



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

January 16, 2019

10:00 a.m. – 12:00 p.m.

**Prince George's
Parks and Recreation Administration**
Auditorium

6600 Kenilworth Avenue
Riverdale, Maryland 20737

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ITEM 1

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MEETING
Wednesday, January 16, 2019
PRA (Auditorium)
10:00 a.m. – 12 noon

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda	(+*) Page 1	
2.	Rotation of the Commission Chair and Vice-Chair		
	a) Commission Chair	(*)	
	b) Commission Vice-Chair	(*)	
2.	Approval of Commission Minutes		
	a) Open Session – December 19, 2018	(+*) Page 3	
3.	General Announcements		
	a) Upcoming M-NCPPC Black History Month – Events throughout both counties (January 27 through Feb 28) will be communicated on agency website, training calendar and newsletter. Activities include:		
	• Prince George’s Parks and Recreation Black History Month Opening Reception January 27, 2:00-5:00 p.m., Montpelier Cultural Arts Center in Laurel, MD		
	• Montgomery Planning’s weekly lunchtime events, Fridays in February. Times and locations vary. See <i>inSite</i> training calendar for more details.		
4.	Committee Minutes/Board Reports (For Information Only)		
	a) Executive Committee Meeting – Open Session – January 2, 2019	(+) Page 7	
	b) 115 Trust (OPEB) Meeting Minutes – September 26, 2018	(+) Page 9	
	c) Employees’ Retirement System board of Trustees Meeting – November 2018	(+) Page 11	
5.	Action and Presentation Items		
	a) Recognition of 2018 Diversity Council outgoing members and introduction of 2019 Diversity Council (Bennett)	(+) Page 17	
	b) Diversity Council 2018 Annual Report (Bennett/Feeley)	(+) Page 21	
	c) Actuarial Valuation OPEB (Zimmerman/Bolten Partners)	(+*)Page 29	
	d) Planned Legislative Event (Gardner)		
6.	Officers’ Reports		
	a) Executive Director’s Report (For Information Only) Late Evaluation Report (December 2018)	(+) Page 37	
	b) Secretary Treasurer (For Information Only)		
	c) General Counsel (For Information Only) Litigation Report	(+) Page 39	
(+)	Attachment	(++)	Commissioners Only
(*)	Vote	(H)	Handout
(LD)	Late Delivery		

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Commission Meeting
Open Session Minutes
December 19, 2018

The Maryland-National Capital Park and Planning Commission met at the Montgomery Regional Office Auditorium in Silver Spring, Maryland.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair
Dorothy Bailey
William Doerner
Manuel Geraldo

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Norman Dreyfuss
Natali Fani-Gonzalez
Tina Patterson

NOT PRESENT

A. Shuanise Washington

Chair Anderson convened the meeting at 10:05 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Hewlett to approve the Commission agenda
Seconded by Geraldo
9 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – November 21, 2018
Closed Session – November 21, 2018
ACTION: Motion of Hewlett to approve the Commission minutes
Seconded by Geraldo
9 approved the motion

ITEM 3

GENERAL ANNOUNCEMENTS

- a) Prince George's County Department of Parks and Recreation Winter Festival of Lights at Watkins Regional Park – November 23 through January 1
- b) Montgomery County Department of Parks Winter Garden Walk Through Holiday Light Display at Brookside Gardens – November 16 through January 1
- c) Chair Anderson and Vice-Chair Hewlett praised the work of employees who planned and arranged the One-Commission Holiday party, which was a spectacular event.

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee – Open Session – December 11, 2018
- b) Employees' Retirement System Board of Trustees Meeting – November 6, 2018

ACTION AND PRESENTATION ITEMSa) Resolution #18-33 Resolution for Adoption for the Master Plan of Highways and Transitways (Wright)

Commissioner Cichy asked to note a correction in the report, righting an inconsistency in certain segments of Randolph Road's classification from Arterial to Major Highway, which allows the potential for a future interchange. Resolution was approved.

ACTION: Motion of Cichy to approve Resolution #18-33

Seconded by Fani-Gonzalez

9 approved the motion

b) Resolution #18-34 Resolution for Adoption for the Bicycle Master Plan (Wright)

Approved without discussion.

ACTION: Motion of Fani-Gonzalez to approve Resolution #18-34

Seconded by Cichy

9 approved the motion

c) Resolution #18-38 Approval of the Fiscal Year 2020 Proposed Operating and Capital Budgets of the Maryland-National Capital Park and Planning Commission (Kroll)

Budget Director Kroll requested approval of the FY20 budgets, noting one correction handed out at the meeting that modified work years and position counts. Resolution was approved.

ACTION: Motion of Hewlett to approve Resolution #18-38

Seconded by Geraldo

9 approved the motion

d) Comprehensive Annual Financial Report (CAFR) for the Fiscal Year End June 30, 2018 (C. Lehman – SB and Company, LLC/Walsh/Rodman)

Secretary-Treasurer Zimmerman introduced Chris Lehmen, from independent auditors SB & Co. and M-NCPPC Accounting Manager Barbara Walsh. Mr. Lehmen shared the unmodified opinion on the agency's 2018 financial statements, stating a positive audit outcome. Mr. Lehmen added it did not identify any material missing in its internal controls nor did it detect any fraud. Ms. Walsh presented the CAFR material from the packet, noting increases and decreases in various fund balances and those balances available for future years' budgets and unforeseen circumstances.

Chair Anderson noted Ms. Walsh had announced her retirement and thanked her for her outstanding service to the agency for so many years. Secretary-Treasury Zimmerman shared that Ms. Walsh will continue to assist with a transition of her role. Chair Hewlett added that Ms. Walsh has also been a key addition to the Employees' Retirement System Board of Trustees.

e) Discussion of options for utilizing forfeited employee contributions to Flexible Spending Account (FSA) Program (Spencer/McDonald)

Acting Executive Director Bennett provided background on the item indicating that Commissioner Dreyfuss requested additional research on the FSA program and recommendations for the handling of contribution forfeitures. Human Resources Director William Spencer and Benefits Manger Jennifer McDonald were introduced. Ms. McDonald presented background on the issue and reviewed options to use the forfeited funds, including research on how other agencies use similar forfeitures. She said most other local agencies,

according to consultant Aon, use forfeited funds to pay their FSA programs' administrative costs.

After some discussion, Commissioners suggested using forfeited funds to offset costs of the FSA program and support wellness initiatives for the workforce, as those would ultimately help with reducing medical costs.

Commissioners also encouraged enhanced communication with employees who may be in danger of forfeiting their FSA contributions at the end of the year. Ms. McDonald said the FSA administrator, Benefit Strategies, sends quarterly emails to each enrollee, and M-NCPPC benefits office also sends reminders to staff via email and the employee newsletter *Update*. Vice-Chair Hewlett requested that benefits staff send email reminders throughout the year that alert employees of their specific FSA balance and how long the employee has to spend it before forfeiture. Chair Anderson added the email should include the FSA reimbursement form. Both Chair Anderson and Vice-Chair Hewlett stressed that the information should be highlighted separately, noting the information tends to get lost when included with so many other items.

Commissioner Doerner also recommended greater education on financial awareness, expense budgeting, and the benefits of contributing pre-tax dollars to the FSA. Ms. McDonald indicated the FSA administrator offers an expense calculator on their website, and representatives are on hand at health benefits fairs to help advise and calculate expenses. Commissioner Doerner suggested identifying the employees who are at risk of losing significant contributions and reaching out to advise them on spending their accounts.

Commissioner Geraldo asked if forfeitures could be used to establish a fund to offset FSA members' extraordinary medical expenses. Commissioner Anderson noted if forfeitures were to be returned to employees, the agency was required to distribute it equally among employees enrolled in the FSA plan and therefore forfeitures could not be used for individual employees. Ms. McDonald confirmed this and added that the M-NCPPC's medical plans provide for a maximum out of pocket medical expense of \$600 or \$1100, depending upon the plan.

Chair Anderson reiterated the Commission's direction that forfeitures be used to offset costs for program administration and support wellness efforts.

ACTION: Motion of Dreyfuss to support using the fund in such a manner.

Seconded by Geraldo

9 approved the motion

f) ERP Upgrade Status (Chilet/Dixon)

Chief Information Officer (CIO) Chilet updated Commissioners on the success of the latest phase the Enterprise Resource Planning (ERP) Upgrade Project. CIO Chilet said this was a huge undertaking coordinated by the CIO's Project Management Office in cooperation with Commissioners, Department leadership, IT professionals, and subject matter experts across the agency. Seventy team members throughout the agency, along with three different consultants, worked to complete this upgrade. CIO Chilet stated the ERP upgrade was necessary as the current version was at the end of its life.

The project was completed on time, within budget, and resulted in business process improvements including automation of many finance and human resources processes, greater accountability, and reduced processing delays. Program Manager Dixon reported a hotline

was established to assist users for the first two weeks after the upgrade to address and resolve all outstanding issues. Training sessions were held for more than 250 field users. The CIO is planning two surveys, one to users to ask if training met their needs, and the other to CIO/IT staff to ask about meetings for the rollout. Both groups will be asked what can be done differently or better going forward.

Commissioner Cichy asked if the ERP enabled the options for scanning and electronic submission of vendor invoices. CIO Chilet confirmed the software allowed both. Secretary-Treasurer Zimmerman added the options were beneficial but wanted to avoid requiring this of vendors as this may preclude some smaller vendors. Commissioner Fani-Gonzalez suggested the agency could offer assistance to small vendors noting it would be to the agency's benefit. Secretary-Treasurer Zimmerman replied the agency could provide this service depending on the required level of assistance.

CIO Chilet thanked agency leadership on the Executive Steering Committee, noting without that support, the project could not have happened. He also thanked the IT teams as everyone stepped up and exceeded expectations. Vice-Chair Hewlett added her congratulations, saying she was pleased to see the agency keep up with the counties. Acting Executive Director Bennett added at the last meeting of the Department Heads, Directors recognized the CIO's leadership and also how everyone's commitment to the project showed in the results.

ITEM 7 OFFICERS' REPORTS

- a) Executive Director's Report (For information only)
Employee Evaluations Not Completed by Due Date (November 2018)
- b) Secretary Treasurer (For information only)
MFD Purchasing Statistics First Quarter
- c) General Counsel (For information only)
Litigation Report – General Counsel Gardner noted the American Humanist Association's case is in the Supreme Court. The General Counsel's Office filed the brief and expects arguments in the latter part of February.

There being no further business to discuss, the meeting ended at 11:05 a.m.



James F. Adams, Senior Administrative Specialist



Anju A. Bennett, Acting Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES

January 2, 2019

On January 2, 2019, the Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Casey Anderson, Vice-Chair Elizabeth M. Hewlett, and Acting Executive Director Anju A. Bennett. Also present were:

Department Heads

- Andree Green Checkley, Director, Prince George’s County Planning
- Darin Conforti, Acting Director, Prince George’s County Parks and Recreation
- Adrian Gardner, General Counsel
- Mike Riley, Director, Montgomery County Parks
- Gwen Wright, Director, Montgomery County Planning
- Joseph Zimmerman, Secretary-Treasurer

Presenters/Staff

- Mazen Chilet, Chief Information Officer
- Tracey Harvin, Acting CPMO Director
- William Spencer, Human Resources Director

Chair Anderson convened the meeting at 10 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	The agenda was adopted without changes. However, Acting Executive Director Bennett requested an update by General Counsel Gardner on a potential legislative matter.
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ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for January 16, 2018

Discussion	Agenda adopted with the following changes: <ul style="list-style-type: none"> • Move Managed Lanes briefing by Montgomery Planning to February. • Add briefing by General Counsel on: Legislative event.
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ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	Items to be added/clarified/modified to the Rolling Agenda: <ul style="list-style-type: none"> • February – Move Managed Lanes briefing from January. • Clarify that Parks and Recreation 2040 briefing will be scheduled for March. • Remove referenced Bond sales from April. • Acting Executive Director Bennett indicated that Wage reopeners for MCGEO and FOP were contemplated for early February timeframe, therefore updates will be scheduled as needed.
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ITEM 2 – MINUTES

	December 11, 2018 Executive Committee Meeting Open Session
ACTION	Vice-Chair Hewlett moved to accept the minutes. Seconded by Chair Anderson. 3 approved.

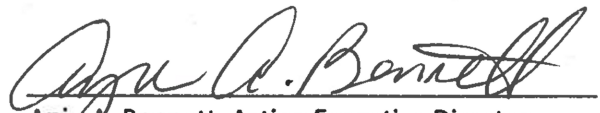
DISCUSSION ITEMS

Discussion	<p>Acting Executive Director Bennett noted she has been meeting with a work group and more recently with all Department Heads on the importance of internal and external constituents clearly understanding the agency's function and the critical role it plays in regional and community platforms. Department Heads will be meeting over the next weeks to continue discussions.</p> <p>General Counsel Gardner shared additional background and Department Heads' interest in hosting a legislative event. The General Counsel will brief the Commission on this event.</p> <p>Chair Anderson and Vice-Chair Hewlett supported recommendations and stressed the agency's contribution to the quality of life in the counties.</p>
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There being no further business to discuss, the meeting adjourned at 10:29 a.m.



James Adams, Senior Administrative Program Specialist



Anju A. Bennett, Acting Executive Director

115 Trust (OPEB)
Meeting Minutes
PRA

Wednesday, September 26, 2018

Attending: Commissioner Natali Fani-Gonzalez, Trustee;
Joseph Zimmerman, Commission Secretary-Treasurer, Trustee;
William Spencer, Commission Human Resources Director, Trustee;
LaTonya Reynolds, Commission Senior Counsel;
Barbara Walsh, Commission Accounting Manager, Staff;
Abbey Rodman, Commission Investment Manager, Administrator;
Tanya Hankton, Commission Acting Investment Manager, Staff;
Claudia Stalker, Commission Accountant, Staff;
Milly Chung, Commission Accountant, Staff;
Barry Bryant, Investment Consultant, Dahab Assoc.

Absent: Commissioner Manuel Geraldo, Trustee, Chairman;
Patricia Colihan Barney, Commission Executive Director, Trustee;

Chairman Natali Fani-Gonzalez convened the meeting at 9:00 am in the 3rd Floor Conference Room of PRA. Minutes from the 6/20/18 meeting were approved.

Barry Bryant of Dahab Associates began by saying that results for the current quarter were positive but weak relative to the average public plan due to the composition of the returns.

Mr. Bryant began by describing the economic environment. The economy continues to grow rapidly with GDP up 4.2% prior to the final numbers being released soon. Unemployment, capacity utilization, dollar strength and the current trend all suggest growing inflationary pressure which will likely lead to further interest rate hikes.

While these could cause a market downturn, Mr. Bryant noted that it had not happened yet and most prognosticators were not calling for it to happen in the near term. He described returns as a Trump quarter, with domestic stocks increasing significantly but foreign stocks and the bond market registering slight declines. The average public plan returned 1.2% for the quarter.

The Portfolio returned 0.1%, according to Mr. Bryant. Aiding returns were the use of real estate as a bond substitute, the significant allocation (20%) to mid-cap and small cap stocks, as well as the bond return of 0.8% which significantly beat the Barclay's Aggregate benchmark.

More than offsetting these benefits were the large allocation to foreign developed (20%) and emerging market (10%) equities, which both declined, and the heavy weight given emerging market stocks and bonds in the PIMCO All-Asset/All-Return Fund, which contributed to its -2.9% decline. The value tilt inherent in all of the PIMCO value equity strategies also hurt, as value underperformed worldwide.

Mr. Bryant indicated that the various elements in the portfolio that under-performed had generally done well since 2015, resulting in returns of 10.2% for the most recent year (14th percentile ranking) and 7.8% for the last 3 years (18th percentile ranking). Mr. Zimmerman noted that the portfolio was not currently making payments to beneficiaries and could afford short-term fluctuation in pursuit of higher overall returns.

Mr. Bryant said he thought the emerging market sector and value stocks generally remained the most significant bargains in the equity markets worldwide. However, he cautioned that the third quarter, which would end in two days had been similar to the second and would likely produce another below-average return relative to other public plans. Mr. Bryant presented graphs showing relative valuation for different segments of the market that showed emerging markets as the most attractively valued, and domestic large cap growth stocks as the most expensive.

Mr. Bryant presented a preliminary investment report showing that the fund made 2.6% gross of fees in the first two months of the third calendar quarter.

Ms. Rodman said the plan would be meeting a capital call from the real estate manager, Intercontinental, on October 1, 2018 designed to bring the allocation closer to its 10% target. That money was being kept in the PIMCO bond fund. Other incoming funds had been previously distributed among the investment managers so as to bring them closer to portfolio targets.

The trustees set the next meeting for December 19, 2018 at 11:30 AM at MRO in Silver Spring, MD, to directly follow the Commission meeting. The meeting was adjourned at 9:45 am.

Respectfully Submitted,

Milly Chung





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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, November 6, 2018; 10:00 A.M.
ERS/Merit Board Conference Room

The Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees met in the ERS/Merit Board Conference Room at its office in Riverdale, Maryland on Tuesday, November 6, 2018 and was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present:

1. Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner
2. Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
3. Howard Brown, FOP Represented Trustee
4. Pamela F. Gogol, Montgomery County Public Member Out 12:00 p.m.
5. Amy Millar, MCGEO Represented Trustee (via conference call)
6. Barbara Walsh, Bi-County Open Trustee
7. Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

Board Members Not Present:

1. Rick Liu, Montgomery County Open Trustee
2. Sheila Morgan-Johnson, Prince George's County Public Member

ERS staff present: Andrea L. Rose, Administrator; Heather D. Brown, Senior Administrative Specialist; Sheila S. Joynes, Accounting Manager; and, Ann McCosby, Software Manager.

Presentations by: Boomershine Consulting Group - David S. Boomershine, Senior Consulting Actuary and President, and Sunita Bhatia, Senior Actuary.

Others present in-person: M-NCPPC - Anju Bennett, Acting Executive Director and John Kroll, Budget Manager; and, via conference call: Groom Law Group - David N. Levine, Principal; and, Wilshire Associates - Bradley A. Baker, Managing Director.

1. CONSENT AGENDA

The following items are to be approved or accepted by vote on one motion unless a Board member requests separate consideration:

- A. Approval of the November 6, 2018 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, September 11, 2018
- C. Minutes of Closed Session Meeting, September 11, 2018
- D. Minutes of Special Meeting, October 2, 2018
- E. Disbursements Granted Reports – August and September 2018

ACTION: MS. GOGOL made a motion, seconded by VICE CHAIRMAN CICHY to approve the Consent Agenda, as submitted. The motion PASSED unanimously (7-0). (Motion #18-45)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary

- B. Acknowledge the Appointment of Melissa D. Ford as the Prince George’s County Open Trustee for the term ending June 30, 2021
- C. Resolution in Honor of Patricia Colihan Barney

CHAIRMAN HEWLETT reminded Board members that annual training is a requirement for all trustees.

CHAIRMAN HEWLETT reported Melissa D. Ford, Acting Budget Manager for the Prince George’s County Department of Parks and Recreation, won the Prince George’s County Open Trustee seat election by acclamation following the third Notice of Election. No applications were received for the first and second Notices of Election. Ms. Ford will serve for the remainder of the term ending June 30, 2021.

ACTION: MS. WALSH made the motion, seconded by MS. GOGOL to Acknowledge Melissa D. Ford as the Prince George’s County Open Trustee for the remainder of the term ending June 30, 2021. The motion PASSED unanimously (7-0). (Motion #18-46)

CHAIRMAN HEWLETT noted the Resolution in Honor of Patricia Colihan Barney for her nineteen years of service on the Employees’ Retirement System Board of Trustees.

ACTION: MS. WALSH made the motion, seconded by VICE CHAIRMAN CICHY to Approve the Resolution in Honor of Patricia Colihan Barney. The motion PASSED unanimously (7-0). (Motion #18-47)

CHAIRMAN HEWLETT recognized Anju Bennett, who will be formally approved by the Commission at its’ November 21, 2018 meeting as the Acting Executive Director. Ms. Bennett will be a voting member of the Board following Commission approval.

3. MISCELLANEOUS

No miscellaneous reported.

4. MANAGER REPORTS/PRESENTATIONS

- A. Boomershine Consulting Group
 - Presentations by David S. Boomershine, Senior Consulting Actuary and President, and Sunita Bhatia, Senior Actuary
 - i. M-NCPPC Trustee Education November, 2018
 - ii. Actuarial Review as of July 1, 2018
 - a. Recommendation to Approve an Employer Contribution

David Boomershine conducted an actuarial educational session covering the mechanics and risks of pension funding and the role of the trustee.

The July 1, 2018 actuarial valuation indicated a funded ratio (based on the actuarial value of assets) of 94.9%, which is up from 90.7% in 2017. The July 1, 2018 actuarial valuation includes a change in the investment return assumption from 6.95% to 6.90% and changes to the active member death benefits for employees in Plans B and E.

To meet the funding objectives, the recommended employer contribution of \$19,245,489 (12.3% of covered payroll) is payable July 1, 2019 for fiscal year 2020. The recommended employer contribution decreased from \$24,792,093 (16.4% of covered payroll) as of July 1, 2017 primarily due to an actuarial error in the ERS’ favor.

Mr. Boomershine reported discovery of a programming oversight related to the mortality tables. The oversight dates back to the 2016 and 2017 valuations resulting in a reduction in the actuarial liability and the normal cost.

ACTION: MS. GOGOL made a motion, seconded by MS. WALSH to approve an employer contribution of \$19,245,489 (12.3% of covered payroll) payable July 1, 2019 for fiscal year 2020. The motion PASSED unanimously (7-0). (Motion #18-48)

Mr. Boomershine agreed to finalize the full actuarial valuation report and provide to Ms. Rose within a few days.

5. **REPORT OF THE ADMINISTRATOR**

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated October 23, 2018

- i. Recommendation to Approve an Amended Fee Schedule, Exhibit D, for the J.P. Morgan Chase Bank U.S. Active Core Plus Equity Fund

Andrea Rose presented the Administrator's Report dated October 23, 2018 which included a new fee structure for the J.P. Morgan Chase Bank U.S. Active Core Plus Equity Fund.

J.P. Morgan felt a reduction in the standard fee was in line with the market environment and necessary to attract new clients. A reduction for new clients would be unfair to existing clients paying the standard fee; therefore, existing clients are receiving a fee reduction. The new fee structure is 70 bps on the first \$25 million and 60 bps on the balance. This decrease was effective as of October 1st and will be reflected in the Q4 billing.

ACTION: MS. GOGOL made a motion, seconded by VICE CHAIRMAN CICHY to approve an Amended Fee Schedule, Exhibit D, for the J.P. Morgan Chase Bank U.S. Active Core Plus Equity Fund. The motion PASSED unanimously (7-0). (Motion #18-49)

Ms. Rose reported Cheiron completed their actuarial audit of the July 1, 2017 Actuarial Valuation and they will be presenting the results of the audit to the Board at its December 4, 2018 meeting.

6. **COMMITTEE REPORTS/RECOMMENDATIONS**

A. Investment Monitoring Group Committee

- i. Regular Report of September 18, 2018

Presentation by Committee Chairman, Sheila Morgan-Johnson

- a. Recommendation to Approve the Revised Representative Investment Guidelines for Western Asset's Global Multi-Sector Fund
- b. Recommendation to Approve the Estimated Statement of Cash Flow as an Informational Item Only in the Administrator's Report

In the absence of the Investment Monitoring Group (IMG) Chairman, MS. MORGAN-JOHNSON, Andrea Rose presented the IMG's Regular Report of September 18, 2018.

The IMG reviewed revised investment guidelines for Western Asset's Global Multi-Sector fund prepared by Wilshire's Bradley Baker. At the IMG's April 18, 2018 meeting, Western Asset discussed removal of the benchmark and management to a volatility target of 5-7%. Wilshire's revised investment guidelines reflect the change. The guidelines are "Representative" because Western's Confidential Offering Memorandum (COM) contains the specific guidelines which prevail. The IMG agreed the COM should be attached to the Representative Investment Guidelines and language added that the guidelines must be read in conjunction with the COM.

The COM is confidential and was provided to trustees in the closed session materials for review.

ACTION: MR. ZIMMERMAN made a motion, seconded by MS. WALSH to Approve the Revised Representative Investment Guidelines for Western Asset’s Global Multi-Sector Fund.
The motion PASSED unanimously (7-0). (Motion #18-50)

Staff raised concerns regarding the Board’s approval of the Estimated Statement of Cash Flow for benefit payments, expenses, and capital calls. Paying benefit payments, expenses and capital calls is an operational function for ERS staff and Board approval does not always align with cash needs and/or payment requirements. Staff do not want to be considered in a position of non-compliance or subject to a penalty for a delinquent capital call. Since there is no policy or procedure requiring the Board’s approval, the IMG recommended moving the Estimated Statement of Cash Flow to an information only item in the Administrator’s report.

ACTION: MS. WALSH made a motion, seconded by MR. BROWN to approve moving the Estimated Statement of Cash Flow to an Information Only Item in the Administrator’s Report.
The motion PASSED unanimously (7-0). (Motion #18-51)

- ii. Regular Report of October 16, 2018
Presentation by Acting Committee Chairman, Joseph C. Zimmerman, CPA

B. Administration & Personnel Oversight Committee
Presentation by Committee Chairman, Barbara Walsh

- i. Regular Report of September 18, 2018
 - a. Recommendation to Approve the Board Self-Assessment and Board Member Training Self-Assessment
 - b. Recommendation to Approve Updates to the ERS’ Employee Handbook pursuant to the Maryland Healthy Working Families Act

MS. WALSH presented the Administration & Personnel Oversight Committee’s (“Personnel Committee”) Regular Report of September 18, 2018.

The Board Self-Assessment and Board Member Training Self-Assessment were consolidated and trustee comments were incorporated. The Personnel Committee recommended Board approval.

ACTION: MS. WALSH made a motion, seconded by MS. GOGOL to Approve the Board Self-Assessment and Board Member Training Self-Assessment.
The motion PASSED unanimously (7-0). (Motion #18-52)

The Board agreed to wait until March/April 2019 to request completion of the self-assessments due to the recent Board turnover. In the interim, Chairman Hewlett recommended asking Patricia Colihan Barney, former Executive-Director, and Barbara Walsh, who is retiring shortly, to complete the self-assessments as their feedback would be helpful given their time on the Board.

The Personnel Committee reviewed the revised ERS Employee Handbook which was amended pursuant to the Maryland Healthy Working Families Act (Act) to allow the use of sick leave to obtain relief for instances of domestic violence, sexual assault or stalking committed against the employee or the employee’s family and to expand the definition of a family member. The ERS is not subject to the Act but revised its Employee Handbook to maintain consistency with the Commission.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MR. ZIMMERMAN to Approve the Revised ERS Employee Handbook pursuant to the Maryland Healthy Working Families Act.

The motion PASSED unanimously (7-0). (Motion #18-53)

ii. Regular Report of October 24, 2018

MS. WALSH presented the Administration & Personnel Oversight Committee's ("Personnel Committee") Regular Report of October 24, 2018.

C. Audit Committee

Presentation by Committee Chairman, Barbara Walsh

i. Regular Report of October 16, 2018

MS. WALSH presented the Audit Committee's Regular Report of October 16, 2018.

The Audit Committee met with SB & Company ("SB") for the results of the June 30, 2018 audit. William Seymour, Engagement Partner, explained the Scope of Services included an audit of the June 30, 2018 financial statements; review of the Comprehensive Annual Financial Report (CAFR); recommendations and observations noted during the audit process; and, year-round discussions on accounting and auditing issues. SB audited the significant risk areas, including financial reporting, investments, investment income, benefits payable, actuarial information, contributions, information technology, administrative expenses, and payroll. As of June 30, 2018 and June 30, 2017, the ERS had a Fiduciary Net Position Restricted for Pensions of \$920,751,289 and \$868,155,816, respectively. During 2018 the Fiduciary Net Position Held in Trust for Pension Benefits increased by \$52.6 million due to investment gains. SB issued an unmodified opinion on the financial statements. There were no material weaknesses or instances of fraud identified. SB received full cooperation from management.

7. CLOSED SESSION

The Board will meet in Closed Session, pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(13) to discuss matters that are subject to Section 4-335 of the General Provisions Article of the Maryland Annotated Code, which prevents public disclosure of confidential commercial or financial information; and Section 3-305(b)(14) to discuss, before a contract is awarded, a matter directly related to the contents of a proposal because public discussion or disclosure would adversely impact the ability of ERS to participate in the competitive bidding or proposal process; and, Section 3-305(b)(1) to discuss personnel matters.

At 11:52 a.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Sections 3-305(b)(13) and 4-335 to discuss the evaluation of the Pension Software Administration Proposals and Section 3-305(b)(14) to discuss negotiating the final costs in the competitive bid process with a presentation by the ERS Administrator, Andrea Rose, and Section 3-305(b)(1) to discuss the ERS Administrator's 2018 Performance Evaluation with a presentation by the Administration & Personnel Oversight Committee Chairman, Barbara Walsh.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. GOGOL to go into Closed Session. The motion PASSED unanimously (7-0). (Motion #18-54)

MS. GOGOL left the meeting at 12:00 p.m.

During Closed Session, the Board of Trustees discussed the following matters:

1. The Board discussed the recommendation for a vendor for the pension software administration proposal and the proposed 5-year costs for the project versus the competitors.

- 2. The Board discussed needing support from the Commission for a supplemental expenditure before entering contract negotiations with the vendor.
- 3. The Board approved selection of a vendor, contingent upon Commission approval for a supplemental expenditure request.
- 4. The Administration & Personnel Oversight Committee Chairman, Barbara Walsh reported on the ERS Administrator’s 2018 Performance Evaluation.

At 12:03 p.m. CHAIRMAN HEWLETT requested a motion to leave Closed Session.

ACTION: VICE CHAIRMAN CICHY made the motion, seconded by MS. WALSH to leave Closed Session. The motion PASSED unanimously (6-0). (Motion #18-57)

ACTION: MS. WALSH made the motion, seconded by VICE CHAIRMAN CICHY to ratify the actions taken in Closed Session. The motion PASSED unanimously (6-0). (Motion #18-58)

The Board of Trustees meeting of November 6, 2018 adjourned at 12:05 p.m.

Respectfully,

Heather D. Brown
Senior Administrative Specialist

Andrea L. Rose
Administrator

DIVERSITY COUNCIL

2018



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PATRICIA BARNEY

*Executive Director
EOB - M-NCPPC
Executive Sponsor*



ANJU BENNETT

*Acting Executive Director
EOB - M-NCPPC
Executive Sponsor*



TINA PATTERSON

*Commissioner
Montgomery County Planning Board
Special Adviser*



BOB FEELEY, *Diversity Council Chair, Term: 2017-2018 (Departing Member)*

Assistant Inspector General | Office of Inspector General | EOB - M-NCPPC

I felt a great sense of pleasure in working with a group of individuals sharing the same Passion. I know we did institute several new initiatives that I believe will benefit the Council's Mission.



WILLIAM DUNN, MSM, ABD, *Diversity Council Vice-Chair, Term: 2018-2019*

Facility Director | Marlow Heights Community Center | Department of Parks and Recreation, Prince George's County

I began serving on the Diversity Council in 2017. I oversaw the programming of the last One-Commission event and the Women's History Month. I hope to bring a vision and process that improves how we recognize our diverse workforce.



GREG GORDAN, *Diversity Council Past Chair, Term: 2016-2018 (Departing Member)*

Regional Manager | Sports, Health, and Wellness Division | Department of Parks and Recreation, Prince George's

I have had the honor and pleasure of working side by side of a group of members working together for a common goal "Connecting All employees of both sides of the M-NCPPC". During my tenure as Chairman/Past Chair, we were able to complete all of the tasks of our Strategic Plan 2016-2018, plan Women's History Month events & plan "Connect", The One Commission Main event, that supported both counties.



JEANNETTE CLEVELAND, *Term: 2018 (Departing Member)*

Administrative Specialist | Office of the Chairman | Prince George's County Planning Board

Being on the Diversity Council has allowed me to see how important diversity is within the Commission and we should celebrate and accept the different cultures and diverse backgrounds. I'm honored to have had the opportunity to serve on the Diversity Council.



AMBERLACE MOORE, *Term: 2017-2018 (Departing Member)*

Corporate Wellness Coordinator | Department of Human Resources & Management | EOB - M-NCPPC

I had the honor to work with several other individuals committed to Diversity and Inclusion. I realized that more importantly than the council understanding the meaning of diversity and inclusion, it is important for our employees to be educated and familiar with and what the Diversity Council stands for. That is where I have left my footprint; to ensure that our purpose is to implement education in addition to celebration.



JUDITH FRANKLIN, Term: 2017-2018 (Departing Member)

Principal Administrative Asst. | Community Planning Division | Prince George's County Planning Department
Working on the Diversity Council has made me more keenly aware of the Commission's efforts to make this a more diverse and inclusive workplace. My most rewarding contribution was the planning and support to the Commission-wide One Connect event held in August 2017.



GARRY MEUS, Term: 2018 (Departing Member)

Former Planner Coordinator | Area 2 | Montgomery County Planning Department
As of December 2018, Garry and his family have relocated to Canada. During his term with the Diversity Council, Garry was instrumental in several initiatives including the brown bag luncheon and travel stories.



RICHARD KHARMAN, Term: 2018-2019

Park Manager II | Southern Parks | Department of Parks, Montgomery County
In the past, I have enjoyed working on Women's History Month and Veteran's Day events. In 2019, I hope to introduce more diversity and inclusion to the rest of our fellow workers by helping to make the presence of our Council more visible. Also by introducing diversity to our new hires.



WENDY IRMINGER, Term: 2018-2019

Planning Coordinator | Community Planning Division | Prince George's County Planning Department
What is important to me is building a better community as a planner; which is not unlike building a better workplace as a member of the Diversity Council. Since being hired as a non-career employee in the Zoning Division, Prince George's County Planning Dept. in 1984, I have stayed because I sensed that this organization, however imperfect, was striving to achieve equitable and just treatment of its employees.



MARY ELIZABETH O'QUINN, Term: 2018-2019

Planner Coordinator | ITI Division | Montgomery County Planning Department
My past interest in the Diversity Council focused on Inclusion for Persons with Disabilities, as a citizen, employee and public servant. As the lead planner for the 2017 Recreation Guidelines, my interest took an active role with the project, to provide inclusive recreational opportunities for those with all disabilities, visible or invisible, children and adults and all the populations that we serve, including fellow employees.



CATHERINE COELLO, Term: 2018-2019

Administrative Assistant | Commissioners Office | Montgomery County Planning Board
After having completed my first full year as a member of the Diversity Council in supportive roles, I look forward to taking on bigger projects in my second year. Specifically, I would like to help with leading and organizing upcoming Diversity Council sponsored events that engage staff thoughtfully and memorably.



GRACE TAN, Term: 2018-2019

Administrative Specialist | Facility Management Division | Department of Parks, Montgomery County
It's an honor for me to be a part of the Diversity Council and I look forward to contributing to a more diversified and inclusive workplace by helping to create positive experiences and influence attitudes related to diversity. I enjoyed working at the Commission-wide Women's History Month 2018 and I look forward to lead and support impactful programs and initiatives in 2019.



JEREMY WEISS, Term: 2018-2019

Facility Director
Bladensburg Community Center
Department of Parks and Recreation
Prince George's County



DEIRDRA WALKER, Term: 2017-2018

(Departing Member)
Senior Administrative Specialist
Office of the Executive Director
Dept. of Human Resources and Management

DIVERSITY COUNCIL 2019



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ANJU BENNETT

*Acting Executive Director
EOB - M-NCPPC
Executive Sponsor*



TINA PATTERSON

*Commissioner
Montgomery County Planning Board
Special Adviser*



WILLIAM DUNN, MSM, ABD, Diversity Council Chair, Term: 2018-2019

Facility Director | Marlow Heights Community Center | Department of Parks and Recreation, Prince George's County
I began serving on the Diversity Council in 2017. I oversaw the programming of the last One-Commission event and the Women's History Month. I hope to bring a vision and process that improves how we recognize our diverse workforce.



JEREMY WEISS, Diversity Council Vice-Chair, Term: 2018-2019

Facility Director | Bladensburg Community Center | Department of Parks and Recreation, Prince George's County



RICHARD KHARMAN, Term: 2018-2019

Park Manager II | Southern Parks | Department of Parks, Montgomery County

In the past, I have enjoyed working on Women's History Month and Veteran's Day events. In 2019, I hope to introduce more diversity and inclusion to the rest of our fellow workers by helping to make the presence of our Council more visible. Also by introducing diversity to our new hires.



WENDY IRMINGER, Term: 2018-2019

Planning Coordinator | Community Planning Division | Prince George's County Planning Department

What is important to me is building a better community as a planner; which is not unlike building a better workplace as a member of the Diversity Council. As a member of the Diversity Council in the coming year, I hope to work on a training program that provides Commission staff with tools to better communicate and understand each other.



GRACE TAN, Term: 2018-2019

Administrative Specialist | Facility Management Division | Department of Parks, Montgomery County

It's an honor for me to be a part of the Diversity Council and I look forward to contributing to a more diversified and inclusive workplace by helping to create positive experiences and influence attitudes related to diversity. I enjoyed working at the Commission-wide Women's History Month 2018 and I look forward to lead and support impactful programs and initiatives in 2019.



CATHERINE COELLO, Term: 2018-2019

Administrative Assistant | Commissioners Office | Montgomery County Planning Board

I look forward to taking on bigger projects. Specifically, I would like to help with leading and organizing upcoming Diversity Council sponsored events that engage staff thoughtfully and memorably, all while bringing attention to the importance of inclusion and diversity within the Commission and our communities.



MARY ELIZABETH O'QUINN, *Term: 2018-2019*

Planner Coordinator | ITI Division | Montgomery County Planning Department

In the past my interest in the Diversity Council focused on Inclusion for Persons with Disabilities, as a citizen, employee and public servant. For 2019, I wish to enlarge my understanding of our role, particularly regarding a respectful culture, hidden or overt bias, along with inclusion and acceptance of all others.



JILLIAN CHAPMAN, *Term: 2019-2020*

Classification and Compensation Specialist | Department of Human Resources & Management | EOB - M-NCPPC

As a new member of the Diversity Council I hope to bring another unique perspective to the Council and it's initiatives. I will strive to emphasize the value of diverse perspectives in problem solving, and I hope to learn and share enthusiastically how beneficial bridging gaps with this attitude can be!



JONATHAN BUSH, *Term: 2019-2020*

Senior Planner | Development Review Division | Prince George's County Planning Department

I desire to bring an understanding of urban planning that will benefit the MNCPPC community, specifically understanding the inherent socio-economic issues and the people we are designing/planning for.



CARLOS OCASIO, *Term: 2019-2020*

Area Specialist | Northern Area Operations | Department of Parks and Recreation, Prince George's County

As a Diversity Council member, I'm looking forward to use my experiences and skills to provide our Commission employees with more inclusive programs, opportunities and create a safe environment where we can enjoy and respect our many cultures.



LOLETA HOLMES, *Term: 2019-2020*

Assistant to the Director's Office | Office of the Director | Department of Parks, Montgomery County

I hope to bring an eagerness for more knowledge about the diversity that exist within the Commission and even the two counties we support. This eagerness will allow for more candid discussions and creative ideas that will one-day help propel the Commission towards complete equity and inclusion.



CALISTA BLACK, *Term: 2019-2020*

Principal Public Affairs Specialist | Office of the Chairman | Prince George's County Planning Board

I look forward to contributing my perspectives and suggestions based on my life experiences and 20-year professional background in communications and marketing. As a parent of a teenager with special needs, I hope to be a strong advocate for colleagues with unique abilities.



SELINA PRADHAN, *Term: 2019-2020*

Programmer Analyst | Office of Chief Information Officer | Central Administration Services | EOB - M-NCPPC

I hope to bring awareness of diversity, and to continue creating an open working environment. Looking forward to working on upcoming projects and events.



ROBERT REESE, *Term: 2019-2020*

Mail Courier | Montgomery County Planning Department

2018 DIVERSITY COUNCIL YEAR END REVIEW

January 17, 2019
Presented by Robert Feeley (Prior Chair 2018), William Dunn
(Current Chair 2019) & Jeremy Weiss (Current Vice-chair 2019)

THE DIVERSITY COUNCIL

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MISSION & VISION

The **mission** of the M-NCPPC Diversity Council is to advise the Commission on developing and implementing a diversity policy framework that promotes an inclusive workplace, measures progress, and ensures effective programming and services both internally and externally.

The **vision** of the M-NCPPC Diversity Council is to promote behavior in the workplace that contributes to understanding, respecting, and valuing all people.



DIVERSITY COUNCIL OUTREACH

Continued distribution of promotional rack cards, employee handouts, and promotional roving banners, as constant promotion of the Council and its mission.

Supported internal diversity programs, including Black History Month and Hispanic History Month Celebrations

MISSION & VISION:

- MISSION** – advise the Commission on developing and implementing a diversity policy framework that promotes an inclusive working and learning environment, and promotes effective programming and services both internally and externally.
- VISION AND VALUES** – promote behavior in the workplace that is consistent with the Commission's commitment to understanding, respecting, and valuing all people.

WHO WE ARE:

- The Diversity Council consists of Commission staff who have interest in supporting and implementing diversity initiatives in the workplace.
- Members are appointed for a two-year term by the Executive Director in consultation with the respective Department Directors.
- The Diversity Council is comprised of representatives from each department of the Commission.

For more information on the Diversity Council, visit <http://www.marylandcapitolpark.com/diversity>
Or e-mail: DiversityCouncil@capitolpark.com

The Maryland National Capital Park and Planning Commission
DIVERSITY COUNCIL

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The Maryland National Capital Park and Planning Commission
DIVERSITY COUNCIL

FOR MORE INFORMATION ON THE DIVERSITY COUNCIL, VISIT: <http://www.marylandcapitolpark.com/diversity>
OR EMAIL: DiversityCouncil@capitolpark.com

WOMEN'S HISTORY MONTH CELEBRATION

A Commission-wide celebration recognizing the contribution of women in the workplace. The 2018 Women's History Month theme was *Honoring Women Who Serve and Protect*.

Attendance: 200+

Keynote Speaker: Master Sergeant Charity A. Barnett

Activities: Chair Yoga for Stress Reduction



Honorees who Serve and Protect being presented with Plaques at our Women's History Month Celebration



CREATED NEW INITIATIVE

Held 1st Quarterly Brown Bag Travel Story Meeting at the Montgomery County Regional Office Building to share and discuss recent travel experiences that recognized, valued and promoted Diversity and Inclusion.

25

Attendance: 50+

Discussion Panelists: Khalid Afzal, Bob Feeley, Melissa Williams, Carol Rubin and Stephen Tu

Activity: Robust Panel Discussion



Panelists at our Brown Bag Travel Story Meeting

5

CREATED NEW INITIATIVE

26

Each month a different Diversity Council member provides an up close and personal profile of themselves in the employee newsletter **UPDATE**, explaining why they joined the Diversity Council and their Passion for Diversity and Inclusion.



Judith Franklin



Amberlace Moore



Greg Gordon

CREATED NEW INITIATIVE

- Invited a different Division Chief to attend a Diversity Council each month to obtain their input, guidance and feedback during our meetings.



Vice Chair, Commissioner Betty Hewlett at our Women's History Month Celebration



Executive Director, Patti Barney at our Women's History Month Celebration

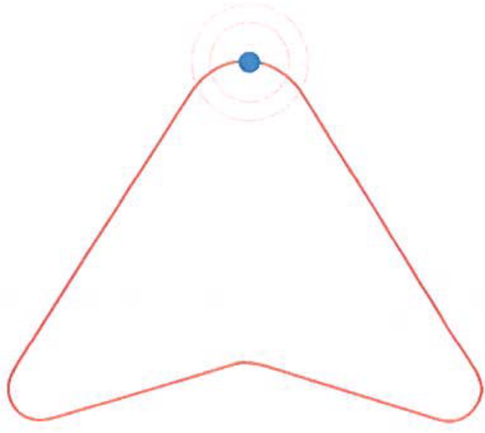


OTHER ACCOMPLISHMENTS

- Submitted a Formal Training Proposal to Executive Director for Diversity and Inclusion Training for all Commission Employees in fulfillment of the final task/action of our 2016 – 2018 Strategic Plan.
- Diversity Council Members met with their respective Management in obtaining input for creating the new 2019 – 2021 Strategic Plan for our Diversity Council.
- Utilized the assistance and mentorship of Commissioner Tina Patterson who attended each Diversity Council meeting



Ms. Kimise Lee singing the National Anthem at our Women's History Month Celebration



Maryland-National Capital Park and Planning Commission

Other Post Employment Benefits (OPEB)

Kevin Binder, FSA, MAAA, EA

Table of Contents

• **03** Background

• **04** Assumption Changes

• **05** Five Year Budget Forecast

• **06** Reconciliation

• **07** Actuarial Certification

Background

- Actuarial Valuation Performed Annually
- Accounting Rules (GASB) no longer address “funding”
- The Report is to provide MNCPPC a recommended contribution
- Accounting results based on last year’s report

Assumptions

- Discount rate reduced from 6.95% to 6.90%
- Claims updated

Budget Forecast

	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022	07/01/2023
	06/30/2019	06/30/2020	06/30/2021	06/30/2022	06/30/2023	06/30/2024
Unfunded Accrued Liability:						
APBO BOY	334,906,000	351,538,000	368,581,000	386,033,000	403,995,000	422,614,000
Assets BOY	72,694,558	85,394,558	98,665,558	112,537,558	127,143,558	142,667,558
Unfunded APBO	262,211,442	266,143,442	269,915,442	273,495,442	276,851,442	279,946,442
Percent Funded	22%	24%	27%	29%	31%	34%
BOY ADC (Actuarially Determined Contribution):						
Normal Cost	7,009,000	7,465,000	7,950,000	8,467,000	9,017,000	9,603,000
Amortization	15,926,000	16,489,000	17,080,000	17,701,000	18,353,000	19,041,000
Total (ADC)	22,935,000	23,954,000	25,030,000	26,168,000	27,370,000	28,644,000
Expected Employer Contributions:						
Implicit Subsidy	2,140,000	2,322,000	2,531,000	2,714,000	2,840,000	2,984,000
Federal Subsidies	2,004,000	2,134,000	2,273,000	2,421,000	2,578,000	2,746,000
Net Explicit Subsidy	11,363,000	12,365,000	13,398,000	14,420,000	15,426,000	16,477,000
Additional Contribution	7,428,000	7,133,000	6,828,000	6,613,000	6,526,000	6,437,000
Total Contribution	22,935,000	23,954,000	25,030,000	26,168,000	27,370,000	28,644,000
Trust Assets:						
Beginning of Year Amount	72,694,558	85,394,558	98,665,558	112,537,558	127,143,558	142,667,558
Return on Investments	5,016,000	5,892,000	6,808,000	7,765,000	8,773,000	9,844,000
Mid-Year Contributions	7,428,000	7,133,000	6,828,000	6,613,000	6,526,000	6,437,000
Return on Contributions	256,000	246,000	236,000	228,000	225,000	222,000
End of Year Amount	85,394,558	98,665,558	112,537,558	127,143,558	142,667,558	159,170,558
Benefit Payments:	13,503,000	14,687,000	15,929,000	17,134,000	18,266,000	19,461,000
Benefit Payment as percent of expense	59%	61%	64%	65%	67%	68%

Reconciliation

Comparison of Current and Previous Valuation Data

Data as of	07/01/2017	07/01/2018
Demographic Data		
Employees with Medical Coverage	1,822	1,861
Retirees	1,061	1,102

Reconciliation

	ADC	Contribution
Previous Valuation, FYE 2018 Funding	\$22,162,000	\$8,058,000
Increase (Decrease) due to Passage of Time	\$772,000	(\$509,000)
Increase (Decrease) due to Investment Experience	\$75,000	\$75,000
Increase (Decrease) due to Demographic Experience	\$147,000	\$147,000
Increase (Decrease) due to Claims Experience	(\$368,000)	(\$490,000)
Increase (Decrease) due to Lowering Discount Rate from 6.95% to 6.90%	\$147,000	\$147,000
Current Valuation, FYE 2019 Funding	\$22,935,000	\$7,428,000

Required ASOP 41 Disclosure

- This presentation has been prepared for the Maryland-National Capital Park and Planning Commission for the purposes of presenting the results of the actuarial valuation. It is neither intended nor necessarily suitable for other purposes. Bolton Partners is not responsible for the consequences of any other use. The Actuarial Valuation Report date November 1, 2018, discloses the data we relied upon, the actuarial methods and assumptions, and include other required disclosures under Actuarial Standard of Practice (ASOP) #41.
- Future medical care cost increase rates are unpredictable and could be volatile. They will depend upon the economy, future health care delivery systems and emerging technologies. The trend rate selected is based on an economic model developed by a health care economist for the Society of Actuaries. Future medical trend increases could vary significantly from the model. Model inputs will be updated periodically based on the best estimate of the economy at that time. Small changes in the model inputs can result in actuarial losses or gains of 5 to 15 percent of liabilities.

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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF DECEMBER 2018**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Nov-18	Dec-18	Nov-18	Dec-18	Nov-18	Dec-18	Nov-18	Dec-18
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	1	0	0	0	0	0	1	0
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	0	0	0	0	0	0	0
LEGAL DEPARTMENT	1	0	3	2	1	1	5	3
FINANCE DEPARTMENT	1	1	0	0	0	0	1	1
PRINCE GEORGE'S PLANNING	2	3	1	1	0	1	3	5
PRINCE GEORGE'S PARKS & RECREATION	27	22	3	2	1	0	31	24
MONTGOMERY COUNTY PARKS	11	6	3	0	1	1	15	7
MONTGOMERY COUNTY PLANNING	7	3	2	2	0	0	9	5
DEPARTMENT TOTAL BY DAYS LATE	50	35	12	7	3	3		
COMMISSION-WIDE TOTAL							65	45

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.

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

Reply To

January 7, 2019

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

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
General Counsel

RE: Litigation Report for December 2018 – FY 2019

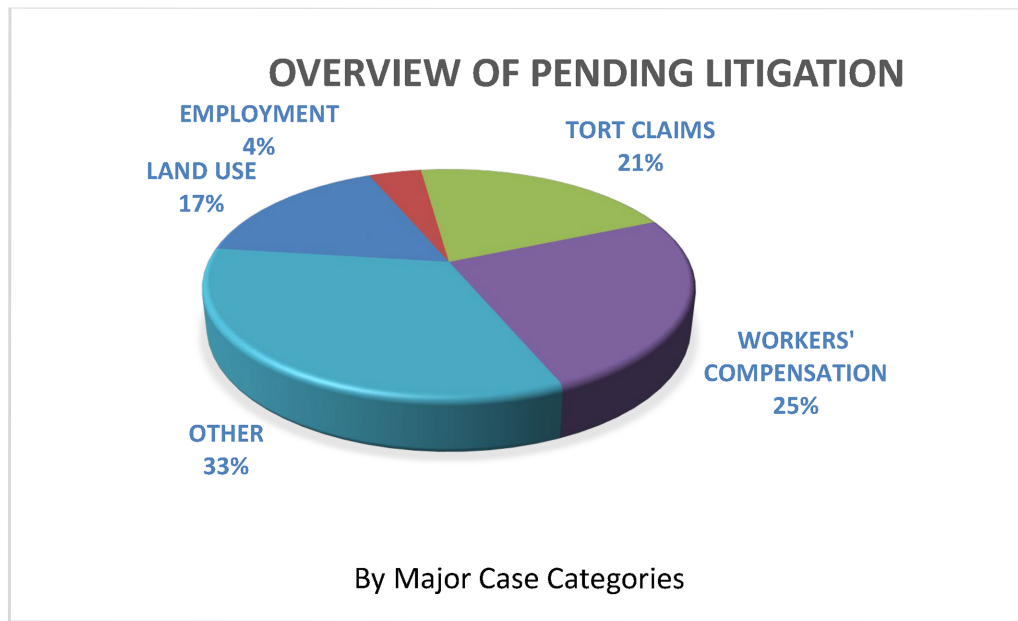
Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, January 16, 2019. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

Table of Contents – December 2018 – FY 2019 Report

Composition of Pending Litigation..... Page 01
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Litigation Activity Summary Page 02
Index of New YTD Cases (FY19) Page 03
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Disposition of FY19 Closed Cases Sorted by Department Page 05
Index of Reported Cases Sorted by Jurisdiction..... Page 07
Litigation Report Ordered by Court Jurisdiction..... Page 08

December 2018
Composition of Pending Litigation
(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	1		3				4
Admin Appeal: Other							-
Land Use Dispute							-
Tort Claim	5						5
Employment Dispute			1				1
Contract Dispute	2		1				3
Property Dispute			1				1
Civil Enforcement							-
Workers' Compensation	6						6
Debt Collection							-
Bankruptcy							-
Miscellaneous	1		1	1		1	4
Per Forum Totals	15	-	7	1	-	1	24



December 2018 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2019			
	Pending In Nov. 2018	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	6		2	3	4	1	4
Admin Appeal: Other (AAO)				0			-
Land Use Disputes (LD)	1		1	1			-
Tort Claims (T)	6		1	6	3	3	5
Employment Disputes (ED)	1			1			1
Contract Disputes (CD)	4		1	6	1	3	3
Property Disputes (PD)	1			2		1	1
Civil Enforcement (CE)				0			-
Workers' Compensation (WC)	4	2		2	2		6
Debt Collection (D)				0			-
Bankruptcy (B)				0			-
Miscellaneous (M)	4			4	1	1	4
Totals	27	2	5	25	11	9	24

**INDEX OF YTD NEW CASES
(7/1/2018 TO 6/30/19)**

<u>A. New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Gaspard v. Montgomery County Planning Bd.	MC	AALU	July 18
West Montgomery Citizens Association v. Montgomery County Planning Bd.	MC	AALU	July 18
State Farm v. Barney, et al.	MC	Tort	Aug 18
Commission v. Ferrante	MC	WC	Oct 18
Lovett v. Commission	PG	Tort	Oct 18
Stephanie Green v. Commission	PG	WC	Oct 18
Rose Green v. Commission	PG	Tort	Oct 18
Cox v. Commission	MC	WC	Nov 18
Cox v. Commission	MC	WC	Nov 18
<u>B. New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Bradley Boulevard Citizens Assn., Inc. v. Montgomery County Planning Board	MC	AALU	July 18
Town of Forest Heights v. Commission	PG	Misc.	July 18
Brooks v. Commission	PG	AALU	Aug 18
URS v. Commission	PG	CD	Aug 18
<u>C. New Supreme Court of the U.S. Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>

**INDEX OF YTD RESOLVED CASES
(7/1/2018 TO 6/30/19)**

<u>A. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Sauer, Inv. v. Commission	PG	CD	July 18
Commission v. D.L. Boyd	PG	CD	Aug 18
Arnold v. Napier	PG	Tort	Sept 18
Rivers v. Fitts	PG	Tort	Sept 18
State Farm Fire & Casualty v. Barney, et al.	MC	Tort	Oct 18
Rose Green v. Commission	PG	Tort	Nov 18
West Montgomery Citizens Association v. Montgomery County Planning Bd.	MC	AALU	Nov 18

<u>B. Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Brooks v. Commission	PG	AALU	July 18
URS Corporation v. Commission	PG	CD	July 18
Rounds v. Montgomery County, MD, et al	MC	PD	Aug 18
Price, et al. v. Prince George's County, et al.	PG	Misc.	Oct 18
Brooks v. Commission	PG	AALU	Oct 18
URS Corporation v. Commission	PG	CD	Oct 18
Pulte., et al. v. Montgomery County, et al.	MC	LD	Nov 18

Disposition of FY19 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Price, et al. v. Prince George's County, et al.	Appellate matter – Plaintiffs below filed a lawsuit for injunctive relief questioning validity of certain personal tax enactments involving the Commission and Prince George's County. The Commission did not file a brief in this matter.	10/2/18 – Appeal dismissed for failure to file a properly corrected brief
Department of Human Resources & Management		
Montgomery County Department of Planning		
Rounds v. Montgomery County, MD, et al.	Appeal from dismissal of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road Easement	08/24/18 – Judgment of Circuit Court affirmed
West Montgomery Citizens Association v. Montgomery County Planning Board	Petition for Judicial Review filed appealing the Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833	11/02/18 - Case consolidated with Gaspard v. Montgomery County Planning Board
Montgomery County Department of Parks		
State Farm Fire & Casualty Co. A/S/O Yuenyee Lee v. Barney, et al.	Defense of Claim for property damage to home from tree on Commission property.	10/12/18 – Case settled and dismissed
Montgomery County Park Police		
Montgomery County Planning Board		
Pulte Home Corporation, et al v. Montgomery County, et al	Plaintiff filed appeal following dismissal of complaint in U. S. District Court for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland	11/29/18 - Decision of U.S. District Court affirmed.

Prince George's County Department of Parks and Recreation			
Arnold v. Napier	Defense of Claim for personal injury involving vehicle owned by Commission.	09/10/18 – Case dismissed.	
Commission v. D.L. Boyd	Commission filed complaint for property damage to Commission property (mansion)	08/17/18 Case settled and dismissed.	
Rivers v. Fitts	Defense of Claim for personal injury involving vehicle owned by Commission.	09/26/18 – Judgment for Plaintiff	
Rose Green v. Commission	Plaintiff filed a complaint for personal injuries allegedly occurring on Commission property.	11/09/18 Case dismissed prior to service upon the Commission	
Sauer, Inc. v. Commission	Plaintiff filed complaint for alleged delays and damages associated with the expansion of the Palmer Park Community Center in Prince George's County.	07/23/18 – Case settled and dismissed.	
URS Corporation v. Commission	URS appealed the Circuit Court Decision entering judgment in favor of the Commission as a result of URS breach of duty to defend	07/06/18 – Judgment of Circuit Court affirmed	
URS Corporation v. Commission	URS appeals the Circuit Court Decision entering judgment in favor of Commission as a result of URS breach of duty to defend.	10/26/18 - Petition for Writ of Certiorari denied	
Prince George's County Planning Department			
Prince George's County Planning Board			
Brooks v. Commission	Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County.	07/20/18 – Judgment of Circuit Court affirmed.	
Brooks v. Commission	Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County.	10/26/18 - Petition for Writ of Certiorari denied.	
Prince George's Park Police			
Office of Internal Audit			

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Commission v. McCoy

Case No. 0502-0025950-2017 (CD)

Lead Counsel: Foster
Other Counsel:

Abstract: Complaint for property damage to Commission's golf cart.

Status: Case stayed.

Docket:

08/31/17	Complaint filed
11/17/17	Case stayed pending settlement negotiations
12/14/18	Request for Order of Dismissal for lack of prosecution
12/14/18	Complaint Dismissed for lack of prosecution

Lovett v. Commission

Case No. 0502-0029385-2018 (Tort)

Lead Counsel: Foster
Other Counsel:

Abstract: Complaint for personal injuries while traveling in bus operated by Commission.

Status: In discovery

Docket:

9/28/18	Complaint filed
10/18/18	Commission served
10/30/18	Notice of Intent to Defend filed
12/06/18	Case Voluntarily Dismissed

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Bundu v. Bowman

Case No. CAL17-28259 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Defense of claim for personal injury involving motor vehicle accident in Prince George's County.

Status: Case settled and dismissed.

Docket:

10/12/17	Complaint filed
11/02/17	Service of complaint on Commission
11/17/17	Answer to Complaint filed by Commission
03/28/18	Pretrial Conference continued
06/01/18	Pretrial Conference cancelled
06/04/18	Request to schedule two-day trial
11/19/18	Joint Stipulation of Dismissal filed
12/03/18	Order of Court – Case dismissed with prejudice

Commission v. Clean Air Mechanical Inc., et al

Case No. CAL18-00211 (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Commission files complaint for breach of contract, fraud and misrepresentation arising out of purchase order for installation of three DDU units at Cabin John and Wheaton Ice rinks.

Status: In discovery.

Docket:

01/03/18	Case transferred to Circuit Court Prince George's County from Montgomery County (438017-V)
01/16/18	Answer to complaint and Motion to Dismiss and/or Motion for Summary Judgment filed by Defendants
02/02/18	Voluntary dismissal of Hudgins and Hardesty; Opposition to Motion for Summary Judgment filed; Amended Complaint filed
03/06/18	Motion to Dismiss, or in the Alternative, for Summary Judgment and Request for Hearing denied as Moot; matter shall continue in due course
05/14/18	Pretrial conference held
07/11/18	Counsel for Defendant's Motion to Withdraw appearance
07/30/18	Motion to Withdraw by Plaintiff's Counsel granted and Notice to Employ new counsel
10/30/18	Alternate Dispute Resolution Conference held. Defendant did not appear.

10/31/18	Order of Court – Alternate Dispute Resolution conference was not held. The case did not settle and shall proceed to trial as scheduled. Defendants failed to appear.
02/11/19	Trial

Commission v. Ferrante
Case No. CAL 18-09401 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring MNCPPC to pay indemnity benefits corresponding to medical treatment.

Status: In discovery.

Docket:

04/17/18	Petition for Judicial Review filed
05/07/18	Commission files response to Petition for Judicial Review
06/19/18	Pretrial date rescheduled by consent
06/26/18	Order of Court rescheduling Pretrial Conference
07/09/18	Pretrial Conference cancelled
11/28/18	Consent Motion to consolidate with CAL18-40683
12/27/18	Consent Motion to consolidate with CAL 18-40683 refiled
02/20/19	Trial

Commission v. Ferrante
Case No. CAL 18-40683 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring MNCPPC to pay indemnity benefits corresponding to medical treatment.

Status: In discovery.

Docket:

10/30/18	Petition for Judicial Review filed
11/28/18	Consent Motion to Consolidate with CAL18-09401
12/27/18	Consent Motion to Consolidate with CAL18-09401 refiled

Diggs v. Robinson, et al
Case No. CAL17-40851(Tort)

Lead Counsel: Harvin
Other Counsel: Adams

Abstract: Defense of claim for personal injury following an automobile accident.

Status: In discovery.

Docket:

12/20/17	Complaint filed
01/08/18	Defendant Robinson served via certified mail
01/29/18	Plaintiff files Amended Complaint
02/02/18	Answer to Complaint filed
04/02/18	Plaintiff's Expert Designation filed
06/21/18	Pretrial Conference held
01/04/19	Alternate Dispute Resolution Conference
03/06/19	Trial

Green v. Commission
Case No. CAL 18-40994 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring claimant/plaintiff to use Corvel's mail-in services for her prescription needs, effective December 1, 2018.

Status: In discovery.

Docket:

10/31/18	Petition for Judicial Review filed
11/28/18	Response to Petition for Judicial Review
04/11/19	Pretrial Conference

Gutierrez v. Commission
Case No. CAL18-15226 (Tort)

Lead Counsel: Harvin
Other Counsel: Adams

Abstract: Defense of claim for personal injury following an automobile accident.

Status: In discovery.

Docket:

05/22/18	Complaint filed
06/15/18	Commission served
07/24/18	Answer filed
11/27/18	Pretrial Conference held
06/03/19	Alternative Dispute Resolution
08/26/19	Trial

Ross v. Commission
Case No. CAL18-12424 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant filed for judicial review of WCC Order which included a credit for the Commission for temporary total disability benefits paid and denied additional credit for vocational rehabilitation benefits paid.

Status: Pending trial.

Docket:

04/23/18	Petition for Judicial Review filed
05/04/18	Commission responds to Petition for Judicial Review
05/14/18	Commission's Cross-Petition for Judicial Review
06/01/18	WCC Notice of Cross Appeal
07/16/18	Commission's Motion for Partial Summary Judgment filed
07/24/18	Opposition to Motion for Partial Summary Judgment filed
09/06/18	Pretrial Conference
09/24/18	Motion for Partial Summary Judgment granted for additional credit for vocational rehabilitation benefits paid. Trial remains scheduled on issues of whether claimant is permanently totally disabled.
04/01/19	Trial

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Cox v. Commission
Case No. 457282-V (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant appealed decision of the WCC finding her to have a 5% permanent partial disability.

Status: In discovery.

Docket:

11/02/18	Petition for Judicial Review
11/09/18	Response to Petition for Judicial Review
11/26/18	Plaintiff's Motion to Include and Incorporate the WCC's revised order dated 10/24/18
12/06/18	Defendant's response to claimant's Motion to Include and Incorporate
12/26/18	Order for Appropriate Relief – Plaintiff's Motion to Include and Incorporate WCC's revised order dated 10/24/18 granted and entered.

Cox v. Commission
Case No. 457283-V (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant appealed decision of the WCC which denied her petition to reopen for worsening of condition/increased permanent partial disability.

Status: In discovery.

Docket:

11/02/18	Petition for Judicial Review
11/09/18	Response to Petition for Judicial Review

Gaspard v. Montgomery County Planning Board (see West Montgomery Citizens case below)

Case No. 451996-V (AALU)

Lead Counsel: Mills
Other Counsel: Dumais

Abstract: Petition for Judicial Review filed of Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833

Status: Appeal noted.

Docket:

07/31/18	Petition(s) for Judicial Review filed
08/10/18	Commission's Response to Petition
08/31/18	Response of S. Vazer to Petition for Judicial Review
09/04/18	Motion to Consolidate with Case 452024-V
09/21/18	West Montgomery Citizens Association's response to Motion to Consolidate
11/02/18	Order granting consolidation of cases. All future pleadings to be filed in case 451996V.
11/09/18	Petitioner's Memorandum of Law(Gaspard and Burnes) filed
11/19/18	Petitioner's Memorandum of Law (West Montgomery County Citizens Association)
12/07/18	Commission's Answering Memorandum filed
12/10/18	Respondent Sara Vazer's Memorandum of Law filed
12/26/18	Petitioner's Reply Memorandum filed

Global Lifesci Development Corporation v. Montgomery County, et al.

Case No. 444115-V (Misc.)

Lead Counsel: Foster
Other Counsel: Dickerson

Abstract: Complaint for Declaratory Judgment, Quiet Title and Injunctive Relief. The Commission has no objection to the relief sought.

Status: In discovery.

Docket:

03/12/18	Complaint filed
03/12/18	Motion for Summary Judgment filed
04/27/18	Commission served
06/07/18	Commission Answer filed
06/07/18	M-NCPPC response to Motion for Summary Judgment filed
06/29/18	Amended Complaint filed
06/29/18	Motion for Summary Judgment filed
08/03/18	Plaintiff's Motion for Postponement of hearing
08/14/18	Summary Judgment hearing removed
10/24/18	Notice of hearing on Summary Judgment

11/29/18	Plaintiff's Notice of Voluntary Dismissal without Prejudice as to Defendants Cherry Hill Joint Venture, LLP, Mark A. Gaspar, James M. Smith, Branch Banking and Trust Company and Wilmington Trust National Association.
12/07/18	Memorandum to postpone the 12/05/18 event date to 1/5/19
12/07/18	Notice of hearing date

Melara, et al. v. Evans

Case No. 439733-V (Tort)

(originally filed in District Court of Montgomery County 0601-0011991-2017)

Lead Counsel: Harvin
Other Counsel: Adams

Abstract: Claim for personal injury following an automobile accident.

Status: In discovery.

Docket:

11/08/17	Case transferred from District Court
04/19/18	Pretrial conference held
05/24/18	Pre-trial/settlement conference held
05/24/18	Case Consolidated with Case No. 439733-V
05/25/18	Order of Consolidation – All future filings to be in this case
06/01/18	Answer of Erie Insurance and demand for Jury trial
07/02/18	Commission's Answer to Counter-Complaint
10/22/18	Erie's Consent Motion to Bifurcate issue of liability from damages
10/26/18	Plaintiff and Defendant Julie M. Evans' Stipulation of Partial Dismissal in Case No. 439733V as dismissed with prejudice. All claims asserted in the consolidated matter of Evans v. Melara, Case No. 435456V, remain pending.
11/01/18	Pre-trial Conference held
11/01/18	Court denies Erie's Consent Motion to Bifurcate issue of liability from damages
12/26/18	Defendant's Response to Erie's Motion for Summary Judgment
12/26/18	Motion for Leave to Amend Complaint
01/29/19	Summary Judgment hearing
04/01/19	Trial

MARYLAND COURT OF SPECIAL APPEALS

Bradley Boulevard Citizens Assn, Inc. v. Montgomery County Planning Board

September Term 2018, No. 1034 (AALU)
(Originally filed under 436463-V in Montgomery County)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Petitioner appealed Montgomery County Circuit Court June 4, 2018 Order affirming the Planning Board's approval of WMAL Preliminary Plan 120160290.

Status: Appeal filed.

Docket:

07/03/18	Civil Information Report filed
10/26/18	Order Appeal to proceed without a prehearing conference or ADR

Burnette v. Commission

September Term 2017, No.2258 (ED)
(Originally filed under CAL16-35180 in Prince George's County)

Lead Counsel: Adams
Other Counsel:

Abstract: Former park police officer appealed Circuit Court ruling affirming Administrative Hearing Board decision to terminate.

Status: Awaiting oral argument.

Docket:

01/23/18	Notice of Appeal
05/29/18	Appellant's Brief filed
06/26/18	Commission filed Brief
02/21/19	Oral Argument

Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board

September Term 2017, Case No. 2568 (AALU)
(Originally filed under 433722-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Petitioner appealed Montgomery County Circuit Court January 29, 2018 Order affirming the Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040.

Status: Awaiting oral argument.

Docket:

03/01/18	Civil Information Report filed
03/23/18	Order Appeal to proceed without a prehearing conference or ADR
09/18/18	Appellants' Brief and record Extract filed
12/14/18	Brief of Appellee, The Montgomery County Planning Board filed
12/14/18	Brief of Appellee, RCCG, Jesus House, DC filed
03/19/19	Oral Argument

Fort Myer Construction Corporation v. Commission

September Term 2017, No. 1684 (CD)
(Originally filed under 399804-V in Montgomery County)

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

Abstract: Plaintiff appealed Circuit Court ruling granting dismissal of complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Status: Awaiting decision.

Docket:

10/26/17	Notice of Appeal
12/03/18	Oral Argument held

Pletsch, et al v. Commission

September Term 2017, No. 2518 (AALU)
(Originally filed under CAL17-12150 in Prince George's County)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Two separate appeals filed. The Citizens filed an appeal of order affirming the underlying decision and resolution. The developer filed an appeal of the denial of the motion to dismiss for lack of standing. The Commission did not join in the appeal of the denial of the motion to dismiss.

Status: Appeals filed.

Docket:

02/16/18	Notice of Appeal filed by Pletsch, et al.
02/23/18	Notice of Appeal filed by St. John Properties, Inc.
05/01/19	Oral Argument no earlier than this date

Rounds v. Montgomery County, MD, et al

September Term, 2017, No.1561 (PD)
(Originally filed under #430530-V in Montgomery County)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin
Adams

Abstract: Appeal from dismissal of claim barred by res judicata concerning alleged Farm Road easement.

Status: Awaiting decision.

Docket:

09/25/17	Notice of Appeal filed
10/19/17	Court issued show cause for inquiry as to why Plaintiffs'/Appellants' Pre-hearing Information Report not filed
11/15/17	Court accepts Pre-hearing Information Report for filing
12/12/18	Oral Argument held

The Town of Forest Heights v. Commission

September Term 2017, No 2538 (Misc.)

(Originally filed under CAL 16-29110 in Prince George's County)

Lead Counsel: Borden
Other Counsel:

Abstract: Commission below filed a declaratory judgment against the Town of Forest Heights. The Town appealed.

Status: Appeal filed.

Docket:

02/23/18	Notice of Appeal filed
03/16/18	Order to Proceed w/out Pre-hearing Conference
03/2019	Oral Argument

MARYLAND COURT OF APPEALS

The Town of Forest Heights v. Commission

September Term 2018, Petition No. 105 (Misc.)

Lead Counsel: Borden
Other Counsel:

Abstract: Commission below filed a declaratory judgment against the Town of Forest Heights. The Town appealed.

Status: Awaiting decision.

Docket:

05/10/18	Petition for Cert filed by the Town of Forest Heights
05/15/18	Commission Answer to Petition for Writ of Cert
06/01/18	Petition for Writ of Certiorari granted
07/24/18	Town of Forest Heights Brief filed
08/31/18	Commission Brief filed
08/31/18	Amicus Curiae in Support of Appellant filed by The Maryland Municipal League, Inc.
09/20/18	Town of Forest Heights Reply Brief filed
10/04/18	Oral Argument held.

U.S. DISTRICT COURT OF MARYLAND

No Pending Cases

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

No Pending Cases

SUPREME COURT OF THE UNITED STATES

Commission v. American Humanist Association, et al

Case No. 17A1175 (Misc.)
17-1717 (American Legion)
18-18 (M-NCPPC)
(Appeal from Case No. 15-2597)

Lead Counsel: Hogan Lovells (Neal Kmar Katyal & Mitchell P. Reich)
Other Counsel: Gardner
Dickerson
Harvin

Abstract: The Commission intends to seek review by the Supreme Court of the decision of the Court of Appeals for the Fourth Circuit finding violation of establishment clause of Constitution.

Status: Awaiting oral argument.

Docket:

04/24/18	Commission's Application to extend the time to file a Petition for Writ of Certiorari
04/30/18	American Legion's Application to extend time to file a Petition for Writ of Certiorari
05/03/18	American Legion's Application to extend time granted
05/09/18	Commission's Application to extend time granted
06/25/18	American Legion's Petition for Writ of Cert. filed
06/29/18	Commission's Petition for Writ of Cert. filed
07/12/18	Blanket Consent filed by Respondents, The American Legion, the American Legion Department of Maryland, and The American Legion Colmar Manor Post 131
07/13/18	Blanket Consent filed by Petitioner, M-NCPPC
07/25/18	Amicus Brief American Center for Law and Justice
07/26/18	Amicus Brief Military Order of the Purple Heart
07/27/18	Amicus Brief 109 United States Senators and Members of the United States House of Representatives
07/27/18	Amicus Brief Major General Patrick Brady and Veterans Groups Erecting and Maintaining War Memorials
07/27/18	Amicus Brief The Town of Taos, New Mexico

07/27/18	Amicus Brief The Islam and Religious Freedom Action Team of the Religious Freedom Institute
07/27/18	Amicus Brief International Municipal Lawyers Association
07/27/18	Amicus Brief Veterans of Foreign Wars of the United States
07/27/18	Amicus Brief Medal of Honor Recipients
07/27/18	Amicus Brief Maryland Elected Officials
07/27/18	Amicus Brief State of West Virginia, 27 Other States & the Governor of Kentucky
07/27/18	Amicus Brief Retired Generals and Flag Officers
07/27/18	Amicus Brief Jewish Coalition for Religious Liberty
07/27/18	Amicus Brief The Becket Fund for Religious Liberty
08/01/18	Amicus Brief Foundation for Moral Law
08/02/18	Amicus Brief State of Maryland
08/02/18	Amicus Brief Veterans in Defense of Liberty
08/02/18	Amicus Brief Prince George's County, Maryland
08/02/18	Amicus Brief The Rutherford Institute
08/21/18	Reply of Commission
08/22/18	Distributed for Conference of 9/24/18
10/01/18	Distributed for Conference of 10/05/18
10/09/18	Distributed for Conference of 10/12/18
10/22/18	Distributed for Conference of 10/26/18
10/29/18	Distributed for Conference of 11/02/18
11/02/18	Certiorari granted.
12/17/18	Brief of petitioners The American Legion, et al.
12/17/18	Brief of petitioner M-NCPPC
12/17/18	Joint Appendix filed
12/18/18	Brief amici curiae of American Association of Christian Schools, et al.
12/19/18	Brief amicus curiae of Justice and Freedom Fund
12/19/18	Brief amicus curiae of Thomas More Law Center
12/19/18	Brief amicus curiae of Town of Taos, New Mexico
12/20/18	Brief amicus curiae of Wisconsin Institute for Law & Liberty
12/20/18	Brief amicus curiae of Foundation for Moral Law
12/20/18	Brief amicus curiae of State of Maryland
12/21/18	Set for Oral Argument on 2/27/19
12/21/18	Brief amici curia of The National Jewish Commission on Law and Public Affairs
12/21/18	Brief amicus curiae of Family Research Council
12/21/18	Brief amici curiae of Medal of Honor Recipients
12/21/18	Brief amici curiae of American Center for Law & Justice, et al.
12/21/18	Brief amici curiae of Retired Generals and Flag Officers
12/21/18	Brief amici curiae of Veterans of Foreign Wars of the United States, et al.
12/21/18	Brief amicus curiae of The Utah Highway Patrol Association
12/21/18	Brief amici curiae of Citizens United and Citizens United Foundation
12/21/18	Brief amici curiae of Family Members of Soldiers Named on the Peace Cross
12/21/18	Brief amicus curiae of Center for Constitutional Jurisprudence
12/21/18	Brief amici curiae of Public Advocate of the United States, et al.

12/21/18	Brief amicus curiae of Judicial Watch, Inc.
12/21/18	Brief amicus curiae of Liberty Counsel
12/21/18	Brief amici curiae of National Association of Counties, et al.
12/21/18	Brief amici curiae of Major General Patrick Brady and Veterans Groups Erecting and Maintaining War Memorials
12/21/18	Amicus brief of The Rutherford Institute
12/24/18	Brief amici curiae of State of West Virginia and 29 Other States
12/24/18	Brief amicus curiae of Cato Institute
12/24/18	Brief amicus curiae of The Becket Fund for Religious Liberty
12/26/18	Brief amicus curiae of Jewish Coalition for Religious Liberty
12/26/18	Brief amici curiae of 84 United States Senators and Members of the United States House of Representatives
12/26/18	Brief amicus curiae of The American Civil Rights Union
12/26/18	Brief amicus curiae of CatholicVote.org Education Fund
12/26/18	Brief amicus curiae of Kamal S. Kalsi
12/26/18	Brief amicus curiae of The Islam and Religious Freedom Action Team of the Religious Freedom Institute
12/26/18	Brief amici curiae of Various Professors
12/26/18	Brief amicus curiae of Military Order of the Purple Heart
12/26/18	Brief amici curiae of Maryland Elected Officials and Prince George's County
12/26/18	Brief amici curiae of Professors Walter Dellinger and Martin S. Lederman in support of neither party
12/26/18	Brief amici curiae of Veterans in Defense of Liberty, et al.
12/26/18	Brief amicus curiae of United States
12/26/18	Amicus brief of Religious Denominations and Other Religious Institutions
02/27/19	Oral Argument