Review
02/15/2022	Joint Stipulation to Extend time to file Responsive Memorandum
03/02/2022	Answering Memorandum
03/17/2022	Reply Memorandum in Support of Petition for Judicial Review
07/22/2022	Hearing set.

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

Case No. 483255-V (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Dispute over whether an allowance should be made, and additional monies paid regarding the measurement (and relative cost) of the retaining wall at Greenbriar Local Park.

Status: Matter Stayed.

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served
11/25/2020	Motion to Dismiss
12/28/2020	Opposition to Motion to Dismiss
03/12/2021	Consent motion to postpone hearing and stay case.
03/15/2021	Order of Court. Matter stayed for 90 days.
10/20/2021	Order of Court. Matter stayed until January 10, 2022.
01/24/2022	Pre-Trial hearing statement filed
02/01/2022	Motion to Continue
02/18/2022	Order of Court. Motion Moot. Case has been placed on the Stay Docket.
03/30/2022	Status hearing. Matter reset for July 12, 2022.

Village of Friendship Heights v. Montgomery County Planning Board

Case No. C-15-CV-22-000398 (AALU)

Lead Counsel: Mills
Other Counsel: Vaias

Abstract: Judicial Review of the Montgomery County Planning Board's approval of Sketch Plan 320220010-5500 Wisconsin Avenue.

Status: Awaiting hearing.

Docket:

01/27/2022	Petition for Judicial Review filed.
2/11/2022	Response filed.
02/22/2022	Response to Petition for Judicial Review.
03/04/2022	Response to Petition for Judicial Review.
03/28/2022	Motion to Extend Time for Transmitting Record
04/15/2022	Administrative Record Received
04/22/2022	Motion denied as moot.
08/18/2022	Hearing set.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Alexander v. Proctor
Case No. CAL19-37187 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Officer Proctor deployed his Commission issued pepper spray when an unknown individual was observed wearing police-type gear and approaching our police substation. The individual failed/refused to stop, leading to the Officer deploying his pepper spray to stop and subsequently arrest the individual. Mr. Alexander (the individual) asserts that the stop was without Reasonable Articulate Suspicion/Probable Cause and therefore was unlawful and the amount of force used was excessive.

Status: In discovery.

Docket:

11/20/2019	Complaint filed
12/06/2019	Proctor served
12/09/2019	Commission served
01/03/2020	Commission's Motion to Dismiss filed
01/23/2020	Motion to Dismiss denied. Plaintiff to file Amended Complaint on or before 02/07/2020.
02/08/2020	Amended Complaint filed
02/21/2020	Motion to Strike Amended Complaint or in the alternative to Dismiss
03/09/2020	Opposition to Motion to Strike
03/27/2020	Court orders matter to be set in for hearing on Motion
05/06/2020	Motion to Quash and for Protective Order
05/06/2020	Plaintiff's Opposition to Motion to Quash and for Protective Order
05/22/2020	Order of Court – Motion to Quash and for Protective Order held in abeyance
09/16/2020	Motions Hearing held.
9/23/2020	Order of Court – Motion to Strike or in the alternative Motion to Dismiss denied. Motion to Quash and for Protective Order moot. Case to continue to due course.
9/30/2020	Answer to Amended Complaint filed.
03/14/2022	Plaintiff's Expert Designation filed
04/11/2022	Defendant's Expert Designation filed
06/22/2022	Mediation
02/13/2023	Trial

Brown v. City of Bowie, et al.
Case No. CAL19-35931 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injuries resulting from an event at Trap and Skeet location owned by the Commission. Defendants include the individual who discharged a weapon, a volunteer assigned to the group that day and Shooting Stars Shotgun Sports, LLC, an entity that provides shooting instructors at that location.

Status: Awaiting trial.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daughtery's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied. Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
12/08/2020	Answer to Complaint by Defendant Knode
02/16/2022	Status Conference Held
06/21/2023	Trial

Getnet v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-13268(Tort)

Lead Counsel: Harvin
Other Counsel: Johnson

Abstract: Tort suit for injuries allegedly sustained when visitor fell through decking at a historic property not owned by the Commission.

Status: In discovery.

Docket:

07/06/2020	Complaint filed
07/29/2020	Commission served
08/20/2020	Motion to Dismiss filed
09/10/2020	Amended Complaint
09/11/2020	Opposition to Motion to Dismiss
09/22/2020	Amended Complaint
10/09/2020	Answer filed.
11/02/2020	2 nd Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 nd Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only
03/04/2021	3 rd Amended Complaint filed
04/19/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's Crossclaim against Defendants/Cross-Defendants filed
05/19/2021	Robert Stillman Associates Answer to 3 rd Amended Complaint and Crossclaim
05/19/2021	Bell Architects Answer to 3 rd Amended Complaint and Crossclaim
10/15/2021	Defendant Bell Architects, PC and Robert Silman Associates Motion to Dismiss Plaintiff's Third Amended Complaint
11/01/2021	Plaintiff's Opposition to Motion to Dismiss 3 rd Amended Complaint.
11/04/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's Opposition to Defendants/Cross-Defendants, Bell Architects, PC, and Robert Silman Associates, PLLC's, Motion to Dismiss Plaintiff's Third Amended Complaint and Kadcon Corporation's Crossclaim, Request for Hearing and Supporting Memorandum
12/10/2021	Defendant Bell Architects, PC and Robert Silman Associates PLLC's Motion for Leave to file Reply Memorandum in Support of Motion to Dismiss Plaintiff's Third Amended Complaint
12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Motion for Leave to file Reply Memorandum in Support of Motion to Dismiss Kadcon Corporation's Crossclaim
12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Reply to Kadcon Corporation's Opposition to the Pending Motion to Dismiss

12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Reply to Plaintiff's Opposition to the Pending Motion to Dismiss
02/24/2022	Order of Court modifying scheduling order and setting trial for April 5, 2023.
04/08/2022	Motions Hearing
04/13/2022	Motion to Dismiss denied. Motion for Leave to File Reply Memorandum moot. Motion to Dismiss Third Amended Complaint denied.
04/06/2023	Trial

Jackson v. Prince George's County Sports & Learning Complex

Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injury to a minor allegedly related to use of equipment at the Sports & Learning Complex.

Status: Awaiting trial.

Docket:

07/15/2019	Complaint filed
01/22/2020	Commission accepted service
01/27/2020	Complaint to be amended to reflect Commission as party.
02/04/2020	Amended Complaint filed
03/18/2020	Commission served
04/08/2020	Commission's answer filed.
9/1/2022	Trial

King v. Commission

Case No. CAL 19-30096 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission denying authorization for neck surgery.

Status: Awaiting trial.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed Response to Petition.
02/07/2022	Joint Motion for Continuance
03/18/2022	Order of Court. Trial continued
03/02/2023	Trial

McGill v. Commission
Case No. CAL 21-08946 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Commission decision dated July 19, 2021, which determined he had not sustained an increase in permanent partial disability and denied further treatment.

Status: Awaiting trial.

Docket:

08/03/2021	Petition for Judicial Review filed
08/16/2021	Commission filed Response to Petition
10/26/2022	Trial

Melito v Commission
Case No. CAL 21-03760 (ED)

Lead Counsel: Johnson
Other Counsel:

Abstract: Plaintiff seeks to secure administrative meeting or hearing on termination, former employee claims were denied.

Status: In discovery.

Docket:

04/01/2021	Complaint filed
04/22/2021	Commission served
05/20/2021	Motion to Dismiss filed
06/04/2021	Plaintiff's Opposition to Motion to Dismiss filed.
02/17/2022	Order of Court. Motion to Dismiss denied. Matter to continue in due course.
03/03/2022	Commission's Answer filed
09/29/2022	Trial

Montague v. Newton White Mansion

Case No. CAL 20-05753 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Claim related to slip and fall on ice at Newton White Mansion.

Status: Awaiting trial.

Docket:

02/13/2020	Complaint filed.
06/19/2020	Amended Complaint filed.
07/21/2020	Answer filed.
08/29/2022	Trial

Payne v. Commission, et al.

Case No. CAL 21-06287 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained in 2014 at Clearwater Nature Center while working in summer camp program.

Status: Case settled. Dismissal to be filed.

Docket:

06/03/2021	Complaint filed
08/02/2021	Defendant Mock served
08/16/2021	Commission served
09/27/2021	Commission's answer filed
12/09/2021	Motion for Default filed as to Defendant Mock
04/04/2022	Answer of Defendant Mock filed

Robinson, et al. v. Prince George's County Planning Board, et al.

Case No. CAL 21-13945(AALU)

Lead Counsel: Goldsmith
Other Counsel: Warner

Abstract: In relation to the development of a public K–8 middle school, Petitioners are challenging the Planning Board's decision to affirm the Planning Director's approval of a tree conservation plan, a revision of that tree conservation plan, and variances to the Woodland Conservation Ordinance that allowed removal of specimen trees. There is no statutory right to judicial review, and the petitioners cited no legal authority to petition the circuit court for judicial review. As a result, this may ultimately become a petition for a writ of mandamus under the administrative mandamus provisions of the Maryland Rules (7-401 to 7-403).

Status: Awaiting hearing.

Docket:

11/12/2021	Petition filed
01/05/2022	Commission's Motion to Dismiss filed
01/05/2022	Response to Petition filed by Planning Board
01/05/2022	Motion to Dismiss filed by Planning Board
01/06/2022	Response to Petition filed by Board of Education
01/21/2022	Opposition to Motion to Dismiss
01/27/2022	Memorandum in Support of Petition for Judicial Review
01/31/2022	Motion to Strike Petitioner's Memorandum in Support of Petition for Judicial Review
01/31/2022	Planning Board's Reply to Petitioners' Opposition to Respondent's Motion to Dismiss
02/14/2022	Opposition to Motion to Strike
02/14/2022	Petitioner's Motion to Supplement the Record
02/14/2022	Amended Memorandum in Support of Petition for Judicial Review
02/25/2022	Planning Board's Memorandum
03/16/2022	Reply Memorandum filed.
06/30/2022	Motions hearing.

Snyder v. State of Maryland, et al.
Case No. CAL 20-13024 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained when tennis player allegedly tripped in hole of divider net and broke clavicle.

Status: In discovery.

Docket:

06/19/2020	Complaint filed.
07/27/2020	Commission's Motion to Dismiss
07/27/2020	Motion to Transfer Venue
08/11/2020	Opposition to Motion to Dismiss
08/25/2020	State of Maryland's Motion to Dismiss
09/10/2020	Amended Complaint.
10/30/2020	2 nd Amended Complaint filed
10/14/2020	Order of Court – Motion to Dismiss and Motion to Transfer Venue Moot.
05/04/2021	Commission and L. Gertzog's Answer to 2 nd Amended Complaint

Tolson v. Commission
Case No. CAL22--05472 (ED)

Lead Counsel: Levan
Other Counsel:

Abstract: Show Cause Action under the LEOBR regarding mandatory COVID vaccination requirements for police officers.

Status: Petition filed.

Docket:

03/03/2022	Petition for Show Cause Order filed
03/28/2022	Commission served
04/27/2022	Consent Motion for Extension of Time to Respond to Show Cause.
05/09/2022	Response to Application for Show Cause filed.

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

Case No. CAL 22-12298 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: Complaint filed.

Docket:

04/11/2022	Complaint filed
04/27/2022	Commission served
05/09/2022	Stipulation/Line of Dismissal as to Prince George's County only
05/20/2022	Commission's Answer filed

Walters v. Commission

Case No. CAL22-01761 (Tort)

Lead Counsel: Johnson
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained when minor was playing on playground equipment at Melwood Hills Community Park.

Status: In discovery.

Docket:

01/19/2022	Complaint filed
03/25/2022	Commission served
04/06/2022	Commission's answer filed.
05/09/2023	ADR
07/06/2023	Trial

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

Case No. CAL20-14895 (AALU)

Lead Counsel: Goldsmith
Other Counsel: Warner

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

Status: Awaiting decision on Motions.

Docket:

08/19/2020	Petition for Judicial Review filed.
09/29/2020	Notice of Intent to Participate

09/29/2020	Motion to Dismiss filed by Werrlein WSSC, LLC
10/13/2020	City of Hyattsville's Notice of Intent to Participate
10/19/2020	Response to Petition for Judicial Review
10/19/2020	Planning Board's Motion to Dismiss filed
10/27/2020	City of Hyattsville's Opposition to Motion to Dismiss filed
11/30/2020	Motion to Consolidate with cases CAL19-21492, City of Hyattsville v. Prince George's County District Council and CAL19-22819 Eisen v. Prince George's County District Council
12/28/2020	Opposition to Motion to Dismiss
03/03/2021	Motions hearing held. Taken under advisement.
06/15/2022	Order of Court. Motion to Dismiss denied.
06/20/2022	Memorandum in support of the Petition for Judicial Review filed
08/12/2022	Hearing set

MARYLAND COURT OF SPECIAL APPEALS

6525 Belcrest Road, LLC v. Dewey, L.C., et al.

Case No. CSA-REG-1632-2021 (AALU)

(Originally filed under CAE 20-11589 in Prince George's County)

Lead Counsel: Harvin

Other Counsel:

Abstract: Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contends that Defendants have misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff seeks to enjoin the Planning Board from approving a Detailed Site Plan.

Status: Appeal from Circuit Court granting Motion to Dismiss.

Docket:

12/14/2021	Appeal filed.
02/28/2022	Briefing Notice issued
04/07/2022	Show cause issued as to Appellant and why matter should not be dismissed for failure to timely file record.
05/17/2022	Appellant's Brief and Record Extract filed

Heard v. Maryland-National Capital Park and Planning Commission

Case No. CSA-REG-1563-2021 (AALU)
(Originally filed under CAL 20-14095 in Prince George's County)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Appeal of decision affirming Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.

Status: Appeal filed.

Docket:

12/01/2021	Appeal filed.
03/28/2022	Appellant Brief filed
04/20/2022	Appellee Brief filed
06/07/2022	Reply Brief filed

Izadjo v. Maryland-National Capital Park and Planning Commission

Case No. CSA-REG 1795-2021 (ED)
(Originally filed under 486280-V in Montgomery County)

Lead Counsel: Adams
Other Counsel: Johnson

Abstract: Izadjo appeals the decision of the Circuit Court affirming the decision of the Merit System Board denying appeal of his request for reclassification.

Status: Appeal filed.

Docket:

01/14/2022	Notice of Appeal to Court of Special Appeals
03/29/2022	Briefing Notice issued
05/19/2022	Appellant's Brief and Record Extract filed
06/17/2022	Commission's Brief filed

MARYLAND COURT OF APPEALS

Stewart, et al. v. Prince George’s Planning Board, et al.

Case No. COA-PET 0104-2022 (AALU)

(Originally filed as CAL20-11215 in Prince George’s County; CSA-REG-0038-2021)

Lead Counsel: Goldsmith
Other Counsel:

Abstract: Petition for Writ of Cert from Court of Special Appeals decision affirming Circuit decision that affirmed Prince George’s County Planning Board’s approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No.4-19023

Status: Petition filed.

Docket:

05/18/2022	Petition filed.
06/01/2022	Respondent Answer filed.

U.S. DISTRICT COURT OF MARYLAND

Evans v. Commission, et al.

8:19-cv-02651 TJS (ED)

Lead Counsel: Levan
Other Counsel: Foster

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

Status: In discovery.

Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.
12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants

03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.
05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages
07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.
11/13/2020	Defendants' Motion to Dismiss granted in part. Counts 4, 5, part of 6 and 7 -10, part of 11, and 12 dismissed. Counts, 1 -3, part of 6 and 11, 13 -15 will proceed at this stage. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.
01/11/2021	Order – Case referred to Magistrate Judge Timothy J. Sullivan generally and to Magistrate Judge Jillyn K. Schulze for mediation
01/15/2021	Joint Consent to Proceed before Magistrate
01/28/2021	Order of Court re mediation week of May 17, 2021.
07/26/2021	Commission's Motion for Protective Order.
08/09/2021	Plaintiff's Opposition to Motion for Protective Order.
08/23/2021	Commission's Reply to Opposition for Protective Order.
10/05/2021	Informal Discovery Dispute Resolution Conference was held with the Judge to resolve issues raised in the Motion for Protective Order and Opposition. An Order was issued resolving several matters and requiring additional disclosure of information and/or documents
01/14/2022	Notice of Intent to file a Motion for Summary Judgment filed by Defendants Murphy, Uhrig, McSwain, and Commission.
02/17/2022	Order of Court re scheduling order. Motion for Summary Judgment due April 8, 2022.
04/08/2022	Defendants' Joint Motion to Seal Exhibits Related to Defendants' Motion for Summary Judgment
04/08/2022	Defendants' Joint Motion for Summary Judgment and Supporting Memorandum of Law
04/20/2022	Response in Opposition to Motion to Seal Exhibits
05/03/2022	Reply to Response to Motion to Seal
06/09/2022	Consent Motion for Extension of Time to file Response to Defendants' Joint Motion for Summary Judgment

06/10/2022	Order of Court granting Consent Motion
06/14/2022	Second Motion for Extension of Time to file Response to Defendants' Joint Motion for Summary Judgment
06/14/2022	Order granting Second Motion for Extension of Time to File Response to Defendants' Joint Motion for Summary Judgment

Miles v. Commission, et al.
8:22-cv-00624-AAQ (ED)

Lead Counsel: Foster
Other Counsel:

Abstract: Plaintiff, police officer, filed a complaint against the Commission and individual defendant, alleging hostile work environment, discrimination, retaliation, and violations of 42 USC §1981, 42 USC §1983, Maryland Statutory violations, and County Code violations.

Status: In discovery.
Docket:

03/14/2022	Complaint filed
03/16/2022	Commission accepted service
03/23/2022	Waiver of the Service of Summons filed by Commission
04/29/2022	Case reassigned to Magistrate Judge Ajmel Ashen Quereshi
05/06/2022	Answer to Complaint filed by Commission
06/15/2022	Answer to Complaint Stephanie Harvey