

# ITEM 1

## MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MEETING

**Wednesday, October 22, 2014**

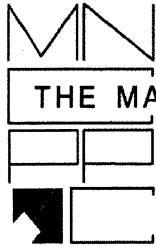
**MRO 9:30 a.m. – 11:30 a.m.**

				ACTION	
				Motion	Second
1.	<b>Approval of Commission Agenda</b>	(+*)	Page 1		
2.	<b>Approval of Commission Minutes</b>				
	a) September 17, 2014 – Open Session	(+*)	Page 3		
	b) September 17, 2014 – Closed Session	(+*)			
3.	<b>General Announcements</b>				
	Breast Cancer Awareness Month				
4.	<b>Committee/Board Reports (For Information Only):</b>				
	a) Minutes – Executive Committee Open Session–October 1, 2014	(+)	Page 9		
	b) Minutes – Executive Committee Closed Session–October 1, 2014	(++)			
	c) Minutes – Executive Committee Closed Session–Part 2–October 1, 2014	(++)			
	d) Minutes of the Regular Employees’ Retirement System Board of Trustees Meeting–September 2, 2014	(+)	Page 13		
	e) 115 Trust (OPEB) Meeting Minutes–June 18, 2014	(+)	Page 17		
5.	<b>Action and Presentation Items</b>				
	a) CAS Cost Allocation Analysis (Kroll)	(*)	Page 19		
	b) Annual Audit Committee Report (Dreyfuss/Shoaff)	(+)	Page 25		
	c) Closed Session – Discussion of Minimum Wage Change **	(+*)			
	Resolution #14-29, Minimum Wage Change (Spencer/King)	(H*)			
6.	<b>Open Session - Officers’ Reports</b>				
	a) <b>Executive Director</b> – (For Information Only)				
	Employee Evaluations Not Completed by Due Date – (September, 2014).....(+)		Page 31		
	b) <b>Secretary-Treasurer</b> – (For Information Only)				
	1) Investment Report (June 2014).....(+)		Page 33		
	2) Enterprise Resource Planning (ERP) Briefing				
	3) 4 <sup>th</sup> Quarter MFD Purchasing Statistics – Briefing on Delay				
	c) <b>General Counsel</b> – (For Information Only)				
	1) Litigation Report (September 2014).....(+)		Page 39		
	2) Legislative Items – To Be Determined.....(H)				

**\*\*Closed Session** - Pursuant to Maryland State Government Article of the Annotated Code of Maryland, Section 10-508 (a)(1)(i), (a)(1)(ii), (7), and (8), a closed session is proposed to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; any other personnel matter that affects 1 or more specific individuals; consult with legal counsel to obtain legal advice, or consult with staff, consultants, or other individuals about pending or potential litigation.

(+) 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 September 17, 2014

The Maryland National Capital Park and Planning Commission met on September 17, 2014, at the Enterprise Golf Course Annex in Mitchellville, Maryland.

#### PRESENT

##### Prince George's County Commissioners

Elizabeth M. Hewlett, Chair  
Dorothy Bailey  
Manuel Geraldo  
John Shoaff

##### Montgomery County Commissioners

Casey Anderson, Vice-Chair  
Norman Dreyfuss  
Marye Wells-Harley

#### ABSENT

A. Shuanise Washington

Amy Presley

Chair Hewlett convened the meeting at 9:48 a.m.

#### ITEM 1 APPROVAL OF COMMISSION AGENDA

Chair Hewlett announced adjustments to the Commission meeting agenda as requested by Executive Director Barney:

- Closed Session Item 7b – Additional Funding for ERP Project was moved to be heard as Closed Session Item 5e, before the vote on Open Session Item 5f – ERP Funding (formerly Item 5d).
- The current Item 5d – ERP Funding became Item 5f.
- Closed Session Item 7a – Union Negotiations and Budget was moved up as the new Item 5d as a closed session item.

ACTION: Motion of Geraldo  
Second by Anderson  
7 Approved the motion

#### ITEM 2 APPROVAL OF COMMISSION MINUTES

July 16, 2014 – Open Session  
July 31, 2014 – Special Commission Meeting Open Session

ACTION: Motion of Bailey  
Second by Geraldo  
7 Approved the motion

ITEM 3

GENERAL ANNOUNCEMENTS (Hewlett/Anderson)

- a) Chair Hewlett announced that September 15<sup>th</sup> through October 15<sup>th</sup> is Hispanic Heritage Month. She explained why the month long celebration begins on September 15<sup>th</sup>, rather than on September 1<sup>st</sup>. The M-NCPPC wants to acknowledge the numerous contributions of the Hispanic and Latino community. She encouraged staff to participate in the events that celebrate the community and shared that Prince George's County Department of Parks and Recreation will be hosting its annual Hispanic Heritage Festival on Sunday, September 29<sup>th</sup> at Lane Manor Park, from 12:00 noon to 6:00 p.m.
- b) Chair Hewlett announced that the M-NCPPC Employees' Service Awards Luncheon is scheduled for today at the Newton White Mansion, honoring employees with 25 years or more of service with the agency.

ADDITIONAL ANNOUNCEMENTS (not listed on agenda)

- a) Chair Hewlett welcomed Commissioner Casey Anderson as the new Chair of the Montgomery County Planning Board and Vice-Chair of the Commission. She shared Commissioner Anderson's extensive experience and his contributions to the community.
- b) Chair Hewlett announced that September is National Ovarian, Thyroid, and Prostate Cancer Awareness month, as well as Alzheimer's month. She encouraged employees to visit their doctors and shared the outreach the agency has performed to educate and screen employees for cancer. She also announced September is Self-Improvement Month.
- c) Chair Hewlett announced that this marks the last Commission meeting for Prince George's County Planning Deputy Director Al Dobbins, as he is retiring from the agency. She wished him well and thanked him for a tremendous job.
- d) Commissioner John Shoaff acknowledged and thanked Ms. Rhea Reed, the new Public Member of the Commission Audit Committee. He stated an overview of the FY14 Audit Report will be provided at the next Commission meeting. Chair Hewlett highlighted Ms. Reed's background.
- e) Prince George's County Parks Director Ronnie Gathers announced the Bill Pickett Rodeo will take place at the Show Place Arena on Saturday September 27<sup>th</sup>, and the Blue Birds Blues Festival will be held on September 20<sup>th</sup> at Prince George's Community College.
- f) General Counsel Gardner shared that he attended the National Convention for the International Municipal Lawyers Association (IMLA). He distributed a handout of his presentation for the Land Use Workshop which he presented to the IMLA on September 13, 2014. A number of agency attorneys participated in the conference. Chair Hewlett congratulated General Counsel Gardner on his presentation indicating that it was very well received by conference participants.
- g) Commissioner Geraldo announced the Heritage Trail Run/Walk will take place October 11<sup>th</sup>, across the Woodrow Wilson Bridge.

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

- a) Minutes of the Regular Employees' Retirement System Board of Trustees Meeting, July 1, 2014
- b) Minutes of the Regular OPEB Board of Trustees Meeting, April 16, 2014
- c) Minutes of the Regular OPEB Board of Trustees Meeting, February 19, 2014
- d) Minutes of the Regular OPEB Board of Trustees Meeting, October 16, 2013

ITEM 5 ACTION AND PRESENTATION ITEMS

a) ACKNOWLEDGE JENETHA FACEY AS THE PRINCE GEORGE'S COUNTY OPEN TRUSTEE

On behalf of Employees' Retirement System Administrator Andrea Rose, and the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission Employees' Retirement System (ERS), Executive Director Barney briefed the Commission on the appointment of Jenetha Facey as the Prince George's County Open Trustee for the remainder of the term ending June 30, 2015. Executive Director Barney shared Lakisha Giles' resignation from the Commission in July 2014 created this vacancy.

b) RESOLUTION #14-25, COMMISSION RESOLUTION OF ADOPTION FOR UNIFORM STANDARDS FOR MANDATORY REFERRAL IN PRINCE GEORGE'S COUNTY (M. Martin)

Passed without discussion.

ACTION: Motion of Geraldo  
Second by Wells-Harley  
7 Approved the motion

c) OPEN ENROLLMENT AND BENEFIT PLANS PROPOSED RATES FOR 2015 (Spencer/McDonald)

Human Resources Director William Spencer, and Health and Benefits Manager Jennifer McDonald presented for approval, recommended changes for the Open Enrollment and Benefit Plans Proposed Rates for 2015 as provided to the Commissioners in their meeting packet. Ms. McDonald presented details of the proposed rates including the effect from changes to stop loss insurance components. She explained that consultant AON negotiated fully insured rates on behalf of the agency. Ms. McDonald requested the Commissioners review the recommended rates for 2015. She highlighted the key information contained in the summary and reviewed the recommended rate changes.

Ms. McDonald reported that the industry trend for medical plan increases is about 8.1%. For self-insured plans, M-NCPPC's overall medical plans rates are increasing, on average, by 4.3%. Prescription plan rates are increasing by 14.8%; however, actual dollar amount of increase to the prescription premiums is small. Ms. McDonald noted that fully insured premiums for M-NCPPC are increasing on average by 2.1%.

## **Recommendations**

The Health & Benefits Staff recommended the following changes to the rates and premiums for the 2015 calendar year:

### ***Self-Insured Rates***

- Approve the 14.8% premium increase for the prescription plan;
- Approve the 0% premium increase for the Cigna Exclusive Provider Organization (EPO) plan;
- Approve the 0% premium increase for the United Health Care Exclusive Provider Organization (EPO) plan;
- Approve the 5.6% premium increase for the United Health Care Point of Service (POS) plan;
- Approve the addition of stop loss insurance to the UHC Medicare Complement plan;
- Approve the 25.7% premium increase for the UHC Medicare Complement plan with the addition of stop loss insurance;
- Keep the Individual Stop Loss (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.

## **Informational Items**

### **Request for Proposal (RFP) for Flexible Spending Account Administrator**

Ms. McDonald shared that M-NCPPC has selected a new provider for the flexible spending accounts. ADP has been replaced by Benefits Strategies, which is also the administrator for the agency's COBRA and direct billing program. All of the five Montgomery County agencies have selected Benefit Strategies, as well. Two of the agencies are changing over to Benefit Strategies January 1, 2015, and three, including M-NCPPC, are delaying implementation until January 1, 2016. The program will be delayed until January 2016 because this is not the optimum time to change vendors as the Health & Benefits Office is currently conducting full scale testing in preparation of converting to the new Enterprise Resource Planning (ERP) system.

### **Paper Reduction Initiative**

Ms. McDonald announced that open enrollment for calendar year 2015 is scheduled to take place from October 20, 2014, to November 7, 2014. The Health and Benefits office is going green by reducing paper consumption and making all open enrollment materials available on-line. Employees who do not have access to the Internet or choose to not use that source to obtain the material, may request hard copies of the packet or specific forms they may need. Ms. McDonald stated this change has been

communicated to employees through the Update Newsletter, payroll stuffers, and posters; email blasts will also be sent. In October, employees will receive a letter from the Executive Director, which replaces the open enrollment packet. The letter highlights changes, new rates, and instructions on accessing more information.

Chair Hewlett requested a vote to accept proposed changes in ISL and premium rates effective January 1, 2015 as outlined in the memorandum.

ACTION: Motion of Geraldo  
Seconded by Bailey  
7 Approved the motion

At 10:23 a.m., Chair Hewlett called for a motion to move to closed session.

d & e) Pursuant to the Maryland State Government Article of the Annotated Code, Section 10-508(a)(7)(9) & (14), the Maryland-National Capital Park and Planning Commission met in closed session at 10:23 a.m., at the Enterprise Golf Course Annex in Mitchellville, Maryland, to consult with counsel for legal advice, conduct collective bargaining negotiations or consider matters that relate to negotiations, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

ACTION: Motion of Geraldo  
Second of Wells-Harley  
7 Approved the motion

The open session reconvened at 10:48 a.m.

f) ERP FUNDING VOTE (Barney/Zimmerman)

ACTION: Motion of Dreyfuss to approve the additional funding up to \$700,000 for the ERP project.

Seconded by Geraldo  
7 Approved the motion

#### ITEM 6 OPEN SESSION – OFFICERS’ REPORTS

a) Executive Director (For Information Only)

Employee Evaluations Not Completed by Due Date (July & August 2014)

b) Secretary–Treasurer (For Information Only)

1) Investment Report (May 2014)

The Sympro software that generates information for the cash management and debt management reports works very well. The cash manager will soon catch up on the Investment Reports that are due. The agency continues to earn returns of .21%.

2) Enterprise Resource Planning (ERP Briefing)

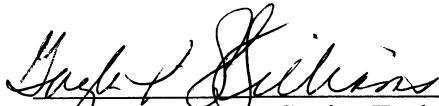
There was no discussion on this topic.

c) General Counsel (For Information Only)

Litigation Report (July 2014)

General Counsel Gardner stated the request date for new legislation is October 1<sup>st</sup>. He will be meeting next week with the council staff in Montgomery County dealing with the Montgomery County Planning Board. General Counsel Gardner will keep the Montgomery County Planning Board and the Commission informed.

There being no further business to discuss the meeting adjourned to at 10:52 a.m.



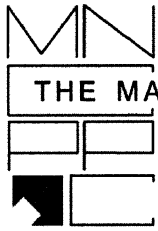
Gayla I. Williams, Senior Technical Hearing  
Writer/Senior Management Analyst



Patricia Colihan Barney, Executive Director







Executive Committee Meeting  
October 1, 2014  
OPEN SESSION - MINUTES

The Maryland-National Capital Park and Planning Commission's Executive Committee met at 9:30 a.m., in the Executive Director's Conference Room, in Riverdale, Maryland. Present were Chair Elizabeth M. Hewlett, Vice-Chair Casey Anderson, and Executive Director Patricia C. Barney.

Department Directors/Deputies/Presenters/Staff

Darin Conforti Deputy Director, Prince George's County Parks and Recreation (for Director Ronnie Gathers)

Adrian Gardner, General Counsel

Fern Piret, Director, Prince George's County Planning

Mike Riley, Director, Montgomery County Parks

Gwen Wright, Director, Montgomery County Planning

Joe Zimmerman, Secretary-Treasurer

Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief

William Dickerson, Associate General Counsel

John Kroll, Corporate Budget Manager

William Spencer, Human Resources Director

Chair Hewlett convened the meeting at 9:35 a.m.

ITEM 1 AGENDA APPROVALS

a) OCTOBER 1, 2014 EXECUTIVE COMMITTEE AGENDA (Barney)

The Executive Committee made the following revisions to the agenda:

- Add Breast Cancer Awareness Month in October as Item 3d under Discussion/Reports/Presentations.
- Change the order of Item 4c – Personnel Matter – Fees, and Item 4d – Honorarium. Item 4c is of a sensitive nature, and will be discussed in closed session with the Executive Committee and officers, only.
- Add Item 3e as a discussion topic regarding Office Closure for Christmas Holiday.

b) OCTOBER 22, 2014 COMMISSION MEETING AGENDA (Barney)

- Add Breast Cancer Awareness Month in October under Item 3, General Announcements.
- Add the Audit Committee Report under Item 5, Action and Presentation Items

- c) ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS (Barney)
- Move the Annual Audit Report from December to the October agenda.
  - Corporate Policy and Management Operations Chief Anju Bennett stated the marketing/branding project is currently in the focus group phase and would be touching base with the consultant this month on timeline.

ITEM 2 MINUTES

Executive Committee Open Session – September 3, 2014

Executive Committee Closed Session – September 3, 2014

ITEM 3 DISCUSSION/REPORTS/PRESENTATIONS

a) INVESTMENT REPORT – June 2014 (Zimmerman)

Secretary-Treasurer Zimmerman shared that the Investment Report was generated from the new reporting system. The agency is in compliance with its investment policy. The yield of .22% is the best the agency can do given investment constraints. M-NCPPC exceeded the bench mark of the three-month Treasury bill by a large margin.

b) ENTERPRISE RESOURCE PLANNING (ERP) BRIEFING (Zimmerman)

Secretary-Treasurer Zimmerman and Executive Director Barney provided an update:

- The Enterprise Resource Planning team continues to work through issues found with the flow of data in the Supply Chain Management requisition process.
- Accounting Manager Barbara Walsh has prepared budget versus actuals for 2014 and information to send to departmental budget coordinators for review. The General Fund statement is being prepared for the auditors.
- The Human Capital Management (HCM) team is working on information conversions to ensure payroll data from the existing system is being picked up for weekly and bi-weekly staff.

Lawson Budget and Planning (LBP) Data System (Kroll)

Corporate Budget Manager John Kroll shared that due to data accuracy concerns, use of the new Lawson Budget Planning (LBP) system for the development of the FY16 proposed budget personnel component has been discontinued. There have been multiple problems with the data due to a faulty setup, which is being corrected. Another problem is related to health plans not getting connected to the employee positions. Mr. Kroll noted he has not received reports that were needed before the system went live. The system must be fully operational by early winter because the old system used for mid-year projections will no longer be in service. For now, a salary and benefits spreadsheet will be used for the personnel component. Personnel projections should be prepared by the middle of next week. Executive Director Barney thanked the team for their continued work.

c) BUDGET UPDATE INCLUDING MONTGOMERY COUNTY OMB REQUEST TO PUBLISH LINE ITEM BUDGET ON-LINE (Kroll)

Corporate Budget Manager Kroll stated that Montgomery County government has requested M-NCPPC provide a full line item detailed budget in the same format as the County government. He also shared that it would be posted online as the County has done on their website for the past few years. Mr. Kroll distributed a copy of the first

page of the County's budget as an example for discussion. Following a discussion, the Executive Committee asked Mr. Kroll to draft language advising Montgomery County that this agency is working on the request and will respond with what M-NCPPC thinks is the best and the correct format to provide the information to the County. Executive Director Barney will present this topic for discussion at the next Department Directors' meeting.

d) BREAST CANCER AWARENESS

Chair Hewlett discussed breast cancer awareness during the month of October and commended the agency for its health outreach in many areas including flu shots and prostate screening. Chair Hewlett shared that Prince George's County government is conducting a pink casual business attire day each Friday during the month of October to bring attention to breast cancer awareness. She would like M-NCPPC to bring attention to breast cancer awareness by including an announcement in the Update Newsletter, placing a reminder in employee paychecks and on InSite. CPMO Chief Bennett indicated that she will ensure an article is placed on InSite, email, and Update. Secretary-Treasurer Zimmerman was asked to look into paystub notices.

e) OFFICE CLOSURE FOR CHRISTMAS HOLIDAY


Chair Hewlett mentioned that with the Christmas holiday falling on Thursday this year, a decision should be made about whether to close the agency on Friday, December 26<sup>th</sup>. Executive Director Barney indicated that her staff will follow up with the county governments' human resources units.

Chair Hewlett requested a motion to move to closed session.

Pursuant to Section 10-508 (a)(7) of the State Government Article of the Annotated Code of Maryland, the Maryland-National Capital Park and Planning Commission's Executive Committee met in closed session on October 1, 2014, at 10:45 a.m., in the Executive Director's Conference Room, 6611 Kenilworth Avenue, Riverdale, Maryland, for purposes of consultation with legal counsel to discuss a Recommendation on Minimum Wage Change, a Personnel Matter – Honorarium, a Minority-Female-Disabled (MFD) Anti-Discrimination Program Briefing, and a Personnel Matter – Fees. Present were Chair Elizabeth M. Hewlett, Vice-Chair Casey Anderson and Executive Director Patricia C. Barney.

ACTION: Motion of Executive Director Barney  
Seconded by Anderson  
3 Approved the Motion

There being no further business to discuss, the meeting adjourned to closed session at 10:45 a.m.



Gayla I. Williams, Senior Technical Hearing/  
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, September 2, 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, September 2, 2014 at 10:00 a.m. Voting members present were: Khalid Afzal, Josh Ardison, Patricia Colihan Barney, CPA, Pamela F. Gogol, Tracy Lieberman, Barbara Walsh, Mary Wells-Harley and Joseph C. Zimmerman, CPA. Richard H. Bucher, Ph.D. and Elizabeth M. Hewlett were not present. The Prince George's County Open Trustee seat is vacant.

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 and Bradley Baker, Associate.

In the absence of CHAIRMAN HEWLETT, VICE CHAIRMAN WELLS-HARLEY opened the meeting.

**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 September 2, 2014 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, July 1, 2014
- C. Minutes of Closed Session, July 1, 2014
- D. Minutes of Closed Session, May 6, 2014 (Handout)
- E. Administration & Personnel Oversight Committee's February 6, 2014 Confidential Report (Handout)
- F. Disbursements Granted Report – June 2014
- G. Transfer of \$12,600,000 to Cover Administration Expenses, Benefit Payments, and Capital Calls for September – November 2014

Due to the absence of DR. BUCHER, Item 1.D – Minutes of Closed Session, May 6, 2014 and Item 1.E Administration & Personnel Oversight Committee's February 6, 2014 Confidential Report were moved to the October 7, 2014 Board of Trustees Meeting agenda.

MS. BARNEY made a motion, seconded by MR. AFZAL to approve the Consent Agenda, as revised. The motion PASSED unanimously (8-0). (Motion #14-31)

On behalf of CHAIRMAN HEWLETT, MS. BARNEY welcomed VICE CHAIRMAN WELLS-HARLEY to the ERS Board of Trustees.

## 2. **CHAIRMAN'S ITEMS**

- A. Board of Trustees Conference Summary
  - i. MAPS 2014 Annual Conference Report from Andrea Rose

Andrea Rose presented her report on the Mid-Atlantic Plan Sponsors (MAPS) Annual Trustee Educational Conference. The conference covered economic, investment, actuarial, and communication topics of interest to both staff and trustees. A recurring theme at the conference was that as fiduciaries trustees should get training, attend conferences and ask a lot of questions.

- B. Approval of the Prince George's County Open Trustee for the term ending June 30, 2015

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. Ms. Facey 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.

MS. WALSH made a motion, seconded by MS. BARNEY to acknowledge the appointment of Jenetha Facey as the Prince George's County Open Trustee for the term ending June 30, 2015. The motion PASSED unanimously (8-0). (Motion #14-32)

## 3. **MISCELLANEOUS**

No miscellaneous reported.

## 4. **REPORT OF THE ADMINISTRATOR**

- Presentation by Administrator, Andrea L. Rose
  - A. Administrator's Report dated August 19, 2014

Andrea Rose presented the Administrator's Report dated August 19, 2014 highlighting upcoming Board of Trustee and Committee meetings and noted the vacancy on the Audit Committee. MR. ARDISON agreed to join trustees' BARNEY and WALSH on the Audit Committee.

Ms. Rose reported the ERS' actuary, Boomershine Consulting Group, recommends the actuarial equivalence factors used to calculate the joint and survivor optional benefit forms be changed prospectively to utilize a more recent mortality table. Ms. Rose requested the Board forward this item to the Administration & Personnel Oversight Committee for further review and a recommendation.

Ms. Rose reported the 5-year contract between the ERS and its' auditors, CliftonLarsonAllen, ends this year. Staff reached out to the Commission to discuss a joint Request for Proposal for Auditing Services.

Ms. Rose presented a report on Active Employees Eligible for Normal Retirement within 5 years. Based on an employee population of 2,037, in FY2015 there are 382 employees (18.8%) eligible for normal retirement. Within the next 5 fiscal years, 730 employees (35.8%) are eligible for normal retirement.

## **5. COMMITTEE REPORTS/RECOMMENDATIONS**

### **A. Investment Monitoring Group**

Presentation by Committee Chairman, Patricia Barney, CPA

#### **i. Special Meeting Report of August 5, 2014**

- a. Recommendation to Appoint PricewaterhouseCoopers Management Consulting Co., Ltd as its Tax Agent in Taiwan**

At the July 1, 2014 Board of Trustees Meeting, the Board approved a Special Meeting of the Investment Monitoring Group (IMG) prior to the September 2, 2014 Board meeting to discuss hiring a local tax agent in Taiwan in order to open the Taiwan market for trading as requested by Earnest Partners. An IMG Special Meeting was held via conference call on Tuesday, August 5, 2014. MS. BARNEY presented the Special Meeting Report.

Staff invited CliftonLarsonAllen, PricewaterhouseCoopers Management Consulting Co., Ltd (PWC), KPMG, Deloitte & Touche, and Ernest & Young to provide a quote for services. The ERS' current audit firm, CliftonLarsonAllen, does not have an affiliate in Taiwan offering these services.

The firms were evaluated based on reputation, response and fees. PWC provided the most comprehensive response with respect to the tax guarantor services offered; PWC has provided tax agent services in Taiwan for more than 10 years and has more than 1,000 foreign institutional investors as clients. PWC is considered a top tier international firm. The IMG recommends the Board appoint PWC as its tax agent in Taiwan.

MS. GOGOL made a motion, seconded by MS. BARNEY to appoint PricewaterhouseCoopers Management Consulting Co., Ltd as the ERS' new tax agent in Taiwan. The motion PASSED unanimously (8-0). (Motion #14-33)

## **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)(7) to consult with legal counsel

MS. BARNEY made a motion, seconded by MR. AFZAL to go in to Closed Session under authority of State Government Article 10-508(a)(7) to consult with legal counsel. The motion PASSED unanimously (8-0). (Motion #14-34)

MS. BARNEY made a motion, seconded by MS. WALSH to ratify the actions taken in Closed Session. The motion PASSED unanimously (8-0). (Motion #14-38)

## **7. MANAGER REPORTS/PRESENTATIONS**

### **A. Wilshire Associates**

Presentations by Mike Dudkowski, Managing Director and Bradley Baker, Associate


- i. Executive Summary of Investment Performance; as of June 30, 2014**
- ii. Manager Comparison - 3yr and 5yr Rolling Returns; as of June 30, 2014**
- iii. Summary of Investment Performance – Gross of Fees; Qtr. Ending June 30, 2014**



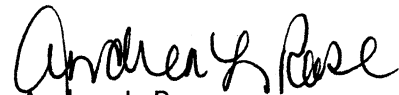
Mike Dudkowski reported on the fund's performance for the quarter ending June 30, 2014. The ERS' total return was 15.15% (net of fees) for the one-year ending June 30, 2014. The total fund underperformed the policy index return of 16.10% by 0.95%. The ERS fund return was 9.58% for the three-years ended June 30, 2014 and 12.97% for the five-years ended June 30, 2014 versus the policy index which returned 10.27% and 12.65%, respectively. The total market value through June 30, 2014 was \$797.3 million.

The Board of Trustees meeting of September 2, 2014 adjourned at 11:21 a.m.

Respectfully,



Heather D. Brown  
Senior Administrative Specialist



Andrea L. Rose  
Administrator

# Item 4e

115 Trust (OPEB)  
Meeting Minutes  
PRA 3<sup>rd</sup> Floor Conference Room

Wednesday, June 18, 2014

Attending: Commissioner Casey Anderson, 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 Manuel Geraldo, Trustee  
Barbara Walsh, Commission Accounting Manager, Staff

The meeting was called to order at 11:40 a.m.

Minutes from the April 16, 2014 meeting were motioned by Commissioner Anderson to be approved, seconded by Patti Barney, and then unanimously accepted.

At the committee's request, Mr. Bryant of Dahab Associates, the Plan's Consultant, reviewed the composition of the portfolio to orient Commissioner Casey Anderson, a new trustee.

Mr. Bryant said the portfolio was intended to achieve broad diversification with a small number of allocations in a form that was easy to administer. The equity exposures were in all segments of the market except domestic small cap, and the format of those investments was a fundamental index strategy which holds all stocks in the underlying index but in proportion to company fundamentals instead of market capitalization. Mr. Bryant noted that in the first quarter, the domestic large cap and international EAFE allocations had exceeded their benchmarks, while the international emerging market allocation had not.

The PIMCO unconstrained bond fund was intended to provide exposure to fixed income securities both domestically and abroad in a format that could adjust duration as interest rates increased. In the first quarter, the PIMCO unconstrained bond fund lagged the Barclay's aggregate due to its duration positioning on the short end of the curve, and detracted moderately from portfolio performance.

Finally, the PIMCO All-Asset Fund was intended to supplement traditional stock and bond exposures with a portfolio of more exotic fixed income exposures and hedged products which the fund was too small to invest in separately. In the first quarter, the All-Asset Fund contributed positively to performance, surpassing the return of both domestic stocks and bonds, and of the portfolio average.

Mr. Bryant introduced the three real estate managers by saying they were all on the conservative end of the private real estate spectrum, but differed slightly in risk. The first,

American Realty, had low leverage of 20% and invested almost entirely in core properties that had only valuation risk.

The second, Intercontinental, had value-added properties which increased both risk and potential return. ASB Realty, the third manager, was between the first and second, having some value-added exposure.

Todd Fowler presented for American Realty. Mr. Fowler described American Realty's roots in the union business, but noted that they had 73 public fund clients in Florida alone. He noted that the fund had very low cost of debt, 3.6%, and described diversification across property type and geography.

Peter Palandjian and Devin Sullivan represented Intercontinental. Mr. Palandjin described Intercontinental as relatively riskier than core manages and indicated it was not a member of the ODCE benchmark, a group of core manages against which his return were measured. Debt was currently 42%, and the average cost of debt 4.6%. He also noted that Intercontinental charged a performance of 20% over an 8% hurdle rate. He suggested this was a good time to take more risk in real estate, as valuations in core properties had increased to full valuation from capital seeking a safe haven from fixed income in a rising rate environment.

Judy McCoy represented ASB Realty. Ms. McCoy reviewed ASB's diversification by property type and geography. She said debt was about 20%, with the cost at 4.6%, 75% of that fixed. She indicated that income, currently 6.5% for the portfolio, would sustain future returns as opposed to appreciation. She noted that the biggest trend in real estate was a flow of people from suburbs to cities; many young people, she suggested, would never own a home or a car.

After the presentations, Mr. Bryant reviewed the performance of the various managers, noting that ASB had achieved the best results during 2008-2009, but Intercontinental had achieved the best recent results. The trustees ultimately selected Intercontinental by unanimous vote, citing the need to earn higher return to close the funding gap, and the ability of the fund to bear greater risk because of the limited need to pay benefits in the near- to intermediate-term.

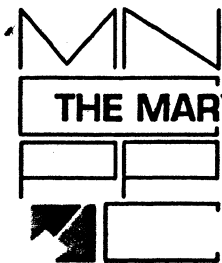
The next meeting was scheduled for Wednesday, September 17, 2014 at PRA, 8:30 am.

Meeting adjourned at 2:15 p.m.

Respectfully Submitted,

  
Claudia Stalker






# ITEM 5a


## THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

Date: October 16, 2014

To: The Maryland-National Capital Park and Planning Commission

Via: Patricia C. Barney, Executive Director 

From: John Kroll, Corporate Budget Manager 

Subject: CAS Labor Cost Allocation Analysis for the FY16 Budget

### **Recommendation:**

It is recommended that the Commission adopt the update to the labor cost percentages used to allocate CAS department budgets between Montgomery and Prince George's counties for the FY16 Proposed Budget.

### **Background**

In early 2011, new chargeback allocation and labor costing methodology were studied and presented to both Boards. Results were similar to existing allocations. Management decided that labor distribution and cost driver results should be analyzed annually to assure transparency and validate cost share based on services rendered. In October 2012, the labor distribution was analyzed and the results so minimally changed that it was determined that it did not warrant changing the previous allocation percentages for the FY14 budget, with the exception of the Legal Department whose allocation was changed to reflect additional staff added and dedicated to Montgomery County operating departments. In November 2013, an update was presented and the Commission adopted the revised allocation, and further asked to see a five year history when available, and an estimate of staff time involved in this analysis.

Three CAS functions are not addressed in this analysis: Group Insurance – labor costs are factored into the rates set for the employer and employee/retiree, and, since FY14, no longer allocated and charged directly to the operating departments in each county. CIO – Labor costs are allocated by the percentage of subscriptions to the Cloud. Risk Management – Administrative costs are currently allocated 50/50. We are analyzing staff time records and any resulting change will be factored into the proposed Risk Management internal service fund budget.

### **Methodology**

Fiscal year data is extracted from the time card system. For those divisions for which cost drivers are not applied, work hours are classified as Montgomery County, Prince George's County or Bi-county, according to the description of the pay codes used. If the pay code does not indicate a specific county for the work/leave hours, the hours are classified as Bi-county. Bi-county hours are allocated 50/50 between the two counties.

For Accounts Payable, Treasury/Investments, Payroll and Purchasing units of the Finance Department and Employee Records unit in the Department of Human Resources and Management, the labor cost allocations are done using cost drivers, i.e., work hours are classified and distributed as Montgomery or Prince George's according to the Cost Driver table below. For Accounts Payable and Payroll the driver is number of payments issued; for Purchasing the driver is total document volume (including PO's, contracts and purchase card transactions); for Treasury the driver is the number of cash receipts and deposits; and for Employee Records the driver is the number of PA2's processed.

Whether utilizing the labor hour allocations or the cost drivers, the results are then factored into a three year moving average to smooth individual year variations.

Since this analysis only utilizes historical data, a different assumption needed to be developed to address newly budgeted positions. As mentioned earlier, the FY14 budget included a new position in Legal, dedicated to Montgomery County. Therefore, 2,080 hours were added to each of FY11, FY12 and FY13 data to account for this new position. This was done so as to not skew the three year moving average. FY14 data included the actual time spent by this position.

Two CAS departments do not utilize either of these methodologies. The Merit System Board does not track their hours by county; however, it is assumed that the decisions they render are applicable to the Commission as a whole. Therefore, their budget is allocated on a 50/50 basis.

Support Services – Historically allocated on a 50/50 basis, beginning with FY15 these expenses are allocated based upon the three year labor allocation average of the CAS departments that this unit supports.

**Results**

Cost drivers were updated for FY14 by Finance and DHRM and these results are shown below along with the drivers used for prior periods.

After reviewing and re-analyzing the results, it was determined that a new cost driver of number of applications should be used for Recruitment. The table below includes this driver for a three year period.

Cost Drivers	FY10		FY11-FY13		FY13		FY14		% shift in Share	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
Accounts Payable	33%	67%	32%	68%	32%	68%	30%	70%	-2%	2%
Payroll	26%	74%	26%	74%	25%	75%	22%	78%	-3%	3%
Purchasing	35%	65%	39%	61%	45%	55%	47%	53%	2%	-2%
Treasury/Investment	32%	68%	28%	72%	20%	80%	35%	65%	15%	-15%
Employee Records	35%	65%	30%	70%	19%	81%	19%	81%	0%	0%
Recruitment			42%	58%	40%	60%	40%	60%	0%	0%

Using the labor hour splits for some divisions, the cost driver calculations for other divisions, and the assumptions noted above under Methodology for Merit Board and Support Services resulted in the allocation percentages shown below.

	FY15		FY16 Proposed		Change from FY15	
	MC	PGC	MC	PGC	MC	PGC
DHRM	43.7%	56.3%	42.9%	57.1%	-0.8%	0.8%
Finance	42.7%	57.3%	42.9%	57.1%	0.2%	-0.2%
Legal	56.1%	43.9%	53.8%	46.2%	-2.3%	2.3%
Internal Audit	32.4%	67.6%	30.6%	69.4%	-1.8%	1.8%
Merit System Board	50.0%	50.0%	50.0%	50.0%	0.0%	0.0%
Support Services	45.1%	54.9%	44.7%	55.3%	-0.4%	0.4%
<b>Total CAS Before Chargebacks</b>	<b>45.4%</b>	<b>54.6%</b>				

Below is an expanded summary showing the budgeted allocations from FY10 through FY16.

**ALLOCATION OF CAS BUDGET TO EACH COUNTY FY10 TO FY15**

	FY10		FY11		FY12		FY13		FY14		FY15		FY16 Proposed		Change from FY15	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
DHRM	49.1%	50.9%	47.2%	52.8%	42.5%	57.5%	42.3%	57.5%	42.9%	57.5%	43.7%	56.3%	42.9%	57.1%	-0.8%	0.8%
Finance	48.5%	51.5%	46.5%	53.5%	43.4%	56.6%	43.4%	56.6%	43.4%	56.6%	42.7%	57.3%	42.9%	57.1%	0.2%	-0.2%
Legal	51.4%	48.6%	49.9%	50.1%	54.2%	45.8%	56.3%	43.7%	57.4%	42.6%	56.1%	43.9%	53.8%	46.2%	-2.3%	2.3%
Internal Audit	0.0%	0.0%	0.0%	0.0%	31.3%	68.7%	32.1%	67.9%	32.4%	67.6%	32.4%	67.6%	30.6%	69.4%	-1.8%	1.8%
Merit System Board	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	0.0%	0.0%
Support Services	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	45.1%	54.9%	44.7%	55.3%	-0.4%	0.4%
<b>Total CAS Before Chargebacks</b>	<b>49.2%</b>	<b>50.8%</b>	<b>47.5%</b>	<b>52.5%</b>	<b>46.1%</b>	<b>54.9%</b>	<b>46.7%</b>	<b>54.3%</b>	<b>46.0%</b>	<b>54.0%</b>	<b>45.4%</b>	<b>54.6%</b>	<b>44.7%</b>	<b>55.3%</b>	<b>-0.4%</b>	<b>0.4%</b>



This table provides the divisional labor allocation in detail, including the 3 year average which forms the basis for each year's proposed allocation.

	FY 10			FY 11			FY 12			FY 13			FY 14		
	MC	PGC	Total	MC	PGC	Total	MC	PGC	Total	MC	PGC	Total	MC	PGC	Total
30 - Dept Human Resources & Mgmt	43.1%	56.9%	100%	43.4%	56.6%	100%	45.1%	54.9%	100%	41.7%	58.3%	100%	42.0%	58.0%	100%
OFFICE OF THE EXEC. DIR.	47.9%	52.1%	100%	49.1%	50.9%	100%	49.5%	50.5%	100%	48.6%	51.4%	100%	50.4%	49.6%	100%
BUDGET DIVISION	55.9%	44.1%	100%	49.5%	50.5%	100%	50.9%	49.1%	100%	49.3%	50.7%	100%	48.8%	51.2%	100%
CLASSIFICATION COMPENSATION	52.2%	47.8%	100%	51.4%	48.6%	100%	47.0%	53.0%	100%	53.0%	47.0%	100%	56.1%	43.9%	100%
CORP. POLICY & MGMT SVCS	44.0%	56.0%	100%	51.5%	48.5%	100%	52.4%	47.6%	100%	50.1%	49.9%	100%	49.9%	50.1%	100%
EMPLOYEE LABOR RELATIONS	47.0%	53.0%	100%	40.7%	59.3%	100%	49.5%	50.5%	100%	59.2%	40.8%	100%	57.9%	42.1%	100%
HRIS/EMP. RECORDS	35.0%	65.0%	100%	35.0%	65.0%	100%	35.0%	65.0%	100%	19.0%	81.0%	100%	19.0%	81.0%	100%
RECRUITMENT	42.5%	57.5%	100%	45.2%	54.8%	100%	42.2%	57.8%	100%	40.0%	60.0%	100%	40.0%	60.0%	100%
31 - Legal	58.0%	42.0%	100%	57.7%	42.3%	100%	55.5%	44.5%	100%	53.4%	46.6%	100%	52.6%	47.4%	100%
32 - Finance Department	41.9%	58.1%	100%	42.6%	57.4%	100%	43.0%	57.0%	100%	42.9%	57.1%	100%	42.7%	57.3%	100%
ACCOUNTING	45.3%	54.7%	100%	48.9%	51.1%	100%	49.2%	50.8%	100%	48.8%	51.2%	100%	44.5%	55.5%	100%
ACCOUNTS PAYABLE	33.0%	67.0%	100%	31.8%	68.2%	100%	31.8%	68.2%	100%	32.0%	68.0%	100%	29.6%	70.4%	100%
ADMINISTRATIVE SERVICES	50.6%	49.4%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%
INVESTMENTS	32.1%	67.9%	100%	32.1%	67.9%	100%	32.1%	67.9%	100%	20.0%	80.0%	100%	35.0%	65.0%	100%
IT DIVISION	49.8%	50.2%	100%	50.1%	49.9%	100%	50.5%	49.5%	100%	50.1%	49.9%	100%	49.8%	50.2%	100%
OFFICE OF THE SEC-TREAS.	50.3%	49.7%	100%	50.4%	49.6%	100%	49.0%	51.0%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%
PAYROLL	26.1%	73.9%	100%	26.1%	73.9%	100%	26.1%	73.9%	100%	25.0%	75.0%	100%	22.0%	78.0%	100%
PURCHASING	35.0%	65.0%	100%	36.6%	63.4%	100%	36.6%	63.4%	100%	45.0%	55.0%	100%	46.5%	53.5%	100%
52 - Internal Audit	43.0%	57.0%	100%	36.2%	63.8%	100%	24.6%	75.4%	100%	36.9%	63.1%	100%	30.1%	69.9%	100%
Total CAS	45.1%	54.9%	100%	45.6%	54.4%	100%	45.3%	54.7%	100%	44.5%	55.5%	100%	44.2%	55.8%	100%

- Notes:
- 1) Highlighted rows represents labor cost allocations are done with cost drivers
  - 2) Result include chargeback positions based on time card records
  - 3) FY11, FY12 and FY13 include FY14 new dedicated position in Legal

	3 Year Average			3 Year Average			3 Year Average			3 Year Average vs FY15 Budget		
	MC	PGC	Total	MC	PGC	Total	MC	PGC	Total	MC	PGC	Total
30 - Dept Human Resources & Mgmt	48.8%	51.2%	100%	49.1%	50.9%	100%	49.5%	50.5%	100%	43.7%	56.3%	100%
OFFICE OF THE EXEC. DIR.	52.1%	47.9%	100%	49.9%	50.1%	100%	49.7%	50.3%	100%			
BUDGET DIVISION	50.2%	49.8%	100%	50.5%	49.5%	100%	52.0%	48.0%	100%			
CLASSIFICATION COMPENSATION	49.3%	50.7%	100%	51.3%	48.7%	100%	50.8%	49.2%	100%			
CORP. POLICY & MGMT SVCS	45.7%	54.3%	100%	49.8%	50.2%	100%	55.5%	44.5%	100%			
EMPLOYEE LABOR RELATIONS	35.0%	65.0%	100%	29.7%	70.3%	100%	24.3%	75.7%	100%			
HRIS/EMP. RECORDS	43.3%	56.7%	100%	42.5%	57.5%	100%	40.7%	59.3%	100%			
RECRUITMENT	57.1%	42.9%	100%	55.5%	44.5%	100%	53.8%	46.2%	100%	56.1%	43.9%	100%
31 - Legal	42.5%	57.5%	100%	42.8%	57.2%	100%	42.9%	57.1%	100%	42.7%	57.3%	100%
32 - Finance Department	47.8%	52.2%	100%	48.9%	51.1%	100%	47.5%	52.5%	100%			
ACCOUNTING	32.2%	67.8%	100%	31.9%	68.1%	100%	31.1%	68.9%	100%			
ACCOUNTS PAYABLE	50.2%	49.8%	100%	50.0%	50.0%	100%	50.0%	50.0%	100%			
ADMINISTRATIVE SERVICES	32.1%	67.9%	100%	28.1%	71.9%	100%	29.0%	71.0%	100%			
INVESTMENTS	50.1%	49.9%	100%	50.2%	49.8%	100%	50.1%	49.9%	100%			
IT DIVISION	49.9%	50.1%	100%	49.8%	50.2%	100%	49.7%	50.3%	100%			
OFFICE OF THE SEC-TREAS.	26.1%	73.9%	100%	25.7%	74.3%	100%	24.4%	75.6%	100%			
PAYROLL	36.1%	63.9%	100%	39.4%	60.6%	100%	42.7%	57.3%	100%			
PURCHASING	34.6%	65.4%	100%	32.6%	67.4%	100%	30.6%	69.4%	100%	32.4%	67.6%	100%
52 - Internal Audit	45.3%	54.7%	100%	45.1%	54.9%	100%	44.7%	55.3%	100%	45.4%	54.6%	100%
Total CAS										44.2%	55.8%	100%
										-0.8%	0.8%	0.0%
										-2.3%	2.3%	0.0%
										0.2%	-0.2%	0.0%
										32.4%	67.6%	100%
										45.4%	54.6%	100%
										-1.8%	1.8%	0.0%
										-0.7%	0.7%	0.0%

## Multi-Year Change Summary

The table below shows the change from year to year, including the proposed change for FY16.

	Change from Prior Year											
	FY11		FY12		FY13		FY14		FY15		FY16	
	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC	MC	PGC
DHRM	-1.9%	1.9%	-4.7%	4.7%	0.0%	0.0%	-0.1%	0.1%	1.2%	-1.2%	-0.8%	0.8%
Finance	-2.0%	2.0%	-3.2%	3.2%	0.0%	0.0%	0.0%	0.0%	-0.6%	0.6%	0.1%	-0.1%
Legal	-1.5%	1.5%	4.3%	-4.3%	2.1%	-2.1%	1.2%	-1.2%	-1.3%	1.3%	-2.2%	2.2%
Internal Audit	0.0%	0.0%	31.3%	68.7%	0.8%	-0.8%	0.3%	-0.3%	-0.1%	0.1%	-1.8%	1.8%
Merit System Board	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Support Services	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	-4.9%	4.9%	-0.4%	0.4%
<b>Total CAS Before Chargebacks</b>	<b>-1.7%</b>	<b>1.7%</b>	<b>-2.4%</b>	<b>2.4%</b>	<b>0.5%</b>	<b>-0.5%</b>	<b>0.3%</b>	<b>-0.3%</b>	<b>-0.6%</b>	<b>0.6%</b>		

## Staff Time Commitment to this Analysis

Total staff time to prepare this analysis, NOT INCLUDING time spent by staff allocating their time as they complete their bi-weekly timecards, was approximately 24 hours, between the Budget Office, Finance (including IT), and Human Resources.

## Recommendation

The recommendation is to adopt the results of this year's analysis and direction be given to staff to utilize in developing the FY16 Proposed Budget. Using FY15 budget numbers, this would shift approximately \$125,000 to Prince George's County from Montgomery County.

**AUDIT COMMITTEE ACTIVITY REPORT**

**FY2014 (July 1, 2013 – June 30, 2014)**

Prepared by the Audit Committee for the Commission Chair and Vice-Chair, and  
Submission to the Full Commission

**Report Date:** October 22, 2014

**Audit Committee Members (FY14):**

Prince George's County Planning Board

John P. Shoaff (10/17/13 – 6/30/14)

Shuanise Washington (7/1/13 – 10/16/13)

Montgomery County Planning Board

Norman Dreyfuss (3/15/2014 – 6/30/14)

Amy Presley (7/1/13 – 3/14/14)

Public member of Audit Committee appointed 7/1/14

## INTRODUCTION

The Audit Committee serves as a forum, separate from management, in which auditors and other interested parties may identify and discuss concerns related to financial reporting and internal controls.

Maryland-National Capital Park and Planning Commission (M-NCPPC) Practice No. 1-31, *Organization and Functions of the Audit Committee*, governs the establishment, composition and function of the Audit Committee. The Practice also requires the Audit Committee to submit the following annual reports:

- A written report that addresses how the Committee discharged its duties and met its responsibilities.
- A summary of significant audit findings as prepared by the Internal Auditor.
- Evaluation of the adequacy of internal controls; the agency's adherence to financial regulations/policies; and any other significant concerns/complaints that were filed with or identified by the Audit Committee.

The Audit Committee hereby submits its written annual report of our activity and findings for fiscal year 2014 (July 1, 2013 – June 30, 2014) per the requirements detailed above.

## DISCHARGE OF DUTIES

### Audit Committee Meetings and Communications

The Audit Committee is required to hold at least four (4) meetings during each calendar year to discuss proposed audits and investigations. To meet this requirement, informal meetings are held on a monthly basis, mornings of the M-NCPPC Commission meetings. Other participants (e.g. Secretary-Treasurer, Chief Internal Auditor and/or External Auditor) participate as needed. Audit Committee members also participated in ad-hoc meetings with the Office of the General Counsel and the Chief Internal Auditor to discuss miscellaneous audit reporting issues related to the Show Place Arena audit completed in 2012.

### External Auditors

The Audit Committee is responsible for appointment, compensation, retention, and oversight of the work of any external auditor engaged for the purpose of performing independent audit services, reviews or attest services.

- Each fiscal year, the Office of the Secretary-Treasurer submits a Comprehensive Annual Financial Report (CAFR), in accordance with the Land Use Article of the Annotated Code of Maryland. In conjunction with the CAFR, State statute requires an annual audit by independent certified public accountants. The Commission selected the accounting firm of CliftonLarsonAllen LLP to complete the FY14 external review. Mr. Shoaff and Mr. Dreyfuss met with the external auditors on July 16, 2014 to discuss the scope and objectives for the FY14 external review.

- The Commission engaged the services of the “Association of Local Government Auditors” to complete a peer review of the Office of Internal Audit (OIA). The objective of the peer review was to review the internal quality control system of the OIA to determine whether the internal quality control systems operated to provide reasonable assurance of compliance with *Government Auditing Standards*. The ALGA concluded that the OIA’s internal quality control system was suitably designed and operating effectively to provide reasonable assurance of compliance with *Government Auditing Standards* for audits and attestation engagements during the fiscal year ended June 30, 2014.

Mr. Dreyfuss spoke with the peer review team on August 27, 2014. The purpose of the meeting was to discuss the internal quality control system of the OIA, the Audit Committee’s roles and responsibilities; and the overall peer review process.

#### Internal Auditor

The Audit Committee provides technical and substantive oversight and direction for the internal audit program. Ms. Renee Kenney, CPA, CIA, CISA accepted the position of Chief Internal Auditor, effective August 26, 2013.

- Review and Approval of Internal Audit Plan – In September 2013, the Chief Internal Auditor submitted an internal audit plan for FY14. The selection of audits was based on interviews with Commission management and the Chief Internal Auditor’s professional judgment. A risk assessment was not completed for FY14. The Audit Committee approved the internal audit plan as submitted.
- Adoption of Written Operating Procedures – In October 2013, the Chief Internal Auditor submitted “M-NCPPC Office of Internal Audit Principles and Procedures” (procedures) to the Audit Committee for their approval. The procedures complied with the requirements specified in Practice No. 1-31, *Organization and Functions of the Audit Committee* (Responsibilities/ Functions, section 2, paragraph 5). The Audit Committee approved the procedures upon submission.
- Review and Approval of the Internal Audit Charter – The Audit Committee approved an updated OIA charter on July 14, 2014. The charter defined the OIA’s authority; discussed independence and objectivity; roles and responsibilities; and enforced the requirement for a quality assurance and improvement program.
- Review of Final Audit and Investigations – For FY14, the OIA completed 15 performance audits, 11 fraud, waste, and abuse reviews; 7 management advisories; and 8 follow-up reviews. The Audit Committee was included on the final distribution of all audit reports.

## **SUMMARY OF SIGNIFICANT AUDIT FINDINGS**

The Chief Internal Auditor submitted the “Fiscal Year 2014 Annual Report” to the Audit Committee on June 25, 2014. The report included a summary of all completed audits, issues and recommendations. There were no significant audit findings.

## **ADEQUACY OF INTERNAL CONTROLS**

The Audit Committee is pleased to acknowledge that overall (based on findings of the 41 audits conducted) the design and implementation of internal controls appear to be effective. No significant breakdowns were identified during the course of the reviews.

## **OTHER CONCERNS AND COMPLAINTS**

As part of their reporting requirements, the Audit Committee is required to advise the Commission Chair and Vice-Chair of any Committee concerns arising from and audit/investigation reports. No concerns were raised in FY14.

## **OIA INITIATIVES (Past and Future)**

Last year, the Chief Internal Auditor identified four key initiatives for fiscal year 2014. The OIA successfully met all defined initiatives.

1. Successful completion of the FY14 audit plan. The FY14 audit plan included seventeen planned audits, follow-up reviews, management advisories, fraud, waste & abuse audits (employee and hotline complaints) and various special projects. The number of audits completed in FY14 exceeded plan.
2. Completion of a Peer Review. The Office of Internal Audit is required to obtain a peer review every three years in accordance with *Generally Accepted Government Auditing Standards (GAGAS)*. A peer review was completed in August 2014, covering the period of July 1, 2013 – June 30, 2014 (FY14). The OIA passed the peer review, (available ratings: pass, pass with deficiencies, or fail). The peer review team also issued a management letter to the OIA letter with three minor recommendations to help ensure compliance with GAGAS.
3. Completion of a Commission Risk Assessment. The Chief Internal Auditor facilitated a Commission wide risk assessment in May 2014. The purpose of the assessment was to obtain an understanding of the auditable processes or activities within the Commission; understand the risks associated with each process or activity; and assign a risk rating to the processes. The results of the risk assessment were used as the basis for the FY15 audit plan.
4. Increase Transparency. The FY14 audit plan included 570 hours for management advisory reviews as well as an additional 125 hours for M-NCPPC staff training (e.g. petty cash, financial stewardship). In FY14 the OIA completed

several petty cash workshops and delivered an ethics and stewardship presentation to Prince George's County Southern Area.

For FY15, The OIA is charged with the following initiatives and goals:

1. Recruit and train for the two vacant positions within the OIA to achieve full staffing level.
2. Successful completion of the FY15 audit plan.
3. Completion of a Commission wide risk assessment.
4. Continued training and other advisory services.

## **CONCLUSION**

The Committee once again recognizes continued compliance with existing policies and timely corrective action by management in response to the audit findings. M-NCPPC's leaders at all levels (i.e. executive through division management) continue to demonstrate their commitment to hold themselves as financial stewards for the Commission.







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

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	08/14	09/14	08/14	09/14	08/14	09/14	08/14	09/14
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	1	0	0	0	0	0	1	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	0	1	0	0	0	1	0
LEGAL DEPARTMENT	1	0	0	1	0	0	1	1
FINANCE DEPARTMENT	3	3	0	0	0	0	3	3
PRINCE GEORGE'S PLANNING	0	0	0	0	0	0	0	0
PRINCE GEORGE'S PARKS & RECREATION	0	0	3	0	0	0	3	0
MONTGOMERY COUNTY PARKS	2	4	0	0	0	0	2	4
MONTGOMERY COUNTY PLANNING	3	2	1	0	0	0	4	2
**DEPARTMENT TOTAL BY DAYS LATE**	10	9	5	1	0	0	15	10
<b>COMMISSION WIDE TOTAL:</b>							<b>15</b>	<b>10</b>

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





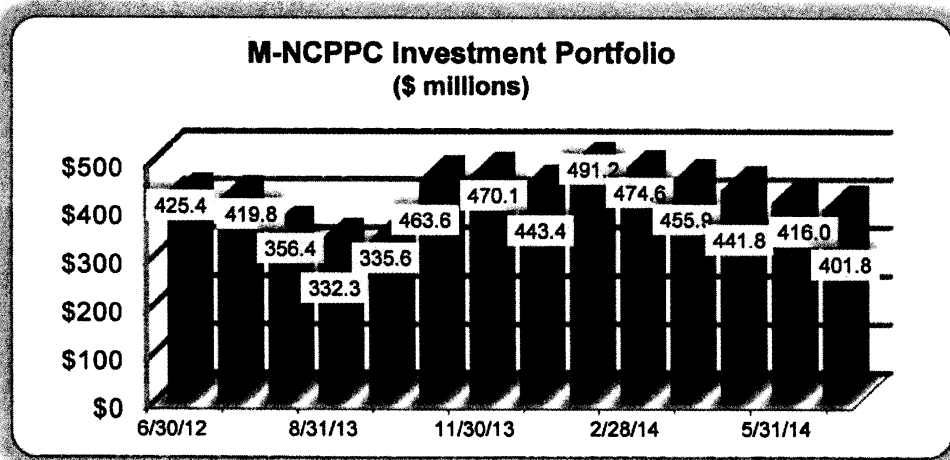


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**TREASURY OPERATIONS, FINANCE DEPARTMENT**  
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737  
 Telephone (301) 454-1541 / Fax (301) 209-0413

**MEMO**

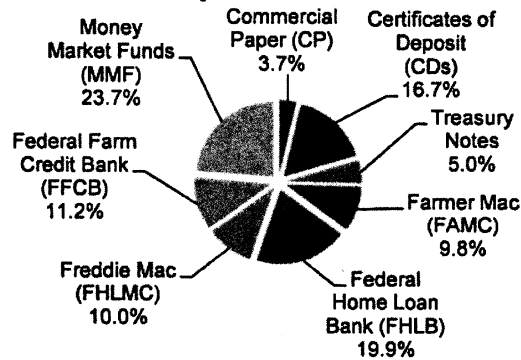
**TO:** Commissioners  
**VIA:** Joseph Zimmerman, Secretary-Treasurer  
**FROM:** Abbey Rodman, Investment & Treasury Operations Manager *AR*  
**DATE:** 9/30/2014  
**SUBJECT:** Investment Report – June 2014

The Commission’s pooled cash investment portfolio totaled \$401.8 million as of June 30, 2014, with a 3.41% decrease from May 31, 2014. Details are as follows:



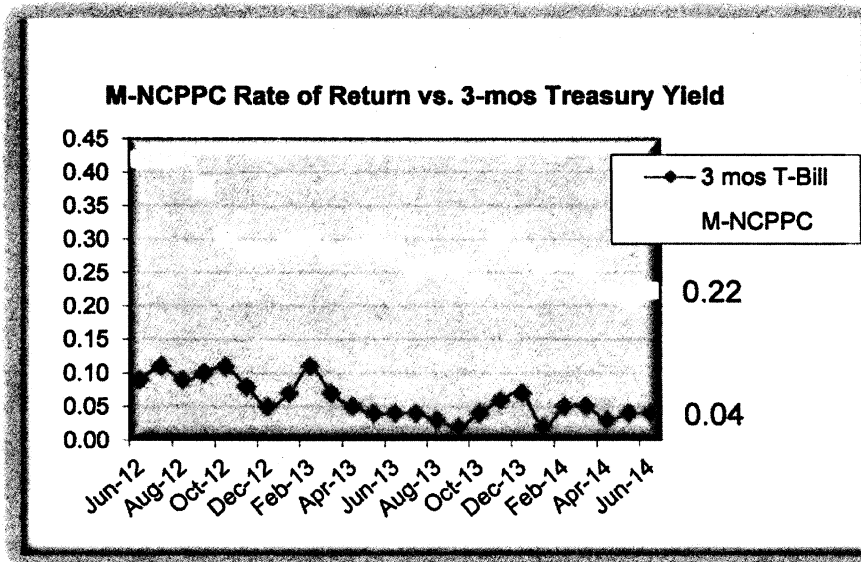
The composition of the pooled cash portfolio as of June 30, 2014 is summarized below:

**Portfolio Composition as of 06/30/14**

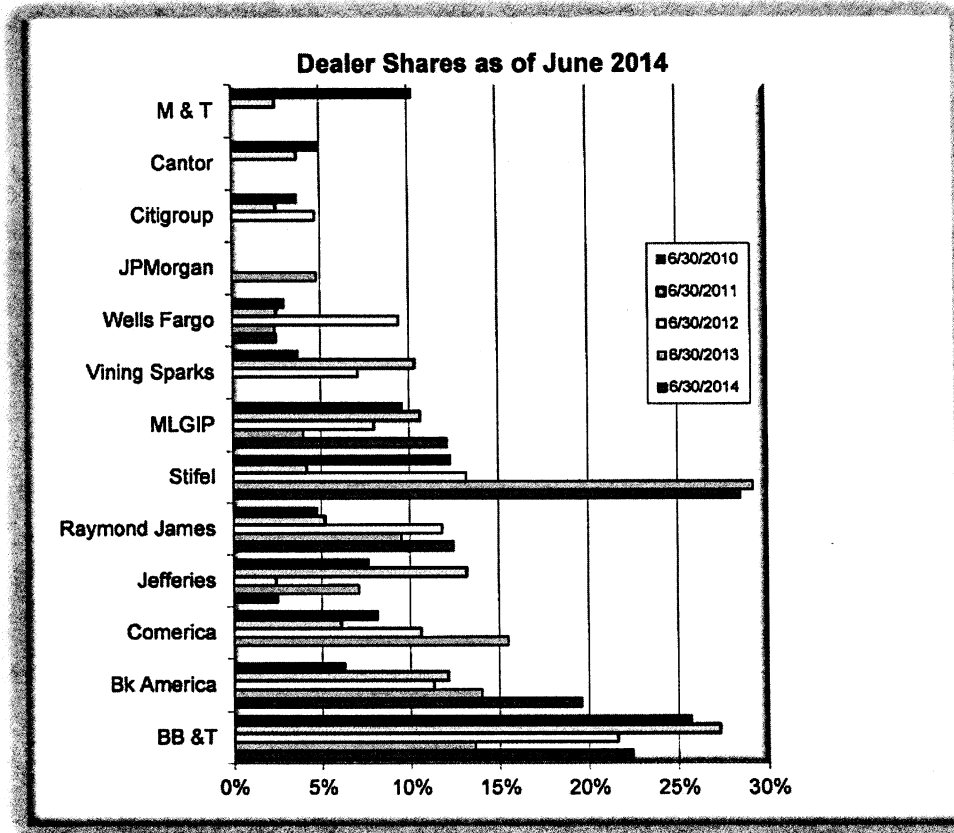


Current Investment Portfolio - June 2014				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Money Funds	25%	24%	\$ 95,281,731	n/a
Federal Home Loan Banks	20%	20%	80,000,000	0.31%
Certificates of Deposit	50%	17%	67,000,000	0.17%
Federal Farm Credit Bureau	20%	11%	45,000,000	0.31%
Freddie Mac	20%	10%	40,000,000	0.46%
Farmer Mac	20%	10%	39,500,000	0.23%
Treasury Notes	100%	5%	20,000,000	0.25%
Commercial Paper	10%	4%	15,000,000	0.58%
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			<b>\$ 401,781,731</b>	<b>0.22%</b>

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:

<b>Market Value- 06/30/14</b>	
Prince George's County (PGC-2014A)	\$ 27,484,600
Montgomery County (MC-2014A)	5,421,388
Montgomery County (MC-2012A)	2,094,342
Montgomery County (MC-2012B)	874,437
	<u>\$ 35,874,767</u>

The Commission had debt service payments during the month totaling \$324,372 of interest.

Details by issue of debt outstanding as of June 30, 2014 appear below:

<b>Debt Balances - June 2014</b>					
	<b>Initial Par</b>	<b>Amount Outstanding</b>	<b>% Outstanding</b>	<b>Issue Date</b>	<b>Maturity Date</b>
<b>Bi-County</b>					
<b>Total Bi-County</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>		
<b>Prince George's County</b>					
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
PGC-2014A	26,565,000	26,565,000	100%	May-14	Jan-34
<b>Total Prince George's County</b>	<b>\$ 115,790,000</b>	<b>\$ 66,106,148</b>	<b>57%</b>		
<b>Montgomery County</b>					
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
MC-2014A	14,000,000	14,000,000	100%	Jun-14	Jun-34
<b>Total Montgomery County</b>	<b>\$ 73,010,000</b>	<b>\$ 44,855,000</b>	<b>61%</b>		
<b>Total</b>	<b>\$ 188,800,000</b>	<b>\$ 110,961,148</b>	<b>59%</b>		



ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012  
 FISCAL YEAR 2014 - June 30, 2014

OBJECTIVES			Met Objective	Within Limits	Comments
<b>Protection of principal</b>			Yes		
<b>Limiting types and amounts of securities</b>	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)					
<b>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</b>				Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
<b>Ensure competition among participants</b>	30%			Yes	No dealer share exceeded 30%
<b>Competitive Bidding</b>				Yes	All purchases awarded competitively.
<b>Diversification of Maturities</b>				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.					
<b>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</b>				Yes	M&T Investments serves as custodian, monitoring compliance daily
<b>Maintain sufficient liquidity</b>			Yes		Sufficient funds available for all cash requirements during period
<b>Attain a market rate of return</b>			Yes		Exceeded by 18 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.22% and 0.04%, respectively.					







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

*Reply To*

September 29, 2014

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

**MEMORANDUM**

**TO:** The Maryland-National Capital Park and Planning Commission  
**FROM:** Adrian R. Gardner  
General Counsel  
**RE:** Litigation Report for the Months of August/September 2014

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Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, October 22, 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.

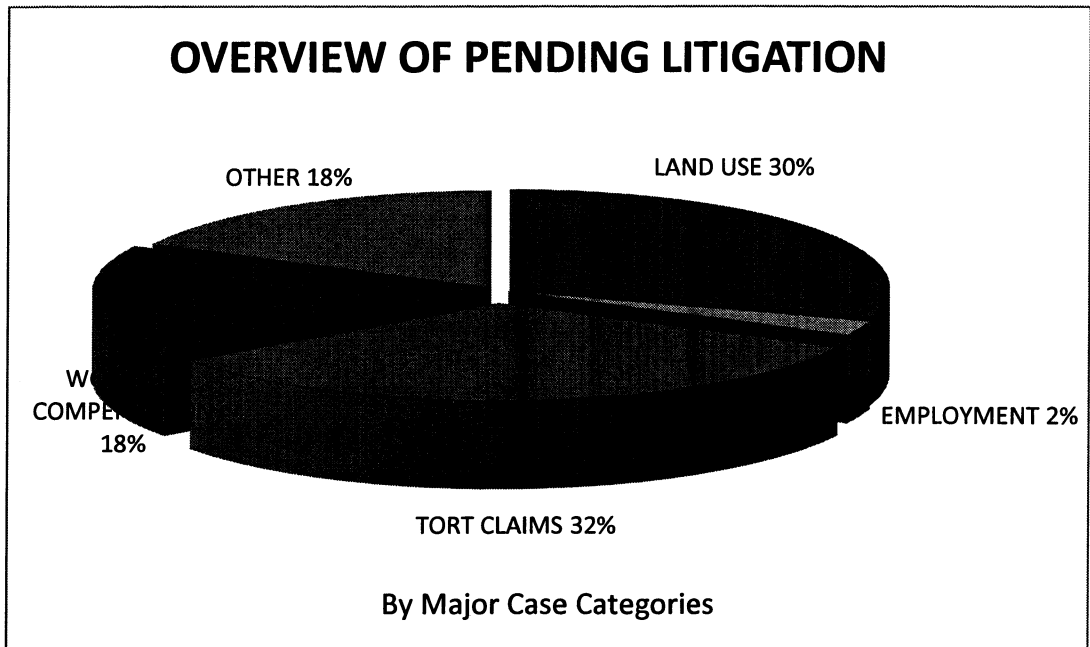
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## August/September 2014 Composition of Pending Litigation

(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	13						13
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
<b>Per Forum Totals</b>	<b>30</b>	<b>3</b>	<b>6</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>42</b>



## August/September 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
<b>Admin Appeal: Land Use (AALU)</b>	7			9	1	3	7
<b>Admin Appeal: Other (AAO)</b>	-			-			0
<b>Land Use Disputes (LD)</b>	1			1			1
<b>Tort Claims (T)</b>	12	2	1	10	5	2	13
<b>Employment Disputes (ED)</b>	1			1			1
<b>Contract Disputes (CD)</b>	6			4	2		6
<b>Property Disputes (PD)</b>	4			4			4
<b>Civil Enforcement (CE)</b>	2			1	1		2
<b>Workers' Compensation (WC)</b>	7			10		3	7
<b>Debt Collection (D)</b>	-			-			0
<b>Bankruptcy (B)</b>	-			-			0
<b>Miscellaneous (M)</b>	1			1			1
<b>Totals</b>	41	2	1	41	9	8	42

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

<b><u>A. New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
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
Prince George's County v. Damell	PG	Tort	Aug 2014
Moore v. Perry, et al	PG	Tort	Sep 2014
<b><u>B. New Appellate Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Rock Creek Hills Citizens Assoc. v. Commission	MCPB	AALU	July 2014

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

<b><u>C. Trial Court Cases Resolved.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
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
Bundi v. Soresi	PG	Tort	Aug 2014
<b><u>D. Appellate Court Cases Resolved.</u></b>			
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
<b>Employees Retirement System</b>		
<b>Finance Department</b>		
<b>Department of Human Resources and Management</b>		
<b>Montgomery County Department of Planning</b> 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.
<b>Montgomery County Department of Parks</b> 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. 383591-V	Case Settled and Dismissed on 04/11/14.
<b>Montgomery County Park Police</b>		
<b>Montgomery County Planning Board</b> 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.



<b>Prince George's County Department of Parks and Recreation</b>		
Bundi v. Soresi	Defense of claim for injuries sustained in a motor vehicle accident in a vehicle allegedly operated by Commission employee.	Trial. Judgment for Plaintiff in amount of \$7,510.10 on 08/13/14.
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. CAL 13-35118	Case settled and dismissed on 3/24/14.
<b>Prince George's County Planning Department</b>		
<b>Prince George's County Planning Board</b>		
<b>Prince George's Park Police</b>		

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**DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**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: Case stayed.

Docket:

12/11/13	Complaint filed
08/22/14	Request to stay pending arbitration granted

**Prince George's County v. Darnell**

Case No. 0502-0020253-2014 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Pending Trial

Docket:

08/28/14	Complaint filed.
09/17/14	Notice of Intention to Defend filed.

**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: Case dismissed.

Docket:

05/12/14	Complaint filed
09/03/14	Complaint dismissed, Rule 3-506

**Commission v. Paniagua**

Case No. 28702 (CD)

Lead Counsel: Harvin

Other Counsel:

Abstract: Claim for breach of rental contract.

Status: Case dismissed; tenant evacuated premises.

Docket:

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

**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
08/06/14	Motion to Dismiss denied.
01/27/15	Pretrial conference

**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
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: Case settled and dismissed.

Docket:

01/22/14	Complaint filed
06/30/14	Plaintiff's uncontested 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
08/22/14	Case dismissed

**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
08/27/14	Defendant served

**Commission v. Fleming**

CAL 14-15514 (Tort)

Lead Counsel: Aleman  
Other Counsel: Dickerson

Abstract: Commission filed a lawsuit seeking subrogation recovery for amount due for personal injuries sustained by Commission employee.

Status: Complaint filed.

Docket:

06/20/14	Complaint filed
07/31/14	Defendant served via certified mail
08/29/14	Defendant filed answer
02/15/15	Pretrial conference

**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.
08/29/14	Order of Default entered
11/14/14	Ex Parte Hearing on Damages

**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 or in the Alternative for a More Definitive Statement filed by Commission.
08/13/14	Amended Complaint filed.
08/22/14	Motion to Dismiss Amended Complaint filed on or About August 13, 2014 by Commission.
08/28/14	Order by Court granting Commission's Motion for More Definite Statement.

**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; no summons issued for service on Commission.
08/06/14	Motion to Enter Judgment filed by Plaintiff, despite lack of service

**Hawkins v. Commission**  
CAL14-17950 (T)

Lead Counsel: Harvin  
Other Counsel: Dickerson



**Abstract:** Defense of tort claim for claimed 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.
09/05/14	Answer filed.

**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.

**Status:** Complaint filed.

**Docket:**

07/15/14	Complaint filed.
08/22/14	Answer filed by Commission; Discovery requests filed.
01/20/15	Pretrial conference scheduled.

**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
08/04/14	Answer filed.
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: Case settled

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
12/01/14	Trial

**Moore v. Perry, et al**  
CAL14-22308(Tort)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Defense of claim for personal injury involving vehicle allegedly operated by Commission employee.

Status: Complaint filed.

Docket:

08/18/14	Complaint filed.
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**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
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12/09/13	Answer filed
04/10/14	3 <sup>rd</sup> 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: Case remanded to WCC

Docket:

04/13/13	Petition for Judicial Review filed
04/29/13	Response to Petition filed
09/16/14	Joint Motion to Remand
09/25/14	Case remanded to WCC

**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
06/04/15	Trial

**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: Case remanded to WCC

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
09/11/14	Joint Motion to Remand
09/24/14	Case remanded to WCC

**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.
09/02/14	Affidavit of Service on Defendant filed.

**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.
08/27/14	Order of Court granting Commission's request for hearing on damages and denying Motion of URS to exclude evidence.

**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 conference

**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: Affirmed.

Docket:

01/22/14	Petition filed
02/25/14	Commission's Response to Petition for Judicial Review
08/20/14	Oral Agrument
08/25/14	Order of Court affirming Planning Board Decision of 12/19/13

**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 Conference
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 Conference
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 decision

Docket:

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

**Fort Myer Construction Corporation v. Commission**  
September Term 2014, Case No. 00471(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: Awaiting decision

Docket:

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

**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
06/04/14	Oral Argument held.

**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
05/15/14	Reply Brief filed
06/11/14	Oral Argument held.

**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.
07/28/14	Commission's Response filed to Petition for Writ of Certiorari

**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 #: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
09/18/14	Court grants Motion of Eleven Marylanders for Leave to Appear Jointly as Amicus Curiae in Support of Defendants and grants Motion to Intervene by The American Legion, The American Legion Department of Maryland and The American Legion Colmar Manor Post 131
09/18/14	Scheduling Order filed by Court

**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 filed.

**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 Court 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

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