

***The Maryland-National Capital
Park and Planning Commission***

***COMMISSION
MEETING***

September 17, 2014

9:30 a.m.

***ENTERPRISE GOLF
COURSE ANNEX
2802 ENTERPRISE ROAD
MITCHELLVILLE, MD
20737***



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

Wednesday, September 17, 2014

Enterprise Golf Course Annex

9:30 a.m. – 11:30 a.m.

				<u>ACTION</u>	
				Motion	Second
1.	Approval of Commission Agenda	(+*)	Page 1		
2.	Approval of Commission Minutes				
	a) July 16, 2014 – Open Session	(+*)	Page 3		
	b) July 31, 2014 – Special Commission Meeting – Open Session	(+*)	Page 13		
3.	General Announcements				
	a) Commission-wide Service Awards Luncheon Honoring Employees with 25 or more years of service -- Newton White Mansion, 12:00 p.m.				
	b) Hispanic Heritage Celebration				
4.	Committee/Board Reports (For Information Only):				
	a) Minutes of the Regular Employees’ Retirement System Board of Trustees Meeting, July 1, 2014	(+)	Page 15		
	b) Minutes of the Regular OPEB Board of Trustees Meeting, April 16, 2014	(+)	Page 21		
	c) Minutes of the Regular OPEB Board of Trustee Meeting, February 19, 2014	(+)	Page 23		
	d) Minutes of the Regular OPEB Board of Trustee Meeting, October 16, 2013	(+)	Page 25		
5.	Action and Presentation Items				
	a) Acknowledge Jenetha Facey as the Prince George’s County Open Trustee (A. Rose)	(+*)	Page 27		
	b) Resolution #14-25, Commission Resolution of Adoption for Uniform Standards for Mandatory Referral in Prince George’s County (M. Martin)	(+*)	Page 29		
	c) Open Enrollment and Benefit Plans Proposed Rates for 2015 (Spencer/McDonald)	(+*)	Page 47		
	d) ERP Funding (Barney/Zimmerman)				
6.	Open Session - Officers’ Reports				
	a) Executive Director – (For Information Only)				
	Employee Evaluations Not Completed by Due Date – (July & August 2014)	(+)	Page 55		
	b) Secretary-Treasurer – (For Information Only)				
	1) Investment Report (May 2014).....	(+)	Page 59		
	2) Enterprise Resource Planning (ERP) Briefing				
	c) General Counsel – (For Information Only)				
	Litigation Report (July 2014).....	(+)	Page 65		
7.	Closed Session				
	Pursuant to Maryland State Government Article of the Annotated Code of Maryland, Section 10-508(a) (7) & (9), a closed session is proposed to consult with counsel for legal advice, conduct collective bargaining discussions, and consider matters that relate to negotiations.				

(+) Attachment (++) Commissioners Only (*) Vote (H) Handout (LD) Late Delivery



ITEM 2a

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
July 16, 2014

The Maryland National Capital Park and Planning Commission met on July 16, 2014, at the Montgomery Regional Office in Silver Spring, Maryland.

PRESENT

Montgomery County Commissioners

Françoise M. Carrier, Chair
Norman Dreyfuss
Marye Wells-Harley

Prince George's County Commissioners

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

ABSENT

Amy Presley
Casey Anderson

A. Shuanise Washington
Manuel Geraldo

Chair Carrier convened the meeting at 9:48 a.m. The Commission recognized July 16th as a special day, as today's meeting is Chair Carrier's last full Commission meeting. Chair Carrier thanked the Prince George's County Planning Board for honoring her with flowers and balloons. She also thanked everyone for their support during her term.

ITEM 1 APPROVAL OF COMMISSION AGENDA

Corporate Policy and Management Operations Chief Anju Bennett participated in the meeting as Acting Executive Director in the absence of Executive Director Patricia Barney. Ms. Bennett requested two changes on the Commission meeting agenda: Move Item 5d – Maryland Stadium Authority, Study Related to Show Place Arena to be presented first under Action and Presentation Items, and add Resolution #14-26 – Appreciation for Françoise M. Carrier as Item 7a after Rotation of Commission Chair.

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

ITEM 2 APPROVAL OF COMMISSION MINUTES

a) June 18, 2014, Open Session
ACTION: Motion of Hewlett
Seconded by Bailey
6 approved the motion

ITEM 3

GENERAL ANNOUNCEMENTS (Carrier/Hewlett)

Not listed on agenda:

- Chair Carrier announced the Montgomery County Council appointed Commissioner Casey Anderson as the new Chair of the Montgomery County Planning Board.
- Vice-Chair Hewlett reminded everyone that July is National Parks and Recreation month as proposed by the National Recreation and Parks Association. Vice-Chair Hewlett acknowledged Montgomery County Parks and Prince George's County Parks and Recreation for their work in promoting health and wellness throughout the region.
- Chair Carrier announced Mike Riley was appointed as Director of Montgomery Parks. She thanked Gene Giddens for performing as Interim Acting Director for the last several weeks.

- a) GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) CERTIFICATE OF ACHIEVEMENT FOR FINANCIAL REPORTING AWARD FOR THE 2013 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) (Zimmerman) – The finance team has again been honored by the Government Finance Office Association of the United States and Canada for outstanding financial reporting during the 2013 fiscal year. This is the highest form of recognition in the area of governmental accounting and financial reporting and is a significant accomplishment. M-NCPPC has received this distinction 40 times and is tied only with the Chicago Metropolitan Water Reclamation District for the greatest number of times receiving this prize. The finance team was photographed with the Commissioners for the Update newsletter.

ITEM 4

COMMITTEE/BOARD REPORTS – (For Information Only)

- a) Executive Committee Minutes – Open Session – June 4, 2014
- b) Executive Committee Minutes – Closed Session – June 4, 2014
- c) Executive Committee Minutes – Open Session – July 2, 2014
- d) Minutes of the Regular Employees' Retirement System Board of Trustees Meeting, June 3, 2014

ITEM 5

ACTION AND PRESENTATION ITEMS

- d) MARYLAND STADIUM AUTHORITY, STUDY RELATED TO SHOW PLACE ARENA (Taken out of order) (Gathers)

Prince George's County Parks and Recreation Director Ronnie Gathers thanked Chair Carrier for her accomplishments during her term with the agency and for all she has done for the Department of Parks and Recreation. Mr. Gathers presented an overview of the market and operational study done by the Maryland Stadium Authority on the Show Place Arena, as contained in the meeting packet. The study was initiated in an attempt to determine whether the facility is utilizing best practices to accelerate the profitability and use of that center. The study also addressed findings in earlier Audit Committee recommendations.

Mr. Gathers introduced Deputy Director of Facility Operations Roslyn Johnson, and Special Projects Coordinator, Alvin McNeal. Mr. McNeal provided background on the history of the Show Place Arena Complex. The Show Place Arena was constructed by M-NCPPC in 1993. In 2011, M-NCPPC engaged the services of the Maryland Stadium Authority (MSA), to evaluate the operations, management, structure, governance, staffing levels, and overall performance and effectiveness of the facility, as well as the economic and market impacts this complex could provide.

Mr. McNeal introduced M-NCPPC Show Place Arena General Manager Jeanine Hunter, and Director of Operations Shannon Bethel. He also introduced MSA Senior Vice-President Gary McGuigan, who provided background on the history and mission of the MSA; MSA Senior Project Manager Al Tyler, who reviewed the operational study; and AECOM Technology Corporation Principal David Stone, who focused on the market, comparable environments, and fiscal impacts, as contained in the packet.

Mr. Stone reviewed the recommendations from the Market and Economic Study. Details are in the meeting packet.

- Study Recommendations
 - Increase non-equestrian usage, particularly during winter (coincides with end of equestrian season and typical season for indoor arena events).
 - Renovate:
 - Arena: F&B, restrooms, rigging, scoreboard
 - Equine facilities: more warm-up areas, more/improved stables and stalls, better drainage, footing, and power/water
 - Total estimated cost of all improvements: \$13.7 million*
 - Impacts of renovation: increased usage and revenues. Specific event types include equestrian, sports/competitions, concerts, and consumer shows.
 - Impacts of no renovation: subsidy could remain stable in short term but increase over time, as the facility becomes less competitive.

Deputy Director Johnson reviewed the progress on recommendations from the Audit Committee and the Maryland Stadium Authority Study:

OPERATIONAL & PROCEDURAL

- Develop and implement formal written policies and procedures General Manager – *(Completed)*
- Update and improve overall security and risk management *(Completed)*
- Update and improve emergency action plans *(Completed)*
- Develop a comprehensive marketing plan *(In process)*
- Implement facility improvements and update mechanical/electrical plumbing systems that are at the end of their service life *(In process)*

MANAGEMENT, STAFFING AND GOVERNANCE

- Secure experienced personnel to fill the following positions: *(In process)*
 - Operations Manager with strong experience in operating equestrian venues *(Completed)*
 - Hiring Event Services Manager - (new position)
- Continue to audit food service operations *(In process)*
- Capture and measure user and patron services *(In process)*
- Create an Advisory Committee to engage members with a vested interest in the facility *(In process)*
- Consider the merits of using a private third-party to manage the facility *(In process)*

IMPROVEMENTS

- Develop a comprehensive master plan for the facility *(Completed)*
- Perform a facility condition assessment every five years to assist with long-term capital expense planning *(In process)*
- Perform targeted improvements to the box office *(In process)*
- Improve traffic and parking conditions *(Completed)*

Ms. Johnson thanked staff from Prince George's County Parks and Recreation: Shannon Bethel of Natural & Historic Resources; Leslie Long, Southern Region Manager, and Darlene Watkins, Acting Chief of Arts and Cultural Heritage Division, who were instrumental in making changes necessary to bring Show Place Arena to where it is today.

The Commissioners stated they would support the renovations to the arena because of the site's impact and importance to the community. They added that the decision could not solely be based on the economic impact. Chair Hewlett shared that the Show Place Arena has challenges because it is primarily an equestrian venue, and the County and town want to preserve this use, which poses certain limitations. She thanked Jeanine, Shannon, Leslie, and Darlene for their efforts and for getting the Show Place Arena back on track. Chair Carrier thanked the presenters and wished them well on the project.

b) PROPOSED AMENDMENTS TO THE MERIT SYTEM RULES AND REGULATIONS ON OVERTIME COMPENSATION PROGRAM – (Taken out of order) (Bennett/Thom-Grate/Dupree)

Corporate Policy and Management Operations Chief Anju Bennett introduced two members of the policy team who assisted on this item: newly appointed Policy and Corporate Records Manager Janis Thom-Grate, and Senior Management Analyst Lisa Dupree. Ms. Bennett asked the Commission to consider proposed amendments to the Commission's overtime compensation program as codified in the Merit System Rules and Regulations (MSR&R), Chapters 1200 (Employee

Compensation) and 1400 (Employee Leave: Personal, Annual, Sick, and Compensatory Leave).

Ms. Bennett explained that the policy team undertook a comprehensive review of the overtime program following an earlier inquiry from Commissioners on one element of the program. She shared highlights of the extensive research and analysis that was conducted in formulating recommendations that were presented in the meeting packet. Ms. Bennett explained that total overtime made up less than 1% of total payroll hours, thus the amendments were not due to overuse of overtime, but were proposed to address operational concerns raised by management or identified by the policy team during its review. Ms. Bennett thanked Directors, the Commission Chair and Vice-Chair, for input on operational needs. Ms. Bennett shared that the Merit System Board, which reviews all policy changes affecting Merit employees, fully supported the proposed amendments.

Policy and Corporate Records Manager Janis Thom-Grate thanked Ms. Bennett for the opportunity to return to M-NCPPC, and wished Chair Carrier well in her new endeavors. Ms. Thom-Grate gave a brief overview of the Overtime Program and reviewed the requirements of the Fair Labor Standards Act (FLSA), the law that establishes requirements for overtime. Ms. Thom-Grate explained the agency is in compliance with applicable laws. Ms. Thom-Grate walked Commissioners through the specific proposals explaining that amendments improve consistent application of overtime policies, promote the use of flextime, recognize full payout of all earned compressed leave balances in the case of an employee's death, and amend the amount of compressed leave balances that may be accrued by staff in positions that are exempt from the FLSA mandates for overtime. She shared that while changes were made to improve internal application of policies, the changes also provide greater parity with programs adopted by Montgomery and Prince George's Counties.

Proposed Policy Amendments:

- Modify Overtime Eligibility for "Exempt" Positions at Grade J
Modify existing overtime policies to permit Grade J positions to receive straight time Compensatory Leave without the current "exceptional situation" restriction.
- Modify Required Number of Hours to be Worked before Overtime Can Occur for "Exempt" Positions
For positions that are exempt from FLSA, modify number of hours that must be worked from 40 to 80 hours before overtime compensation may be granted. Amendments support the use of "flexing" out of overtime hours for exempt employees by extending the period during which overtime hours can be "flexed" out for time off. Amendments also require employees/supervisors to first consider flexing out extra hours before overtime compensation is considered.
- Modify Limitations on the Transfer (Carry-over) of Earned Compensatory Leave by Exempt Employees
For exempt employees, reduce current year end rollover of Compensatory Leave from 160 to 120 hours (effective December 31, 2014).

- Establish Policy that Specifically Addresses Payout of Compensatory Leave Balances Upon Death
Permit the full payout of all accrued Compensatory Leave in the event of death regardless of exempt or non-exempt status.

Other Proposed Amendments that Clarify Existing Policies and Federal Overtime Laws

- Section 1260: Amendments emphasize the requirement that employees receive prior authorization for overtime work.
- Section 1261: Amendments clarify the application of the federal overtime law (FLSA) on employer mandates for overtime.
- Section 1262: Amendments explain that non-exempt employees may request the form of overtime compensation (pay or Compensation Leave). However, the option is subject to Department approval, and based on the availability of funding and work program considerations.

ACTION: Motion of Hewlett

Seconded by Wells-Harley

6 approved the motion

a) RESOLUTION #14-24 – FUND BALANCE POLICY (Zimmerman)

Secretary-Treasurer Zimmerman presented Resolution #14-24, Fund Balance Policy for approval. The Resolution increased the reserve balance for the group insurance fund, from 7.0% to 7.5% of expenditures. Mr. Zimmerman explained the change would be implemented in financial statements this year. General Counsel Gardner added that there was an inquiry by the Office of State Legislative Audits regarding M-NCPPC's health insurance fund. According to General Counsel Gardner, this change developed from that level of focus. The audit results were satisfactory and the agency is following up implementing the desire that was negotiated with our labor partners.

ACTION: Motion of Hewlett

Second by Wells-Harley

6 approved the motion

c) HEALTH BENEFIT CHANGES FOR CALENDAR YEAR 2015 (Spencer/McDonald)

Human Resources Director William Spencer introduced Health and Benefits Manager Jennifer McDonald, who presented recommended changes to the health benefits program for Calendar Year 2015. Ms. McDonald reviewed the packet materials titled, Summary of Plan Changes and the Cost Impact. Ms. McDonald explained that changes were being recommended to help enhance plans and/or contain costs. She shared the Executive Committee supported all recommendations with the exception of a change which would have added prior authorization for compounded drugs that cost \$300 or greater. Based on a prior request of the Executive Committee, Ms. McDonald provided additional information about this design change during the presentation. Ms. McDonald also responded to the Executive Committee's earlier request on the duration of a rate guarantee for the recommended Vision Plan change. Ms. McDonald reported that the rate would be guaranteed for four years. A summary of recommended changes and the cost impact to the Health Benefits is highlighted in the chart:

Plan Design Change	Cost Impact
Implement Step Therapy for specialty drugs.	3 year savings of \$127k.
Add the Pharmacy Advisor program to the prescription plan.	\$17k in annual fees, with an estimated \$150k in medical plan savings.
Add Prior Authorization for compounded drugs with a \$300 or greater ingredient cost.	May have some savings, but not able to quantify until the program goes live.
Extend dental and vision coverage for children up to age 26.	No immediate impact, but premiums may increase in the future if we experience much higher utilization. However, reductions in the administrative costs/burden for administering the current program may help offset costs.
Change the Vision Service Plan type from Signature (premier) to Choice.	Current utilization indicates that premiums will increase significantly at the next renewal for 1/1/2016. Changing to Choice will reduce claims costs, mitigating the expected increase in rates and bring the plan up to industry standards.
Waive the 8/4 hours contributions for Sick Leave Bank in 2015 for current members.	Reduce the growing bank balance.
Increase Supplemental Life Insurance by adding an additional 2 levels that will allow employees to elect up to 5 times their annual salary with a maximum of \$750,000.	Current option is 1 to 3 times salary up to a maximum of \$300,000. Increased cost to employee if additional coverage is elected, none to the agency.
Increase dependent life insurance coverage, offering three options.	Increased cost to employee if elected, none to the agency.

Commissioners supported all changes as recommended with the exception of the recommended requirement for prior authorization for compound drugs. Commissioners were concerned about the insurer Caremark having the final decision about dispensing a drug rather than the employee's medical provider. Commissioners modified the recommendation stating that the prior authorization should only be used to verify that the drug is being recommended for a covered condition, thus the prescription could be denied only if it is not written for a condition that would not normally be covered by the prescription plan. Chair Carrier recommended providing education to employees about obtaining preauthorization before purchasing compounded drugs, including when drugs are dispensed through apothecaries as used in the example by Commissioner Wells-Harley. Mr. Spencer offered that the program can be piloted for one year allowing the agency to revisit the plan and to obtain the results next year. If the results are not satisfactory to the agency, there would be an option to discontinue the program.

Commissioners agreed to a one-year trial of the prior authorization for compounded drugs, limited to determining whether the prescription is for covered conditions. The Commissioners voted on this item apart from the other benefits.

ACTION: Motion of Shoaff
Seconded by Wells-Harley
6 approved the motion

The second vote covered the following items:

- Extend Dental and Vision Coverage for Young Adults to Age 26 – Commissioners agreed to extend coverage.
- Change in Benefits of Vision Plan – Commissioners supported Option 3: Change to the Choice Plan with changes recommended as contained in the meeting packet.
- Waive Contributions to Sick Leave Bank – Commissioners supported the recommendation to waive contribution to the Sick Leave Bank for current members.
- Increase Dependent and Supplemental Life Insurance – Commissioners supported the recommendation to increase current coverage for dependent coverage. They also supported offering supplemental life insurance, which permits employees to be insured up to five times their base salary. Supplemental coverage is fully paid by the employee.

ACTION: Motion of Hewlett to approve the recommendations for Health Benefits changes for Calendar Year 2015
Seconded by Dreyfuss
6 approved the motion

- e) PERSONNEL MANAGEMENT REVIEW – FY 13 (Spencer/Glover)
The Personnel Management Review (PMR) provides a comprehensive overview of the demographics of the Commission's workforce for each department. Human Resources Director William Spencer shared things have remained the same for the past four to five years because of the economy. Principal Administrative Specialist Jeannette Glover provided an overview of the PMR, and reported that between FY14 and FY18, 70.6% of Officials/Administrators will reach normal retirement eligibility. This continues to be a major succession planning issue.

ITEM 6

OPEN SESSION – OFFICERS' REPORTS

The Commissioners accepted reports for information without presentation except for item 3b.

- a) Executive Director – (For Information only)
Employee Evaluations Not Completed by Due Date – (June 2014)
- b) Secretary-Treasurer
 - 1) Investment Report (April 2014) – (for information only)
 - 2) MFD Purchasing Statistics – 3rd Quarter – (for information only)
 - 3) Enterprise Resource Planning (ERP) Briefing – Mr. Zimmerman reported that

Finance department is in the process of closing and rolling over the budgets for the financial system. The April cash reconciliation was completed successfully. The Sympro System that helps with cash management, debt issue, and investment management is working well. The Finance department is working on process improvements, and listening sessions are scheduled for this month.

He is aware that some processes, such as Supply Chain Management will require further refinement to be more functional for managers. The point-of-purchase document archival add-on will help make information more readily available. Human Capital Management is being reviewed to determine the best way to bring it live with the least amount of risk and the greatest amount of service to users and employees. Chair Carrier congratulated Mr. Zimmerman on a successful launch.

c) GENERAL COUNSEL

Litigation Report (June 2014) – (for information only)

ITEM 7

ROTATION OF COMMISSION CHAIR – At the end of the meeting, Chair Carrier passed the gavel to Vice-Chair Hewlett symbolizing the rotation of the Chair's position to Ms. Hewlett.


ACTION: Motion of Carrier to nominate Vice-Chair Hewlett to Chair of M-NCPPC
Seconded by Bailey
6 approved the motion

a) RESOLUTION 14-26 – RESOLUTION OF APPRECIATION FOR FRANÇOISE M. CARRIER

On behalf of the Maryland-National Capital Park and Planning Commission, Chair Hewlett presented Chair Carrier with a Resolution of Appreciation and thanked her for her outstanding leadership.

Chair Hewlett opened the floor for sentiments to Chair Carrier. A farewell celebration will be held at the Silver Spring Civic Center on July 24th.

There being no further business to discuss, the meeting adjourned at 12:21 p.m.



Gayla I. Williams, Senior Management Analyst



Patricia Colihan Barney, Executive Director



ITEM 2b

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Special Commission Meeting
Open Session Minutes
July 31, 2014

The Maryland National Capital Park and Planning Commission met via teleconference on July 31, 2014, from the Montgomery Regional Office in Silver Spring, Maryland, the County Administration Building in Upper Marlboro, Maryland and the Executive Office Building in Riverdale, Maryland.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair
Dorothy Bailey
John Shoaff
A. Shuanise Washington

Montgomery County Commissioners

Françoise M. Carrier, Vice-Chair
Norman Dreyfuss
Marye Wells-Harley
Amy Presley

ABSENT

Manuel Geraldo

Casey Anderson

The purpose of the special meeting of the Maryland-National Capital Park and Planning Commission (M-NCPPC) was for the Commissioners to vote on Resolution 14-28, White Oak Science Gateway Master Plan, and Resolution #14-27, 10 Mile Creek Area Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area. Prior to the start of the meeting, the Commission technical writer emailed a copy of Resolution #14-28 and the Updated Version Planning Board Draft White Oak Science Gateway Master Plan to the planning boards.

Chair Carrier convened the meeting at 9:16 a.m.

ITEM 1 APPROVAL RESOLUTION #14-28 WHITE OAK SCIENCE GATEWAY MASTER PLAN

Vice-Chair Carrier reported that the Montgomery County Planning Board has recommended that the Maryland National Capital Park and Planning Commission adopt this plan.

ACTION: Motion of Washington
 Seconded by Dreyfuss
 8 approved the motion

ITEM 2 APPROVAL OF RESOLUTION #14-27, 10 MILE CREEK AREA LIMITED AMENDMENT, CLARKSBURG MASTER PLAN AND HYATTSTOWN SPECIAL STUDY AREA

Chair Hewlett stated that Resolution #14-27 is a correction to Commission Resolution #14-13, 10 Mile Creek Area Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area. Vice-Chair Carrier reported that this morning, the Montgomery County Planning Board recommended that the Maryland-National Capital Park and Planning Commission adopt the revised Resolution. This recommendation was made because the Montgomery County Council discovered an error in their Resolution, and therefore, adopted a new Resolution. In order to have the final master plan be correct, M-NCPPC needed to adopt the revised Resolution.

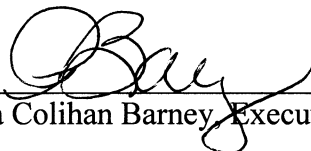
ACTION: Motion of Dreyfuss
 Seconded by Bailey
 8 approved the motion

On behalf of M-NCPPC, Chair Hewlett congratulated Vice-Chair Carrier on a fabulous term and wished her well. Vice-Chair Carrier thanked everyone for their gifts and farewell wishes.

There being no further business to discuss, the meeting adjourned at 9:22 a.m.



Gayla I. Williams, Senior Management Analyst



Patricia Colihan Barney, Executive Director



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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, July 1, 2014; 10:00 A.M.
ERS/Merit Board Conference Room

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, July 1, 2014 at 10:00 a.m. Voting members present were: Khalid Afzal, Patricia Colihan Barney, CPA, Pamela F. Gogol, Elizabeth M. Hewlett, Barbara Walsh and Joseph C. Zimmerman, CPA. Josh Ardison, Richard H. Bucher, Ph.D., Tracy Lieberman and Mary Wells-Harley were not present. Lakisha Giles, Prince George's County Open Trustee, resigned from the Commission leaving the seat vacant until filled as a result of an election.

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

ERS legal counsel included: M-NCPPC Legal Department - LaTonya Reynolds, Associate General Counsel.

Presentations by Wilshire Associates - Mike Dudkowski, Managing Director; AllianceBernstein - Alison Martier, CFA, Senior Portfolio Manager – Fixed Income and Scott Howe, Regional Director – Institutional Investments; Guggenheim Investments - Suzanne Schechter, Managing Director and Alastair McKeever, Research Team Leader in the Corporate Credit Group; and, Oaktree Capital Management - Dave DeMilt, Vice President, Marketing and Client Services and Bill Sacher, Managing Director and Portfolio.

CHAIRMAN HEWLETT welcomed Pamela Gogol to the Board.

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 July 1, 2014 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, June 3, 2014
- C. Disbursements Granted Report – May 2014

MS. BARNEY made a motion, seconded by MS. WALSH to approve the Consent Agenda, as submitted. The motion PASSED unanimously (6-0). (Motion #14-20)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary
- B. Trustee Appointments
 - i. Appointment of Marye Wells-Harley as the Montgomery County Commissioner for the term ending June 30, 2017
 - ii. Appointment of Pamela F. Gogol as the Montgomery County Public Member for the term ending June 30, 2017
 - iii. Reappointment of Richard H. Bucher, Ph.D. as the Prince George's County Public Member for the term ending June 30, 2017

At its June 18, 2014 meeting, the Commission appointed Marye Wells-Harley as the Montgomery County Commissioner for the term ending June 30, 2017; approved Pamela F. Gogol as the new Montgomery County Public Member for the term ending June 30, 2017; and, approved Richard H. Bucher, Ph.D. as the Prince George's County Public Member for the term ending June 30, 2017.

C. Approval of Vice Chairman for the remaining term ending June 30, 2015

MS. BARNEY made a motion, seconded by MR. AFZAL to approve Marye Wells-Harley as the new Vice Chairman of the ERS Board of Trustees for the remaining term ending June 30, 2015. The motion PASSED unanimously (6-0). (Motion #14-21)

3. MISCELLANEOUS

No miscellaneous reported.

4. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated June 20, 2014

- i. Recommendation to approve compensation adjustments for all eligible staff for FY2015 as follows:
 - Effective the first full pay period after July 1, 2014, a 3.5% annual adjustment for eligible employees not at top-of-grade;
 - Effective the first full pay period after July 1, 2014, a one-time lump sum payment, not to be added to base pay, in the amount of:
 - One-half of one percent (.5%) of base pay at July 1, 2014 for employees that receive an annual adjustment in FY2015; or
 - One percent (1%) of base pay at July 1, 2014 for employees that do not receive an annual adjustment due to reasons other than performance (i.e. top of grade).
 - Effective the first day of the first pay period after September 1, 2014, employees (including the Administrator) shall receive a COLA equal to 2% of base pay.

Andrea Rose presented the Administrator's Report dated June 20, 2014.

Ms. Rose recommended compensation adjustments for all eligible staff for FY2015 which are similar to the Commission's FY2015 approved compensation adjustments for non-represented employees. All wage adjustments were included in the approved FY2015 Operating Budget.

MS. BARNEY made a motion, seconded by MS. WALSH to approve FY2015 compensation adjustments as recommended: effective the first full pay period after July 1, 2014, a 3.5% annual adjustment for eligible employees not at top-of-grade; effective the first full pay period after July 1, 2014, a one-time lump sum payment, not to be added to base pay, in the amount of: One-half of one percent (.5%) of base pay at July 1, 2014 for employees that receive an annual adjustment in FY2015; or one percent (1%) of base pay at July 1, 2014 for employees that do not receive an annual adjustment due to reasons other than performance (i.e. top of grade); and, effective the first day of the first pay period after September 1, 2014, employees (including the Administrator) shall receive a COLA equal to 2% of base pay. The motion PASSED unanimously (6-0). (Motion #14-22)

Ms. Rose briefed on an issue that may require Board and/or Investment Monitoring Group action during the summer break. Earnest Partners manages a \$101 million international equity portfolio for the ERS and requested the Taiwan market be opened for trading. Opening markets is a common practice for separately managed international accounts and Northern Trust usually assists with the varying requirements for each country. In order to open the Taiwan market, there are two new requirements. First, an Addendum to the Custody Agreement is required. Second, the ERS must appoint a local CPA firm as a tax agent to guarantee payment of all income taxes prior to repatriation of the investments. Northern provided a list of agents, but is unable to assist; the ERS must contract directly with the local CPA firm in Taiwan. Ms. Rose explained additional research is required, but action may be required prior to the September Board meeting and recommended the issue be referred to the Investment Monitoring Group. CHAIRMAN HEWLETT requested the Investment Monitoring Group review and make a recommendation to the Board and authorized a Special Meeting of the Board, if necessary, prior to the September Board meeting.

MS. BARNEY made a motion, seconded by MR. AFZAL to delegate review of the Taiwan market requirements to the Investment Monitoring Group; to request the IMG make a recommendation to the Board; and to authorize a Special Meeting of the Board and/or IMG, if necessary. The motion PASSED unanimously (6-0). (Motion #14-23)

Ms. Rose reported the Commission approved amendments to Plans C and D of the Employees' Retirement System to increase employee contributions by .5% of base pay effective the first pay period after March 1, 2015 and by another .5% effective the first pay period after January 1, 2016. These changes require amendments to the Plan Document and will be included with other amendments that must be made prior to December 31, 2014.

The ERS received the employer contribution of \$28,149,976 from the Commission on July 1, 2014. The funds were transferred as follows: a) \$13.2 million to State Street Global Advisors; b) \$10 million to Western Asset Global Multi-Sector Fund; c) \$2 million to VOYA Investment Management; d) \$1 million to Neuberger Berman; and, \$1.9 million to cash to fund benefit payments, expenses, and capital calls.

5. COMMITTEE REPORTS/RECOMMENDATIONS

A. Investment Monitoring Group

Presentation by Committee Chairman, Patricia Barney, CPA

i. Regular Report of June 17, 2014

- a. Recommendation to Approve the Investment Manager Guidelines for Northern Trust Global Investors
- b. Recommendation to Approve the Revised Investment Manager Guidelines for Loomis Sayles & Company
- c. Recommendation to Approve Extension of the Investment Consulting Services Agreement with Wilshire Associates for two additional years through June 30, 2016

ii. Confidential Report of June 17, 2014 - *Confidential Trustees Only*

MS. BARNEY presented the regular report for the Investment Monitoring Group's (IMG) meeting of June 17, 2014.

The IMG conducted a performance review of Western Asset's Global Multi-Sector fund and noted while early performance was a challenge, returns were starting to gain on the benchmark. Wilshire's Organizational Score remains low at 2.0 which reflects a cautionary stance following turnover and settlement issues. Wilshire has no concerns based on the portfolio's short track record with the ERS.

The personnel changes are a concern, but not completely unexpected in the context of a large firm. Key team members appear to be firmly in place going forward. Wilshire believes Western is well positioned with Ken Leech back in charge.

The IMG reviewed Wilshire Associates' Manager Review of Eaton Vance's core fixed income strategy. Since inception, March 31, 2010, the strategy outperformed the Index by .20%, and ranked in the 53rd percentile versus Wilshire's core fixed income universe. Eaton Vance's performance was at or above the benchmark for all periods and within Wilshire's expectations. Eaton Vance does not take a lot of risk but continues to generate returns.

The IMG reviewed Wilshire Associates' Manager Review of C.S. McKee's core fixed income strategy. Since inception, March 31, 2010, the strategy outperformed the Index by .05%, and ranked in the 62nd percentile versus Wilshire's core fixed income universe. C.S. McKee's performance was at or above the benchmark for all periods and within Wilshire's expectations. C.S. McKee does not take a lot of risk but continues to outperform by small margins.

The IMG reviewed the Investment Manager Guidelines for the Northern Trust Global Investors' Russell 2000 Growth Index Fund ("Fund") which is a strategic allocation to the small capitalization segment of the U.S. equity market. While the Fund's guidelines prevail, the Investment Manager Guidelines are intended to be representative of the ERS' expectations.

MR. AFZAL made a motion, seconded by MS. BARNEY to approve the Investment Manager Guidelines for the Northern Trust Global Investors' Russell 2000 Growth Index Fund. The motion PASSED unanimously (6-0). (Motion #14-24)

The IMG reviewed the Revised Investment Manager Guidelines for Loomis Sayles & Co. The ERS is transitioning from a high yield separate account to the Loomis Sayles High Yield Full Discretion Collective Investment Trust ("Collective Trust"). The strategic allocation continues to be the high yield segment of the fixed income market. While the Collective Trust's guidelines prevail, the Investment Manager Guidelines are intended to be representative of the ERS' expectations.

MR. AFZAL made a motion, seconded by MS. BARNEY to approve the Revised Investment Manager Guidelines for Loomis Sayles High Yield Full Discretion Collective Investment Trust. The motion PASSED unanimously (6-0). (Motion #14-25)

Wilshire Associates' Mike Dudkowski temporarily left the meeting.

The IMG conducted the annual review of Wilshire's Associates performance. Staff prepared a report which details the Scope of Services outlined in the Agreement and the actual services provided by Wilshire for the period July 1, 2013-June 30, 2014. MS. BARNEY reported Wilshire has fully met the Scope of Services. The Investment Consulting Services Agreement ("Agreement") with Wilshire Associates was effective July 1, 2011 – June 30, 2014 with a possible extension for two additional years. The IMG recommends the extension of the Agreement for two additional years through June 30, 2016.

MR. AFZAL made a motion, seconded by MS. WALSH to approve extending the Investment Consulting Services Agreement with Wilshire Associates for two additional years through June 30, 2016. The motion PASSED unanimously (6-0). (Motion #14-26)

6. **CLOSED SESSION**

The Board will meet in closed session, pursuant to State Government Article of the Annotated Code of Maryland Section 10-508(a)(5) and 10-508(a)(7) to discuss investment of public funds and consult with legal counsel

MS. BARNEY made a motion, seconded by MR. AFZAL to go in to Closed Session under authority of State Government Articles 10-508(a)(5) to discuss personnel issues and 10-508(a)(7) to discuss investment of public funds and consult with legal counsel. The motion PASSED unanimously (6-0). (Motion #14-27)

MS. BARNEY made a motion, seconded by MR. AFZAL to ratify the actions taken in Closed Session. The motion PASSED unanimously (6-0). (Motion #14-30)

Mr. Dudkowski rejoined the meeting.

7. **TRAINING**

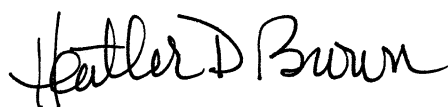
Three investment managers were invited to provide an educational overview of the fixed income markets, to identify where they see opportunities, and to highlight the sub-asset classes and strategies within fixed income that can be used to exploit current market conditions.

- A. AllianceBernstein
Presentations by Alison Martier, CFA, Senior Portfolio Manager – Fixed Income and Scott Howe, Regional Director – Institutional Investments
- B. Guggenheim Investments
Presentations by Suzanne Schechter, Managing Director and Alastair McKeever, Research Team Leader in the Corporate Credit Group
- C. Oaktree Capital Management
Presentations by Dave DeMilt, Vice President, Marketing and Client Services and Bill Sacher, Managing Director and Portfolio Manager
- D. Wilshire Associates
Presentation by Mike Dudkowski, Managing Director
 - i. Discussion

Mike Dudkowski said the ERS' investment portfolio covers many of the opportunities presented except for private debt. Mr. Dudkowski recommends the Board review private debt opportunities further. Wilshire will prepare an analysis of private debt managers and compile a list of approximately 7-9 managers for the Investment Monitoring Group to review.

The Board of Trustees meeting of July 1, 2014 adjourned at 1:48 p.m.

Respectfully,



Heather D. Brown
Senior Administrative Specialist



Andrea L. Rose
Administrator

115 Trust (OPEB)
Meeting Minutes
PRA 3rd Floor Conference Room

Wednesday, April 16, 2014

Attending: Commissioner Manuel Geraldo, Trustee;
Patricia Colihan Barney, Commission Executive Director, Trustee
Joseph Zimmerman, Commission Secretary-Treasurer, Trustee;
William Spencer, Commission Human Resources Director, Trustee;
Abbey Rodman, Commission Investment Manager, Administrator;
Claudia Stalker, Commission Accountant, Staff;
Barry Bryant, Investment Consultant, DAHAB Assoc.

Absent: Commissioner Marye Wells-Harley, Vice-Chairman, Trustee
Barbara Walsh, Commission Accounting Manager, Staff

The meeting was called to order at 8:30 a.m.

Minutes from the February 19, 2014 meeting were motioned by Commissioner Geraldo to be approved, seconded by Patti Barney, and then unanimously accepted.

Mr. Bryant of Dahab Associates, the Plan's Consultant, presented investment results for the first quarter ended March 31, 2014.

Mr. Bryant said economic growth slowed in the first quarter due to cold weather in the Northeast which probably depressed retail sales. He said that, while economic growth appeared anemic relative to similar points in other recoveries, growth at a 2%-3% pace was likely to resume in the second quarter.

Returns for various asset classes worldwide were tightly clustered. Domestic large cap stocks and investment grade bonds were both up 1.8%. The best asset subclass was midcap domestic stocks, up 3.4%, while the worst was emerging market stocks at -0.4%. As a result of this narrow range for asset returns, most portfolio returns fell in the 2%-3% range.

The portfolio return was 1.9% which ranked in the 34th percentile of the universe maintained by Dahab's consultant's cooperative. This means that the portfolio outperformed 66% of the other portfolios within this universe. Mr. Bryant noted that most, but not all, of the strategies employed by the portfolio to outperform a standard institutional portfolio were successful in the first quarter.

The main contributor to the outperformance was the 20% allocation to the Pimco All Asset Fund, which rose 2.5% and beat most other asset types. Two of the three Schwab/Rafi fundamental index strategies exceeded their benchmarks, but the Schwab/Rafi emerging market fund lagged. Finally, the Pimco Total Return Fund also lagged behind the Barclay's aggregate, hurting performance somewhat. This was due to Pimco's concentration in the short end of the yield curve when longer duration assets performed better. Mr. Bryant noted that this positioning would be beneficial in a rising rate environment.

Abbey Rodman noted that the fund would be getting significant cash inflow in July. The committee agreed that any repositioning of the fund could be accomplished with the additional money at that time.

Mr. Bryant noted the following about private institutional real estate:

- 1) It can be classified into core, value-added, and opportunistic depending on leverage and the amount and type of risks.
- 2) The portfolio is usually diversified by property type (apartment, office, industrial, retail, self-storage, other) and geography.
- 3) Most core funds concentrate holdings in six major markets: New York, Boston, Washington DC, Los Angeles, San Francisco and Chicago.
- 4) All funds are leveraged, with core leverage being 20%-35%.
- 5) Each fund is appraised independently, with the entire portfolio appraised at least once a year.
- 6) Returns are divided between property appreciation from these appraisals and income received in rents, with normal markets providing about 3%-5% in rental income and 1%-3% in appreciation on an annual basis.
- 7) Core property managers are the best bond substitutes, and are contained in an index maintained by NACREIF called the ODCE. The ODCE has about 24 members of which about a dozen are investible.

Mr. Bryant gave a real estate presentation regarding the benefits of a private real estate allocation that included the following points:

- 1) Real estate has some of the same attributes as fixed income, stability of principle in most markets, and regular cash flow;
- 2) Real estate, unlike fixed income, can appreciate in a rising rate environment and responds positively to inflation;
- 3) Private real estate has a low correlation to the stock market relative to publicly traded REITs;
- 4) Real estate has had positive returns with only two exceptions over the last 20 years.

Mr. Bryant then noted the following negative points:

- 1) Real estate can decline sharply in certain environments such as in 2008 when housing values declined;
- 2) Real estate can become illiquid, usually for no more than a year, as has happened twice, in 1994 and 2008;
- 3) Private real estate involves an investment contract and fees well in excess of what the Fund is now paying for most of its asset management.

At the end of the presentation, the committee agreed to hear additional presentations from three core/core+ real estate managers at a special meeting at noon on June 18, 2014.

The next meeting was scheduled for June 18, 2014 at PRA, 12:00 noon. The meeting adjourned at 9:30 a.m.

Respectfully Submitted,

Claudia Stalker

115 Trust (OPEB)
Meeting Minutes
PRA 3rd Floor Conference Room

Wednesday, February 19, 2014

- Attending: Commissioner Manuel Geraldo, Trustee;
Patricia Colihan Barney, Commission Executive Director, Trustee
Joseph Zimmerman, Commission Secretary-Treasurer, Trustee;
Abbey Rodman, Commission Investment Manager, Administrator;
Claudia Stalker, Commission Accountant, Staff;
Barry Bryant, Investment Consultant, DAHAB Assoc.
- Absent: Commissioner Marye Wells-Harley, Vice-Chairman, Trustee
William Spencer, Commission Human Resources Director, Trustee;
Barbara Walsh, Commission Accounting Manager, Staff

The meeting was called to order at 8:30 a.m.

Minutes from the October 16, 2013 meeting were motioned by Commissioner Geraldo to be approved, seconded by Joe Zimmerman, and then unanimously accepted.

Barry Bryant of Dahab Associates, the Plan's Consultant, presented investment results for the fourth quarter ended December 31, 2013.

Mr. Bryant said the economy grew at a reasonable rate, +3.2%, and fast enough to drive unemployment down slightly while maintaining low inflation. Against this backdrop the equity market soared, up 10% domestically and 5% abroad. Private real estate increased 3% while domestic bonds were flat.

The portfolio performed poorly in this environment relative to other portfolios, Mr. Bryant explained, because its diversity did not capture the returns of the US market as well as asset allocations with greater focus there. In particular, Mr. Bryant pointed to seven aspects of asset allocation that influenced return in the quarter.

The portfolio increased 2.7% in the fourth quarter with a rank of 96th and had a shadow index of 4.1%. Mr. Bryant said seven factors affected relative return in the quarter. In general, the best performing portfolios were focused more on the American domestic market which had the best returns. Diversity away from domestic market risk generally hurt returns in the fourth quarter.

Mr. Bryant analyzed each of the seven factors contributing to relative return as follows:

1. Equity vs. fixed income. The portfolio had only 40% in pure stock allocations.
2. Domestic vs. foreign equity. The portfolio was evenly split between the two, while other portfolios had a domestic bias.
3. Domestic large cap vs. small cap. The portfolio has no small cap allocation and thus benefited from the relatively higher returns of large cap.

4. Foreign EAFE vs. emerging market equity. The portfolio is evenly split between the two and did not do as well as portfolios with a developed (EAFE) country emphasis, which had higher returns than emerging markets.
5. Real estate substitutes. Portfolios using real estate as a substitute for fixed income performed better. The portfolio only recently became large enough to employ private real estate and currently has none.
6. Short duration fixed income. The portfolio does employ a short duration strategy which helped a little.
7. Inflation hedges. Inflation hedges such as TIPS and commodities did poorly in the quarter which showed little inflation. The portfolio has inflation hedges in its two Pimco strategies, and in each case it hurt the performance of these strategies.

Mr. Bryant recommended increasing the risk of the portfolio modestly by moving 10% of the allocation from the Pimco tactical asset allocation fund, and 10% from the unconstrained bond fund, to the domestic equity fund. This would leave the portfolio with a basic 60/40 allocation, with the 40% portion divided between bonds and the tactical strategy. This, he felt, would walk the best line between capturing upside in what most believe will be a positive year for the market, while protecting against downside in the event of a market collapse.

Joe Zimmerman expressed some skepticism at this approach and Patti Barney also questioned adding to risk at this portion of the cycle. Mr. Bryant responded that he considered Patti Barney's motion to support Mr. Bryant's recommendation to follow the advice given, which is a middle alternative between where we are and totally re-risking the portfolio. Ultimately the committee unanimously adopted the new asset allocation as follows:

Pimco All-Asset All-Authority Fund	20%
Large Cap Domestic Core	40%
Foreign EAFE Equity	10%
Foreign EM Equity	10%
Pimco Bond Fund	20%

Chairman Geraldo questioned why there was no real estate allocation. Mr. Bryant explained that his firm preferred private real estate to public REITs, and that until recently the fund had not been large enough to invest in private real estate. Patti Barney supported exploring options for the July 2014 contribution. Commissioner Geraldo requested exploring real estate as a consideration. The committee asked that Mr. Bryant return with an educational piece on real estate at the next meeting.

The next meeting was scheduled for April 16, 2014 at PRA, 8:30 a.m.

Meeting adjourned at 9:30 a.m.

Respectfully Submitted,

Claudia Stalker

Claudia Stalker

115 Trust (OPEB)
Meeting Minutes
PRA 3rd Floor Conference Room

Wednesday, October 16, 2013

Attending: Commissioner Manuel Geraldo, Trustee;
Patricia Colihan Barney, Commission Executive Director, Trustee
Joseph Zimmerman, Commission Secretary-Treasurer, Trustee;
William Spencer, Commission Human Resources Director, Trustee;
Barbara Walsh, Commission Accounting Manager, Staff;
Abbey Rodman, Commission Investment Manager, Administrator;
Claudia Stalker, Commission Accountant, Staff;
Barry Bryant, Investment Consultant, DAHAB Assoc.

Absent: Commissioner Marye Wells-Harley, Vice-Chairman, Trustee

The meeting was called to order at 8:30 a.m.

Minutes from the July 17, 2013 meeting were motioned by Patti Colihan-Barney to be approved, seconded by William Spencer, and then unanimously accepted.

Barry Bryant of Dahab Associates, the Plan's Consultant, presented investment results for the second quarter ended June 30, 2013, and preliminary results for the third quarter ended September 30, 2013.

Mr. Bryant said that all of the return in the second quarter came from domestic equity and domestic real estate. Foreign developed stocks were down slightly, emerging market stocks were down 8%, domestic bonds were down 2.3%, foreign bonds slightly more.

The Section 115 Trust asset allocation did not do well given this pattern. It has no real estate, and the equity allocation is equally divided between domestic and foreign stocks. In addition, the PIMCO All-Asset fund, a tactical allocation fund, had no position in the domestic market and performed worse than both stocks and bonds. This last asset accounted for 30% of the asset allocation. As a result, the return for the quarter was -2.2% and the rank was in the 99th percentile.

Mr. Bryant contrasted this with the third quarter. Domestic stocks and foreign emerging market stocks were up about 5%, foreign developed market stocks about twice that while bonds were a little better than flat. The PIMCO All-Asset Fund managed a return of a little more than 2% which, while not spectacular, at least fell between stock and bond returns. Although it was too early in the quarter to provide rankings, Mr. Bryant noted that a 60/40 S&P 500/Barclays Aggregate portfolio, as a benchmark, would have returned about 3.4% while the Section 115 Trust portfolio returned 3.9%, which probably placed it above the median return for the quarter.

Mr. Bryant indicated that he was comfortable with the portfolio's slightly defensive posture due to the many uncertainties facing the economy and the government's problems raising the debt ceiling and passing a budget. He added that he wanted to increase the risk at some point because of the fund's underfunded status and positive cash flow. Patti Barney suggested that a good time to consider a risk increase might be when the next significant contribution is received in July. Commissioner Geraldo inquired as to whether we were "wedded" to the PIMCO All-Asset Fund. Mr. Bryant stated that we were not and that we can sell in twenty-four hours' notice.

Mr. Bryant also raised the issue of Pension Obligation Bonds, saying the key was borrowing money at a sufficiently low rate. Ms. Barney suggested that this might be a good time to look into POBs as a funding mechanism, but that she and her peers at a recent conference had no experience with them. Joe Zimmerman raised the issue of whether the legal authority existed to borrow money in this manner, but agreed it was something the Board might investigate. Patti Barney suggested consulting with Legal to see if we have the legal authority to sell POB's and if we have capacity.

Abbey Rodman, Administrator, mentioned that the 115 Trust annual contribution was made on July 1, 2013 in the amount of \$7,819,000. Claudia Stalker was introduced as new staff.

The next meeting was scheduled for February 19, 2014 at PRA, 8:30 a.m.

Meeting adjourned at 9:30 a.m.

Respectfully Submitted,



Claudia Stalker

MEMORANDUM



EMPLOYEES' RETIREMENT SYSTEM
The Maryland-National Capital Park and Planning Commission
6611 Kenilworth Avenue, Suite 100
Riverdale, Maryland 20737

(301) 454-1415 - Telephone
(301) 454-1413 - Facsimile
<http://ers.mnccppc.org>

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
Vice Chairman Marye Wells-Harley

Andrea L. Rose
Administrator

Khalid Afzal
Patricia Colihan Barney, CPA
Jenetha Facey
Tracy Lieberman
Joseph C. Zimmerman, CPA
Josh Ardison
Richard H. Bucher, Ph.D.
Pamela F. Gogol
Barbara Walsh

To: The Commission
Via: Elizabeth M. Hewlett, Chairman
From: Andrea L. Rose, Administrator
Date: September 2, 2014
EMH
AR
Subject: Acknowledge Jenetha Facey as the Prince George's County Open Trustee

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission Employees' Retirement System (ERS), I respectfully request the Commission acknowledge Jenetha Facey as the Prince George's County Open Trustee for the remainder of the term ending June 30, 2015.

BACKGROUND

Lakisha Giles' resignation from the Commission in July 2014 created a vacancy on the Board. In accordance with election procedures, a Notice of Election was placed in Update and on the ERS' and Commission's websites in August 2014. Applications were due by close-of-business on August 15, 2014. The ERS received one eligible application from Jenetha Facey who is determined to have won by acclamation.

Ms. Facey is the Budget Coordinator for Prince George's Park & Recreation's Northern Area and Special Program divisions. She has a BBA degree from Howard University in Financial Management with a concentration in Banking. Ms. Facey has held positions both in the private and public sector as Probate Auditor, Senior Auditor for a national public accounting firm, as a Financial Specialist for national and international non-profits, and as Financial Manager for a local construction company. Ms. Facey's knowledge and experience will be a valuable asset to the Board.



Prince George's County Planning Department
Countywide Planning Division

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
301-952-3650

July 29, 2014

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

VIA: Fern Piret, Planning Director *F.P.*
Derick Berlage, Chief, Countywide Planning Division *DB*

FROM: *UAM* Maria Ann Martin, Planning Supervisor, Special Projects Section, Countywide Planning Division

SUBJECT: Commission Resolution of Adoption for Uniform Standards for Mandatory Referral in Prince George's County

Attached for your review and approval is the Full Commission Resolution Number 14-25 to adopt the revision to the Uniform Standards for Mandatory Referral for Prince George's County.

The revisions to the Adopted Uniform Standards for Prince George's County were drafted to clarify who makes the decisions in the mandatory referral process, what types of projects would be exempt from mandatory referral, and to update the legislative references. Those changes are highlighted in the attached version.

Also attached for your information is the draft newspaper notice of adoption of the Uniform Standards for Mandatory Referral for Prince George's County.

RECOMMENDATION

Staff recommends that the Full Commission approve the resolution of adoption.

Attachments:
Attachment 1 – Full Commission Resolution Number 14-25
Attachment 2 – Draft newspaper notice of adoption

M-NCPPC No. 14-25

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission (the "Commission") is a body politic and corporate agency of the State of Maryland established pursuant to the Annotated Code of Maryland, Land Use Article, at Section 15-101; and

WHEREAS, the Commission is empowered under the Land Use Article at Section 20-305 to adopt **Uniform Standards For Mandatory Referral** pertaining to the review and approval of the location and construction of certain public facilities situated within the Maryland-Washington Regional District (the "Regional District") under certain circumstances as specified therein; and

WHEREAS, upon the duly advertised public hearing held on July 17, 2014, the Commission's Prince George's County Planning Board has approved and adopted the Uniform Standards for Mandatory Referral Review (the "Prince George's County Standards") to be given effect as of the date of this Resolution, for that portion of the Regional District situated within Prince George's County only; and

WHEREAS, a true and correct copy of the Prince George's County Standards are annexed to this Resolution as Exhibit A; and

WHEREAS, the Commission desires to ratify and adopt the Prince George's County Standards, as provided by this Resolution; and

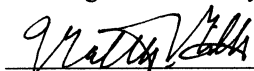
WHEREAS, the Commission desires for the Planning Board to implement the standards within its county jurisdiction to ensure the orderly administration of the law.

NOW, THEREFORE, BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby ratify and adopt *Uniform Standards for Mandatory Referral Review* for Prince George's County as annexed hereto as Exhibit A; and

BE IT FURTHER, RESOLVED, that, within Prince George's County, the Prince George's County Planning Board shall effectuate the said Prince George's County Standards in accordance with its terms; and

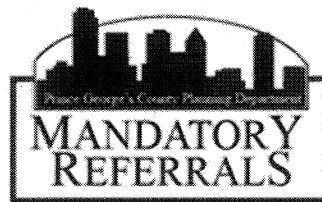
BE IT FURTHER, RESOLVED, that, as soon as practicable, the appropriate Commission officials are hereby authorized, and shall cause, the publication of a notice of the action so taken by this Resolution, as required under Section 20-305(b) of the Land Use Article of the Annotated Code of Maryland.

Reviewed and Attested To
For Legal Sufficiency



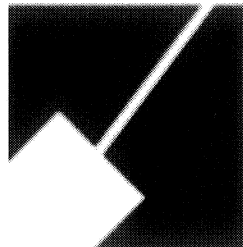
Debra Borden/George Johnson/Matthew Mills

**PROPOSED REVISIONS
TO
PRINCE GEORGE'S COUNTY
PLANNING DEPARTMENT
ADOPTED
UNIFORM STANDARDS FOR
MANDATORY REFERRAL REVIEW**



Adopted: July 18, 2012
Effective: September 1, 2012
Updated: September 17, 2014

Prince George's County Department of Planning
The Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772



Section I: Introduction

Sections 20-301 through 305¹ of the Land Use Article of the Maryland Annotated Code require all federal, state, and local governments, and public and private utilities to submit proposed projects for a Mandatory Referral review and approval by the Commission. In Prince George's County the Planning Board is the statutorily created body under the Land Use Article, and performs the duties of "the Commission." This document will use the term "Planning Board," instead of "the Commission."

The law is briefly stated, but has a very broad application. It requires that the Planning Board review and approve the proposed location, character, grade and extent of any road, park, public way or ground, public (including federal) building or structure, or public utility (whether publicly or privately owned) prior to the project being located, constructed, or authorized.

The Planning Board must also review the widening, extension, relocation, narrowing, vacation, abandonment, or change of use of any road, park or public way or ground, and the acquisition or sale of any land by any public board, body, or official.

The Planning Board must conduct its review within 60 days of the submission of a complete application, unless a longer period is granted by the applicant. The Planning Board's failure to act within 60 days is deemed an approval, unless the applicant agrees to extend the review period. In case of disapproval, the law requires the Planning Board to communicate its reasons to the applicant agency. In practice, the Planning Board will communicate its approval, approval with conditions, and disapproval, with the reasons for its actions, to the applicant agency. Mandatory Referral review and comments by the Planning Board are advisory in that the statute allows the applicant to overrule the Planning Board's disapproval, or any conditions attached to approval, and proceed.

See Attachment 1 for the full text of the law.

Section II: Pre-submission Coordination

Pre-application meetings between Planning Department staff and the application agency are encouraged. These meetings provide an opportunity for the appropriate agency and the Planning Department staff to discuss public projects prior to finalizing the design and provide an opportunity to determine if the Mandatory Referral process or the entitlement process is the appropriate venue. During the pre-application period, opportunities for coordination with private development can occur. The Planning Department will provide staff from each Division to identify issues from a wide range of functional perspectives, to

¹ Formerly Section 7-112 of the Regional District Act, **Mandatory Referrals and approval procedures after adoption of master plan of highways**

consider solutions, to resolve any conflicting comments between staff, and to finalize the application requirements during the pre-application meetings. The chief or supervisor will resolve any conflicting issues. The pre-application meetings provide a significant opportunity for agencies to produce public facilities and buildings that are on time and cost efficient. The pre-application meetings should consider the following:

- Review of zoning and development standards
- Determine whether the project will be required to go through the entitlement review process instead of the Mandatory Referral review process
- If the Mandatory Referral process is appropriate, determine whether the project should be reviewed under the administrative or full review process
- Outreach method
- Final Mandatory Referral submittal requirements

1. The Department of Planning staff (the staff) will advise the applicant to work with the staff in the early stages of a project's program and design development. The staff will advise the applicant about potential impacts and concerns in terms of proposed land use, consistency with the area master plan, other related projects, and community issues.
2. The staff will advise the applicant to seek community input before formally submitting the project for Mandatory Referral. This may include requesting the applicant to send appropriate, adequate, and timely public notice to adjacent and adjoining property owners. The staff will help in the process as needed, including establishing review benchmarks.
3. The staff will work with the applicant to determine the information needed to review any proposal based on its nature and scope. A suggested list of possible plans and other items is included in this package (see Section III: Submission Requirements).
4. The staff will, after analysis of the project and consultation with the applicant and the community, determine and advise the applicant of the type of review needed, consistent with Section IV: Types of Review.

Section III: Submission Requirements

A list of *suggested* materials, including any narrative description, plans, sketches, photographs, and other material that may be needed for the Mandatory Referral review, is included here as a guide. Some of these items may be needed before others in the review process (e.g., Natural Resource Inventory, Tree Conservation Plan). Some may be needed only as preliminary concepts. Therefore, **applicants are advised to consult the staff to determine which materials will be needed, and in what sequence, since not all proposals will**

need everything on the following list. The plans and documents submitted for the Mandatory Referral should be at a scale sufficient to determine the compatibility, character, scope, quality, and scale of a project. All formal requests and applications must be from the head of the applicant agency, or a representative public official of the agency, and addressed to the Planning Director of the Department of Planning. A complete application (number of copies to be determined by the staff) should be submitted to the Prince George's County Planning Department, Countywide Planning Division, Special Projects Section, 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772.

1. Written narrative of the proposal generally describing the project location, access, surrounding land uses and other existing conditions, proposed uses, scale and size of proposed structures, and other significant features of the proposal including, but not limited to the following:
 - a. The hours of operation and the types of use(s) proposed within the structure(s), or on the property under consideration;
 - b. Whether the proposed project is consistent with the county's General Plan, functional plans such as the Countywide Master Plan of Transportation, Green Infrastructure Plan, the approved and adopted area master plan(s) or sector plan(s), and other public plans, policies, or programs for the area. Any deviation or lack of consistency should be fully explained;
 - c. A Pedestrian and Bicycle Safety Impact Statement that includes an analysis of the effect of the project on pedestrian and bicyclist access and safety, and the identification of any capital and/or operating modifications, including road re-construction plans and road re-striping plans, that may be required to promote and maximize safe pedestrian and bicyclist access on the project site, and in the surrounding area;
 - d. Whether the proposed typical roadway and pathway section meets the applicable state and county standard(s). If not, the necessary waivers requested, or to be requested, from any applicable agency or municipality, and the reasons for those waivers should be described;
 - e. The status of a Historic Area Work Permit (HAWP) application, if the project would affect county-designated historic resources, sites, or districts. For state or federally funded projects, indicate the status of comments by the Maryland Historical Trust. If any historical resources, sites, or districts would be impacted, state the proposed measures to be undertaken to limit impacts, and any remedial measures to mitigate, the identified impacts;

- f. Phasing schedule or plan, if applicable;
 - g. A description of the manner in which any land intended for common or quasi-public use, but not proposed to be in public ownership, will be held, owned, and maintained in perpetuity for the indicated purposes;
 - h. Funding source(s) for the project: county, state, federal, and/or private;
 - i. A description of the potential impacts to public parkland or land owned by M-NCPPC, if applicable, and an explanation of what efforts have been made to minimize these impacts and what mitigation will be undertaken; and
 - j. For all projects involving buildings or other structures, a statement on whether or not the proposed project will seek United States Green Building Council Leadership in Energy and Environmental Design (LEED), or equivalent green building certification. If the project is not going to seek LEED or equivalent certification, provide a LEED scorecard indicating the degree to which the project would be eligible for such certification;
2. General location map showing the relationship of the subject property to existing and proposed surrounding development, land uses and zoning, park property, traffic network, public amenities, community facilities, and historic properties (County and National Register).
 3. Site Plan describing the location of all new and existing uses and structures, size of the subject property, existing land uses of the subject and surrounding property, park property lines, proposed limits of disturbance and quantitative assessment of the disturbed area, location and areas of all existing and proposed public and private open spaces, number of existing and proposed parking spaces, calculations of building coverage, the number and type of dwelling units, and square footage, height, and number of stories of all buildings, and proposed signage.
 4. Utilities and Rights-of-Way map reflecting the location of tract boundaries, any utility or pipelines traversing the site, easements, and rights-of-way. All proposed permanent easements and right-of-way takings on park property must be quantified.
 5. Pedestrian and vehicular circulation plan identifying existing roadway, site ingress and egress, sidewalks, trails (including equestrian), bikeways, transit facilities, and all on- and off-site connections to those facilities.

Indicate paving widths and the location of any anticipated median breaks. Show existing and proposed signage, all striped crosswalks, and provision of pedestrian push buttons and signal heads. If striped crosswalks are not provided on all legs of a signalized intersection, indicate where and explain why not. Movement barriers need to be identified and include:

- a. Long crossing distances,
 - b. Short signal timing,
 - c. Medians and islands without ramps or cut-throughs,
 - d. Curbs without curb ramps,
 - e. Curb ramps without level landings,
 - f. Pedestrian actuated signal devices that are difficult to activate or in hard-to-reach locations, and
 - g. Lack of information during pedestrian signal phase;
6. Natural Resource Inventory (NRI) plan that has been reviewed and approved by M-NCPPC staff, depicting existing wooded areas, streams, stream buffers, major drainage courses, wetlands, wetland buffers, 100-year-flood-plain, environmentally sensitive areas, and existing improvements, as well as the identification of any rare, threatened, or endangered species (see Section IV: Types of Review, Full Planning Board Review, paragraph 3). **An approved NRI is valid for five years only. If it is more than five years old, or there are substantial changes to the site within five years, it must be updated and submitted for staff's review and approval.**
 7. Tree Conservation plan based upon a correct and complete forest-stand delineation. If a prior Mandatory Referral action on a project did not have an approved TCP, if required, then any subsequent Mandatory Referral review must have an approved TCP at the time of the Planning Board review and action.
 8. Topographic map depicting the general physical characteristics of the site or sites with contours at an interval no greater than five feet, and slopes of 15 percent and greater.
 9. Stormwater Management Concept plan(s) approved by the Prince George's County Department of Public Works and Transportation or other agency authorized to approve stormwater management concept plans.
 10. Landscape plan that shows all improvements as indicated on the site plan, and the exact location and description of all plants and other landscaping materials, including size (at time of planting), spacing, botanical and common names, planting method, and all other details and schedules required by the 2010 *Prince George's County Landscape Manual*. Show

existing trees that are proposed to be removed, and protection for those trees that are to remain within the limits of disturbance.

11. Tree Canopy Coverage schedule shown on the landscape plan in accordance with Subtitle 25, Division 3 of the Prince George's County Code.
12. Lighting plan that provides details and specifications of all lighting fixtures, including pole heights, designs, and locations. A photometric plan should be provided. Full cut-off optics are encouraged.
13. Overall concept development plan if the proposed project or phase is a portion of a larger development plan.
14. Statement of compliance with the Prince George's County Code Noise Control Ordinance, Section 19, subsections 120 through 126.
15. Architectural elevations of all buildings shown in color.
16. Traffic impact statement or traffic study conducted in substantial accordance with the Department's *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, describing the effect, if any, on the local transportation system and the proposed means of addressing any unmitigated impacts on affected facilities.

Section IV: Types of Review

After analysis of the project and consultation with the applicant and the community, the Legal Department will determine if a project is eligible for the Mandatory Referral process. If the Mandatory Referral process is the appropriate venue, then the Planning Director and/or the Countywide Planning Division Chief will determine which of the following types of Mandatory Referral review will be conducted:

- Administrative review by the staff for minor projects; or
- Full Planning Board review;

The Prince George's County Zoning Ordinance, Division 11, Sections 27-292 through 295, addresses the approval of public buildings and uses, and buildings and uses on county-owned land. According to the Zoning Ordinance, the District Council shall approve all public buildings, structures, and uses, except those of municipal, state, or federal agencies. Section 27-294(b) recognizes the Mandatory Referral process. Section 27-294(e) delegates to the Planning Board the responsibility to grant minor changes to the site plan approved by the District Council, pursuant to Section 27-293(b) for buildings and uses serving public health purposes on land owned by Prince George's County, upon which hospitals

or health centers are located. The criterion to determine what is a modification is set forth in this section of the Zoning Ordinance.

Public projects, such as interior renovations, minor modifications as part of routine maintenance, minor utility projects, minor sidewalk improvements, or minor stream restoration projects, should be exempt from review as part of the Mandatory Referral process.

Administrative Review by the Staff for Minor Projects

This type of review will normally be conducted for small additions, alterations, or renovations to existing facilities that do not create any significant impact on the surrounding community, parkland, or natural resources, and are completely in compliance with applicable laws and regulations. Examples of projects that may qualify for administrative review are minor modifications conducted as part of routine maintenance, placement of a small equipment shed on a site, interior improvements that do not alter or increase the programming capacity of the facility, a bridge replacement in-kind, sidewalk construction that does not affect the roadway, minor roadway construction, and other such improvements that do not change the land use, character, intensity, scale, or nature of the program, or the facility under review.

No Mandatory Referral hearing or notification will be required for projects approved through administrative review procedures. A letter from the Planning Director will notify the applicant that no further Mandatory Referral review is required for the project. This does not exempt any project from the need to meet the requirements of any other entitlement process.

Full Planning Board Review

This type of review will be conducted for projects that do not fall into the first category and, therefore, will go through a full Planning Board review with a Mandatory Referral hearing and notification as described in this package. The applicant should consult with the Planning Department staff early in project development to determine when a project should be submitted for review. Projects should be submitted for Planning Board review as soon as all the necessary information is complete and there is still enough time to make changes, if needed, to address the Planning Board's recommendations. Generally, a project is to be submitted at 30-35 percent completion during the design development stage (also referred to as the facility planning, schematic design, or concept design phase). All site selections and acquisitions, even if they are consistent with the relevant master plans, must be submitted for Mandatory Referral before they are finalized.

Some projects may need to be reviewed at more than one stage as a Mandatory Referral depending upon the nature and type of development proposed. For

example, a property may be initially reviewed by the Planning Board at site selection, and later for approval of the proposed design of buildings and site improvements. For large or particularly sensitive projects, the Planning Board may require a second review when a more detailed design is available. Where appropriate, two or more actions by the Planning Board may be combined into one review, e.g., land associated with rights-of-way acquisition in CIP projects which may be part of the full project review and not a separate Mandatory Referral.

A staff report will be produced summarizing comments received from all sections from which comments were requested. The staff report will include a recommendation from staff concerning whether the Planning Board should approve the project, disapprove it, or approve it with suggested modifications. This does not exempt any project from the need to meet the requirements of any other entitlement process.

If there may be a need for additional information, or the project could potentially be modified as it continues through the final design stages before construction, a follow up review by the staff may be needed. The staff will determine if the project needs to be brought back to the Planning Board for a full review, unless a follow up review is requested by the Planning Board.

Forest Conservation: Under the Maryland Forest Conservation Act, approval authority for forest conservation plans was delegated to the Prince George's County Planning Board, or its designee. In some cases, the state may choose to review cases, particularly state and federal sites, which are subject to the Clean Water Act. While the Planning Board's review of Mandatory Referrals is advisory, its authority to approve tree conservation plans (TCP) is final and can have an impact on whether such projects can proceed. Section 25-119(b)(1)(A) of the Woodland and Wildlife Conservation Ordinance provides that "all development applications shall submit either a TCP, or a Letter of Exemption," prior to issuance of a grading permit.

Schools: Closed school properties reviewed in accordance with the Prince George's County Board of Education's Board Policy 2570-Closing of School Buildings, and the corresponding Administrative Procedure 2571, are to be reviewed initially when the properties are transferred to the county and the county prepares a reuse proposal. They may be reviewed a second time when a specific use is selected and a detailed program of development and schematic design is prepared. These two steps may be combined into a single review if a specific use is proposed and schematic plans and other information needed to process the application are submitted for staff review in a timely manner.

(Note: Reuse of closed school properties differs from disposition in that properties designated for reuse remain the property of the county and are

subject to long-term leases, whereas disposition entails selling the closed schools after—among other conditions as cited in Sec. 2-111.01, such as sale, lease, or other disposition of county property of the County Code—the Planning Board determines the site is not needed for park or recreation use.)

Sections 27-443, 27-463, and 27-475.06.01 of the Zoning Ordinance do not require a detailed site plan review of a private educational institution when using an existing public school, which has been conveyed by the Prince George’s County Board of Education to Prince George’s County, if the county maintains ownership of the facility and operates the school in it, or leases the facility for use as a private school of any type. Such projects would not be reviewed as Mandatory Referrals.

Closed Sessions: If an applicant agency is involved in sensitive negotiations (from a monetary aspect) for site selections or acquisition, and a full Mandatory Referral with public review and disclosure at that point may put the applicant agency at a disadvantage in its negotiations with the property owners, or if there is not enough time to conduct a full review as the available site may be sold to a private party before the review is complete, the staff may decide that a closed session consultation with the Planning Board is warranted. However, such a consultation would only be to provide the Planning Board’s informal comments for the applicant’s information and consideration. A full review with a public hearing and notification will be required before the proposed acquisition or sale is finalized. The comments provided in a closed session will be the Planning Board’s initial response based on the information provided, and may not be the Planning Board’s final recommendation.

(Note: Maryland Law permits the Planning Board to meet in closed session to “consider the acquisition of real property for a public purpose.” See Md. Code Ann., State Gov’t Art., §10-508.)

Projects Exempt from Mandatory Referral Review

When an application is received, a determination must be made by the Legal Department as to which review process will be applied. The following projects will be considered exempt from the Mandatory Referral review process:

- Any county or municipal project that must go through the entitlement process.
- Any county project that goes through an extensive Capital Improvements Program/Projects (CIP) Review and a referral to the Planning Board.
- Emergency repairs to roadways, public buildings or structures, or existing publicly and privately owned utilities.
- Any telecommunication tower that is proposed by and used by a private entity on public property is not considered a public use and must go through the entitlement process.

These exemptions take into consideration that any county or municipal project that must go through the entitlement process will be reviewed in a detailed manner to insure that it is in conformance with the Zoning Ordinance, Subdivision Ordinance and other regulatory regulations, which are considered binding, since they were adopted by the governing body.

Second, any county project that was reviewed through an extensive CIP review process and received approval by the Planning Board and the County Council is exempt from Mandatory Referral review.

Third, any emergency repairs to existing infrastructure or buildings are exempt from Mandatory Referral review, since the Mandatory Referral review process would cause an unnecessary delay to deliver critically needed repairs.

Finally, any telecommunication tower/facility that is paid, constructed and maintained by a private entity and that private entity will retain ownership interest and operational control of the tower/facility on public land is not considered a public structure and is subject to the requirements of the entitlement process.

Section V: Mandatory Referral Hearing and Notification

The Planning Board will conduct a hearing to receive community comments during its regularly scheduled sessions for all projects requiring a full review. The staff will notify the area civic associations registered with the Planning Department for notice of development activity in the location of the proposed project when the project is accepted as a complete application and the 60-day clock starts. The notice will include, but not be limited to, project name, applicant, location, a brief description, staff contact, and a tentative date of the Planning Board meeting at which public testimony will be taken. A final notice of the hearing will be published in the Planning Board's weekly agenda, which is available on the Internet at www.pgplanning.org. It is strongly recommended that applicants' representatives attend the public hearing and be available to discuss the project and answer any questions from the Planning Board.

The Planning Board encourages applicants to conduct adequate and timely community outreach and notification, including noticing adjacent, abutting, and confronting property owners. The staff will work with the applicant to determine appropriate outreach in each case. Interagency coordination and public notification conducted pursuant to other laws and regulations are encouraged, but would not be accepted in lieu of appropriate community outreach for the Mandatory Referral processes.

Section VI: Planning Board Consideration

During the Mandatory Referral hearing at the Planning Board's regularly scheduled meeting, the Planning Board will review the proposal and may seek clarifications from the staff, the applicant, or the community, if necessary. The Planning Board will consider all relevant land use and planning aspects of the proposal including, but not limited to the following:

1. Whether the proposal is consistent with the County's General Plan, functional plans such as the Countywide Master Plan of Transportation, Green Infrastructure Plan, the approved and adopted area master plan(s) or sector plan(s), and other public plans, policies, or programs for the area;
2. Whether the proposal is consistent with the intent and the requirements of the zone(s) in which it is located;
3. Whether the nature of the proposed site and development, including its size, shape, scale, height, arrangement, and design of any structure(s), is compatible with the surrounding neighborhood and properties;
4. Whether the locations of buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular access and circulation systems are adequate, safe, and efficient;
5. Whether the proposal has negative transportation impacts on the surrounding neighborhood;
6. Whether the proposal has an approved NRI and is consistent with an approved stormwater management concept plan, and meets the requirements of the Woodland and Wildlife Habitat Conservation Ordinance (Subtitle 25 Trees and Vegetation Division 2 of the County Code). The Tree Conservation Plan, if applicable, may require Planning Board approval, either before or at the time of the Planning Board's Mandatory Referral review and action on the project, or prior to the issuance of any grading permit for the project. Unlike the Mandatory Referral review by the Planning Board, the conditions of the Tree Conservation Plan are binding on all county projects;
7. Whether or not the site would be needed for park or recreation use (if the proposal is for disposition of a surplus school); and
8. Whether alternatives or mitigation measures have been considered for the project if the proposal is inconsistent with the General Plan, or other plans and policies for the area, or has negative impacts on the surrounding

properties or neighborhood, the transportation network, the environment or other resources;

Section VII: The Planning Board Recommendation

Based on the staff report, public comments and input, the applicant's rationale, and the findings and considerations described in Section VI of this document, the Planning Board will approve (with comments, if appropriate), or disapprove Mandatory Referral applications.

Following the Planning Board's review, the Chairman of the Planning Board will send a letter containing the Board's recommendation and its rationale to the head of the applicant public agency. The Chairman's letter will also request a written response from the applicant agency stating how the agency will proceed with the proposal and explaining any variation from the Planning Board's recommendations. It is recommended that the applicant agency advise the Planning Board within 30 days as to whether it will accept the Planning Board's recommendation. Because the Planning Board's recommendations are advisory only, an applicant may overrule the Planning Board's disapproval and proceed with the proposed project. Furthermore, there is no judicial review of the matter.

Section VIII: The Mandatory Referral Uniform Standards contained herein apply only in Prince George's County.

LAND USE
DIVISION II. MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.
TITLE 20. MARYLAND-WASHINGTON REGIONAL DISTRICT.
SUBTITLE 3. REVIEW OF PUBLIC PROJECTS.
PART I. MANDATORY REFERRAL REVIEW.

Md. LAND USE Code Ann. § 20-301 (2012)

§ 20-301. Prior approval required.

Subject to §§ 20-303 and 20-304 of this subtitle, a public board, public body, or public official may not conduct any of the following activities in the regional district unless the proposed location, character, grade, and extent of the activity is referred to and approved by the Commission:

- (1) acquiring or selling land;
- (2) locating, constructing, or authorizing:
 - (i) a road;
 - (ii) a park;
 - (iii) any other public way or ground;
 - (iv) a public building or structure, including a federal building or structure; or
 - (v) a publicly owned or privately owned public utility; or
- (3) changing the use of or widening, narrowing, extending, relocating, vacating, or abandoning any facility listed in item (2) of this section.

§ 20-302. Jurisdiction.

(a) Federal and State referrals. -- The Commission has exclusive jurisdiction over Mandatory Referrals made under this part from the United States or the State, or any unit of the United States or the State.

(b) County referrals. -- A county planning board has exclusive jurisdiction over a Mandatory Referral under this part by the county planning board's respective county government or any unit of the county government.

(c) Additional referrals -- Montgomery County. -- The Montgomery County Planning Board has exclusive jurisdiction over a Mandatory Referral under this part by the county board of education, a municipal corporation or special taxing district, or a publicly owned or privately owned public utility.

§ 20-303. Commission disapproval.

(a) Required notice. -- If the Commission disapproves a referral submitted under § 20-301 of this subtitle, the Commission shall communicate the reasons for the disapproval to the entity that proposed the activity.

(b) Overruling. -- Notwithstanding § 20-301 of this subtitle, the entity that proposed the activity may overrule the disapproval of the Commission and proceed with the activity as proposed.

§ 20-304. Commission failure to act.

Unless a longer period is granted by the submitting entity, an official referral to the Commission under this part is deemed approved if the Commission fails to act within 60 days after the date of submission.

§ 20-305. Uniform standards of review.

(a) Adoption. -- After appropriate public hearings, the Commission shall adopt uniform standards of review to be followed in reviewing changes to property subject to review.

(b) Notice. --

(1) The Commission shall publish a notice of the adoption of the standards of review in a newspaper of general circulation that is published in each county.

(2) The notice shall:

- (i) include a summary of the purpose of the standards and the review process; and
- (ii) identify a location and a phone number to contact for a complete copy of the standards of review.

HISTORY: An. Code 1957, art. 28, § 7-112; 2012, ch. 426, § 2.

§§ 20-306, 20-307.

Reserved.

PUBLIC NOTICE

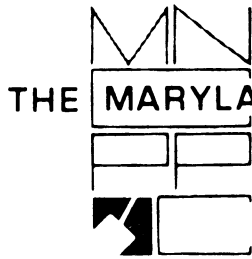
APPROVAL OF THE *Uniform Standards for Mandatory Referral Review* for Prince George's County (MNCPPC #14-25)

Notice is hereby given that on Wednesday, September 17, 2014, The Maryland-National Capital Park and Planning Commission adopted a resolution approving the *Uniform Standards for Mandatory Referral Review* for Prince George's County. These uniform standards address how public property located in Prince George's County will be reviewed by the Prince George's County Planning Board.

The *Uniform Standards for Mandatory Referral Review* for Prince George's County was prepared by the Prince George's County Planning Department of The Maryland-National Park and Planning Commission (M-NCPPC). According to Maryland State law (Section 20-301 of the Land Use Article of the Annotated Code of Maryland), all federal, state and local governments and public and private utilities are required to submit proposed projects (roadway improvements, public buildings, fire and police stations, and others) in Prince George's County for a Mandatory Referral review and recommended approval by the Prince George's County Planning Board. The Planning Board must also review the widening, extension, relocation, narrowing, abandonment, or change of use of any road, park, or public way, and the acquisition or sale of any land by any public board, body, or official.

The approved *Uniform Standards for Mandatory Referral Review* for Prince George's County, when published, will be available on line at <http://www.pgplanning.org/page49394.aspx> and from the M-NCPPC Planning Information Services counter located on the Lower Level of the County Administration Building, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772, free of charge.

Questions concerning the mandatory referral process should be directed to Christine Osei, Project Manager, Prince George's County Planning Department, Countywide Planning Division, Special Projects Section, at 301-952-3313 or by e-mail at Christine.Osei@ppd.mncppc.org.


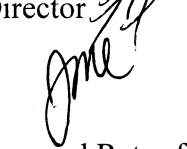



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

September 17, 2014

TO: The Maryland-National Capital Park and Planning Commission

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

FROM: Jennifer McDonald, Benefits Manager 

SUBJECT: Open Enrollment and Benefit Plans Proposed Rates for 2015

Action Requested

Approve recommended rates for 2015 as noted below. All recommendations were supported by the Department Heads and the Executive Committee.

Summary of Rate Changes

Self-Insured Plans

AON Hewitt Consulting developed premium rates for our self-insured medical and prescription plans incorporating the following:

- Enrollment and plan utilization for the most recent 12 month period, ending June 30, 2014;
- Health care trends;
- Plan design changes that were implemented for 2014;
- Overhead expenses from our group insurance fund; and
- Fees mandated by the Affordable Care Act.

The industry trend for medical plans is 8.1%. Rates for the agency's medical plans are increasing, on average, by 4.3%. The individual plan increases range from 0% to 25.7% and are detailed later in the memo. The industry trend for prescription plans is 5.9% for general drugs and 16.0% for specialty drugs. Rates for the agency's prescription plan are increasing by 14.8%.

Fully Insured Plans

Aon Hewitt Consulting facilitated the rate renewals for the fully insured plans which include dental, vision, long term disability, “Advice to Pay” for the sick leave bank, and life insurance & accidental death and dismemberment.

Premiums for the fully insured plans are determined by the insurance carrier and are based on the following:

- Plan utilization;
- Benefit plan design changes;
- Claim frequency;
- Retention; and
- Trends in the industry.

The fully insured premiums are increasing, on average, by 2.1%.

Details of Proposed Self-Insured Rates and Stop Loss Insurance

- The self- insured rates for the medical plans increased, on average, by 4.3%, while the premiums for the prescription plan increased by 14.8%:
 - Caremark Prescription – 14.8% increase
 - The industry trend for prescription drugs ranges from 5.9% for general drugs to 16.0% for specialty drugs. Increases in both drug costs and utilization, especially by the Medicare Eligible retirees, have contributed to the increase in rates.
 - Cigna EPO – 0% increase
 - Reduced claims utilization resulted in rates remaining flat.
 - UnitedHealthcare (UHC) EPO – 0% increase
 - Reduced claims utilization resulted in rates remaining flat.
 - UHC POS – 5.6% increase
 - Increased claims utilization and increase in stop loss premiums contributed to the increase in rates.
 - UHC Medicare Complement – 25.7% increase
 - The addition of stop loss insurance is primarily responsible for the increase in rates.
- The stop loss premiums are included in the proposed rates above. The proposed levels of stop loss are:
 - Cigna EPO’s Individual Stop Loss (ISL) – Keep at \$125,000;
 - AON advised that this ISL level is appropriate for a group this size.
 - UHC EPO and POS ISL – Increase to \$225,000;
 - Aon advised that the current ISL of \$175,000 is on the low end of the range for this size group. That range is \$175,000 to \$350,000.
 - If we were to increase the ISL to \$225,000, we would save \$553,000 in premiums. We would need twelve individuals to exceed the ISL to erode the premium savings. We currently have nine individuals who have exceeded the \$175,000 within the last 12 months.

- The rates would increase by 6.1%, instead of 5.6%, for the UHC POS plan, if we keep the ISL at \$175,000.
- The rates would increase by 28.8%, instead of 25.7%, for the UHC Medicare Complement plan if we keep the ISL at \$175,000.
- There is no change to the rates for the UHC EPO.
- The aggregate stop loss (ASL) is 125% of total estimated claims for all plan participants and will remain the same for all plans.

Details of Fully-Insured Premiums

- The fully insured premiums are increasing, on average, by 2.1%.
- The fully insured premiums as presented by the vendors are:
 - “Advice to Pay” for the Sick Leave bank – 0% (Guaranteed through 12/31/2016)
 - CIGNA Long Term Disability (LTD) (Guaranteed through 12/31/2016)
 - FOP Plan – 15.8% due to increase in monthly benefit maximum
 - Regular Non-FOP Plan – 0%
 - Supplemental LTD – 0%
 - Minnesota Life Insurance and AD&D – 0% (Guaranteed through 12/31/2018)
 - United Concordia Dental - 0% (Guaranteed through 12/31/2016)
 - Vision Service Plan – 19.8% increase due to increased utilization and changes in plan design to enhance the current benefit. (Guaranteed through 12/31/2018)

Recommendations

The Health & Benefits Staff recommends the following changes to the rates and premiums for the 2015 calendar year. The new rates for 2015 and the dollar change from 2014 are shown in Exhibit A.

Self-Insured Rates

- Approve the 14.8% premium increase for the prescription plan;
- Approve the 0% premium increase for the Cigna EPO plan;
- Approve the 0% premium increase for the UHC EPO plan;
- Approve the 5.6% premium increase for the UHC POS plan;
- Approve the 25.7% premium increase for the UHC Medicare Complement plan with the addition of stop loss insurance;
- Keep the ISL for the Cigna EPO at \$125,000;
- Approve the increase of the ISL for both UHC plans to \$225,000;
- Keep the current aggregate stop loss at 125% of projected claims for all plans.

Fully Insured Premiums

- Approve the 0% rate increase for the Cigna “Advice to Pay” for the Sick Leave bank;
- Approve the 0% premium increase for the CIGNA Regular Long Term Disability;
- Approve the 15.8% premium increase for the CIGNA FOP Long Term Disability;
- Approve the 0% premium increase for the Minnesota Life Insurance and AD&D;
- Approve the 0% premium increase for the United Concordia Dental;
- Approve the 19.8% premium increase for the Vision Service Plan.

For Informational Purposes

Request for Proposal (RFP) for Flexible Spending Account Administrator

The Agency is participating in a joint bid process with other Montgomery County agencies for the administrator of our flexible spending accounts. Ten bidders have submitted proposals. We expect to have a decision before the Commission meeting in September or shortly thereafter. It is possible that ADP/SHPS will be replaced. The Health & Benefits Office is currently conducting full scale testing in preparation for a “Go Live” date of December 7, 2014 for the Human Capital Management (HCM) module of the Enterprise Resource Planning (ERP) system. With the delay of both the issue of the RFP and the “Go Live” date for ERP, it is not the optimum time to switch vendors.

If a new administrator is selected, the agency will delay implementation until January 1, 2016. WSSC and Montgomery County Public Schools have indicated that they will also delay implementation until 2016. The bidders will agree to a delayed start date.

Paper Reduction Initiative

Open enrollment for calendar year 2015 is scheduled to take place from October 20, 2014 to November 7, 2014. In an effort to reduce paper consumption the Health & Benefits office will not mail individual packets to employees’ work addresses or to retirees’ home addresses. All open enrollment instructions, materials and forms will be placed on our website at www.mncppc.org. M-NCPPC is not assuming that all employees and retirees have internet/email access. About 25% of our active employees do not have a work email address or a computer at work, but we do not know how many of them have a computer at home. We are giving everyone, retirees and active employees, the option to request a hard copy of the entire open enrollment packet or only the specific form needed.

M-NCPPC has already posted a notice in the Update newsletter and has sent out an announcement of the change to all employees and retirees in mid-September. The announcement explains the change and mentions that employees and retirees will have the option to request a hard copy of the entire packet or a specific form. Additional communications will be sent via email, printed in Update, announced during open enrollment meetings and facilitated through our benefits coordinators who are on site at most work locations.

In October, a letter will be sent to all employees and retirees. This letter will replace the open enrollment packet sent in previous years. It will be the Executive Director’s letter, highlighting changes, the new rates and instructions on accessing more information via the internet, or requesting a hard copy of the packet or form needed. Our hope is that employees and retirees will read the information on-line, print only the form(s) they need and save the open enrollment materials for future use rather than print them. Our message will be to refrain from printing unless necessary.

**Retired Employees and Survivors
Premium Rates Effective January 1, 2015**

EXHIBIT A-1

SINGLE COVERAGE						
Retirees and survivors except for those who are 65 and older and enrolled in the Medicare Complement plan. See below.	Cost Share %	Full Monthly Rate	Monthly Commission Contribution	Monthly Retiree and Survivor Contribution	\$\$ Change in Retiree Contribution From 2014	Monthly COBRA Rates
Caremark Prescription	80%/20%	\$170.00	\$136.00	\$34.00	\$4.40	\$173.40
CIGNA Open Access Plus In EPO	80%/20%	\$552.00	\$441.60	\$110.40	\$0.00	\$563.04
UnitedHealthcare Choice Plus POS	80%/20%	\$578.00	\$462.40	\$115.60	\$6.00	\$589.56
UnitedHealthcare Select EPO	80%/20%	\$434.00	\$347.20	\$86.80	\$0.00	\$442.68
United Concordia Dental	80%/20%	\$36.93	\$29.55	\$7.38	\$0.00	\$37.67
Vision Service Plan - Low	80%/20%	\$3.90	\$3.12	\$0.78	\$0.13	\$3.98
Vision Service Plan - Moderate	See notes	\$6.94	\$3.12	\$3.82	\$0.63	\$7.08
Vision Service Plan - High	See notes	\$10.13	\$3.12	\$7.01	\$1.16	\$10.33

TWO-MEMBER COVERAGE						
Caremark Prescription	80%/20%	\$340.00	\$272.00	\$68.00	\$8.80	\$346.80
CIGNA Open Access Plus In EPO	80%/20%	\$1,104.00	\$883.20	\$220.80	\$0.00	\$1,126.08
UnitedHealthcare Choice Plus POS	80%/20%	\$1,156.00	\$924.80	\$231.20	\$12.00	\$1,179.12
UnitedHealthcare Select EPO	80%/20%	\$868.00	\$694.40	\$173.60	\$0.00	\$885.36
United Concordia Dental	80%/20%	\$73.85	\$59.08	\$14.77	\$0.00	\$75.33
Vision Service Plan - Low	80%/20%	\$7.83	\$6.27	\$1.56	\$0.26	\$7.99
Vision Service Plan - Moderate	See notes	\$13.89	\$6.27	\$7.62	\$1.26	\$14.17
Vision Service Plan - High	See notes	\$20.27	\$6.27	\$14.00	\$2.31	\$20.68

FAMILY COVERAGE						
Caremark Prescription	80%/20%	\$510.00	\$408.00	\$102.00	\$13.20	\$520.20
CIGNA Open Access Plus In EPO	80%/20%	\$1,656.00	\$1,324.80	\$331.20	\$0.00	\$1,689.12
UnitedHealthcare Choice Plus POS	80%/20%	\$1,734.00	\$1,387.20	\$346.80	\$18.00	\$1,768.68
UnitedHealthcare Select EPO	80%/20%	\$1,302.00	\$1,041.60	\$260.40	\$0.00	\$1,328.04
United Concordia Dental	80%/20%	\$110.78	\$88.63	\$22.15	\$0.00	\$113.00
Vision Service Plan - Low	80%/20%	\$11.73	\$9.39	\$2.34	\$0.38	\$11.96
Vision Service Plan - Moderate	See notes	\$20.84	\$9.39	\$11.45	\$1.88	\$21.26
Vision Service Plan - High	See notes	\$30.41	\$9.39	\$21.02	\$3.46	\$31.02

MEDICARE COMPLEMENT AND SPLIT FAMILY COVERAGE						
Post65 Retiree and all dependents in the UHC Medicare Complement Plan						
Single Coverage	80%/20%	\$245.00	\$196.00	\$49.00	\$10.00	N/A
Two Member Coverage	80%/20%	\$490.00	\$392.00	\$98.00	\$20.00	N/A
Family Coverage	80%/20%	\$735.00	\$588.00	\$147.00	\$30.00	N/A

Split Families in the UHC Medicare Complement Plan and POS Plans						
One in Complement/One in POS	80%/20%	\$823.00	\$658.40	\$164.60	\$16.00	N/A
One in Complement/Two in POS	80%/20%	\$1,401.00	\$1,120.80	\$280.20	\$22.00	N/A
Two in Complement/One or more in POS	80%/20%	\$1,068.00	\$854.40	\$213.60	\$26.00	N/A

Legal Resources - Legal Services	0%/100%	\$18.00	\$0.00	\$18.00	\$0.00	
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Notes:

Prescription drug coverage is separate from medical plans.

Vision: (Commission pays/ Employee pays) Low Option: 80%/20%. Moderate and High Options: 80% of low plan/Employee pays balance.

Fraternal Order of Police (FOP) Lodge No. 30
 Premium Rates Effective January 1, 2015

EXHIBIT A.2

SINGLE COVERAGE							
Plan	Cost Share %	Full Monthly Rate	Full Bi-Weekly Rates	Bi-Weekly Commission Contribution	Bi-Weekly Employee Contribution	\$\$ Change in Employee Contribution From 2014	Monthly COBRA Rates
Caremark Prescription	80%/20%	\$170.00	\$78.47	\$62.78	\$15.69	\$2.03	\$173.40
CIGNA Open Access Plus In EPO	80%/20%	\$552.00	\$254.77	\$203.82	\$50.95	\$0.00	\$563.04
UnitedHealthcare Choice Plus POS	80%/20%	\$578.00	\$266.77	\$213.42	\$53.35	\$2.77	\$589.56
UHC Medicare Complement (LTD only)	80%/20%	\$245.00	\$113.08	\$90.47	\$22.61	\$4.61	\$249.90
UnitedHealthcare Select EPO	80%/20%	\$434.00	\$200.31	\$160.25	\$40.06	\$0.00	\$442.68
United Concordia Dental	80%/20%	\$36.93	\$17.05	\$13.64	\$3.41	\$0.00	\$37.67
Vision Service Plan - Low	80%/20%	\$3.90	\$1.80	\$1.44	\$0.36	\$0.06	\$3.98
Vision Service Plan - Moderate	See notes	\$6.94	\$3.21	\$1.44	\$1.77	\$0.30	\$7.08
Vision Service Plan - High	See notes	\$10.13	\$4.68	\$1.44	\$3.24	\$0.54	\$10.33

TWO-MEMBER COVERAGE							
Plan	Cost Share %	Full Monthly Rate	Full Bi-Weekly Rates	Bi-Weekly Commission Contribution	Bi-Weekly Employee Contribution	\$\$ Change in Employee Contribution From 2014	Monthly COBRA Rates
Caremark Prescription	80%/20%	\$340.00	\$156.93	\$125.55	\$31.38	\$4.06	\$346.80
CIGNA Open Access Plus In EPO	80%/20%	\$1,104.00	\$509.54	\$407.64	\$101.90	\$0.00	\$1,126.08
UnitedHealthcare Choice Plus POS	80%/20%	\$1,156.00	\$533.54	\$426.84	\$106.70	\$5.53	\$1,179.12
UHC Medicare Complement (LTD only)	80%/20%	\$490.00	\$226.16	\$180.93	\$45.23	\$9.23	\$499.80
UnitedHealthcare Select EPO	80%/20%	\$868.00	\$400.62	\$320.50	\$80.12	\$0.00	\$885.36
United Concordia Dental	80%/20%	\$73.85	\$34.09	\$27.28	\$6.81	\$0.00	\$75.33
Vision Service Plan - Low	80%/20%	\$7.83	\$3.62	\$2.90	\$0.72	\$0.12	\$7.99
Vision Service Plan - Moderate	See notes	\$13.89	\$6.42	\$2.90	\$3.52	\$0.58	\$14.17
Vision Service Plan - High	See notes	\$20.27	\$9.36	\$2.90	\$6.46	\$1.06	\$20.68

FAMILY COVERAGE							
Plan	Cost Share %	Full Monthly Rate	Full Bi-Weekly Rates	Bi-Weekly Commission Contribution	Bi-Weekly Employee Contribution	\$\$ Change in Employee Contribution From 2014	Monthly COBRA Rates
Caremark Prescription	80%/20%	\$510.00	\$235.39	\$188.32	\$47.07	\$6.09	\$520.20
CIGNA Open Access Plus In EPO	80%/20%	\$1,656.00	\$764.31	\$611.45	\$152.86	\$0.00	\$1,689.12
UnitedHealthcare Choice Plus POS	80%/20%	\$1,734.00	\$800.31	\$640.25	\$160.06	\$8.31	\$1,768.68
UHC Medicare Complement (LTD only)	80%/20%	\$735.00	\$339.24	\$271.40	\$67.84	\$13.84	\$749.70
UnitedHealthcare Select EPO	80%/20%	\$1,302.00	\$600.93	\$480.75	\$120.18	\$0.00	\$1,328.04
United Concordia Dental	80%/20%	\$110.78	\$51.13	\$40.91	\$10.22	\$0.00	\$113.00
Vision Service Plan - Low	80%/20%	\$11.73	\$5.42	\$4.34	\$1.08	\$0.18	\$11.96
Vision Service Plan - Moderate	See notes	\$20.84	\$9.62	\$4.34	\$5.28	\$0.87	\$21.26
Vision Service Plan - High	See notes	\$30.41	\$14.04	\$4.34	\$9.70	\$1.60	\$31.02

OTHER BENEFIT PLAN RATES							
Plan	Cost Share %	Full Monthly Rate	Full Bi-Weekly Rates	Bi-Weekly Commission Contribution	Bi-Weekly Employee Contribution	\$\$ Change in Employee Contribution From 2014	Monthly COBRA Rates
CIGNA - Long Term Disability - FOP	0%/100%	\$2.13					
Legal Resources - Legal Services	0%/100%	\$18.00		\$0.00	\$9.00	\$0.00	
Basic Life Insurance	80%/20%	\$0.20					
AD&D	80%/20%	\$0.03					

Notes:

- Prescription drug coverage is separate from medical plans.
- Vision: (Commission/ Employee) Low Option: 80%/20%. Moderate and High Options: 80% of low plan/Employee pays balance.
- Basic Life Insurance: Commission 80%, Employee 20%; dependent life 100% by employee. Rates are \$1000 of eligible salary.
- Cigna Long Term Disability: Rates are per \$100 of monthly benefit.
- Legal Resources: Employee pays 100%. \$9.00 bi-weekly deducted on the 1st and 2nd pay periods of the month.

Municipal and County Government Employees Organization (MCGEO) Local 1994,
Non-Union Represented and Term Contract Employees
Premium Rates Effective January 1, 2015

SINGLE COVERAGE							
Plan	Cost Share %	Full Monthly Rate	Full Bi-Weekly Rates	Bi-Weekly Commission Contribution	Bi-Weekly Employee Contribution	\$\$ Change in Employee Contribution From 2014	Monthly COBRA Rates
Caremark Prescription	85%/15%	\$170.00	\$78.47	\$66.70	\$11.77	\$1.53	\$173.40
Caremark Prescription - Term Contract	50%/50%	\$170.00	\$78.47	\$39.24	\$39.23	\$5.08	\$173.40
CIGNA Open Access Plus In EPO	80%/20%	\$552.00	\$254.77	\$203.82	\$50.95	\$0.00	\$563.04
CIGNA OAPIN EPO - Term Contract	50%/50%	\$552.00	\$254.77	\$127.39	\$127.38	\$0.00	\$563.04
UnitedHealthcare Choice Plus POS	80%/20%	\$578.00	\$266.77	\$213.42	\$53.35	\$2.77	\$589.56
UHC Medicare Complement Plan (LTD only)*	80%/20%	\$245.00	\$113.08	\$90.47	\$22.61	\$4.61	\$249.90
UnitedHealthcare Select EPO	85%/15%	\$434.00	\$200.31	\$170.27	\$30.04	\$0.00	\$442.68
UHC Select EPO - Term Contract	50%/50%	\$434.00	\$200.31	\$100.16	\$100.15	\$0.00	\$442.68
United Concordia Dental	80%/20%	\$36.93	\$17.05	\$13.64	\$3.41	\$0.00	\$37.67
Vision Service Plan - Low	80%/20%	\$3.90	\$1.80	\$1.44	\$0.36	\$0.06	\$3.98
Vision Service Plan - Moderate	See notes	\$6.94	\$3.21	\$1.44	\$1.77	\$0.30	\$7.08
Vision Service Plan - High	See notes	\$10.13	\$4.68	\$1.44	\$3.24	\$0.54	\$10.33
TWO-MEMBER COVERAGE							
Caremark Prescription	85%/15%	\$340.00	\$156.93	\$133.40	\$23.53	\$3.04	\$346.80
Caremark Prescription - Term Contract	50%/50%	\$340.00	\$156.93	\$78.47	\$78.46	\$10.15	\$346.80
CIGNA Open Access Plus In EPO	80%/20%	\$1,104.00	\$509.54	\$407.64	\$101.90	\$0.00	\$1,126.08
CIGNA OAPIN EPO - Term Contract	50%/50%	\$1,104.00	\$509.54	\$254.77	\$254.77	\$0.00	\$1,126.08
UnitedHealthcare Choice Plus POS	80%/20%	\$1,156.00	\$533.54	\$426.84	\$106.70	\$5.53	\$1,179.12
UHC Medicare Complement Plan (LTD only)*	80%/20%	\$490.00	\$226.16	\$180.93	\$45.23	\$9.23	\$499.80
UnitedHealthcare Select EPO	85%/15%	\$868.00	\$400.62	\$340.53	\$60.09	\$0.00	\$885.36
UHC Select EPO - Term Contract	50%/50%	\$868.00	\$400.62	\$200.31	\$200.31	\$0.00	\$885.36
United Concordia Dental	80%/20%	\$73.85	\$34.09	\$27.28	\$6.81	\$0.00	\$75.33
Vision Service Plan - Low	80%/20%	\$7.83	\$3.62	\$2.90	\$0.72	\$0.12	\$7.99
Vision Service Plan - Moderate	See notes	\$13.89	\$6.42	\$2.90	\$3.52	\$0.58	\$14.17
Vision Service Plan - High	See notes	\$20.27	\$9.36	\$2.90	\$6.46	\$1.06	\$20.68
FAMILY COVERAGE							
Caremark Prescription	85%/15%	\$510.00	\$235.39	\$200.09	\$35.30	\$4.57	\$520.20
Caremark Prescription - Term Contract	50%/50%	\$510.00	\$235.39	\$117.70	\$117.69	\$15.23	\$520.20
CIGNA Open Access Plus In EPO	80%/20%	\$1,656.00	\$764.31	\$611.45	\$152.86	\$0.00	\$1,689.12
CIGNA OAPIN EPO - Term Contract	50%/50%	\$1,656.00	\$764.31	\$382.16	\$382.15	\$0.00	\$1,689.12
UnitedHealthcare Choice Plus POS	80%/20%	\$1,734.00	\$800.31	\$640.25	\$160.06	\$8.31	\$1,768.68
UHC Medicare Complement Plan (LTD only)	80%/20%	\$735.00	\$339.24	\$271.40	\$67.84	\$13.84	\$749.70
UnitedHealthcare Select EPO	85%/15%	\$1,302.00	\$600.93	\$510.80	\$90.13	\$0.00	\$1,328.04
UHC Select EPO - Term Contract	50%/50%	\$1,302.00	\$600.93	\$300.47	\$300.46	\$0.00	\$1,328.04
United Concordia Dental	80%/20%	\$110.78	\$51.13	\$40.91	\$10.22	\$0.00	\$113.00
Vision Service Plan - Low	80%/20%	\$11.73	\$5.42	\$4.34	\$1.08	\$0.18	\$11.96
Vision Service Plan - Moderate	See notes	\$20.84	\$9.62	\$4.34	\$5.28	\$0.87	\$21.26
Vision Service Plan - High	See notes	\$30.41	\$14.04	\$4.34	\$9.70	\$1.60	\$31.02
OTHER BENEFIT PLAN RATES							
CIGNA - Long Term Disability - FOP	0%/100%	\$1.44					
Legal Resources - Legal Services	0%/100%	\$18.00		\$0.00	\$9.00	\$0.00	
Life Insurance	80%/20%	\$0.20					
AD&D	80%/20%	\$0.03					

Notes:

Prescription drug coverage is separate from medical plans.

Vision: (Commission pays/ Employee pays) Low Option: 80%/20%. Moderate and High Options: 80% of low plan/Employee pays balance.

Basic Life Insurance: Commission pays 80%, Employee pays 20%; dependent is paid 100% by employee. Rates are \$1000 of eligible salary.

Cigna Long Term Disability: Rates are per \$100 of monthly benefit.

Legal Resources: Employee pays 100%. \$9.00 bi-weekly deducted on the 1st and 2nd pay periods of the month.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
 BY DEPARTMENT AS OF JULY 2014

	31 - 60 DAYS	61 - 90 DAYS	91 + DAYS	DEPARTMENT TOTALS				
	06/14	07/14	06/14	07/14	06/14	07/14	07/14	
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	
OFFICE OF CIO	0	0	0	0	0	0	0	
INTERNAL AUDIT	0	0	0	0	0	0	0	
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	
DEPT. OF HUMAN RESOURCES & MGT.	2	1	0	0	0	2	1	
LEGAL DEPARTMENT	1	0	0	0	0	1	0	
FINANCE DEPARTMENT	1	1	1	0	0	1	1	
PRINCE GEORGE'S PLANNING	0	0	0	0	0	0	0	
PRINCE GEORGE'S PARKS & RECREATION	3	4	0	0	0	3	4	
MONTGOMERY COUNTY PARKS	0	3	0	0	0	0	3	
MONTGOMERY COUNTY PLANNING	1	2	0	0	1	2	2	
DEPARTMENT TOTAL BY DAYS LATE	8	11	0	0	1	0	---	
COMMISSION WIDE TOTAL:							9	11

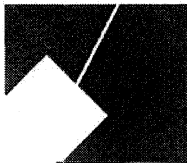
*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF AUGUST 2014

	31 - 60 DAYS	61 - 90 DAYS	91 + DAYS	DEPARTMENT TOTALS		

	07/14	08/14	07/14	08/14	07/14	08/14
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0
OFFICE OF CIO	0	1	0	0	0	1
INTERNAL AUDIT	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	0	1	0	0	1
LEGAL DEPARTMENT	0	1	0	0	0	1
FINANCE DEPARTMENT	1	3	0	0	0	3
PRINCE GEORGE'S PLANNING	0	0	0	0	0	0
PRINCE GEORGE'S PARKS & RECREATION	4	0	3	0	4	3
MONTGOMERY COUNTY PARKS	3	2	0	0	3	2
MONTGOMERY COUNTY PLANNING	2	3	0	1	2	4
DEPARTMENT TOTAL BY DAYS LATE	11	10	0	5	1	---
COMMISSION WIDE TOTAL:						11 15

*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.

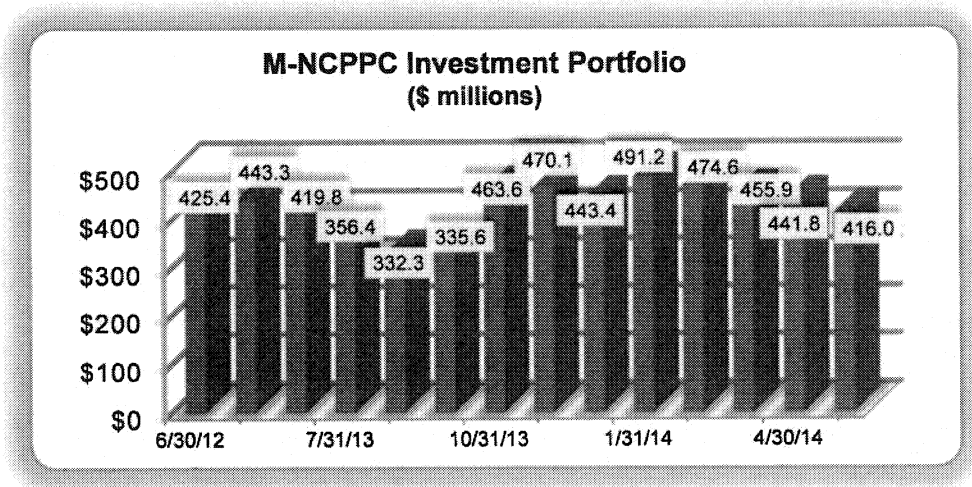


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

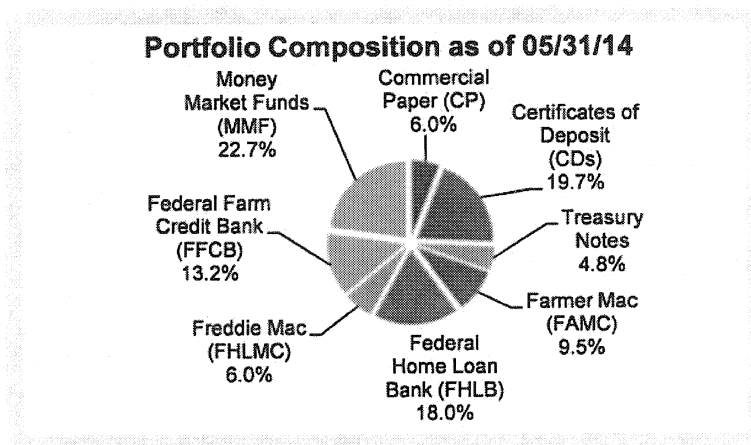
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
DATE: 7/22/2014
SUBJECT: Investment Report – May 2014

The Commission's pooled cash investment portfolio totaled \$416.0 million as of May 31, 2014, with a 5.84% decrease from April 30, 2014. Details are as follows:

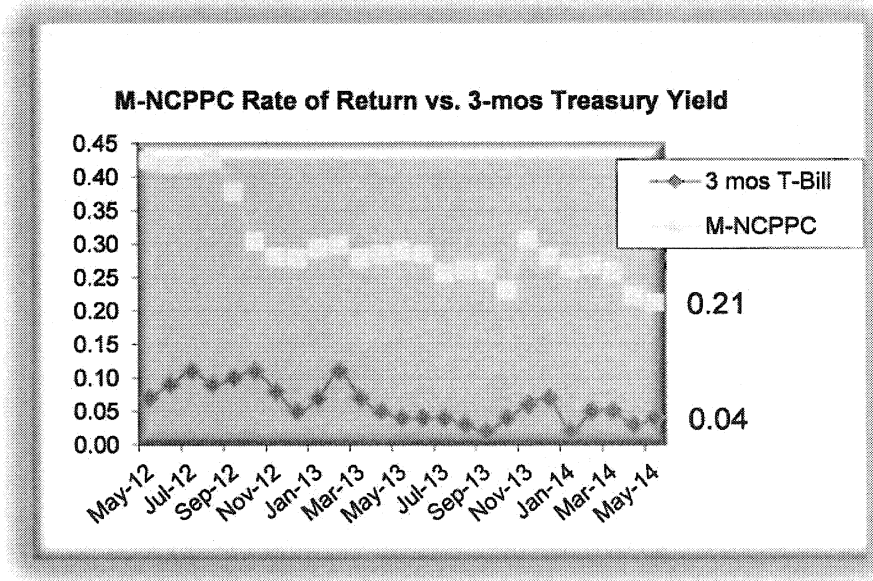


The composition of the pooled cash portfolio as of May 31, 2014 is summarized below:

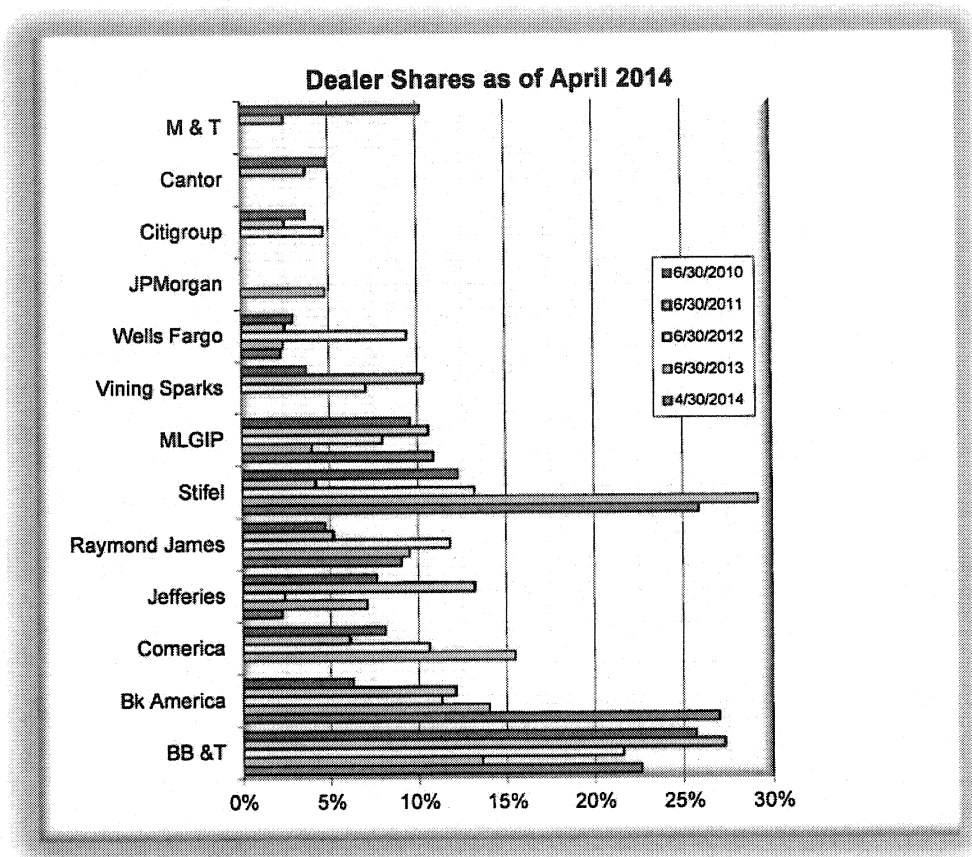


Current Investment Portfolio - May 2014				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Money Funds	25%	23%	\$ 94,503,722	n/a
Certificates of Deposit	50%	20%	82,000,000	0.17%
Federal Home Loan Banks	20%	18%	75,000,000	0.27%
Federal Farm Credit Bureau	20%	13%	55,000,000	0.27%
Farmer Mac	20%	10%	39,500,000	0.23%
Freddie Mac	20%	6%	25,000,000	0.46%
Commercial Paper	10%	6%	25,000,000	0.53%
Treasury Notes	100%	5%	20,000,000	0.25%
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 416,003,722	0.21%

The pooled cash portfolio complied with all policy limits with regard to product types and proportions throughout the month.



In addition to the product limits, portfolio purchases also adhered to the 30% limit per dealer. Dealer participation is shown below:



The market values of unspent debt balances (invested by T. Rowe Price) were as follows:

Market Value- 05/31/14	
Prince George's County (PGC-2014A)	\$ 27,484,328
Montgomery County (MC-2012A)	2,094,251
Montgomery County (MC-2012B)	874,398
	<u>\$ 30,452,977</u>

The Commission had debt service payments during the month totaling \$3,948,690, of which \$3,316,975 was principal and \$631,715 was interest.

Details by issue of debt outstanding as of May 31, 2014 appear below:

Debt Balances - May 2014					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	7,251,148	42%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	9,285,000	66%	Mar-10	May-21
EE-2	37,525,000	6,940,000	18%	Mar-04	Jan-24
PG-2012A	11,420,000	9,650,000	85%	Jun-12	Jun-24
JJ-2	8,900,000	6,415,000	72%	May-07	May-27
PG-2014A	26,565,000	26,565,000	100%	May-14	Jan-34
Total Prince George's County	\$ 115,790,000	\$ 66,106,148	57%		
Montgomery County					
HH-2	5,445,000	335,000	6%	Jul-05	Jul-14
DD-2(ALA)	1,550,000	150,000	10%	Dec-02	Dec-14
CC-2	12,155,000	275,000	2%	Dec-02	Dec-14
LL-2	8,405,000	5,340,000	64%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,280,000	64%	Nov-04	Dec-24
FF-2	4,000,000	880,000	22%	Nov-04	Dec-24
II-2	4,700,000	3,405,000	72%	Mar-07	Apr-27
MM-2	5,250,000	4,200,000	80%	May-09	Nov-28
MC-2012A	12,505,000	12,110,000	97%	Apr-12	Dec-32
MC-2012B	3,000,000	2,880,000	96%	Apr-12	Dec-32
Total Montgomery County	\$ 59,010,000	\$ 30,855,000	52%		
Total	\$ 174,800,000	\$ 96,961,148	55%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2014 - May 31, 2014

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
US Government		100%			All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined		60%			
US Federal Agencies - each		20%			
Repurchase Agreements		60%			
CD's and Time Deposits		50%			
Commercial Paper		10%			
Money Market Mutual Funds		25%			
MD Local Gov't Investment Pool		25%			
Investing Bond Proceeds:					
State and local agency securities		100%			
Money Market Mutual Funds		10%			
Bond Proceeds:				Yes	T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities					
Highly-rated money market mutual funds					
(Max. 10% in lower-rated funds)					
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers				Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants		30%		Yes	No dealer share exceeded 30%
Competitive Bidding				Yes	All purchases awarded competitively.
Diversification of Maturities				Yes	All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.					
Require third-party collateral and safekeeping, and delivery-versus-payment settlement				Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity			Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return			Yes		Exceeded by 17 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.21% and 0.04%, respectively.					



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

Reply To

August 20, 2014

Adrian R. Gardner
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
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MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission
FROM: Adrian R. Gardner
General Counsel
RE: Litigation Report for the Month of July 2014

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, September 17, 2014. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

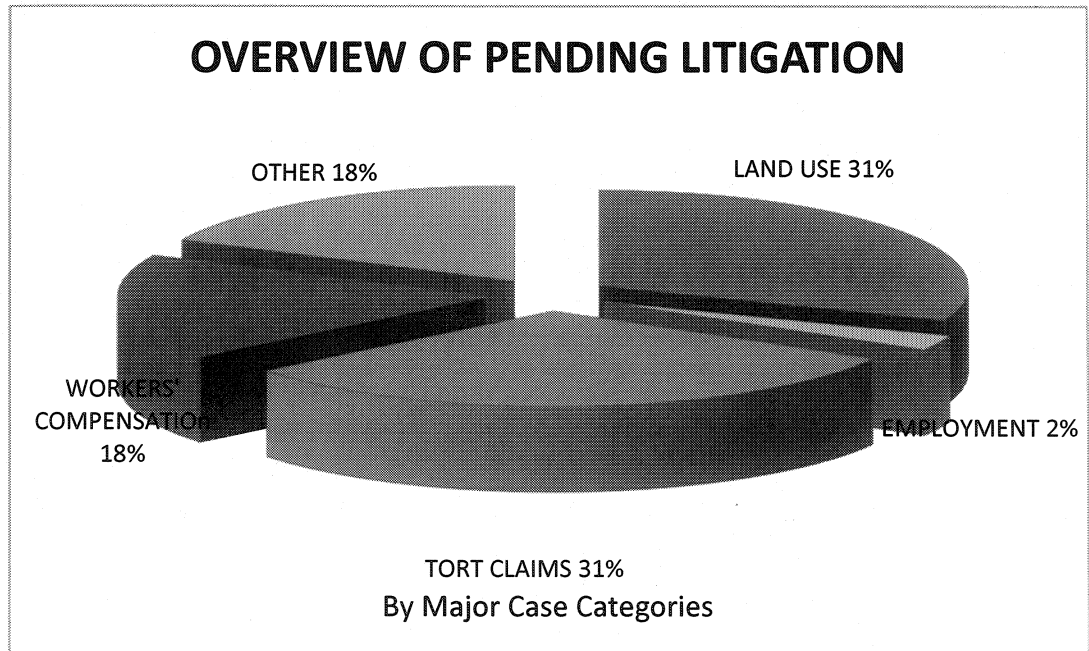
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July 2014 Composition of Pending Litigation

(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		4	2			7
Admin Appeal: Other							0
Land Use Dispute	1						1
Tort Claims	12						12
Employment Dispute		1					1
Contract Dispute	4	1	1				6
Property Dispute	2		1	1			4
Civil Enforcement	2						2
Workers' Compensation	7						7
Debt Collection							0
Bankruptcy							0
Miscellaneous		1					1
Per Forum Totals	29	3	6	3	0	0	41



July 2014 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2015			
	Pending Last Month	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	9	1	3	9	1	3	7
Admin Appeal: Other (AAO)	-			-			-
Land Use Disputes (LD)	1			1			1
Tort Claims (T)	10	3	1	10	3	1	12
Employment Disputes (ED)	1			1			1
Contract Disputes (CD)	4	2		4	2		6
Property Disputes (PD)	4			4			4
Civil Enforcement (CE)	1	1		1	1		2
Workers' Compensation (WC)	10		3	10		3	7
Debt Collection (D)	-			-			-
Bankruptcy (B)	-			-			-
Miscellaneous (M)	1			1			1
Totals	41	7	7	41	7	7	41

**INDEX OF YTD NEW CASES
(7/1/2014 TO 6/30/15)**

<u>A. New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Glessner v. Commission	PGParks	Tort	July 2014
Jones v. Commission	PGParks	Tort	July 2014
Hawkins v. Commission	PGParks	Tort	July 2014
Howard Entertainment v. Commission	PGParks	CD	July 2014
Commission v. Paniagua	MC	CD	Aug 2014
Commission v. Pirtle	MC	CE	Aug 2014
<u>B. New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Rock Creek Hills Citizens Assoc. v. Commission	MCPB	AALU	July 2014

**INDEX OF YTD RESOLVED CASES
(7/1/2014 TO 6/30/15)**

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Sweeney	PG	WC	July 2014
Commission v. Ferman	MC	WC	July 2014
Beatty v. Montgomery County, et al	MC	Tort	July 2014
Commission v. Rivera	PG	WC	July 2014
<u>D. Appellate Court Cases Resolved.</u>			
Slover et al. v. Montgomery County Planning Board	MCPB	AALU	July 2014
Rock Creek Hills Citizens Assoc. v. Commission	MCPB	AALU	July 2014
Arking, et al v. MCPB	MCPB	AALU	July 2014

Disposition of FY15 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employee Retirement System		
Finance Department		
Department of Human Resources and Management		
Montgomery County Department of Planning Slover et al. v. Montgomery County Planning Board	Petition for Judicial review of the Planning Board decision to approve two-lot subdivision located at 9490 River Road in Potomac filed by project opponents.	Order of Court of Special Appeals affirming Judgment on 06/20/14.
Rock Creek Hills Citizens Association, et al v. Commission	Declaratory Judgment in Montgomery County Circuit Court attempting to stop transfer & development of Commission owned property as Association lacks standing to pursue the Federal Land and Water Conservation Fund claims.	Opinion from Court of Special Appeals affirming Montgomery County judgment on 05/27/14.
Montgomery County Department of Parks Beatty v. Montgomery County, et al.	Claimant is suing for tort arising from slip and fall.	Order by Court of Special Appeals affirming Judgment on 06/4/14.
Commission v. Fermin	WCC awarded 15% permanent partial disability under "other cases" and Commission appealed.	Case Settled and Dismissed on 04/11/14.
Montgomery County Park Police		
Montgomery County Planning Board Arking, et al. v. MCPB	Petition for writ of certiorari seeking review of Court of Special Appeals order affirming Planning Board re-subdivision approval.	Petition for Writ of Certiorari denied on 04/21/14.
Prince George's County Department of Parks and Recreation		

Commission v. Rivera	Commission is appealing the WCC's decision regarding permanency award	Case dismissed on 06/25/14.
Commission v. Sweeney	WCC ordered temporary total disability and Commission appealed. CAL13-35118	Case settled and dismissed on 3/24/14.
Prince George's County Planning Department		
Prince George's County Planning Board		
Prince George's Park Police		

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Bundu v. Soresi

Case No. 050200101202014(T)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for injuries sustained in a motor vehicle accident in a vehicle allegedly operated by Commission employee. Plaintiff seeking \$15,000 in damages.

Status: Complaint filed.

Docket:

04/30/14	Complaint filed
08/13/14	Trial held. Judgment for Plaintiff in amount of \$7,510.10

GEICO v. Ness, et al

Case No. 050200328172013 (T)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for property damage to a motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Complaint filed.

Docket:

12/11/13	Complaint filed
08/22/14	Trial

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Letke Security Contract v. Commission

Case No. 060200078312014 (CD)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for breach of contract.

Status: Complaint filed.

Docket:

05/12/14	Complaint filed
09/03/14	Trial

Commission v. Paniagua

Case No. 28702 (CD)

Lead Counsel: Harvin
Other Counsel:

Abstract: Claim for breach of rental contract.

Status: Complaint filed.

Docket:

08/15/14	Complaint filed
09/10/14	Trial

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Anderson v. Commission

Case No. CAL14-07980 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim seeking damages for injuries to a minor sustained in an altercation while attending Rollingcrest/Chillum Community Center Park.

Status: Complaint filed.

Docket:

04/07/14	Complaint filed
05/30/14	Motion to Dismiss filed by Commission

Bell v. Commission

Case No. CAL13-35417 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claims seeking damages for injuries sustained at the Sports & Learning Complex.

Status: In discovery.

Docket:

11/19/13	Complaint filed
12/09/13	Answer filed
04/23/14	Pretrial Conference Scheduled
10/01/14	Trial

Butler v. Commission

Case No. CAL14-00382 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim seeking damages for injuries sustained in an accident with a vehicle driven by a Park Police officer.

Status: Pending Trial

Docket:

01/22/14	Complaint filed
06/30/14	Commission's Motion for Partial Summary Judgment Granted; liability is entered in favor of the Plaintiff, scheduled for trial on the issue of damages only
08/15/14	Pretrial conference

Commission v. 6509 Rhode Island Realty Corp.

Case No. CAL 13-20939 (PD)

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Complaint filed.

Docket:

07/19/13	Complaint for condemnation filed
03/19/14	Summons issued for Defendant
06/05/14	Motion to Request Reissue of Summons

Commission v. Fleming

CAL 14-15514 (Tort)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission filed a lawsuit for personal injuries sustained by Commission employee.

Status: Complaint filed.

Docket:

06/20/14	Complaint filed
07/31/14	Defendant served via certified mail

Commission v. MARCOPOLO GF Co.

Case No. CAL 13-20940 (PD)

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Complaint filed.

Docket:

07/19/13	Complaint for condemnation filed
07/16/14	Motion for Order of Default filed

Duvall v. Commission
CAL14-13457 (LD)

Lead Counsel: Havin
Other Counsel: Dickerson

Abstract: Defense of claim for land dispute.

Status: Complaint filed.

Docket:

05/30/14	Complaint filed.
06/13/14	Amended Complaint filed.
07/09/14	Motion to Dismiss filed by Commission

Glessner v. Surratt House
CAL 14-17158 (T)

Lead Counsel: Havin
Other Counsel: Dickerson

Abstract: Defense of tort claim against a Commission employee and facility based on the alleged slander of authenticity regarding a photograph the plaintiff purports to be of Abraham Lincoln.

Status: Complaint filed.

Docket:

07/02/14	Complaint filed.
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Hawkins v. Commission
CAL14-17950 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of tort claim for near drowning while taking swimming lessons at Prince George's Sports and Learning Center in Landover, Maryland.

Status: Complaint filed.

Docket:

05/30/14	Complaint filed.
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Jones v. Commission

CAL14-17154 (T)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Defense of claim for trip and fall on alleged broken concrete and loose gravel at Tucker Road Community Center, Fort Washington, Md on 7/30/12.

Status: Complaint filed.

Docket:

07/15/14	Complaint filed.
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Kelly v. Commission

CAL 14-13688 (T)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for injuries sustained in alleged slip and fall at Newton White Mansion.

Status: Complaint filed.

Docket:

06/12/14	Complaint filed; transferred from District Court, jury trial prayed
10/23/14	Pre-trial conference

Litrenta v. Commission, et al.

Case No. CAL13-15566 (T)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Defense of tort claim for personal injuries allegedly sustained when the plaintiff was the passenger on a Commission golf cart and fell out while his acquaintance was driving. The driver is also named as a defendant.

Status: In discovery.

Docket:

06/04/13	Complaint filed
07/24/13	Motion to Dismiss filed
09/20/13	Answer to Plaintiff's Amended Complaint filed
10/03/13	Commission filed cross-claim against Co-Defendant Lao
11/05/13	Cross-Defendant/Co-Defendant filed a Motion to Dismiss Plaintiff's original complaint for insufficient service of process.

01/27/14	Co-Defendant's Answer to Commission's Cross Claim filed
01/29/14	Co-Defendant's Line Withdrawing Motion to Dismiss filed
05/12/14	Second Amended Complaint filed
05/22/14	Commission filed Answer to Second Amended Complaint
05/30/14	Commission filed for Motion for Discovery Sanctions against Litrenta
06/05/14	Commission withdraws Motion for Sanctions
08/04/14	Pre-Trial conference held
08/04/14	Motion for Summary Judgment filed
08/11/14	Co-Defendant's Opposition to Commission's Motion for Summary Judgment
10/21/14	ADR Hearing
12/01/14	Trial

Phoenix v. Commission
Commission v. Greater Washington Umpires Association
Case No. CAL13-29010 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim seeking damages for injuries sustained during a baseball game at Fletcher's Field. Commission filed a third party complaint against game officials.

Status: In discovery

Docket:

10/03/13	Complaint filed
12/09/13	Answer filed
04/10/14	3 rd Party Complaint filed
10/21/14	Pre-trial conference
12/02/14	Trial

Reijerson v. Commission
Case No. CAL13-11339 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 10% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

04/13/13	Petition for Judicial Review filed
04/29/13	Response to Petition filed
09/22/14	Trial

Rivera v. Commission
CAL13-37715 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanency award.

Status: Pending Pre-Trial Conference

Docket:

12/19/13	Petition filed
01/14/14	Response to Petition filed
03/24/15	Trial

Savoy, D. v. Commission
Case No. CAL14-09608 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 9% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

04/29/14	Petition for Judicial Review filed
05/08/14	Response to Petition filed
09/09/14	Pre-trial conference

Savoy, G. v. Commission
Case No. CAL14-09719 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 2% permanent partial disability of right hand and claimant appealed.

Status: Pending Trial

Docket:

05/02/14	Petition for Judicial Review filed
05/14/14	Response to Petition filed
11/03/14	Pretrial Conference

White v. Commission
Case No. CAL12-07503 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC ordered certain surgery not causally related to accident injury and claimant appealed.

Status: Pending Trial

Docket:

03/07/12	Petition for Judicial Review filed
05/06/13	Motion to remand granted; case remanded to WCC
05/08/14	Motion to Reinstate filed
06/20/14	Hearing; Motion to Reinstate granted
10/15/14	Trial Date

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. Johnson

Case No. 366677-V (CE)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Further collection action.

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued
01/22/14	Order-Defendant must respond to Plaintiff's Interrogatories by 2/17/14

Commission v. Pirtle

Case No. 394157-V (CE)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Petition filed.

Docket:

08/12/14	Petition filed.
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Fort Myer Construction Corporation v. Commission
Commission v. URS Corporation (Third-party claim by Commission)

Case No. 369478-V (CD)

Lead Counsel: Saul Ewing (Garry Boehlert)
Other Counsel: Dickerson; MarcusBonsib, LLC (Bruce L. Marcus)

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County. Commission filed third party complaint for alleged breach of contract seeking contribution and indemnity, and defense from URS Corporation.

Status: Awaiting ruling on pending motion.

Docket:

10/12/12	Complaint filed
01/10/13	Motion to Dismiss for Failure to Exhaust Administrative Remedies

01/10/13	Motion to Dismiss for Insufficient Service
01/11/13	Scheduling Hearing
01/11/13	Plaintiff's Designation of Experts
01/28/13	Commission's Notice of Service of Discovery
01/28/13	Plaintiff's Opposition to Motions to Dismiss
01/30/13	Plaintiff's First Amended Response to Motions to Dismiss
02/04/13	Commission's Reply in Further Support of Motion to Dismiss
02/04/13	Commission's Reply to Plaintiff's Response to Motion to Dismiss
02/11/13	Orders Denying Commission's Motion to Dismiss
02/26/13	Commission's Answer
03/12/13	Commission's Designation of Experts
03/27/13	Commission's Third Party Complaint
05/09/13	Third Party's Answer to Third Party Complaint
11/19/13	Commission's Motion for Discovery Sanctions Against Ft. Myer filed
12/20/13	Hearing on pending discovery motions held and court refers case to Special Discovery Master for recommendations on appropriate sanctions against Ft. Myer and other pending discovery issues.
02/27/14	URS Motion to Dismiss Ft. Myer's Complaint against Commission, or alternatively Motion for Summary Judgment
03/31/14	Motions hearing held
03/31/14	Fort Myer's case dismissed without prejudice
03/31/14	Motions of URS and Commission regarding third party claim taken under advisement
04/11/14	Commission's Motion for Sanctions for Lack of Substantial Justification of Attorney's Fees and Costs against Fort Myers Construction
04/11/14	URS's Motion for Sanctions
04/28/14	Court granted Motion for Sanctions and awarded Commission's Attorney's Fees and Costs against Fort Myer Construction in the amount of \$376,597.68.
04/28/14	Court granted Motion for Sanctions by URS and awarded Attorney's Fees and Costs against Fort Myer Construction in the amount of \$248,638.31.
05/05/14	Court enters Judgment in amount of \$103,420 in favor of URS on Counterclaim against Commission.
05/05/14	Court rules in favor of Commission on Third Party Complaint against URS holding that URS owed Commission a duty to defend.
05/15/14	Commission files Motion to Set Hearing on damages associated with failure of URS to defend issue.
05/15/14	URS files notice of appeal on duty to defend issue
05/23/14	Appearance of new counsel entered for Fort Myer
05/30/14	URS files opposition to Commission's Motion to Set Hearing on Damages
06/02/14	Court enters judgment in favor of Commission and URS for sanctions Court awarded against Fort Myer.
06/02/14	Court denied Motion for Sanctions filed by Fort Myer.
06/04/14	Notice of Appeal filed with COSA by Plaintiff
06/12/14	Motion of Stay of Execution of Judgment filed by Plaintiffs.

06/16/14	Commission's reply to URS's Opposition to Commission's Motion to Set Hearing on Damages
07/14/14	Order of Court granting Stay of Execution of Judgment and acceptance of supersedeas bonds pending appeal.

Howard Entertainment, Inc. v. Commission

Case No. 393333-V (CD)
(Originally filed in District Court under Case #0602-0009462-2014)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Plaintiff filed complaint for breach of contract of payment for services for Southern Area Operations Festival of Nations

Status: In discovery.

Docket:

06/06/14	Complaint filed in District Court
07/14/14	Commission filed Intent to Defend and Request for Jury Trial
07/23/14	Bill of Complaint transferred to Circuit Court
12/30/14	Pretrial hearing

Kaviani v. Montgomery County Planning Board

Case No. 386387-V (AALU)

Lead Counsel: Dumais
Other Counsel: Lieb

Abstract: Petition for judicial review of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.

Status: Petition for Judicial Review filed

Docket:

01/22/14	Petition filed
02/25/14	Commission's Response to Petition for Judicial Review
08/20/14	Hearing

Munoz-Saucedo v. Commission

Case No. 388096 -V (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 5% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

03/10/14	Petition for Judicial Review filed
03/19/14	Commission Response filed
08/15/14	Pre-Trial Hearing
12/02/14	Trial

Munoz-Saucedo v. Commission

Case No. 388097 -V (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 5% permanent partial disability to first (index) finger on left hand and claimant appealed.

Status: Pending Trial

Docket:

03/10/14	Petition for Judicial Review filed
03/19/14	Commission Response filed
08/15/14	Pre-Trial Hearing
12/09/14	Trial

MARYLAND COURT OF SPECIAL APPEALS

Bernando Rene Flores v. Commission

September Term 2013, Case No. 01239(PD)

Lead Counsel: Mills
Other Counsel:

Abstract: Defense against Petition for Declaratory Judgment to invalidate Owner's Dedication of Green Space despite tax sale.

Status: Awaiting oral argument

Docket:

08/26/13	Notice of Appeal
09/02/14	Oral Argument

Fort Myer Construction Corporation v. Commission

September Term 2014, Case No. 00567(CD)

Lead Counsel: Saul Ewing (Garry Boehlert)
Other Counsel: Dickerson; MarcusBonsib, LLC (Bruce L. Marcus)

Abstract: Third Party Defendant noted appeal from Court's ruling in Commission's favor that URS owed the Commission duty to defend litigation. Plaintiff noted appeal from Court's award of monetary sanctions against it in favor of the Commission and URS Corporation.

Status: Pending Scheduling of oral argument.

Docket:

05/15/14	Notice of Appeal filed by Third Party Defendant, URS
06/04/14	Notice of Appeal filed by Plaintiff

Hall, et al. v. Commission

September Term 2009, No. 01247 (AALU)

Lead Counsel: Johnson
Other Counsel:

Abstract: Defense against Petition for Judicial Review of Planning Board's decision to approve Bundy's Subdivision of Birdlawn Preliminary Plan 4-06158.

Status: Pending scheduling of oral argument

Docket:

07/24/09	Petitioners Aimee Gray and the Estate of Affie Gray filed Notice of Appeal
09/11/14	Oral Argument

McClure v. Montgomery County Planning Board

September Term 2013, No. 01031 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed from the Circuit Court ruling in the case of 21611 Ripplemead Drive; rejecting property owner's claim that lot not covered by conservation easement.

Status: Pending scheduling of oral argument

Docket:

08/01/13	Notice of Appeal
04/03/14	Order re-scheduling case to November 2014 session

Sahady v. Montgomery County Planning Board

September Term 2013, No. 01032 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive wherein Court rejected property owner's claim that his lot is not covered by a valid conservation easement

Status: Awaiting Decision

Docket:

08/01/13	Notice of Appeal
02/07/14	Appellant's Brief filed
04/10/14	Appellee's Brief filed
06/04/14	Oral Argument

Smith v. Montgomery County Planning Board

September Term 2013, No. 00774 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Commission appealed Circuit Court ruling for forest conservation violations at 21627 Ripplemead Drive.

Status: Awaiting Decision.

Docket:

06/21/13	Notice of Appeal filed
03/07/14	Commission's Brief filed
06/11/14	Oral Argument

MARYLAND COURT OF APPEALS

Kelly Canavan, et al v. Commission

September Term 2014, Petition Docket No. 33 (AALU)

Lead Counsel: Johnson
Other Counsel: Mills

Abstract: Petition for writ of certiorari seeking review of Court of Special Appeals order affirming Prince George's County Circuit Court decision on 02/19/13 to uphold the Planning Board's approval of Saddle Creek's preliminary Plan of Subdivision.

Status: Petition for Writ of Certiorari filed.

Docket:

05/02/14	Petition for Writ of Certiorari filed
05/20/14	Commission's answer in opposition to Petition for Certiorari.
07/21/14	Petitioner's Petition for Writ of Certiorari denied

Rock Creek Hills Citizens Association, et al v. Commission

September Term 2014, Petition Docket No. 213 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Declaratory Judgment attempting to stop transfer & development of Commission owned property

Status: Awaiting decision

Docket:

06/09/14	Petition for Writ of Certiorari filed.
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Rounds v. Commission

September Term 2014, No. 00019 (PD)

Lead Counsel: Gardner
Other Counsel: Dickerson

Abstract: Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Awaiting oral argument.

Docket:

11/01/13	Petition for Writ of Certiorari
11/12/13	Answer in Opposition to Petition for Writ of Certiorari
12/20/13	Cert Granted
06/30/14	Order re-scheduling case to November, 2014 session
11/12/14	Oral Argument

U.S. DISTRICT COURT OF MARYLAND

American Humanist Association, et al v. Commission

Case #8:14-CV550-DKC (M)

Lead Counsel: Dickerson
Other Counsel: Gardner

Abstract: Defense of claim alleging religious advancement on public property

Status: Answer filed.

Docket:

02/25/14	Complaint filed in U. S. District Court for the District of MD
04/28/14	Answer filed
04/25/14	Motion for Leave to submit Amicus filed by interested Marylanders
05/01/14	Motion to Intervene filed by American Legion entities
05/06/14	Opposition filed by American Humanist Association
05/23/14	American Legion's Reply in Support of Motion to Intervene

Hartford Casualty Insurance Company v. Commission

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

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

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

Status: Case stayed.

Docket:

06/18/13	Complaint filed
05/27/14	Plaintiff filed Consent Motion to Stay
05/28/14	Court stays case
09/25/14	Joint Status Report due

Streeter v. Commission
Case No. 12-CV-0976 RWT(ED)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination and retaliatory termination.

Status: Awaiting Final Order

Docket:

01/17/12	Complaint filed in Circuit Court for Prince George's County
04/03/12	Case removed to U.S. District Court
04/10/12	Commission's Preliminary Motion to Dismiss filed
01/07/13	Motion granted with conditions
03/27/14	Commission's Motion to Dismiss Complaint w/prejudice filed
03/28/14	Letter from Clerk advising Plaintiff of right to file response within 17 days or be subjected to dismissal.
07/02/14	Plaintiff files Motion to Continue with interrogatory questions.

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