



Commission Meeting
Open Session Minutes
February 15, 2023

The Maryland-National Capital Park and Planning Commission met in hybrid, in-person/videoconference, with the Chair initiating the meeting at the Wheaton Headquarters Building in Wheaton, Maryland. The meeting was broadcast by the Montgomery Planning Department.

PRESENT

Prince George's County Commissioners

Peter A. Shapiro, Chair
Dorothy Bailey (joined 10:10a)
Manuel Geraldo
A. Shuanise Washington

Montgomery County Commissioners

Jeffrey Zyontz, Vice Chair, joined at 10:30a
Cherri Branson, joined at 10:10a
David Hill
Roberto Piñero
Amy Presley, departed at 12 noon

NOT PRESENT

William Doerner

Chair Shapiro called the meeting to order at 10:02 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA (As Amended 2.14.23)

ACTION: Motion of Vice Chair Hill to approve the amended agenda
Seconded by Commissioner Geraldo
6 approved the motion
Commissioners Bailey, Branson, Doerner and Zyontz absent for the vote

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – January 18, 2023
SPECIAL SESSION: Open Session – February 2, 2023
ACTION: Motion of Commissioner Presley to approve the minutes.
Seconded by Commissioner Geraldo
5 approved the motion to approve the January 18, 2023 and February 2, 2023 minutes
Commissioner Washington abstained
Commissioners Bailey, Branson, Doerner and Zyontz absent for the vote

ITEM 3

GENERAL ANNOUNCEMENTS

- a) National Blood Donor Month
- b) American / National Heart Month
- c) M-NCPPC Black History Month
- d) Upcoming Women's History Month
- e) Financial Disclosure Filing Requirement Reminder

ITEM 4 COMMITTEE MINUTES/BOARD REPORTS (for information only)
a) Employees Retirement Association Board of Trustees Regular Meeting – December 6, 2022

ITEM 5 CLOSED SESSION

Chair Shapiro called for a motion to move the meeting into closed session. Commissioner Hill moved; Commissioner Geraldo seconded. All Commissioners in attendance voted to move to closed session in a separate room and separate videoconference channel.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (9) the closed session considered matters relating to collective bargaining negotiations in order to preserve privileged and confidential deliberations required to manage ongoing collective bargaining negotiations.

The following individuals were also present (in person and via videoconference):

Also present:

Asuntha Chiang-Smith, Executive Director
Gavin Cohen, Secretary-Treasurer
Debra Borden, General Counsel
Andree Checkley, Director, Prince George’s Planning
Bill Tyler, Director, Prince George’s Parks and Recreation
Mike Riley, Director, Montgomery Parks
Robert Kronenberg, Deputy Director, Montgomery Planning for Acting Director Tanya Stern

James Adams, Senior Technical Writer, DHRM
Craig Ballew, Labor Counsel
Gary Burnett, Deputy Director Montgomery Parks
Steve Carter, Deputy Director, Prince George’s Parks and Recreation
Miti Figueredo, Deputy Director, Montgomery Parks
Tracey Harvin, Corporate Policy and Management Operations Director
John Kroll, Corporate Budget Director
Alvin McNeal, Deputy Director, Prince George’s Parks and Recreation
William Spencer, Acting Deputy Executive Director

In closed session, the Commission discussed matters related to collective bargaining negotiations with the Fraternal Order of Police, Lodge 30.

There being no further business to discuss in closed session, Chair Shapiro returned the meeting to open session at 11:10 a.m.

ITEM 6 ACTION AND PRESENTATION ITEMS

- a) Resolution 23-02, Cedar Chase SD Easement (Sun)
Commissioner Hill asked about the stormwater easement included in the resolution and asked if they are jurisdictionally different, since it was not mentioned in the memo. DPR Planner Coordinator Ivy Thompson explained the difference between the two easements, and said said the resolution and vote is addressing both of them.

ACTION: Motion of Commissioner Washington to adopt Resolution 23-02
Seconded by Commissioner Geraldo

8 approved the motion
Commissioners Bailey and Doerner absent for the vote

b) Resolution 23-03, RAISE Grant Application (Maneval/Mercer)

Senior Counsel Maneval described a working group comprised of members of Montgomery Parks and Prince George's Parks and Recreation to put together a grant request to the Federal Department of Transportation under their Rebuilding American Infrastructure Sustainability and Equity Program adding the project is a great example of multi-jurisdictional effort to enhance safety, expand trails and promote non-modal transportation. Seeking Commissioner support to submit an application to the Federal government for \$25M with a match of \$34M. For the M-NCPPC, \$16,225,000 would come from CIP funding plus and addition \$10M received from state legislation supporting this project.

Commissioner Hill asked the \$16M is more than the minimum of the grant – how was the number arrived at. Ms. Mercer replied this is the agency's third application and includes several existing projects which are part of our CIP budget for enhancements to various trail sites. Funding will also be included in future budgets.

Commissioner Hill asked about the proposed plant facility for Prince George's County parks and asked what other facilities does the agency have for native plant farming? Sustainability Coordinator Lauren Belle replied the M-NCPPC has a program outside of Olney. She added economy of scale we would be able to expand our reach of the program further into the urban populations, supporting our sustainability plan and operational scheme.

ACTION: Motion of Vice Chair Zyontz to adopt Resolution 23-03
Seconded by Commissioner Hill
9 approved the motion
Doerner absent

c) Resolution 23-04, Approval of Three-Year Collective Bargaining Agreement Between the Fraternal Order of Police, Lodge No. 30, Effective February 1, 2023 through January 2026. (Chiang-Smith)

No discussion.

ACTION: Motion of Commissioner Washington to adopt Resolution 23-04
Seconded by Commissioner Geraldo
8 approved the motion
Zyontz abstained
Doerner absent

d) Resolution 23-05, Approval of Fiscal Year 2024 Wage Adjustments and Pass Through of Other Terms Approved for Park Police Command Staff and Police Candidates (Chiang-Smith)

No discussion.

ACTION: Motion of Commissioner Washington to adopt Resolution 23-05
Seconded by Commissioner Geraldo

9 approved the motion
Doerner absent

e) Sustainability Committee Report (Sustainability Committee)

The members of the Sustainability Committee introduced themselves and presented the FY23-27 Sustainability Action Plans, provided in the packet.

Chair Shapiro and the rest of the Commission thanked the Sustainability Committee for their hard work adding it is good to see how the two counties plans are speaking to each other in good coherent ways. Commissioner Geraldo noted a lot of comments he has received from the public on improvements to M-NCPPC trails and parks, and said people are really appreciating them. Commissioner Hill said he appreciated how the committee worked with partnering and working with other organizations throughout the region. He also asked if there was a way to incentivize the use of local construction materials and asked if there could be a push to educate the public on using refillable water containers in parks. Ms. Belle replied both are addressed in the plan. There is a goal for 50% of goods and services to be locally-sourced; and there are plans to start pilot programs on waste containers to get some lessons learned before launching a full-scale program rollout.

Commissioner Branson asked if the Sustainability Committee had incorporated supplier diversity and using small/minority businesses into their plan. Ms. Hickman said not currently, but it is certainly something they would want to mirror, noting the Sustainability Practice does mention that sustainable procurement includes using small business and minority owned businesses. Executive Director Chiang-Smith said the agency's supplier diversity program will work closely with the sustainability group on procurement and help them coordinate with outward and inward communications and performance measurements.

f) Potential Implications of Montgomery County Spending Affordability Guidelines (Kroll)

Corporate Budget Director Kroll said the Montgomery County Council on Tuesday Feb 14, approved the Spending Affordability Guidelines for the FY24 operating budget, predicated on the Government Operations Committee review and recommendation, which did not follow staff recommendation. The committee voted to increase the CIP paygo which came at the expense of the allotments for both the county and the M-NCPPC. These guidelines represent a 6.2% reduction from the proposed budget, or approximately \$10.59M in Montgomery County funded departments' budgets including the Montgomery County funded portion of the bi-county operations of the M-NCPPC.

The amount of the reduction may change based on the County Executive's budget, expected March 15. Corporate Budget Director Kroll reminded Commissioners that reductions proposed to bi-county services from one county will impact the services to both Montgomery and Prince George's counties. He added the budget team has not yet been able to identify any agency-wide savings that might be applied to offset the reduction, but they will continue to explore options. He advised that Commissioners may wish to encourage departments to begin developing options.

g) Other Post-Employment Benefits (OPEB) Actuarial Evaluation Presentation (Cohen/Rodman/Bolton)

Secretary-Treasurer Cohen introduced Tim Barry and Tom Vicente of Bolton Associations who presented on their annual evaluation of the OPEB program, used to manage resources for retiree benefits in order to set expectations for fiscal 2024, as included in the packet. No questions.

ITEM 6 OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report (January 2022) (For information only)

Secretary-Treasurer's Report

- b) Quarterly Investment Report (December) (For information only)

General Counsel's Report

- c) Litigation Report (For information only). General Counsel Borden addressed a question on litigation trends with the reduction of tort claims. It does appear that the increase we saw in tort claims during the past several years was the result of increased usage during the initial COVID shutdowns, and the current number of claims are back to their previous levels.

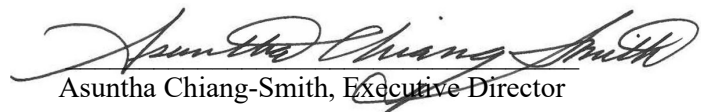
- d) Legislative Update. General Counsel Borden provided updates on a two legislative proposals:

Forest Conservation Act Amendments, proposed by Delegate Love and Senator Elfreth, which includes sweeping change to the Act. The counties would like to study and develop solutions. The agency has many concerns about the 8-fold increase in the ratio of cleared acres to planted acres. Staff does not find that sustainable and they hope to conduct a study with MACO to form some better ideas. At this point, staff do not know for sure if the bill will slow down.

Cannabis Reform Act, designed to implement the referendum passed in November legalizing adult-use cannabis without a prescription. This bill is 88 pages and is complex, focusing on employer liability/employee discipline, and zoning. It is very specific and directed. Staff will put together a letter on those two issues specifically and bring it to the respective planning board meetings. Commissioner Geraldo asked what the issue is with employer liability. General Counsel Borden replied there is language that states employers are not liable for disciplining employees who are reporting impaired or ingesting on the job. The issue is the testing does not match impairment. She is suggesting that language should be clarified. If there is a testing program, it must be paired with a reasonable suspicion standard. Commissioner Hill asked if smoking cannabis falls under tobacco/vaping issues. General Counsel Borden confirmed. Commissioner Branson asked what the impairment standard was for medical use. General Counsel Borden replied this legislation is specifically for adult non-medical use, which have statutes already in place.

With no other business to discuss, Chair Shapiro adjourned the meeting at 12:35 pm.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director