THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

July 16, 2025

10:00 a.m. – 12:00 p.m.

Prince George's

Parks and Recreation Administration

Auditorium

6600 Kenilworth Avenue

Riverdale, Maryland 20737

and via teleconference

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MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Wednesday, July 16, 2025
10:00 am to 12:00 noon
Prince George's Parks and Recreation Administration Building Auditorium and via Teleconference

			ACTION	
			Motion	Second
1. **Approval of Commission Meeting Agenda** ***(10:00 a.m.)***				
a) Approval of July 16, 2025 Commission Meeting Agenda	(*)	Page 1		
2. **Approval of Commission Minutes** ***(10:05 a.m.)***				
a) Open Session – June 18, 2025	(*)	Page 3		
3. **General Announcements** ***(10:05 a.m.)***				
a) Bereaved Parents' Month				
b) August – Commission in Recess – NO MEETING				
c) Upcoming Labor Day Holiday (September 1)				
d) Upcoming Hispanic Heritage Month (September 15-October 15)				
4. **Committee and Board Reports** ***(10:10 a.m.)***				
a) Employees' Retirement System Board of Trustees Regular Meeting Minutes from May 6, 2025 (for Information Only)		Page 11		

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

5. **Closed Session** ***(10:10 a.m.)***				
Open session resumes				
6. **Action and Presentation Items** ***(10:20 a.m.)***				
a) Amendments to M-NCPPC Practice 1-40 Organization and Functions of the Office of the General Counsel and M-NCPPC Practice 2-24 Ethics, Pertaining to Pro Bono Representation (Beckham/Aniton)	(*)	Page 15		
b) Amendments to M-NCPPC Debt Management and Post-Issuance Compliance Policy (Cohen)	(*)	Page 21		
c) Approval of FY25 Year-End Budget Transfers (Charles)	(*)	Page 37		
d) Calendar 2026 Recommended Benefit Plan Rate Changes (McDonald/Allen)	(*)	Page 39		
e) Resolution 25-xx Wage Resolutions for Employees represented by the Municipal and County Government Employees Organization (Spencer)	(*)	LD		
f) Resolution 25-xx Wage Resolution for Non-Represented Merit, Term and Seasonal/Intermittent Employees (Spencer)	(*)	LD		
7. **Officers' Reports** ***(11:00 a.m.)***				
<u>Executive Director's Report</u>				
a) Quarterly Late Evaluation Report (For Information Only)		Page 45		
b) CIO's Quarterly Report (For Information Only)		Page 47		
<u>Secretary-Treasurer's Report</u>				
No report scheduled				
<u>General Counsel</u>				
c) Litigation Report (For Information Only)		Page 51		

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

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

Commission Meeting
Open Session Minutes
June 18, 2025

The Maryland-National Capital Park and Planning Commission met in a hybrid format in-person at the Wheaton Regional Headquarters Building in Wheaton, MD and virtually via videoconference. The meeting was broadcast by the Montgomery County Planning Department.

PRESENT

Montgomery County Commissioners	Prince George's County Commissioners
Artie Harris, Chair	Peter A. Shapiro, Vice Chair
Josh Linden	Manuel Geraldo
Mitra Pedoeem	A. Shuanise Washington

NOT PRESENT

Shawn Bartley
James Hedrick
Dorothy Bailey

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

ITEM 1 APPROVAL OF AGENDA

a) Approval of the June 18, 2025 Commission meeting Agenda

Chair Harris added the following items to the agenda: Item 6g. Pro-Bono Representation Policy and Item 6h. Communicate with Confidence. Material for item 6g. was posted and sent for review earlier this week. Item 6h would be discussion only.

ACTION: Motion of Commissioner Geraldo to approve the June 18, 2025 amended meeting agenda
Seconded by Commissioner Washington
6 approved the item

ITEM 2 APPROVAL OF MINUTES

a) Approval of Commission Minutes – Open Session
Regular Meeting: May 21, 2025

Mr. Adams read two edits into the record from the posted minutes:
Item 5c. First sentence, paragraph 2: "Prior to October 2024, GLP-1 drugs were filled by prescription only, which was causing a significant increase in the cost of prescription insurance coverage."
Item 6b. Final sentence, paragraph 3: "Deputy Director Flusche confirmed several projects were cut due to the reduced budget, although much had been offset by bond bill funding."

ACTION: Motion of Commissioner Geraldo to approve the May 21, 2025 minutes, as amended
Seconded by Commissioner Washington
4 approved the item
2 abstained (Linden, Shapiro)

ITEM 3 GENERAL ANNOUNCEMENTS

a) Juneteenth Holiday (June 19)
b) National Caribbean American Heritage Month
c) Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month
d) Upcoming Independence Day Holiday (July 4)

ITEM 4 COMMITTEE/BOARD REPORTS

a) Employees' Retirement System Board of Trustees Regular Meeting Minutes from May 6, 2025 (for Information Only)

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

Item 5. CLOSED SESSION

ACTION: Motion of Commissioner Geraldo to enter closed session
Seconded by Commissioner Washington
5 approved the motion

Commissioners entered closed session at 10:10 a.m. Open session resumed at 10:23 a.m. Chair Harris said during closed session, Acting Executive Director Spencer briefed Commissioners on the status of negotiations with the Municipal and County Government Employees' Organization collective bargaining unit. The Commissioners also passed closed session minutes from the previous meeting.

ITEM 6 ACTION/PRESENTATION ITEMS

a) Amendments to the M-NCPPC Rules of Procedure regarding rotation of the M-NCPPC Chairmanship (Aniton/Beckham)

Policy Manager Michael Beckham asked Commissioners to consider an amendment to the M-NCPPC Rules of Procedure, changing the date of the regular rotation of Commission Chairmanship from the first meeting in July to July 1. The intent behind the modification is to simplify and automate the process of the Chairs' rotation. Mr. Beckham noted the Commission could still take a vote to rotate the chair prior to July 1, but it would not be necessary. This request was made on behalf of the Commission Chair and Vice-Chair.

ACTION: Motion of Commissioner Geraldo to approve the adjustments
Seconded by Commissioner Washington
6 approved the item

b) Resolution 25-12 Adoption of the FY26 M-NCPPC Operating and Capital Budgets (Charles)

Corporate Budget Director Charles provided a brief summary of the adoption package and resolution for fiscal year 2026, beginning July 1, 2025, of nearly $1.1 billion, or $19.8 million (1.8%) less than the FY25 adopted budget. Ms. Charles noted the M-NCPPC pre-emptively reduced its budget request by $14.4M, or 1.4%, in its proposed FY26 budget last year in anticipation of a difficult fiscal outlook. Despite its best efforts, the agency faced calls from both counties to further modify its budget, due to the uncertainty from the reduction of the federal workforce, contracts and other factors. She noted even with those changes, this budget proposal still reflects the agency's mission to prioritize its spending to maintain current service delivery levels, while investing in key enhancements to improve the quality of life for

county residents. She reviewed figures included in the resolution, including the county-recommended changes from the original proposed FY26 budget. Ms. Charles concluded by thanking both corporate and departmental budget staff.

Commissioner Geraldo asked for verification that the changes to the proposed budget made by the Prince George's County Council were actually increases from the proposed budget. Ms. Charles agreed, and said the changes included an increase in funding of approximately $23M in expenditures for a variety of new programming and additional project charges that impact all three of the agency's funds in Prince George's County. She said the County's resolution provided a specific list of projects the Council wants the M-NCPPC to pursue.

Chair Harris thanked Ms. Charles and the agency's budget staff, adding that this has been a difficult budget year, and that staff approached the budget with grace and vigor. The agency is very efficient in using taxpayer dollars to ensure our parks and planning programs are maintained.

ACTION: Motion of Commissioner Geraldo to approve Resolution 25-12
Seconded by Commissioner Washington
6 approved the item

c) Resolution 25-13 Extension of Hiring and Sign-on Bonus Program and Statistics Follow-up (Allen)

Corporate HR Director Allen briefed Commissioners on a resolution recommending an extension/modification of the agency's Sign-On and Referral Bonus Programs. He noted the Corporate HR Division worked closely with Department Heads over the past several months and they are all in support of the extension/changes.

He described minor reductions in the maximum sign-on bonus program along all pay ranges for hard-to-fill positions, except for Park Police, which remains extremely competitive. He also said the bonus would be paid over a scaled period of four years, rather than in two installments in two years to encourage retention. Finally, due to minimal use and a high level of applications, he recommended a pause/suspension of the referral bonus program, to be re-evaluated in the Spring of 2026.

ACTION: Motion of Commissioner Geraldo to approve Resolution 25-13
Seconded by Commissioner Washington
6 approved the item

d) FY26 Wage Adjustments for M-NCPPC Park Police (Spencer)
   i. Resolution 25-14 Wage Adjustment for Fraternal Order of Police
   ii. Resolution 25-15 Wage Adjustment for Park Police Command Staff and Candidates

Mr. Spencer said the resolutions address Merit, COLA and bonus programs for the FOP-represented park police for FY26 and provides them with a competitive wage and other benefits in comparison to other police agencies in the region; and a Merit/COLA pass-through for Park Police Command staff and candidates. The FOP resolution also includes a pilot take-home vehicle provision and an agreement that officers will continue to use the Commission's vendor for medical examinations.

ACTION: Motion of Commissioner Geraldo to approve Resolutions 25-14
Seconded by Commissioner Washington
6 approved the item

ACTION: Motion of Commissioner Geraldo to approve Resolution 25-15
Seconded by Commissioner Washington
6 approved the item

e) HR Strategic Plan Follow-up (Allen)

Corporate HR Director Allen provided Commissioners with the HR Strategic Plan, announced in January 2025, designed to address immediate challenges and align Human Resources Division services with the needs of operational departments.

Mr. Allen shared a presentation outlining the plan, briefly describing the structure of the program, providing a few examples of many priority projects and what metrics will be used to measure the programs' success. He highlighted and provided more detail on several projects throughout the presentation focusing on different aspects of Human Resources.

Commissioners praised Mr. Allen, appreciating how the HR plan is working closely with the departments to address their needs. Several Commissioners were particularly impressed with the metrics attached to the goals, to measure the plan's success.

f) FY24 Personnel Management Review (King)

Classification and Compensation Manager Boni King provided Commissioners with a review of the FY24 Personnel Management Review document, which presents analytics and metrics of the M-NCPPC's workforce demographics over the previous fiscal year. A document link on mncppc.org was provided for review prior to the meeting.

The report is divided into 6 sections:

- Total Workforce
- Career Workforce
- Trends in Career Employee Lifecycle
- Non-Permanent Workforce
- Departmental and Bi-County Demographics
- Appendices

Ms. King pulled highlights from the document during her presentation, outlining the agency's workforce diversity and the projected trends that will help shape future work programs. She said Departments have reviewed the report and provided feedback, which has been incorporated into the current year's document and will be carried over into future years' reports.

Commissioner Pedoeem expressed admiration for the wealth of information in the document and stressed the importance of analyzing the data collected for trends, conclusions and recommendations that can inform the HR Strategic Plan. Mr. Allen agreed, saying there was a lot of valuable data in the report, and it has been used to assist in conversations in identifying trends and goals projects in the HR Strategic Plan.

g) Pro Bono Representation Policy and Procedures (Aniton/Borden)

General Counsel Borden presented the item, which codifies the agency's policy on providing pro bono representation from the agency's Office of the General Counsel. She proposed adopting a policy and procedures which would both provide understanding and direction under what circumstances the M-NCPPC's attorneys can provide pro bono service, and delegate that approval to the General Counsel. Ms. Borden said currently, attorneys are prohibited from practicing law outside the agency unless Commissioners approve the work, and this policy would shift and streamline the burden of approval from Commissioners to the General Counsel. She said the agency wants to encourage its attorneys to engage in pro bono service, and noted the policy/procedures include a provision for up to 10 hours of administrative leave toward pro bono service.

Ms. Borden said at a future meeting, she would be bringing proposed amendments to Practice 1-40, Operation and Function of the Office of the General Counsel, to clarify these changes and allow implementation of the proposed procedures, once department heads have reviewed and approved the amendments.

Commissioner Geraldo thanked the General Counsel and enthusiastically supported the policy and procedures. Commissioner Washington asked if our attorneys would be prohibited from taking a pro bono case for an M-NCPPC employee, particularly through a referral service. Ms. Borden described the circumstances under which an attorney would be permitted to do so (e.g., non-agency business, financial hardship, etc.) and that the General Counsel's Office would examine each case for conflicts of interests and suitability. We would not want to exclude employees without review.

ACTION: Motion of Commissioner Geraldo to approve delegation of authority to the General Counsel to approve pro bono representation outside the agency and adoption of the Pro Bono Representation Policy and Procedures
Seconded by Commissioner Washington
6 approved the item

h) Communicate with Confidence Program (Spencer)

Chair Harris said that he, the Vice Chair and other senior staff attended an M-NCPPC-sponsored program ceremony earlier this week and asked Acting Executive Director Spencer to describe this moving program to Commissioners and others. Mr. Spencer described the Communicate with Confidence Program, a communication program open to all staff, but primarily geared toward employees for whom English is not their primary language. He said he had the pleasure to speak at the event, in which 20 agency employees graduated with a heightened proficiency in the English language.

Mr. Spencer said the keynote speaker was herself an earlier graduate of the program, and not only thanked the Commission in an inspiring speech, but also the state of Maryland and the country for providing this opportunity. Mr. Spencer and both Chairs agreed they were very touched and inspired by the program and by the courage of the graduates to take the step to enroll in, commit time to, and progress in the program to learn to speak and write with greater proficiency. He thanked staff who worked on the program, which was a collaborative effort among the parks departments, the bi-county administrative offices, and Prince George's Community College.

Chair Harris said communication skills not only help employees with their jobs, but can prepare them to be leaders and supervisors, making the M-NPCC both strong and effective. He expressed hope that the program will continue to grow. Vice Chair Shapiro agreed, and asked Commissioners and departmental leadership to support and expand this program.

ITEM 7 OFFICERS' REPORTS

Executive Director's Report

a) MFD Quarterly Purchasing Statistics (For information only)
b) Quarterly Budget Transfers (For information only)

Secretary-Treasurer's Report

No report scheduled

General Counsel's Report

a) Litigation Report (For information only)

Chair Harris adjourned the meeting at 11:28 a.m.

James F. Adams, Senior Technical Writer

William Spencer, Acting 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: 6/18/2025 Time: 10:10 am
Location: Via Videoconference

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

Members voting in favor: Geraldo, Harris, Linden, Pedoeem, Shapiro, Washington

Opposed: N/A Abstaining: N/A Absent: Bailey, Bartley, Hedrick

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;
__x__ (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
____ (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
____ (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
____ (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
____ (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
____ (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
___ (15) To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information, such as information that is related to passwords, personal ID numbers, access codes, encryption, security devices, or vulnerability assessments or that a governmental entity collects or maintains to prevent, detect, or investigate criminal activity; or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

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

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

Topics to be discussed:
Commissioners to be briefed on the status of collective bargaining negotiations with the Municipal and County Government Employees' Organization and Fraternal Order of Police Collective Bargaining Units.

This statement is made by:

Artie Harris, Chair, Presiding Officer.
PRINT NAME

24 June 2025
SIGNATURE & DATE

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

BOARD OF TRUSTEES MEETING MINUTES
Tuesday, June 3, 2025; 10:00 a.m.
Kenilworth Office Building, Riverdale, MD
(Virtual Meeting via Microsoft Teams)

The Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS") Board of Trustees ("Board") met with CHAIR SHAPIRO leading the meeting on Tuesday, June 3, 2025. The meeting was called to order at 10:00 a.m. by CHAIR SHAPIRO.

Board Members Present
Peter A. Shapiro, Board of Trustees Chair, Prince George's County Commissioner
James Hedrick, Board of Trustees Vice Chair, Montgomery County Commissioner
Gavin Cohen, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio
Pamela F. Gogol, Montgomery County Public Member
Theodore J. Russell III, Prince George's County Open Trustee
Elaine A. Stookey, Bi-County Open Trustee
William Spencer, M-NCPPC Acting Executive Director, Ex-Officio
Lisa Blackwell-Brown, MCGEO Represented Trustee
Caroline McCarthy, Montgomery County Open Trustee
Sgt. Anton White, FOP Represented Trustee *Joined at 10:15 a.m.*
Sheila Morgan-Johnson, Prince George's County Public Member

ERS Staff Present
Jaclyn F. Harris, Executive Director
Leslie Harmon, Deputy Executive Director
Alicia C. Stanford, Administrative Specialist
Sheila Joynes, Accounting Manager

Other Present
Michael "Wes" Aniton, Deputy General Counsel, M-NCPPC OGC
Meketa Investment Group – Gloria Hazard

Presenters
Meketa Investment Group – Mary Mustard, CFA and Aaron Lally, CFA, CAIA, CIPM

ITEM 1. APPROVAL OF JUNE 3, 2025 CONSENT AGENDA

ACTION: VICE CHAIR HEDRICK made a motion, seconded by MS. GOGOL to Approve the Consent Agenda of June 3, 2025. MR. WHITE was absent from this vote. The motion PASSED. (10-0) (Motion # 25-18).

ITEM 2. CHAIR'S ITEMS

Ms. Harris welcomed Leslie Harmon as the new Deputy Executive Director of the ERS. Ms. Harmon expressed her appreciation and enthusiasm for joining the ERS. Ms. Harmon comes to the ERS from Boca Raton, Florida, bringing with her 27 years of experience working with the City of Boca Raton. Ms. Harris also acknowledged William Spencer for his involvement in the hiring process.

ITEM 2.A. CONFERENCE AND TRAINING SUMMARY – No notable discussion from the Board.

ITEM 3. CONSULTANT/MANAGER PRESENTATIONS

ITEM 3.A. MEKETA INVESTMENT GROUP

Mr. Lally presented an overview of recent market and economic trends, emphasizing the impact of heightened U.S. tariffs, a contraction in first-quarter GDP due to increased imports, and ongoing inflation concerns. He noted that the annual inflation rate decreased slightly in April 2025, with energy prices rising and food prices declining. Expectations for inflation also eased. The performance of major technology stocks, known as the "Magnificent Seven," declined, while overall S&P and U.S. Aggregate returns were modestly positive. The U.S. dollar weakened amid slower growth and lower yields, and the 10-year Treasury yield stood at 4.4% with projected steady returns for the next five years.

Vice Chair Hedrick commented that the governmental structure and requirements have historically underpinned the consistency of the upward trajectory of the GDP. He then asked if we could expect to continue to see an upward trajectory if the current administration significantly changes that structure and regulatory requirements. Mr. Lally replied that pension plans are created to withstand various market conditions and events. Mr. Lally also noted that the Federal Reserve will take proactive and responsive measures in alignment with market developments.

Regarding market performance in the first quarter of 2025, investment flows rotated out of U.S. stocks to non-U.S. stocks while bond markets rallied on uncertainty related to tariffs and growth. Global investors rotated away from the U.S., with domestic equities in negative territory (particularly small cap), while other asset classes were positive. Commodities led the way during the quarter due to safe havens like gold, while non-US developed markets followed, driven by strong results in Europe.

Ms. Mustard reviewed the ERS first quarter of 2025 performance, noting a Total Fund balance of $1.18 billion. The ERS Total Fund return for the quarter was 1.2% (net of fees), compared to the Target Policy index return of 1.6%, underperforming by forty basis points. For the fiscal year-to-date, three, five, and ten-year trailing periods ending March 31, 2025, the ERS Total Fund return stood at 5.0%, 4.1%, 9.0%, and 6.7%, respectively; compared to the Target Policy index returns of 5.6%, 5.0%, 9.0% and 6.2%, respectively. She also noted that, quarter-to-date, ERS ranks within the top 15th percentile among its peer group.

Next, Ms. Mustard reported on the ERS Total Fund performance for April 2025. The Total Fund balance as of April 30, 2025 was $1.16 billion. The Total Fund return for the month was 0.3% (net of fees), compared to the Target Policy Index of 0.9% underperforming by fifty basis points. Ms. Mustard explained that the underperformance was primarily due to the performance lag for the private equity and private real assets strategies. She added that while domestic equity active managers lagged, underperforming for the month of April, international equity managers outperformed. Ms. Morgan-Johnson inquired about Eaton Vance (Morgan Stanley's) status on the Watch list. Ms.

Mustard clarified that the item was initially added to the Watchlist in October 2024 to monitor Morgan Stanley's acquisition, and she will provide an update on its status at the next meeting.

ITEM 4. COMMITTEE REPORTS/RECOMMENDATIONS

ITEM 4.A. Administration and Personnel Oversight Committee

Ms. Harris reported that during the May 20, 2025 meeting, a draft of the MOU between the ERS and the Commission's Office of Chief Information Officer (OCIO) for IT services was shared with the Personnel Committee. The MOU was last updated in 2019. Several questions and suggestions from the Administrative and Personnel Committee were posed regarding the MOU. Staff will follow up with OCIO and the Office of the General Counsel on the questions from the Personnel Committee and provide an update at the June meeting.

ITEM 5. EXECUTIVE DIRECTOR'S REPORT

Ms. Harris shared that 120 retirees enrolled in MemberDirect since its launch last month. Next, she mentioned the ERS anticipates receiving an employer contribution from the Commission in the amount of $39,551,467 on July 1, 2025. Also, on July 1, 2025 eligible retirees will receive a 2.9% COLA for Tier I Service and 2.5% for Tier II Service. Lastly, Ms. Harris mentioned that staff are working with B.F. Saul to renew the Fiduciary Liability Insurance policy for the period of July 1, 2025 – June 30, 2026. The policy limit amount of $7,500,000 remains unchanged from the prior year. A Waiver of Recourse will need to be signed and paid for by the Trustees.

ITEM 6. CLOSED SESSION

ACTION: At 10:59 a.m., MS. GOGOL made a motion, seconded by MR. SPENCER to go into closed session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(1) to discuss personnel actions with regard to the performance evaluation of an employee over whom this public body has jurisdiction. The motion PASSED (10-0-1). (Motion # 25-19).

Board of Trustees in Closed Session: Chair Shapiro, Vice Chair Hedrick, Theodore Russell III, Elaine Stookey, Caroline McCarthy, Pamela Gogol, Lisa Blackwell-Brown, Gavin Cohen, Anton White, and William Spencer.

ACTION: VICE CHAIR HEDRICK made a motion, seconded by MS. GOGOL to Ratify the Action Taken in Closed Session. The motion PASSED. (11-0) (Motion # 25-21).

The Board meeting of June 3, 2025 adjourned at 11:19 a.m.

Respectfully,

Alicia C. Stanford

Alicia C. Stanford
Administrative Specialist

Jaclyn Harris

Jaclyn F. Harris
Executive Director

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Item 6a

THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

OFFICE OF THE GENERAL COUNSEL ORGANIZATION UPDATE & NEW PRO BONO SERVICE POLICY

M-NCPPC, OGC

July 2025

AGENDA

Background

Proposed Amendments

Questions/Comments

BACKGROUND

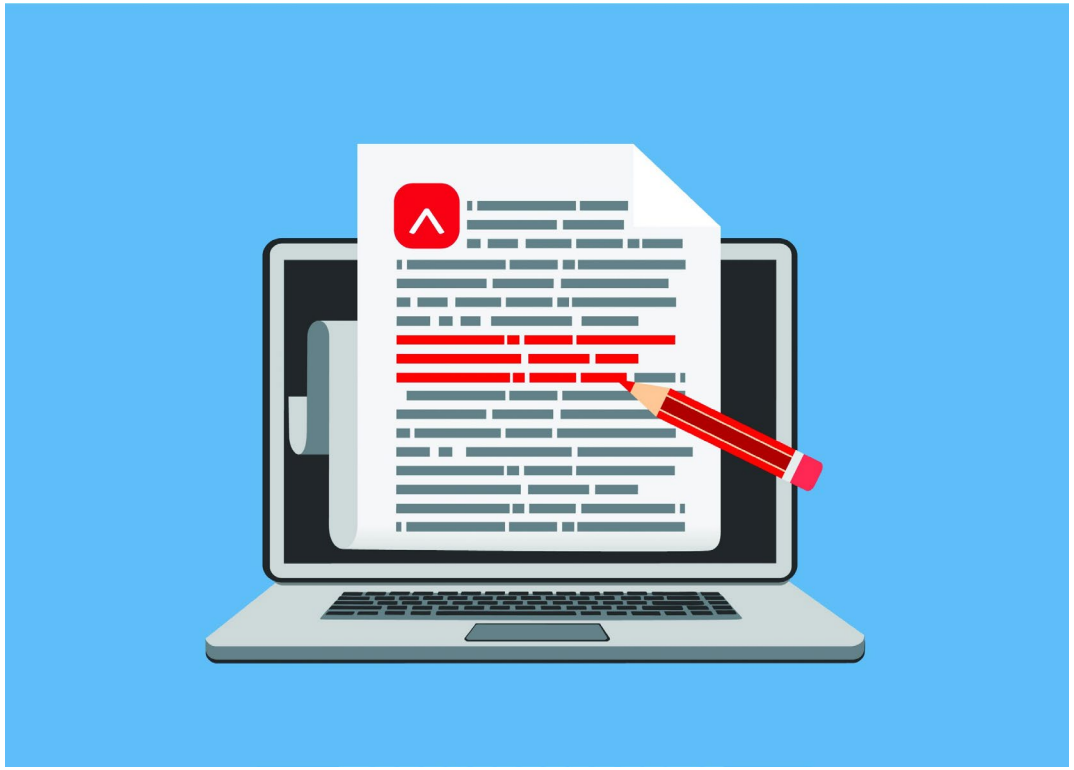
- The Commission granted approval for OGC to create a Pro-Bono Legal Representation Policy and to allow OGC attorneys to provide pro-bono legal
  - As a result, amendments are required for:
    - Practice 1-40, Organization and Function of the OGC
    - Practice 2-24, Code of Ethics
- OGC added a Compliance Practice Team to its work program in 2024
  - As a result, amendments are required for Practice 1-40

PROPOSED AMENDMENTS

- Proposed amendments to Practice 1-40
  - Organization Section – Added the Compliance Practice Team under the enumerated legal practice teams
  - Functions, Subsection A.1, General Counsel – Added language that the GC provides advice ff regarding compliance with federal, state, and local laws
  - Functions, Subsection A, General Counsel – Added language that the GC provides direction and oversight over pro bono representation provided by OGC attorneys
  - Functions, Subsection C – Added functions of the Compliance Practice Team
  - Added Attachment A, OGC Organizational Chart

PROPOSED AMENDMENTS

- Proposed amendments to Practice 2-24
  - Section I.C.2.a.ii, Non-Commission Employment – specified that non-commission employment includes pro bono representation by non OGC attorneys.
  - Section I.C.2.b, Non-Commission Employment – specified that non-commission employment does not include pro bono legal representation by OGC attorneys.



THANK YOU!

For questions, contact the Office of the General Counsel

THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

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MEMORANDUM

The Maryland-National Capital Park and Planning Commission
Department of Finance, Office of The Secretary-Treasurer
6611 Kenilworth Avenue
Riverdale, Maryland 20737
(301) 454-1540 - Telephone

TO: Commissioners

FROM: **Gavin Cohen**, Secretary-Treasurer

DATE: July 16, 2025

SUBJECT: **M-NCPPC Debt Management and Post-Issuance Compliance Policy Update**

BACKGROUND:

The Commission occasionally issues debt to fund infrastructure projects on behalf of the taxpayers and residents of Prince George's and Montgomery Counties. The Commission's Policy is one of the main Policy documents of the Department of Finance (Department) and provides guidance on the types of debt that can be issued, other limitations therein, and to ensure tax code compliance with regulatory agencies.

Division II of the Land Use Article, Annotated Code of Maryland, Title 18 authorizes the Commission to issue certain debt and security types including general obligation bonds, revenue bonds, refunding bonds, and tax anticipation notes.

The Commission's current Policy on debt management was approved on July 17, 2019. This memo explains and summarizes recommended changes to the Commission's Policy.

DISCUSSION:

It is important that the Commission's Policy be updated periodically to reflect legislative changes, best practices in municipal finance, and current economic conditions.

Division II of the Land Use Article, Annotated Code of Maryland, Section 15- 109, designates the Secretary-Treasurer as Chief Financial Officer of the Commission with the responsibility of issuing and managing Commission debt, and post-issuance compliance.

Effective 04/16/2025, Practice 1-30, *Organization and Functions of the Office of the Secretary-Treasurer and the Department of Finance* (Practice) was amended to reflect Commission-directed changes to the Department's organizational structure. Additionally, Section (a)20 of this Practice assigns debt issuance and post-compliance procedures including continuing disclosure obligations and arbitrage calculations to the Secretary-Treasurer.

Among other changes, the Department recommends merging the Commission's existing *Debt Management Policy* (July 2019) with the *M-NCPPC Tax Exempt Issuance Procedures,* adopted in March 2012. This change thereby amends the title of the Commission's debt Policy to the *M-NCPPC Debt Management and Post-Issuance Compliance Policy.*

The updated Policy with recommended changes has been reviewed by the Commission's Financial Advisor and the Commission's Bond Counsel. Recommended changes to the Commission's debt Policy are summarized below:

1. Introduction – insert description of post-issuance compliance pursuant to Section 148 of the Internal Revenue Code.
2. Section IV, (c), – change variable rate threshold to 10 percent from 15 percent.
3. Section V, (b)3, – change debt payout ratio to 60 percent from "60-70 percent."
4. Section V, (d), – establish a fixed cost burden calculation not to exceed 25 percent of the Commission's General Fund expenditures.
5. Section IX, – insert new section providing guidance on post-issuance compliance and procedures thereby amending the title of this Policy to *Debt Management and Post-Issuance Compliance Policy*

RECOMMENDATION/ACTION:

Finance staff recommends that the Commission formally adopt the updated and amended M-NCPPC *Debt Management and Post-Issuance Compliance Policy* as presented in (attachment A).

Attachment(s):

A – Updated and Amended *Debt Management and Post-Issuance Compliance Policy* clean version

The Maryland-National Capital Park & Planning Commission

Debt Management and Post-Issuance Compliance Policy

July 2025

Prepared by the Office of the Secretary-Treasurer
Department of Finance

Gavin Cohen, Secretary-Treasurer

Jason Lawrence, Deputy Finance Director

The Maryland-National Capital Park and Planning Commission
Debt Management and Post-Issuance Compliance Policy
Approved July 16, 2025

Introduction

The Commission recognizes that one of the attributes of sound financial management is a comprehensive debt management and post-issuance compliance policy. The Debt Management and Post-Issuance Policy ("Policy") of the Maryland-National Capital Park and Planning Commission ("Commission") is intended to provide written guidelines and restrictions that affect the amount and type of debt permitted to be issued, the issuance process, post-issuance procedures for certain debt types, and the management of the debt portfolio. In addition, this Policy addresses justification for the structure of debt issuance, identifies policy goals, demonstrates a commitment to long-term financial planning, (including a multi-year capital plan), and post-issuance procedures for tax exempt debt, pursuant to Section 148 of the Internal Revenue Code (the "Code"). This Policy is a critical aspect of the Finance Department's efforts to communicate to the Commissioners, County Officials, State Officials, the public, rating agencies, and capital markets that the Commission is well managed and capable of meeting financial obligations within its available resources. This Policy conforms to best practices as issued by the Government Finance Officers Association (GFOA).

I. Responsibility

The Commission's Finance Department under the direction of the Secretary-Treasurer, with the advice of its Bond Counsel and Financial Advisor, will comply with this Policy and all applicable laws and regulations. The Finance Department's responsibility is to issue and manage debt in a fiscally sound manner and to secure borrowing at the lowest possible or reasonable cost to meet the funding needs of the Commission's operating and capital needs.

II. Multi-year Capital Planning

The Commission will prepare a six-year capital improvement program for the Commission's projects in each County in accordance with Sections 18-112, 18-113, and 18-117 of the Land Use Article of the Annotated Code of Maryland ("Land Use Article"). The capital program will include a statement of objectives of the programs and the relationship of these programs to the Counties' adopted long-range development plans, the capital projects, construction schedules, estimated costs, and funding sources. The capital program will include all programmed land and facility acquisitions, including all major parkland, recreational facilities, administrative office development and improvements, and acquisitions of all major equipment. The Commission's long-term fiscal operating projections will incorporate the projected operating budget impact of the capital improvement program.

III. Legal Authorization

A. The Commission has legal authority to issue Park Acquisition and Development Bonds ("Park Bonds"), Advance Land Acquisition Bonds ("ALA Bonds"), Revenue Bonds, and Refunding Bonds for Park Bonds, ALA Bonds, and Revenue Bonds authorized generally under Title 18, Subtitles 2 and 4 of the Land Use Article.

B. Under the Commission's general powers, it is permitted to issue Certificates of Participation (COPs) and to enter into master lease agreements to finance capital equipment.

C. The Commission has the legal authority to issue tax anticipation notes (TANs) in accordance with Section 18-208 of the Land Use Article.

D. The Commission has the legal authority to issue bond anticipation notes (BANs) in accordance with Title 19, Subtitle II, Part III of the Local Government Article of the Annotated Code of Maryland ("Local Government Article").

E. The Commission has additional legal authority to issue Refunding Bonds in accordance with Title 19, Subtitle 2, Part II of the Local Government Article.

F. Bond and note issues are approved through the budget process in each county, and resolutions authorizing bond and note sales are adopted by the Commission.

G. The Commission determines the best form of debt and the most favorable debt structure based on the projects to be financed, market conditions, and advice of the Commission's Secretary-Treasurer, in consultation with the Commission's Bond Counsel and Financial Advisor.

IV. Types of Debt

A. Long-term Debt

1. **General Obligation Bonds** ("**GO Bonds**") **–** Bonds that are secured by the full faith and credit of the Commission and the county in which the proceeds of the Bonds will be spent. The Commission issues GO Bonds for the following purposes:

   a. **Park Bonds –** In accordance with Section 18-203 of the Land Use Article, the Commission may issue Park Bonds for the purpose of acquiring land or other property within the Metropolitan District for parks, parkways, forests, streets, roads, highways, boulevards and other public ways, grounds, and spaces, and for the purposes of recreation or for the development or improvement thereof.

   b. **ALA Bonds –** In accordance with Title 18, Subtitle 4 of the Land Use Article, the Commission may establish annual budgets and a land acquisition revolving fund for each county from which disbursements may be made for the acquisition of land in advance of the need for schools, highways, libraries, parks, and other public uses in Montgomery County and Prince George's County. Each county has specific regulations in Title 18, Subtitle 4 to determine if the acquisition qualifies for funding by the Advance Land Acquisition Revolving Fund and the process by which the acquisitions are approved by each county. The Commission may issue ALA Bonds for each county to finance the land to be acquired in each county.

If ALA Bond debt is still outstanding at the time an agency repays the Commission for the land acquisition, the amount representing the acquisition cost must be returned to ALA debt service fund for the respective county in which the acquisition occurs.

2. **Revenue Bonds –** In accordance with Section 18-206 of the Land Use Article, the Commission may issue Revenue Bonds to finance the development or improvement of revenue producing facilities. The principal and interest on the Revenue Bonds are payable solely from the revenues of the Commission available from the use of any such facilities, including those other than the facilities being financed. If revenues are not sufficient to pay debt service, the Commission may include in its proposed budget, support from the Montgomery County Park Fund or the Prince George's County Park or Recreation Funds. Revenue Bonds are not general obligations of the Commission or the County in which the facility is located.

3. **Refunding Bonds –**In accordance with Section 18-207 of the Land Use Article, and Title 19, Subtitle 2, Part II of the Local Government Article, the Commission may issue Park Refunding Bonds, ALA Refunding Bonds, or Revenue Refunding Bonds to refinance outstanding Park Bonds, ALA Bonds, or Revenue Bonds. Park Bonds may be issued to refinance Revenue Bonds if authorized by the Commission and the respective county. Refunding Park and ALA Bonds are GO Bonds. Refunding Revenue Bonds are not GO bonds and are secured by the facility revenues per the bond documents.

Refunding Bonds may be issued by the Commission for the following purposes:

a. To reduce the interest rate and debt service costs on the refunded issues.

b. To enable a change from tax exempt to taxable or vice versa due to a change in use of the projects financed by the bonds.

c. For other purposes deemed to be in the best interest of the Commission upon advice of the Secretary-Treasurer, in consultation with the Commission's Bond Counsel and Financial Advisor.

d. Refunding Bonds will maintain a maturity schedule similar to that of the bonds being refunded. Differences in maturity structure may be made to enable increased debt service savings without significantly increasing debt service costs in any future year.

4. **Certificates of Participation** ("**COPs**") **–** Based on the Commission's general powers, it may issue COPs to finance capital needs, such as office buildings and capital equipment. The financing provides certificate holders the right to installment payments pursuant to a lease or conditional purchase agreement. The Commission must certify that the project for which the COPs are issued is essential and must commit to including the COPs' debt service payments in its annual proposed budgets. COPs are not guaranteed by the full faith and credit of the Commission or the County in which the proceeds are spent, and the installment payments are subject to annual appropriation. This form of lease financing may result in slightly higher interest costs than GO Bonds. COPs may be used when the purpose for which the debt is to be issued cannot be funded by GO Bonds or when it is determined to be in the best interest of the Commission upon advice of

the Secretary-Treasurer, upon consultation with the Commission's Bond Counsel and Financial Advisor.

5. **Revenue Conduit Obligations –** Debt or other financing instruments may be issued on behalf of the Commission by other governmental entities as permitted by law. The Commission may be required to certify that the project for which the Revenue Conduit Obligations issued are essential and must commit to including the lease or loan payments in the annual proposed budgets. Revenue Conduit Obligations are not general obligations of the Commission or the County in which the proceeds are spent. The lease or loan payments support the issuer's debt service and are subject to annual appropriation.

6. **Master Leases** – The Commission is authorized, through its general powers, to enter into Master Leases to finance equipment, software system projects and other assets with an estimated useful life, at least as long as the term of the lease to support its operations. Lease payments are considered general obligations of the Commission and the respective County lessee. The Secretary-Treasurer must commit to including the lease payments in the annual proposed budgets, and adhere to applicable accounting standards.

B. **Short-Term Debt**

1. **Tax Anticipation Notes** ("**TANs**") **–** The Commission may issue TANS in accordance with Section 18-208 of the Land Use Article to meet operating cash flow needs resulting from the timing of property tax collections. The total amount borrowed and outstanding in any fiscal year may not exceed 75% of the total proceeds received by the Commission from taxes levied and collected during the preceding fiscal year.

2. **Bond Anticipation Notes** ("**BANs**") **–** The Commission may issue BANs in advance of an authorized GO Bond issuance in accordance with Title 19, Subtitle 2, Part III of the Local Government Article to provide flexibility with regard to the timing of the permanent funding for the capital program such as in times of market volatility. The BANs are to be refunded through the issuance of long-term GO Bonds when the reason for deferring the GO Bond issuance no longer exists.

C. **Variable Rate Debt**

Historically, variable rate debt has provided financing at interest rates on average below fixed rate debt. However, variable rate debt exposes the issuer to interest rate, liquidity, remarketing, and credit risks. In the event of a failed remarketing, potentially higher than anticipated interest rates and accelerated principal repayment may be required.

Although variable rate debt may hedge against interest rate movements affecting the Commission's earnings on its investment portfolio and may provide flexibility to call debt if required due to a change in use, in order to manage risk exposure and to meet rating agency guidelines, the amount variable rate debt outstanding will be limited to 10% of the outstanding debt of the Commission for each county. The Commission may issue variable rate debt upon advice of the Secretary-Treasurer in consultation with the Commission's Bond Counsel and Financial Advisor when market conditions or other conditions exist which indicate that the structure will benefit the Commission.

1. **Variable Rate Demand Obligations** ("**VRDOs**") **–** VRDOs are a form of variable rate debt which provide the holders the option to put the bonds back to the issuer in accordance with set terms. The interest rate resets at an agreed upon frequency, usually daily or weekly, through the efforts of a remarketing agent. Typically, a liquidity facility agreement is required to fund the purchase of bonds put back to the issuer and not remarketed. In the event of a failed remarketing, the liquidity facility provider will become the holder of the VRDOs and receive interest at a rate specified in the liquidity facility agreement that is normally higher than that for remarketed VRDOs.

V. Debt Limits

A. **Legal Debt Limits –** The Commission's legal debt limits are set forth in the Land Use Article for Park Bonds and ALA Bonds. The debt limits are inclusive of any Refunding Park or Refunding ALA Bonds.

1. **Park Bonds** - The Commission shall not issue Park Bonds for either Montgomery or Prince George's County in excess of the debt limits per Section 18203 (d) of the Land Use Article.

For Montgomery County, the total debt service for outstanding Park Bonds shall not exceed the revenues generated by the mandatory 3.6 cents tax on each $100 assessed valuation of real property and the mandatory 9.0 cents tax on each $100 assessed valuation of personal property in the Montgomery County portion of the Metropolitan District.

For Prince George's County, the total debt service for outstanding Park Bonds shall not exceed the revenues generated by the mandatory 4.0 cents tax on each $100 assessed valuation of real property and the mandatory 10.0 cents tax on each $100 assessed valuation of personal property in the Prince George's County portion of the Metropolitan District.

2. **ALA Bonds** – The Commission shall not issue ALA Bonds for either County in excess of the debt limits set forth in Section 18-401 (j) of the Land Use Article.

For Montgomery County and Prince George's County, the total debt service for outstanding Advance Land Bonds for each County shall not exceed taxes estimated to be generated by 1.2 cents tax on each $100 of assessed valuation of real property and 3.0 cents tax on each $100 of assessed valuation of personal property.

When calculating the legal debt limits, the Commission may assume continued future levy of the taxes, 100% collection of the taxes in each fiscal year, and that the assessed value of property at the time the bonds are issued will remain constant.

B. **Debt Limit Guidelines –** The Commission has established the following additional debt limit guidelines to determine the affordable level of debt for each county. These guidelines should be used in conjunction with the long-term financial projections for the relevant funds supporting the debt to monitor the capability of the Commission to meet current and future debt obligations based on the six-year capital improvement programs for each county.

If at any time the planned debt levels of the approved capital budget is projected to be unaffordable based on conservative financial assumptions, the Commission will slow down the implementation of the capital plan to a level that meets the affordability standards of this policy which includes debt service as a percentage of the general fund expenditures.

1. **Debt Service as a Percentage of General Fund Expenditures** (**Montgomery County**) – Annual debt service including non-GO Bond debt, lease, and other obligation payments should not exceed 10% of the Commission's Administration and Park Fund expenditures for its Montgomery County operations.

2. **Debt Service as a Percentage of General Fund Expenditures** (**Prince George's County**) **–** Annual debt service including non-GO Bond debt, lease, and other obligation payments should not exceed 10% of the Commission's Administration Fund, Park Fund, and Recreation Fund expenditures for its Prince George's County operations.

Financing a major project critical to Commission business that will cause the debt service expense ratio to exceed the 10% target, may be permitted as a special exception by a vote of the Commission that specifically grants the exception; however, the debt ratio will be brought back into conformance with the target within the six-year period.

3. **Debt Payout Ratio** – The debt payout ratio represents the percentage of principal to be paid over the next ten years. The ratio should remain above 60% of the outstanding debt.

C. **County Debt Limits –** In addition to the above debt limits and targets, the Montgomery County Council provides spending affordability limits for the Commission's Montgomery County Park and ALA Bonds. The Prince George's County Spending Affordability Committee recommends spending levels inclusive of debt service on the Commission's Prince George's County Park and ALA Bonds to the Prince George's County Executive and County Council.

D. **Total Fixed Costs as a Percentage of General Fund Expenditures –** The Commission will calculate a fixed cost burden that will measure the Commission's overall financial flexibility. The Commission's fixed cost burden will be calculated as a total of the annual tax-supported debt service, annual pension contributions, and annual contributions for Other Post-Employment Benefits ("OPEB") as a percentage of General Fund expenditures. The Commission's fixed cost burden shall not exceed 25% of General Fund expenditures.

VI. Debt Issuance Policies

A. **Projects to be financed -** Long-term debt will be issued only for acquiring, constructing, or renovating capital assets and not to finance current operations or normal maintenance needs. Capital projects and capital equipment financed by debt will have an expected useful life equal to or greater than the term of the debt. Capital assets will be financed only if the Commission's long-term projections based upon conservative financial and economic assumptions indicate the ability to support their operations and maintenance.

B. **Pay-as-you-go -** The Commission will strive to maintain and/or incorporate pay-as-you-go funding as a source of financing for a portion of its capital program. In times of fiscal constraint, the financing amount will provide budgetary flexibility.

C. **Sale Method** – The Commission uses the competitive bidding process when issuing debt unless it is in the best interest of the Commission to conduct a negotiated sale. A negotiated or private placement process may be utilized due to unusual or complex financing issues as advised by the Secretary-Treasurer after consultation with the Commission's Bond Counsel and Financial Advisor. The Commission will generally issue a request for proposals for its capital lease financings.

D. **Investment of Bond Proceeds –** The Commission utilizes outside investment management services to invest its bond proceeds in accordance with investment agreements which comply with the Commission's Investment Policy.

E. **Refunding -** Outstanding debt will be monitored to take advantage of refunding opportunities. Refunding will be considered economically favorable when the net present value savings is projected to be at least three percent of the amount of the bonds to be refunded. When advance refunding, State and Local Government Securities (SLGS) will be purchased to fund the escrow. In cases when SLGS are not available, the escrow may be funded by competitively bid US Treasury securities upon advice of the Secretary-Treasurer in consultation with the Commission's Bond Counsel and Financial Advisor.

F. **BANs** - The Commission will not issue BANs unless formal authorization for the permanent bond issue has been approved by the Commission and market conditions exist which upon advice of the Secretary-Treasurer, Bond Counsel and Financial Advisor warrant their issuance.

G. **Derivatives** - Currently, the Commission has no derivative contracts outstanding (including interest rate swap agreements). Prior to entering into any such agreement, a policy addressing how derivatives fit within the overall debt program; the conditions under which derivatives can be utilized; the types of derivatives allowed; approaches for managing derivative risk; and the methods for procuring derivatives shall be developed by the Secretary-Treasurer in consultation with the Commission's Bond Counsel and Financial Advisor for incorporation into this Policy. No derivative contracts will be used for the purpose of interest rate speculation.

H. **Professional Services** – The Commission will select and utilize professionals to assist in the debt issuance process. When selecting firms, the Commission will comply with Purchasing Practice 4-10. The Commission considers the benefit of maintaining continuity with regard to professional services such as Bond Counsel services.

I. **Other Services** – The Secretary-Treasurer shall procure other services required to complete debt issuances such as escrow agents, verification agents, paying agents, and printers. These services may also be acquired through the efforts of the Commission's Bond Counsel or Financial Advisor.

J. **Bond Rating Services** – The Secretary-Treasurer and the Chairman of the Commission will continue to communicate regularly with the rating agencies to keep them

informed of the financial position of the Commission. The communication may be in the form of meetings and/or conference calls depending on the financial issues to be discussed. The Commission will generally seek two or three ratings for GO Bond issues and will consider the advice of the Commission's Financial Advisor as to the number of ratings, if any required, for other forms of debt to assure good market access and competitive interest rates.

K. **Measuring Results** – The Commission will utilize market indices and/or results from similar financings as a benchmark for negotiated transactions as well as to evaluate final bond pricing results.

VII. Debt Structure

The Commission will structure its debt based on the advice of its Secretary-Treasurer upon consultation with its Bond Counsel and Financial Advisor to enable issuance at the lowest possible cost considering benefits and risks associated with the recommended structure and compliance with the Commission's pay-out ratio guidelines.

A. **Maximum Term** – Generally, the Commission will issue debt with a maximum term of 20 years; however, a term of up to 50 years is permitted by law if the useful life of the asset(s) financed equals or exceeds that term.

B. **Principal Repayment** – Debt may be structured with level principal, level of debt service/equal payments, or other amortization schedule which best meets the Commission's needs and complies with the pay-out ratio guidelines.

C. **Interest Rates** – The Commission will generally issue fixed-rate debt; however, depending on market conditions and other factors, variable-rate debt may be issued. The par amount of outstanding variable-rate debt may not exceed 10% of the total outstanding debt issued for each County to limit interest rate risk.

D. **Deferred Principal and Capitalized Interest** – The Commission may not capitalize interest incurred while an asset is under construction and must recognize this incurred interest as an expense; however, the Commission can defer principal payments while an asset is under construction and for one year subsequent to completion to better match the debt service expense with utilization. Deferred principal payments will not be utilized with GO Bonds.

E. **Original Issue Premium** – The Commission's GO Bonds may be sold at a premium in accordance with conditions stated in the Notice of Sale. Revenue bonds may be sold at a premium or discount.

F. **Call Provisions** – The Commission will consider the advice of its Financial Advisor in structuring call provisions recognizing the need to balance the desire for shorter call periods to enable earlier refinancing against current market conditions to achieve low interest rates.

G. **Bond Insurance** – Prior to the time of debt issuance, the Commission will determine whether bond insurance would provide a financial benefit based on the net present value of the premiums and the projected debt service savings. Other considerations are market factors which impact the bond insurer's financial position. Decisions on bond insurance will be made

based on the advice of the Commission's Secretary-Treasurer in consultation with the Commission's Bond Counsel and Financial Advisor.

H. **Taxable Debt** – It is the Commission's general policy to issue tax-exempt debt at the lowest possible cost. If the purpose of the debt issuance involves private use or takes advantage of government programs which may be of benefit, taxable debt may be issued upon the advice of the Commission's Secretary-Treasurer in consultation with the Commission's Bond Counsel and Financial Advisor.

VIII. Debt Management Practices

A. **Investment of Proceeds** – Bond and other debt proceeds will be invested in accordance with the Commission's Investment Policy and the IRS Section 148 Tax Certificate. Records will be maintained to enable compliance with IRS regulations related to tax-exempt debt. If proceeds remain outstanding three years after issuance, they will be yield restricted as required by the Tax Certificate.

B. **Continuing Disclosure** – The Secretary-Treasurer and Finance staff will comply with the continuing disclosure undertakings entered into by the Commission in connection with Securities and Exchange Commission Rule 15(c)2-12 by filing (i) certain annual financial information (which shall include the Commission's audited financial statements for the prior fiscal year and certain operating data of the Commission) no later than March 31 of each year and (ii) notices of significant events related to the Commission's bonds listed in Securities and Exchange Commission Rule 15(c)2-12 no later than ten (10) business days after the occurrence of such significant event, each with the Municipal Securities Rulemaking Board's EMMA system as the nationally recognized municipal securities information repository for continuing disclosure on municipal bonds. If the required annual financial information is not provided by March 31 of each year, the Secretary-Treasurer or Finance staff will provide notice of such failure within a timely manner to the Municipal Securities Rulemaking Board's EMMA system.

C. **Arbitrage Regulations** – The Commission will comply with all federal tax regulations including the tracking of investment earnings on bond proceeds and use of bond proceeds, calculating rebate payments, and rebating positive arbitrage earnings to the IRS in a timely manner to protect the tax-exempt status of the related outstanding debt.

D. **Intention to Reimburse** – The Commission issues debt depending on the cash flow needs to support its capital improvement program and capital equipment purchases. In accordance with Commission Resolution No. 92-03, the Secretary-Treasurer will execute an Intent to Reimburse Certificate for each form of debt at the beginning of each fiscal year to document the intentions to reimburse expenditures prior to debt issuance as is required by IRS regulations.

E. **Bond/Debt Proceeds Accounts** – The Secretary-Treasurer or designee will direct disbursements from bond/debt accounts including construction/project accounts, debt service reserve accounts, cost of issuance accounts, and other accounts which may be required. Investment earnings from the accounts will be disbursed in accordance with the IRS Section 148 Tax Certificate to the Commission bank accounts per direction in the investment management agreements. Investment earnings must be used for project expenditures or for debt service.

F. **Other Covenants** – The Secretary-Treasurer or designee will be responsible for complying with all debt covenants. Schedules shall be maintained to monitor compliance.

G. **Document Retention** – All documents related to debt issuance including official statements, financial statements (ACFR), bond transcripts, and rebate calculations shall be retained according to the Commission's retention policy and until ten years after the final maturity of the debt.

H. **Revisions to the Debt Management and Post-Issuance Policy** – The Secretary-Treasurer will review this policy every five years to ascertain that it is current with municipal market best practices, and any necessary revisions will be approved by the Commission and sent to the State Treasurer.

IX. Tax-Exempt Issuance Consultants and Documentation

A. **Consultants.** The Commission will engage an experienced bond counsel and financial advisor in connection with the issuance of tax-exempt obligations, as needed and in connection with ongoing compliance matters.

B. **Tax-Exempt Issuance Date Certification.** The Commission will require that bond counsel prepare a tax certificate, memorandum, or other similar documents for each tax-exempt obligation issuance that identifies all significant data related to the issuance, continuing federal tax requirements, and that documents material facts and expectations pertaining to such requirements as of the date of the issuance of such tax-exempt obligation ("Tax Certificate"). The Tax Certificate may include supporting certifications from the financial advisor, the bond purchaser, or other financing participants. The Commission will review such certification and confirm its accuracy with regard to facts and expectations attributed to or within the knowledge of the Commission or its officials.

C. **Form 8038-G.** The Commission will complete and timely file a Form 8038-G for each tax-exempt obligation issuance. The Commission will file the Form 8038-G not later than the 15th day of the second month after the calendar quarter in which the tax-exempt obligation issuance occurred.

D. **Tax-Exempt Issuance Compliance File.** The Commission will establish a Tax-Exempt Obligation Issuance Compliance File for each tax-exempt obligation issuance. The Tax-Exempt Obligation Issuance Compliance File will include the following:

- the Tax Certificate, including supporting certifications and analyses,
- copy of the completed Form 8038-G with proof of timely filing,
- a tickler sheet identifying rebate compliance dates for the tax-exempt obligation issue,
- copies of rebate compliance analyses and computations,
- listing of bond proceed expenditures identifying the timing, amounts, and purposes of tax-exempt obligation proceeds expenditures,
- bond proceed investment listing identifying the investment of tax-exempt obligation proceeds prior to their expenditure,

- copy of final bond proceed allocation, showing final amounts and purposes of tax-exempt obligation proceeds expenditures,
- project use listing (the "Use Listing") showing, as applicable, governmental agency having operational control over any tax-exempt obligation funded project, and/or any nongovernmental entity using any tax-exempt obligation funded project and location of related documentation, such as leases or management contracts, if any,
- a remediation log identifying any change in use of tax-exempt obligation financed projects, including any related supplemental tax certifications or other related documentation,
- financing history log listing significant events relating to the tax-exempt obligation issuance, including early redemption, refunding, defeasance, or material modification to the tax-exempt obligation debt instruments or supporting documentation, and
- IRS correspondence log listing any correspondence with the IRS with respect to the tax-exempt obligation issue.

X. Tax-Exempt Issuance Compliance Activities

A. **Generally:** The Commission generally shall review and comply with tax-exempt obligation tax compliance requirements set forth in the Tax Certificate and any supporting or supplemental directions prepared by bond counsel.

B. **Secondary Market Trading Activity:** Prior to the tax-exempt obligation issue date, the Commission will review the records of the secondary market trading activity for the tax-exempt obligation, as applicable, through the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System. However, the Commission does not have the expertise to determine if any bonds were traded at a price greater than the issue price prior to delivery. The Commission will cause the underwriter to sign a "reoffering issue price" certificate to document compliance with this requirement, as applicable.

C. **Timely Expenditure of Bond Proceeds:** As indicated in the Tax Certificate, the Commission will only issue tax-exempt bonds (1) to reimburse itself for eligible capital expenditures under the reimbursement rules contained in Section 1.150-2 of the Income Tax Regulations and (2) to fund expenditures that are reasonably expected to be contracted for or to be made within the time periods set forth in Section 1.148-2(e) of the Income Tax Regulations.

XI. Tax- Exempt Post-Issuance Compliance Activities

A. **Record-keeping:** The Commission will maintain all files (which may be held in electronic format) relating to tax-exempt obligation issuances for the life of the bonds plus ten years. The Commission will establish and maintain a Tax-Exempt Obligation Issuance Compliance File for each issue of tax-exempt obligations, such file to contain the items described in Section IX.D above.

B. **Arbitrage:** The Commission will invest tax-exempt obligation proceeds and timely determine and, when applicable, pay arbitrage rebate liability payments (or payments in lieu of rebate), in accordance with the Tax Certificate.

C. **Expenditure of Proceeds:** The Commission will expend tax-exempt obligation proceeds for the projects and purposes stated in the Tax Certificate or will obtain verification by bond counsel that alternative expenditures are in compliance with applicable requirements. The Commission will timely allocate tax-exempt obligation proceeds to expenditures in accordance with the Tax Certificate. A record of the final expenditure of tax-exempt obligation proceeds will be established and maintained. The records will be included in the Tax-Exempt Obligation Issuance Compliance File.

D. **Use of Tax-Exempt Obligation Funded Projects:** The Commission will use tax-exempt obligation funded projects as stated in the Tax Certificate or will obtain verification by bond counsel that alternative uses are in compliance with applicable requirements. The Commission will establish and maintain a record of the use of tax-exempt obligation funded projects. The records will be included in the Tax-Exempt Obligation Issuance Compliance File.

E. **Identification and Remediation of Violations:** The Commission will undertake ongoing reviews to ensure compliance with requirements of the federal tax code regarding the proper expenditure of bond proceeds, proper investment of bond proceeds, and proper use of tax-exempt obligation financed facilities. Upon advising bond counsel, the Commission will timely remediate any violations regarding the proper use of the tax-exempt facilities in accordance with income tax regulations, as applicable, or seek relief under the IRS voluntary compliance agreement program in appropriate circumstances.

X_____
Gavin Cohen
Secretary-Treasurer

_____
(Date)

X_____
Darryl Barnes
Chair, Prince George's Co. Planning Board

_____
(Date)

X_____
William "Bill" Spencer
Acting Executive Director

_____
(Date)

X_____
Artie Harris
Chair, Montgomery Co. Planning Board

_____
(Date)

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

TO: The Maryland-National Capital Park and Planning Commission

FROM: Terri Bacote-Charles, Corporate Budget Director

DATE: July 2, 2025

RE: FY 2025 Year-End Budget Transfer – Non-Departmental

This memorandum requests authorization to transfer a portion of the remaining FY 2025 budgeted year-end savings contained within the five general fund Non-Departmental – marker accounts to the Commission-wide IT Initiative Internal Service Fund to be used in subsequent fiscal years for non-personnel expenditures related to the ERP upgrade.

Staff Recommendation:

Approval of a request to transfer a portion of the year-end savings (as of June 30, 2025) totaling $2,425,000. Of this total amount, the Administration Fund in both Prince George's County (PGC) and Montgomery County (MC) will provide $275,000 each. In addition, the combined Park Funds will account for $1,175,000 and the Recreation Fund will be $700,000.

Background:

The Land Use Article, Section 18-109, permits a budget transfer if the transfer does not exceed 110% of the available approved budget amount nor result in a change in the work program. Accordingly, Commission Practice 3-60, Budget Adjustments (Amendments and Transfers), allows budget transfers when they do not increase the budget by more than 10% and, when bi-county departments are affected, approved by the Commission. The Commission has authority to transfer appropriations between the major object codes (personnel, supplies, services, capital outlay) and between divisions if they meet certain conditions.

Details of Requested Year-End Budget Adjustments:

The recommended transfer does not exceed 10% in total and does not change the work program. The requested unspent funds resulted from revised funding requirements for compensation needs and reclassification actions during the year.

Commission's approval is sought to transfer funds from the Non-Departmental marker accounts to the Commission-wide IT Initiative Internal Service Fund to prefund the ERP Upgrade project as follows:

- PGC Administration Fund: $275,000 – remainder will post to fund balance
- PGC Park Fund: $725,000 - remainder will post to fund balance
- PGC Recreation Fund $700,000 - remainder will post to fund balance
- MC Administration Fund: $275,000 - remainder will post to fund balance
- MC Park Fund: $450,000 – remainder will post to fund balance.

This budget adjustment positively impacts the current ERP financing schedule and reduces future payments beyond FY 2026 for all departments.

The Commission's approval of this transfer is requested.

Approved by the Commission_____ Date_____

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

July 7, 2025

TO: The Maryland-National Capital Park and Planning Commission

FROM: Todd Allen, Corporate Human Resources Director

Jennifer McDonald, Corporate HR Benefits Manager

SUBJECT: Benefit Plans Updates and Recommended Changes for Calendar Year 2026

The agency utilizes a benefits actuary, Aon Consulting, to help determine appropriate health plan rates which provide sufficient funding of health plan coverage and protection to the agency against expected claim costs during the plan year. Our insurance coverage is categorized as either fully insured or self-insured. With self-insured plans, the MNCPPC manages funds and pays claims as they are incurred. A commercial stop-loss policy exists to protect the agency against large claims. Each summer, the agency must determine the health plan premium rates for the following calendar year. The actuary works with each of our health plan providers to finalize rates after the review of our claims data for the prior cycles as well as current year costs, trends for projected health costs in the market, and plan design offerings.

Preliminary Medical and Prescription Rates as Recommended by Aon

Medical plan rates are projected to increase, on average, by 10.8% for 2026. The highest increase is the prescription (Rx) plan which is 31.7%. Last year the actuarily determined increase (21.7%) was reduced to 11.7% utilizing excess reserves in the group insurance fund (GIF). Consideration is being given to the use of the excess GIF reserves to reduce the Rx increase for 2026. With recommended plan design changes, the projected increase, on average has decreased to 10.0%. More details are provided later in the presentation.

Other Benefit Plans Rates as Negotiated with Carriers

Good news for other benefit plans (not medical or Rx) which are fully insured. These rates are determined by the carriers' respective actuaries.

- **Vision Plan (EyeMed)**
  - Rates will remain unchanged for 2026.
  - Rates are guaranteed through 2026.

- **Dental Plans (Delta Dental PPO and DeltaCare HMO)**
  - Rates will remain unchanged for 2026.
  - Rates are guaranteed through 2028.
- **Life Insurance Plans (Securian)**
  - Rates for the basic life plan will remain unchanged for 2026

- Rates are guaranteed through 2029.
- Rates for the supplemental, accidental death & dismemberment and dependent life will remain unchanged and guaranteed through 2029.

- **Disability Plans (MetLife)**
  - Rates for the basic and supplemental long-term disability plans will remain unchanged.
  - Rates are guaranteed through 2028.
  - Rates for the Sick Leave Bank will remain unchanged.
  - Rates are guaranteed through 2028.

Recommendations for Medical and Prescription Plans in 2026

Increases are due primarily to medical trend-unit cost of medical services procedures, provider price changes, utilization changes and new medical procedures and technology, aging population, and claims experience. One such example is the increased usage of GLP-1 drugs, which doubled since 2023.

All current plan designs provide similar benefit levels and actuarial values of approximately 98%. This is roughly equal to M-NCPPC paying $98 out of every $100 in paid claims, and the members paying $2 or 2% of the claim. Our plans are very rich.

The recommendations for 2026 are:

- No change to the rates or plan design for the UHC EPO plan.
- Aon was able to negotiate a reduction of Kaiser's increase of 4.3% to 3.2%, with no design changes.
- Increase some copays for the UHC POS plan. This will reduce the projected rate increase from 8.5% to 7.6%.
- Use some of the group insurance reserves to offset the increase in the prescription plan rates.
- Increase the copays for the prescription plan. This will reduce the increase from 31.7% to 31.4%.

This will bring the overall rate increase for all medical and prescription plans to 10.0%, down from 10.8%.

The following charts show the recommended plan design changes for the UnitedHealthcare Point of Service plan and the Caremark prescription plan.

UHC Point of Service (POS) Plan

PLAN FEATURE	CURRENT DESIGN	PROPOSED DESIGN CHANGE
Office Visit Copay (PCP	$10	$15
Office Visit Copay Specialist	$10	$20
Urgent Care Copay	$10	$30
Outpatient Surgery Copay – Facility Fee	$0 In-Network	$50
Emergency Room Copay	$50	$75
(OON) In-Patient	$100 Deductible	$150 Deductible
Out of Pocket (OOP) Coinsurance	80/20	No Change
both INN (In-Network) and OON	$600 Individual/ $1,200 2- Member/ $1,800 Family OON: (Same)	$750 Individual/$1,500 2-Member/$1,800 Family OON: (Same)
OON Deductible	$500 2- Member/	$600 2-Member/
COST IMPACT		**($241,861)**

Caremark Prescription Plan

PLAN FEATURE	CURRENT DESIGN	PROPOSED DESIGN
RX Generic	$8	$10
RX Preferred Brand	$16	$20
	$25	$40
Mail Order Generic	$16	$20
Mail Order Preferred Brand	$32	$40
Mail Order Non-Preferred	$40	$50
Lifestyle Drugs	50%	No change
COST IMPACT		**($56,084)**

The department heads support the recommendations.

Enhancements to MissionSquare 457 (b) Deferred Compensation Plan

Effective January 1, 2026, the Secure Act 2.0 requires that employees participating in a deferred compensation plan such as our 457(b) plans through MissionSquare or MetLife/Brighthouse (closed to new participants), whose wages exceed $145,000 in the immediately preceding calendar year, must make contributions to the age 50 catch-up plan on a post-tax basis. Post-tax means the employee does not get to exclude their contributions from income taxes in the year of contribution.

To satisfy this mandated requirement, a Roth feature will be added as an option under our MissionSquare deferred compensation plan. The Roth feature will be a separate "account" within the existing 457(b) plan. Employees will now have the option to save on a pre-tax, post-tax or a combination of both pre-tax and post-tax up to the normal annual limits. Employees aged 50 with wages exceeding $145,000 in the prior year, must make their age-50 catch up contributions on a post-tax basis.

Employees with wages of less than $145k (indexed) in the prior year are exempt. Special catch-up provisions such as the 3-year pre-retirement catch-up are exempt from this requirement.

An educational campaign on this new feature will be conducted in November of this year. In addition to this enhancement, discussions are being held on exploring a new platform with MissionSquare with lower fees to participants.

MCGEO & NON-UNION REPRESENTED PREMIUMS EFFECTIVE 1/1/2026*										
Plan	Cost Share %	Increase for 2026	Full 2026 Monthly Rate	2026 Full BiWeekly Rate	2026 MNCPPC BiWeekly	2026 Employee BiWeekly	2025 Employee Biweekly	Employee BiWeekly $ Change from 2025	2Member BiWeekly $ Change from 2025	Family BiWeekly $ Change from 2025
PREMIUMS FOR SINGLE COVERAGE**										
Caremark Prescription***	85%/15%	31.40%	$396.40	$182.95	$155.51	**$27.44**	$ 20.88	$6.56	$13.12	$19.68
Kaiser HMO with Prescription	85%/15%	3.20%	$676.67	$312.31	$265.46	**$46.85**	$ 45.38	$1.47	$2.94	$4.41
Kaiser Medicare Advantage	85%/15%	3.20%	$329.16	$151.92	$129.13	**$22.79**	$ 21.64	$1.15	$2.30	$3.45
UnitedHealthcare POS	80%/20%	7.60%	$1,028.49	$474.69	$379.75	**$94.94**	$ 88.27	$6.67	$13.34	$20.01
UHC Medicare Complement	80%/20%	8.40%	$366.07	$168.96	$135.17	**$33.79**	$ 31.17	$2.62	$5.24	$7.86
UnitedHealthcare EPO	80%/20%	0%	$735.51	$339.47	$271.58	**$67.89**	$ 67.89	$0.00	$0.00	$0.00
UHC EPO Medicare Eligible	80%/20%	0%	$463.20	$213.78	$171.02	**$42.76**	$ 42.76	$0.00	$0.00	$0.00
Delta Dental PPO	80%/20%	0%	$34.53	$15.94	$12.75	**$3.19**	$ 3.19	$0.00	$0.00	$0.00
Delta Dental HMO	80%/20%	0%	$18.59	$8.58	$6.86	**$1.72**	$ 1.72	$0.00	$0.00	$0.00
EyeMed Vision Plan - Low	80%/20%	0%	$3.75	$1.73	$1.38	**$0.35**	$ 0.35	$0.00	$0.00	$0.00
EyeMed Vision Plan - Moderate	80%/20%	0%	$6.50	$3.00	$1.38	**$1.62**	$ 1.62	$0.00	$0.00	$0.00
EyeMed Vision Plan - High	80%/20%	0%	$11.31	$5.22	$1.38	**$3.84**	$ 3.84	$0.00	$0.00	$0.00

* Premiums for FOP are slightly higher as their cost share is 77%/23%.

**Premiums for 2 members are 2 times single premium and three times for family coverage.

***Premiums for the prescription may decrease pending the outcome of ongoing discussions.

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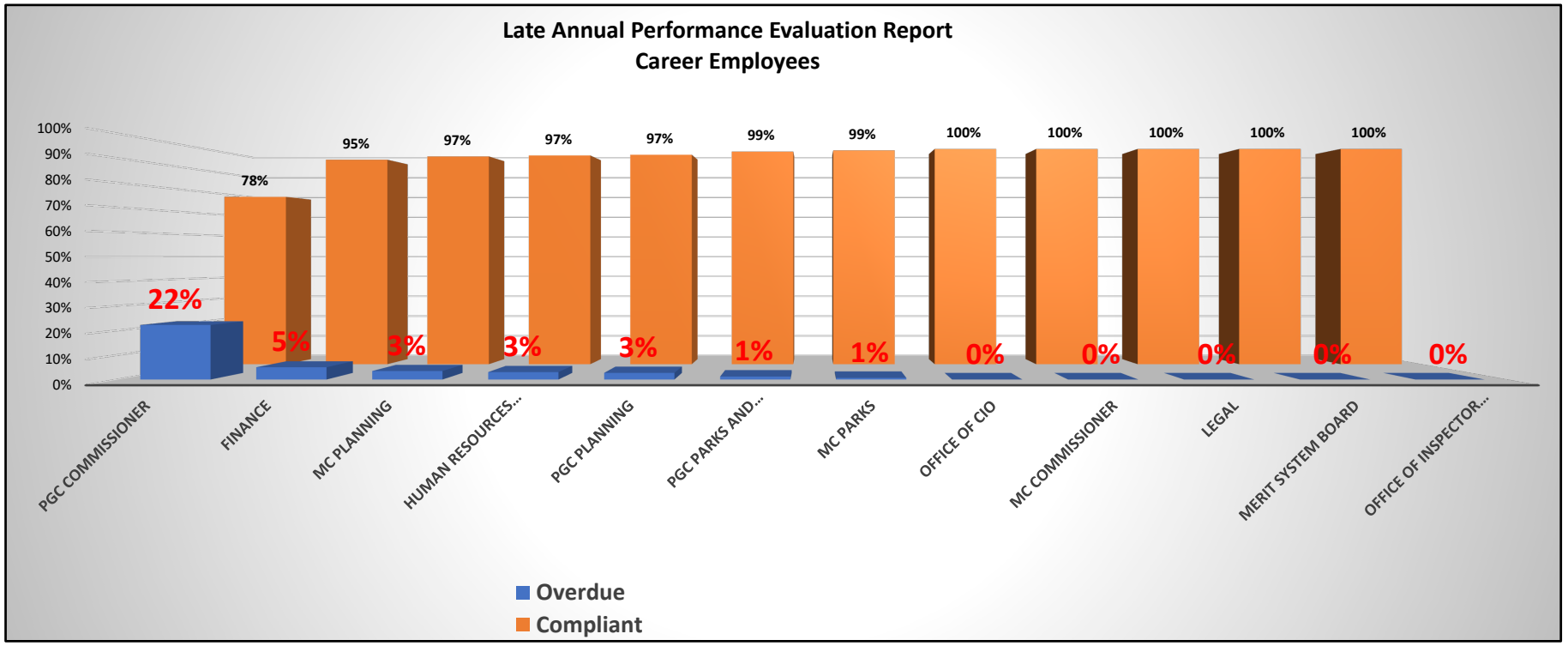
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT FOR APRIL 2025 THROUGH JUNE 2025

	1 - 30 DAYS			31 - 60 DAYS			61 - 90 DAYS			91 + DAYS			DEPARTMENT TOTALS		
	Apr-25	May-25	Jun-25	Apr-25	May-25	Jun-25	Apr-25	May-25	Jun-25	Apr-25	May-25	Jun-25	Apr-25	May-25	Jun-25
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0**
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	2	0	0	0	0	0	0	0	0	0	**0**	**0**	**2**
OFFICE OF CIO	0	1	0	0	0	0	0	0	0	0	0	0	**0**	**1**	**0**
OFFICE OF INSPECTOR GENERAL	0	1	0	0	0	0	0	0	0	0	0	0	**0**	**1**	**0**
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0**
DEPT. OF HUMAN RESOURCES & MGT.	0	2	1	0	0	1	0	0	0	1	0	0	**1**	**2**	**2**
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0**
FINANCE DEPARTMENT	0	0	1	3	1	0	0	0	0	0	0	1	**3**	**1**	**2**
PRINCE GEORGE'S PLANNING	2	3	5	0	1	0	0	0	0	0	0	0	**2**	**4**	**5**
PRINCE GEORGE'S PARKS & RECREATION	17	13	12	5	3	0	1	1	0	9	2	2	**32**	**19**	**14**
MONTGOMERY COUNTY PARKS	9	7	4	0	1	1	0	0	0	1	0	0	**10**	**8**	**5**
MONTGOMERY COUNTY PLANNING	3	5	4	2	1	1	0	0	0	0	0	0	**5**	**6**	**5**
****DEPARTMENT TOTAL BY DAYS LATE****	**31**	**32**	**29**	**10**	**7**	**3**	**1**	**1**	**0**	**11**	**2**	**3**			
COMMISSION-WIDE TOTAL													**53**	**42**	**35**

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.
** Status equals A1 and A2



*Data as of June 30, 2025

Employee Count	Evaluation Status		
Department	Overdue	Compliant	Total Employees
Finance	2	38	40
Human Resources and Mgt	2	64	66
Legal		27	27
MC Commissioner		3	3
MC Parks	5	762	767
MC Planning	5	139	144
Merit System Board		1	1
Office of CIO		21	21
Office of Inspector General		6	6
PGC Commissioner	2	7	9
PGC Parks and Recreation	14	1,139	1,153
PGC Planning	5	180	185
Total Employees	**35**	**2,387**	**2,422**

The Maryland-National Capital Park and Planning Commission
Office of the Chief Information Officer
6611 Kenilworth Avenue, Suite 403
Riverdale, Maryland 20737
http://www.mncppc.org ○ **T. (301) 454-1010**

TO: Commissioners

FROM: Mazen Chilet, Chief Information Officer

DATE: 07/16/2025

SUBJECT: Chief Information Officer Report – 2nd Quarter - 2025 – Open Session

Update on the Enterprise Resource Planning (ERP): Project Mosaic and Other key projects

ERP: Project Mosaic:

Project Objectives

The project aims to reduce costs and enhance efficiency by streamlining processes across various units within our organization. Our goal is to foster adaptability and promote informed decision-making throughout the Agency. We are committed to ensuring up-to-date and accurate data is readily accessible, enabling prompt and well-informed decisions. Our overarching objective is to demonstrate responsible stewardship by showing how increased productivity and efficiency can improve the quality of our services.

In the coming years, the Commission will transition to a next-generation Enterprise Resource Planning (ERP) system to support core processes such as payroll, human resources, procurement, budgeting, and finance.

This ERP system will automate manual tasks, enhance efficiency, and boost staff confidence. It will transform our organization, improve collaboration, and foster cooperation and sharing of information across departments. Increasing access to accurate data will support informed decision-making and allow our staff to focus on higher-value work, enhancing our ability to adapt to changes.

ERP Evaluation Structure

- A ten-member Evaluation Committee was formed to represent all departments. Each Department Head selected their respective Committee members.
- Members of the Evaluation Committee have selected as many as five content experts from their respective departments to serve as technical advisors.
- Once procurement and our ITRG consultants are done with the compliance review of all submitted RFPs then the RFPs will be released to the evaluation Committee for their review.

- The evaluation committee will carry out their work in evaluating the RFPs in a structured manner. The evaluation will be completed in three rounds:
    - Round 1: The evaluation Committee will conduct a thorough review of the compliant RFPs, create a short list, and short list of the most qualified vendors to advance to Round 2 of the evaluation Process:
    - Round 2: in this round short-listed vendor will come onsite and showcase their solutions to demonstrate how their systems address the Agency's business needs. The demonstrations will be guided by established demonstration templates.
    - Round 3: ITRG and Procurement will prepare summaries and provide the Department Heads for their review and selection of a winner of the RFP.
- The next phase is the Project AWARD which includes contract review and negotiations, background checks, and other standard procurement steps.

RFP Schedule

- Friday, February 28, was the deadline for vendor proposals.
- Procurement is actively overseeing the RFP evaluation process with rigorous safeguards in place to ensure the integrity, confidentiality, and fairness of the process for all participating offerors

Kronos/UKG Migration Project

Project Overview

The Kronos/UKG Migration Project aims to improve the Commission's timekeeping and payroll systems. UKG (formerly Kronos) will stop supporting the UKG Workforce Central (WFC) Timekeeper application and its hosting option at the end of December 2025. This upgrade will move the Agency from Kronos WFC to UKG Workforce Pro. The upgrade included a mobile app, time-off requests, easier historical corrections, and a cleaner look and feel. The project also provides payroll synchronization, during which two payroll cycles, primary and secondary, were combined into one primary payroll cycle.

Project Details

Phase I – Application upgrade from Kronos WFC to UKG Workforce Pro

- **Completed** December 8, 2024

Phase II – Launching the mobile app and providing user training on how to use it.

- **Completed** June 02, 2025

- **Phase III -** Advanced Scheduler and Multi-Pay.
    - Planned for September through October.
    - Training will take place in mid-September through mid-October.
    - Managers in Prince George's DPR who choose to use Advanced Scheduler are required to complete a 60-minute training session.

- Multi-Pay Feature – Driven by Montgomery Parks business needs to simplify payroll management and enhanced reporting.
  - The multi-pay feature will simplify payroll management and enhanced reporting.
  - This feature is particularly useful for Departments that have employees performing multiple roles, each with distinct pay rates.
  - The multi-pay feature will simplify payroll management and enhanced reporting.

InSite SharePoint Upgrade Project

The project aimed to enhance the Commission's intranet platform, InSite, by migrating to Microsoft SharePoint. This upgrade addressed existing challenges, including outdated technology, limited collaboration features, and difficulties in accessing resources. The transition was carefully managed, involving collaboration with IT teams across from the Commission for Account Management and providing training and support to employees. The project was executed in phases, each with clear deliverables and milestones, ensuring smooth implementation.

- Department Go-Live Timeline
- Early Sept 2024: Human Resources (DHRM)
- Oct 2024: Merit System Board
- Nov 2024: Office of General Counsel, Montgomery Parks, Montgomery Planning, Planning Board
- Dec 16, 2024: Department of Finance
- Dec 31, 2024: Office of the CIO
- Jan–Mar 2025: Prince George's Parks & Recreation, Prince George's Planning
- May 2025: Montgomery Parks & Planning
- The CAS/Main Bi-County SharePoint site was launched on May 29. It enables navigation across all departmental SharePoint sites, enhancing access and usability throughout the Commission.
- On Monday, June 2, OCIO announced the official launch of InSite for all Commission employees, now available via MNCPPC's SharePoint.
- The link to the new INSITE on SharePoint MNCPPC InSite on SharePoint

ADA Digital Media Compliance Project

- As part of our ongoing commitment to digital inclusion and compliance, ADA training will commence in May for appointed accessibility specialists across all Central Administrative Services divisions.
- EqualEntry, our digital accessibility vendor, has completed audits for the M-NCPPC, Prince George's County Planning, and the Prince George's Department of Parks and Recreation websites. Findings have been reviewed, and the project team will collaborate with EqualEntry and Planeteria to develop and implement remediation strategies.
- Additionally, the redesigned InSite landing page was launched by the end of May, marking a key milestone in our modernization efforts.

End of Report

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

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

July 1, 2025

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Debra S. Borden
General Counsel

RE: Litigation Report for June 2025 – FY 2025

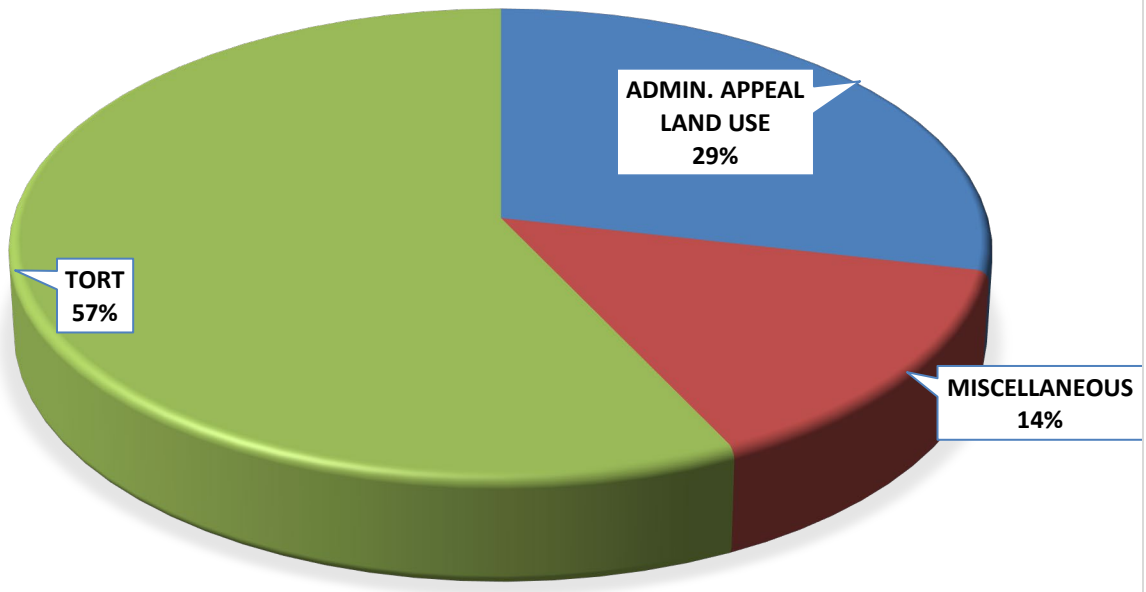
Please find the attached litigation report we have prepared for your meeting scheduled for Wednesday, July 16, 2025. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

Table of Contents – June 2025, Fiscal Year 2025 Report

June 2025
Composition of Pending Litigation
(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	APPELLATE COURT OF MARYLAND	SUPREME COURT OF MARYLAND	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	1	1					2
ADMIN APPEAL: OTHER							0
BANKRUPTCY							0
CIVIL ENFORCEMENT							0
CONTRACT DISPUTE							0
DEBT COLLECTION							0
EMPLOYMENT DISPUTE							0
LAND USE DISPUTE							0
MISCELLANEOUS				1			1
PROPERTY DISPUTE							0
TORT CLAIM	4						4
WORKERS' COMPENSATION							0
PER FORUM TOTALS	**5**	**1**		**1**			**7**

OVERVIEW OF PENDING LITIGATION



June 2025 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2025			
	Pending May 2025	New Cases	Resolved Cases	Pending Fiscal Year 24	New Cases FY To Date	Resolved Cases FY To Date	Pending Current Month
Admin Appeal: Land Use (AALU)	2			4	3	5	2
Admin Appeal: Other (AAO)	0			2		2	0
Bankruptcy (B)	0			0			0
Civil Enforcement (CE)	0			0			0
Contract Disputes (CD)	0			1		1	0
Debt Collection (D)	0			0	2	2	0
Employment Disputes (ED)	0			4		4	0
Land Use Disputes (LD)	0			0			0
Miscellaneous (M)	1			0	1		1
Property Disputes (PD)	0			0			0
Tort Claims (T)	3	1		3	5	4	4
Workers' Compensation (WC)	0			5		5	0
TOTALS	6	1	0	19	11	23	7

INDEX OF YTD NEW CASES
(7/1/2024 TO 6/30/25)

A. New Trial Court Cases.	Unit	Subject Matter	Month
Asare v. Commission	PG	Tort	Aug.
In the Matter of Cameron Hills Owner's Association Inc., et al.	MC	AALU	Aug.
Commission v. Denis	MC	D	Sept.
Hallman v. Cowell, et al.	PG	CD	Sept.
Greater Capitol Heights Improvement Corporation, Inc. v. Commission	PG	AALU	Sept.
Commission v. Brewer	PG	D	Oct.
In the Matter of Glenn Dale Citizens' Association, Inc., et al.	PG	AALU	Nov.
In re: Insulin Pricing Litigation	MC/PG	Misc.	Jan.
Young-Rosier v. Nugent, et al.	PG	Tort	Feb.
Ferguson v. Gantt, et al.	PG	Tort	April
Prince George's County, Maryland v. Gantt, et al.	PG	Tort	April
G.W., et al. v. Commission, et al.	PG	Tort	May
Doe v. Commission, et al.	PG	Tort	June

B. New Appellate Court Cases.	Unit	Subject Matter	Month
Paige Industrial Services, Inc. v. Commission	MC	AAO	July
Bhargava v. Prince George's County Planning Bd.	PG	AALU	Feb.
In the Matter of Forest Grove Citizens Assoc., et al.	MC	AALU	Feb.

INDEX OF YTD RESOLVED CASES
(7/1/2024 TO 6/30/2025)

A. Trial Court Cases Resolved	Unit	Subject Matter	Month
Commission v. Chen	MC	CD	July
Mays v. Commission	PG	ED	July
In the Matter of Forest Grove Citizens Association, et al. (C-15-CV-23-002405)	MC	AALU	July
In the Matter of Forest Grove Citizens	MC	AALU	July
Association, et al. (C-15-CV-24-000505)	MC	AALU	July
Chisley v. Commission	PG	Tort	July
Evans v. Braveboy, et al.	PG	Tort	Aug.
Weisman v. Commission, et al.	MC	ED	Aug.
Hallman v. Cowell, et al.	PG	CD	Oct.
Wallace v. Commission, et al.	PG	ED	Oct.
Asare v. Commission	PG	Tort	Nov.
Celey v. Commission	PG	ED	Dec.
Vester v. Bowie Baysox Baseball Club, et al.	PG	Tort	Dec.
In the Matter of Cameron Hill Owner's Assoc., Inc., et al.	MC	AALU	Jan.
In the Matter of Forest Grove Citizens Association, et al.	MC	AALU	Jan.
Commission v. Dennis	MC	D	Mar.
Greater Capitol Heights Improvement Corporation v. Commission	PG	AALU	Mar.
Young-Rosier v. Nugent, et al.	PG	Tort	Mar.
Commission v. Brewer	PG	D	Apr.

B. Appellate Court Cases Resolved	Unit	Subject Matter	Month
Paige Industrial Services, Inc. v. Commission	MC	AAO	Sept.
Bhargava v. Prince George's County Planning Bd.	PG	AALU	Jan.
Bhargava v. Prince George's County Planning Bd.	PG	AALU	Feb
Bhargava, et al. v. Prince George's Cnty. Public Schools Proposed S. K-8 Middle School, et al.	PG	AALU	Apr.

	Disposition of FY25 Closed Cases Sorted by Department	
CLIENT	**PRINCIPAL CAUSE OF ACTION IN DISPUTE**	**DISPOSITION**
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Parks		
Commission v. Chen	Breach of Contract matter to recover funds for rental of recreational fields.	07/18/2024 – Voluntarily dismissed by Commission after Defendant paid outstanding funds.
Paige Industrial Services, Inc. V. Commission	Judicial Review of the decision of the administrative agency (CCRC). Contractor's claim for additional payments for construction at Rock Creek Maintenance Yard.	07/12/2024 – Decision of the CCRC affirmed by Circuit Court. 09/04/2024 - Appellate Court of Maryland granted Commission's Motion to Dismiss appeal of Circuit Court's decision.
Commission v. Dennis	Action to recover losses for damage(s) to Commission property.	03/21/2025 – Affidavit Judgment Granted.
Montgomery County Park Police		
Weisman v. Commission, et al.	Plaintiff, a former police sergeant, filed a complaint against the Commission and the Montgomery County Chief of Police, alleging a hostile work environment due to discrimination based on sex, sexual orientation, and religion.	08/12/2024 – Motion to Dismiss granted.

Montgomery County Planning Board		
In the Matter of Forest Grove Citizens Assoc. et al. (C-15-CV-23-002405)	Petitioners sought Judicial Review of the Montgomery County Planning Department's decision regarding 9801 Georgia Avenue Sketch Plan 320230020.	07/29/2024 – Judgment of the Planning Board affirmed.
In the Matter of Forest Grove Citizens Assoc. et al. (C-15-CV-24-000505)	Petitioners sought Judicial Review of the Montgomery County Planning Department's decision regarding 9801 Georgia Avenue Sketch Plan 320230020.	07/29/2024 – Judgment of the Planning Board affirmed.
In the Matter of Cameron Hill Owners Association, Inc. et al. (C-15-CV-24-004664)	Petitioners seek Judicial Review/Mandamus of the Montgomery County Planning Board's Decision regarding 8676 Georgia Avenue Sketch Plan 320230060 and Preliminary Plan 120230150.	01/22/2025 – Stipulation of Dismissal.
In the Matter of Forest Grove Citizens Association, et al. (C-15-CV-24-001622)	Petitioners seek Judicial Review of the Montgomery County Planning Board's Decision in 9801 Georgia Avenue Plan no(s). 120230160, 820230130 and F20240040.	01/27/2025 - Order of Court Affirming Montgomery County Planning Board's Decision
Prince George's County Department of Parks and Recreation		
Mays v. Commission	Employee terminated from the Commission for her COVID vaccination status brought suit alleging several employment-related claims, such as religious and genetic discrimination, retaliation, and wrongful discharge.	07/27/2024 – Case settled and dismissed.
Chisley v. Commission, et al.	Plaintiff alleged he tripped and fell in a concealed hole at Enterprise Golf Course.	08/04/2024 – Case dismissed for lack of prosecution.
Evans v. Braveboy, et al.	Plaintiff alleged she tripped and fell at Fairwood Community Park due to uneven sidewalk pavement resulting in injuries.	08/07/2024 – Motion to Dismiss granted.
Hallman v. Cowell, et al.	Action for payment of services rendered at Suitland Community Center	10/03/2024 – Stipulation of dismissal.
Wallace v. Commission, et al.	Former employee alleges discrimination and wrongful termination relating to her COVID vaccination status.	10/16/2024 – Stipulation of dismissal.

Asare v. Commission	Tort suit alleging injuries at Southern Recreation Center as a result of a physical altercation while participating in Xtreme Teen's program.	11/13/2024 – Motion to Dismiss granted.
Celey v. Commission	Defendant alleged employment discrimination based upon race, sex, and disability, as well as retaliation.	12/19/2024 - Joint Notice of Dismissal
Louise Vester v. Bowie Baysox Baseball Club, et al.	Tort suit for injuries allegedly sustained while attending a Bowie Baysox game at Prince George's Stadium.	12/17/2024 – Case dismissed.
Theresa Young-Rosier v. Jeremy Nugent, et al.	Tort suit for injuries allegedly sustained in a motor vehicle accident.	03/06/2025 – Line of Dismissal as to the Commission.
Commission v. Brewer	Action to recover losses for damage(s) to Commission property.	04/11/2025 – Affidavit Judgment Granted.
Prince George's County Planning Board		
Bhargava v. Prince George's County Planning Board	Appeal to Appellate Court from the Circuit decision that affirmed the decision of the Prince George's County Planning Board's 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.	12/31/2024 – Appellate Court Affirmed Circuit Court decision.
Greater Capitol Heights Improvement Corporation, Inc. v. Commission	Petitioners sought Judicial Review of the Prince George's County Planning Board's Decision approving Preliminary Plan of Subdivision No. 4-22014.	03/14/2025 – Planning Board decision affirmed.
Bhargava, et al. v. Prince George's Cnty. Public Schools Proposed S. K-8 Middle School, et al.	Petition for Writ of Certiorari regarding Appellate Court's affirmation of the decision affirming Prince George's County Planning Board's decision to affirm the Planning Director's approval of a tree conservation plan, a revision of that tree conservation plan, and variances to the Woodland Conservation Ordinance that allowed removal of specimen trees.	04/25/2025 – Certiorari denied.

Prince George's Park Police		
Office of Internal Audit		

INDEX OF REPORTED CASES

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Matters

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Prince George's County, Maryland v. Gantt, et. al.
Case No. D-05-CV-25-018668 (Tort)

Lead Counsel: Thornton
Other Counsel:

Abstract: Suit filed by Prince George's County to recover worker's compensation benefits paid to a County employee as a result of a rear-end motor vehicle accident allegedly caused by a Commission employee operating a Commission vehicle.

Status: In discovery.

Docket:

03/31/2025	Complaint filed
06/25/2025	Notice of Intent to Defend filed
09/25/2025	Trial set

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Matters

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Doe v. Commission, et. al.
Case No. C-16-CV-25-003042 (Tort)

Lead Counsel: Thornton
Other Counsel: Rupert

Abstract: Suit to recover for injuries and damages involving allegations of sexual assault of a minor by a former Commission employee.

Status: In discovery.

Docket:

05/30/2025	Complaint filed
06/02/2025	Commission served
06/24/2025	Commission Answer to Complaint filed
06/24/2025	Defendant Prince George's County's Motion to Dismiss
06/26/2025	Consent Motion to Extend Deadline to Respond to Defendant Prince George's County's Motion to Dismiss
06/27/2025	Order of Court Granting Consent Motion

Ferguson v. Gantt, et. al.
Case No. C-16-CV-25-002097 (Tort)

Lead Counsel: Thornton
Other Counsel:

Abstract: Suit for injuries sustained in a rear-end motor vehicle accident allegedly caused by a Commission employee operating a Commission vehicle.

Status: In discovery.

Docket:

04/19/2025	Complaint filed
06/09/2025	Defendant Gantt served
06/25/2025	Defendants' Answer to Complaint and Request for Jury Trial filed
06/30/2025	Plaintiff's Expert Witness Designation

G.W., et al. v. Commission, et al.
Case No. C-16-CV-25-002723 (Tort)

Lead Counsel: Thornton
Other Counsel: Rupert

Abstract: Suit to recover for injuries and damages stemming from allegations of sexual assault of minor by a former Commission employee.

Status: Commission served.

Docket:

05/19/2025	Complaint filed
06/20/2025	Commission served

In the Matter of Glenn Dale Citizens Association, Inc., et al.
Case No. C-16-CV-24-005361 (AALU)

Lead Counsel: Warner
Other Counsel:

Abstract: Petitioners seek Judicial Review of the Prince George's County Planning Board's Decision with regard to Preliminary Plan of Subdivision No. 4-22051.

Status: Hearing set.

Docket:

11/07/2024	Petition for Judicial Review
11/27/2024	Response to Petition for Judicial Review filed
12/12/2024	Scheduling Order
12/19/2024	Glen Dale Holding Company LLC and WFC Flagship LLC Response to Petition for Judicial Review
01/31/2025	Joint Motion to Continue Oral Argument and Stipulation to Reset Briefing Schedule
02/04/2025	Order of Court granting Joint Motion
02/19/2025	Notice of Oral Argument
03/07/2025	Petitioner's Memorandum filed
05/28/2025	Order of Court that Respondents' Joint Motion to Strike Portions of Petitioners Brief, or in the Alternative, Motion to Dismiss, is denied.
06/06/2025	Hearing rescheduled
07/17/2025	Hearing set

APPELLATE COURT OF MARYLAND

In the Matter of Forest Grove Citizens Association, et al.
Case No. ACM-REG-2475-2024 (AALU)
(Originally filed under case C-15-CV-24-001622 in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Appeal of Decision by Circuit Court affirming the Montgomery County Planning Board's Decision in 9801 Georgia Avenue Plan no(s). 120230160, 820230130 and F20240040

Status: Appeal filed.

Docket:

02/26/2025	Appeal filed.
03/25/2025	Order to Proceed.
05/23/2025	Briefing Notice

SUPREME COURT OF MARYLAND

No Pending Matters

U.S. DISTRICT COURT OF MARYLAND

No Pending Matters

U.S. DISTRICT COURT DISTRICT OF NEW JERSEY

In Re: Insulin Pricing Litigation
Case No. 2:25-cv-00389 (Misc.)

Lead Counsel: Ko
Other Counsel: Bansal, Rupert

Abstract: Affirmative litigation brought by the Commission against Pharmacy Benefits Managers and drug manufacturers alleging an illegal pricing and kickback scheme involving insulin and related drugs, harming the Commission in its capacity as a third-party payor of pharmacy benefits.

Status: Complaint filed. Waiver of service of summons and complaint executed.

Docket:

01/13/2025	Complaint filed
01/31/2025	Waiver of Service of summons and complaint executed by Commission
02/05/2025	Waiver of Service of summons and complaint executed by Commission
03/24/2025	Waiver of Service of summons and complaint executed by Commission
04/18/2025	Waiver of Service of summons and complaint executed by Commission