

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

**Wednesday, February 18, 2015  
MRO 9:30 a.m. – 11:30 a.m.**

			<u>ACTION</u>	
			Motion	Second
1.	<b>Approval of Commission Agenda</b>	(+*) Page 1		
2.	<b>Approval of Commission Minutes</b>			
	a) Open Session – January 21, 2015	(+*) Page 3		
	b) Closed Session – January 21, 2015	(+*)		
3.	<b>General Announcements</b>			
	a) Black History Month			
	b) Upcoming Women’s History Month			
	c) Diversity Council Certificates of Appreciation and Photo–Op (Past Members) and Introduction of Diversity Council – 2015			
4.	<b>Committee/Board Reports (For Information Only):</b>			
	a) Minutes – Executive Committee Open Session – January 14, 2015	(+) Page 11		
	b) Minutes – Executive Committee Closed Session – January 14, 2015	(++)		
	c) Minutes – Executive Committee Open Session – February 4, 2015	(+) Page 15		
	d) Minutes – Executive Committee Closed Session – February 4, 2015	(++)		
	e) Minutes – Regular Board of Trustees Meeting – December 2, 2014	(+) Page 19		
	f) Minutes – Special Board of Trustees Meeting – December 12, 2014	(+) Page 23		
	g) Minutes – Special Board of Trustees Meeting – December 19, 2014	(+) Page 25		
5.	<b>Action and Presentation Items</b>			
	a) 2014 Diversity Council Annual Report (Myers).....(+)	Page 27		
	b) FY 2014 Comprehensive Annual Financial Report (CAFR).....(H) (Zimmerman)			
6.	<b>Open Session - Officers’ Reports</b>			
	a) <b>Executive Director</b> – (For Information Only) Employee Evaluations Not Completed by Due Date – (January 2015).....(+)	Page 37		
	b) <b>Secretary-Treasurer</b> – (For Information Only) Enterprise Resource Planning (ERP) Briefing			
	c) <b>General Counsel</b> – (For Information Only)			
	1) Litigation Report (January 2015).....(+)	Page 39		
	2) Legislative Update.....(H)			
7.	<b>Closed Session</b>			
	Collective Bargaining Update - Pursuant to Section 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to consult with counsel to obtain legal advice, and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.			

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





# Item 2a

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
January 21, 2015

The Maryland National Capital Park and Planning Commission met on January 21, 2015, at 9:30 a.m. in the Prince George's County Parks and Recreation Auditorium in Riverdale, Maryland.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair  
Dorothy Bailey  
Manuel Geraldo  
A. Shuanise Washington

Montgomery County Commissioners

Casey Anderson, Vice-Chair (arrived at 10:02 a.m.)  
Norman Dreyfuss  
Natali Fani-Gonzalez  
Amy Presley  
Marye Wells-Harley

ABSENT

John Shoaff

Chair Hewlett convened the meeting at 9:43 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

In consideration of Commissioner Anderson's anticipated late arrival and to ensure that he would be present to view the Montgomery Planning Zoning Maps/Interactive Tools demonstration, Chair Hewlett moved Item 5 - Action and Presentation Items to follow Item 6 – Officers' Reports.

ACTION: Motion of Geraldo to approve the revised agenda

Seconded by Presley

8 Approved the motion – Vice-Chair Anderson was not present for the vote

ITEM 2 APPROVAL OF COMMISSION MINUTES

December 17, 2014 – Open Session

December 17, 2014 – Closed Session

ACTION: Motion of Presley to approve the minutes

Seconded by Geraldo

8 Approved the motion – Vice-Chair Anderson was not present for the vote

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Hewlett made the following announcements:

- Thanked Vice-Chair Anderson and everyone who worked on the One Commission Employee Celebration in December.
- Congratulated Secretary-Treasurer Joe Zimmerman and the ERP Team for their successful implementation of the new payroll system.
- Shared the significance of Martin Luther King Day for employees and employers.
- Extended belated birthday wishes to Commissioner Marye Wells-Harley.
- Shared that a number of other causes are observed in January including “Getting Organized” and “Financial Wellness.”
- Reminded employees that the annual opening reception for the Black History Month Celebration is scheduled for February 1<sup>st</sup> at 11:00 a.m., at the Montpelier Mansion. The Annual Expressions of a People is scheduled for February 8<sup>th</sup> at Harmony Hall. Other events will also be held throughout the Commission for employees and patrons.

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

None presented

ITEM 6 OFFICERS’ REPORTS (Taken out of order)

a) Executive Director Reports (Barney)

1) Employee Evaluations Not Completed by Due Date (December 2014)

Executive Director Barney stated there are some late reports; however, Directors are working on completing them.

2) FY15 Savings Plan

Executive Director Barney briefed the Commission on fiscal challenges that are being faced by the two respective counties and the State. She shared that both county governments were putting FY15 savings plans in place because of these financial challenges. She explained that in Montgomery County, the County Executive has directed that county departments develop FY16 budgets with 3% reductions after incorporating major known commitments. The pressure on the Montgomery County side will place pressure on M-NCPPC’s Montgomery County operations because the County Council will request a plan of non-recommended reductions similar to what the County Executive had requested. Montgomery County Office of Management and Budget (OMB) currently has implemented a hiring freeze (with exceptions for critical positions) and a procurement freeze requiring the Office of Management and Budget to approve expenditures over \$10,000. They did not designate a targeted savings percentage for FY15.

The Commission’s Prince George’s County operations long-term fiscal plan indicates that fund balances are being depleted at levels which, although planned, are not sustainable. During the budget work sessions, M-NCPPC plans to work with Prince George’s County Government and create a new



fiscal plan. The plan may require significant expenditure reductions, and/or possible revenue enhancements or a combination of both. The Prince George's County Office of Management and Budget (OMB) has developed a savings plan that equates to approximately 1.4% of the FY15 budgeted revenues.

As a result, M-NCPPC is proactively implementing a savings plan in FY 2015 and preparing for challenges in FY 2016. The parameters were developed through work sessions with Directors and supported by the Executive Committee. Targets are set at 1% to 1.5% of each department's budget to be saved in FY15. Additional details are below:

- The Montgomery County Directors and CAS Officers will be implementing a 1% to 1.5% savings plan without a specific hiring freeze as they had significant staffing reductions during the recession.
- The Prince George's County Directors will be implementing a hiring freeze with an exception process for critical positions to help achieve their 1% to 1.5% savings plan.
- All plans will target savings opportunities that can be continued into the FY16 budget if necessary.

Departments have been asked to forward their plans for review by the Secretary-Treasurer and the Executive Director to monitor implementation. The progress will be reported to the Commissioners at the Planning Board meetings during the normal quarterly financial projections by the Secretary-Treasurer.

Commissioner Dreyfuss expressed concern that savings appeared to be temporary and asked whether long-term cost savings were considered. Executive Director Barney provided background on recent reductions, highlighting that a number of these were put in place for significant and long term savings:

- Redesign of retirement plan to require greater employee sharing of funding pension benefits.
- Restructuring of retiree medical benefit premium cost sharing. In the past, retiree medical premiums were paid by the agency without any consideration of the length of service the employee had at time of retirement (e.g., an employee with 5 years of service received the same 85% cost sharing by M-NCPPC as was provided for a retiring employee with 30 years of service). This was changed for all new hires so benefit cost sharing is based on the employee's length of service at time of retirement. These changes resulted in significant savings on the retiree benefits and the agency's obligation for Other Post Employment Benefits (OPEB).
- The redesigned pension plan also shifted the vesting period from 5 years to 10 years of service.
- Significant savings were also gained through implementation of reductions-in-force (RIF) which resulted in permanent cuts in positions.
- Several departments including CAS lost approximately 20% of its workforce.

- Retirement Incentive Programs generated some long-term savings because higher paid employees left the system and were replaced with employees with lower salaries.
- The agency also implemented furloughs which were temporary.

Executive Director Barney explained that part of the challenge in meeting the reduction is that it affects the service demands. It is necessary to have a balance, with a mixture of long-term savings and some temporary reductions, to be in a position similar to other county agencies. She stated that the agency's assessable base is beginning to build. Management will be mindful to look for other long-term options.

Commissioner Dreyfuss inquired whether M-NCPPC has considered moving to a defined contribution retirement plan design, such as that which is offered to new employees in Montgomery County. Executive Director Barney responded while Montgomery County implemented a defined contribution plan, subsequently, it offered a hybrid plan which is a defined benefit plan. Thus, staff has options from which they may choose. Presently both Montgomery County and Prince George's County have a defined benefit plan open for employees.

Executive Director Barney also discussed the history of the Commission's review and adoption of the recently redesigned pension plan. During the analysis of options, M-NCPPC asked the actuaries to include a review of costs for defined benefit vs. defined contribution. This information, along with other concerns such as negative selection, led to the adoption of a lower cost defined benefit plan. She stated that the agency can review this option should the Commission wish.

- b) 1) ENTERPRISE RESOURCE PLANNING (ERP) BRIEFING (Zimmerman)  
 Secretary-Treasurer Zimmerman thanked Chair Hewlett for recognizing the efforts of the Enterprise Resource Planning Team. He shared that the accomplishments reflected significant joint efforts between Human Resources and Payroll. He noted that four payrolls have been completed and for the large part successfully. The team will be working expeditiously to resolve some business process issues with the seasonal employees in Prince George's County Parks and Recreation. The ERP team will be meeting with Prince George's County Deputy Directors Roslyn Johnson and Debbie Tyner to work on the issues this week.

The ERP team also continues to work on the other ERP modules to increase functionality, information retrieval, and security. Manager Self Service in the Human Capital Management module is targeted for Spring. Other components such as Employee Self Service will also be implemented to eliminate mailing and sorting paystubs, streamline benefits enrollment, and reduce paper consumption. Contract Management modules will help the information flow. Other modules in the system will be operating over the next 12 to 18 months. Some of the modules have been prioritized for short-term implementation in the next three to six months.

2) MFD PURCHASING STATISTICS (Zimmerman)

a) Fourth Quarter – FY14 and b) First Quarter – FY15

Secretary-Treasurer Zimmerman stated the reports were generated from the new system. The agency reached approximately 24% Commission-wide in FY14. M-NCPPC is currently at 29% for the first quarter of FY15 due to a large MFD award received in Montgomery Parks.

Commissioner Washington asked Mr. Zimmerman to share highlights of the reports in terms of trends. Mr. Zimmerman stated that for FY14 and for the first quarter of FY15, the agency is in line with the previous years. He reviewed the trends as contained in the meeting packet and explained that in 2009, the agency was at 32% MFD procurement and 38% in 2006, due to large construction projects which skewed the numbers. The agency is currently at 24% to 25% MFD procurement and it is static and not advancing. The agency would like to do better and is participating in more procurement outreach opportunities. The purchasing team will be doing greater outreach and will be co-sponsoring an event with Prince George's County to reach more vendors.

Executive Director Barney commented that M-NCPPC tries to remain around 25% MFD procurement. She referred to the Availability vs. Utilization comparative statistics as contained in the packet. She stated there are some categories of MFD vendors that are being underutilized, and that M-NCPPC reaches out to those groups. She added we try to participate in fairs and educate, and this is our neutral way of being inclusive.

c) GENERAL COUNSEL (Gardner)

1) Litigation Report - (December 2014) (For Information Only)

General Counsel Gardner indicated that the report is included in the packet. Mr. Gardner was asked to provide Commissioner Bailey with an explanation of Rule 3-506 which is referenced in the case GEICO v. Ness, et al.

2) Legislative Update

General Counsel Gardner and Associate General Counsel Julio Aleman distributed a memorandum regarding pending legislation and recommended positions for the Commission's consideration.

(1) Maryland-National Capital Park and Planning

Commission Reform Act of 2015 – MC/PG 104-15

General Counsel Gardner explained that Bill MC/PG 104-15 has two components:

(1) The Bill singles out certain Commission activities in Prince George's County by imposing an unprecedented series of new mandates.

(2) The Bill also mandates a series of audits and studies of Commission operations to be led by various State oversight agencies.

General Counsel Gardner stated that Bill MC/PG 104-15 requires M-NCPPC's procurement in Prince George's County to go through the Maryland Department of General Services procurement process, which would involve the Board of Public Works. This process would be difficult for M-NCPPC to manage. He shared that the Department Directors will meet today to develop a coherent strategy to contest this Bill. He stated that passing this Bill would cost M-NCPPC a significant amount of money and aggravation, and it would divert resources from the current work program.

General Counsel Gardner shared that the General Assembly Committee strongly suggested that M-NCPPC reach out to the sponsor, Delegate Valentino-Smith, to determine her expectations from the agency.

Recommendation: Oppose

(2) Prince George's County Municipal Planning and Zoning – MC/PG 111-15

General Counsel Gardner explained that under existing law, the Prince George's County District Council is authorized to delegate its authority over a certain number of regulatory decisions to a municipality (i.e., landscaping requirements). The existing law also excludes most detailed site plans from any municipal delegation.

The Bill presents fundamental changes to the existing legislative scheme. Rather than seeking to exercise the statutory authority of the District Council under a delegation, the Bill instead allows each municipality to assume the Planning Board's authority. In other words, the Bill eliminates any procedure for delegation in favor of a blanket authorization that would allow any of the 26 affected municipalities to opt into the Planning Board's authority without District Council approval or condition. Also, the Bill would inject the new municipal authority fully into approving conceptual site plans, specific design plans and detailed site plans without meaningful limitation.

Chair Hewlett asked General Counsel Gardner to send the Commissioners a copy of the article from the Gazette Newspaper on Municipal Planning and Zoning because it

was a one-sided editorial. The article states that if this Bill was passed, it would streamline the land use process.

Recommendation: Oppose

- (3) Maryland-National Capital Park and Planning Commission – Regulation of Off-Highway Recreational Vehicles in Prince George’s County - MC/PG 114-15  
General Counsel Gardner explained that this Bill requires M-NCPPC, in conjunction with the Prince George’s County Department of Parks and Recreation, to adopt regulations governing the use of off-highway recreational vehicles on Commission property located in Prince George’s County. General Counsel Gardner does not foresee this Bill to be a problem for the agency.

Recommendation: Support with Amendments

- (4) MFD Procurement Bill (not included in the Legislation Packet)  
General Counsel Gardner stated that a bill he distributed last month was requested by the Prince George’s County Council. That bill would require M-NCPPC to have a certification/ preference program for Prince George’s County vendors. That type of bill presents a challenge for a bi-county agency as it requires the agency to favor one vendor over another. General Counsel Gardner is not asking the Commissioners to take a position on this bill yet because he is hoping it can be worked through by pointing to the agency’s success in conducting business with vendors in Montgomery County and Prince George’s County without legislation.

Chair Hewlett requested a motion to approve the General Counsel’s recommendations on the first three bills.

ACTION: Motion of Anderson to approve the recommendations  
Seconded by Bailey  
9 Approved the motion

ITEM 5

ACTION AND PRESENTATION ITEMS (Taken out of order)

Montgomery Planning Zoning Maps/Interactive Tools (Wright/McGovern)

Montgomery County Planning Deputy Director Rose Krasnow provided a brief background on the tool and introduced Montgomery County Planning ITI Division Chief Henry Mobayeni and GIS Manager Christopher McGovern.

Mr. Mobayeni explained the Montgomery County Planning Zoning Maps/Interactive Tools and Mr. McGovern provided the demonstration of the various components:

- Zoning Conversion – <http://mcatlas.org/zc> - This zoning website is used by the project team to communicate current zoning versus proposed zoning changes. This site is used through the Planning Board and the Council phases of the zoning process.
- Zoning Explorer – <http://mcatlas.org/zoning> - This website is the official digital zoning map for the County as noted in the zoning code itself. The zoning displayed in this site keeps pace with changes adopted by Council.
- Developer Finder – <http://mcatlas.org/devfinder> - This website provides an easy to use and mobile-friendly tool for finding newly proposed and recently approved projects in the County. This website has integrated the regulatory systems so that it contains constantly up-to-date information and document access.
- Mailing List Generator – <http://mcatlas.org/notifications> - The Planning Department is responsible for maintaining the database of contacts for Civic and Homeowners associations for the purpose of notification of proposed development or zoning change applications. This new website provides an up-to-date mailing list generation capability that also includes property owners.

The Commissioners congratulated the Montgomery County Planning ITI team on the development of this tool.

During the course of the open session, Chair Hewlett thanked everyone for their contributions to a good calendar year in 2014. There were challenges, but the M-NCPPC team rose to the occasion. She shared that the agency is facing numerous challenges in 2015, and that to address these challenges, it will take teamwork and excellent services. Vice-Chair Anderson echoed Chair Hewlett’s sentiments.

Pursuant to Section 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, Chair Hewlett requested a motion to move to closed session.

ACTION: Motion of Dreyfuss to move to closed session

Seconded by Bailey

9 Approved the motion

The meeting adjourned to closed session at 11:20 a.m.

At 11:38 a.m., Chair Hewlett requested a motion to move to open session.

ACTION: Motion of Geraldo to move to open session

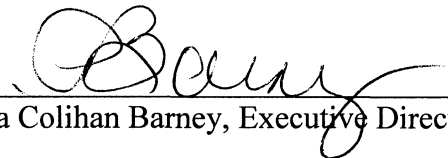
Seconded by Washington

9 Approved the motion

There being no further business to discuss, the meeting adjourned at 11:38 a.m.

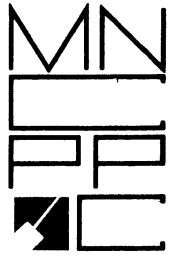


Gayla Williams, Senior Technical Writer/  
Senior Management Analyst



Patricia Colihan Barney, Executive Director





# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

## Item 4a

### EXECUTIVE COMMITTEE MEETING MINUTES January 14, 2015

The Maryland-National Capital Park and Planning Commission's Executive Committee met at 11:00 a.m., in the Merit System Board Conference Room, in Riverdale, Maryland. Present were Chair Elizabeth M. Hewlett (by teleconference), Vice-Chair Casey Anderson, and Executive Director Patricia C. Barney. Also present were:

Department Directors/Deputies/Presenters/Staff

- Adrian Gardner, General Counsel
- Ronnie Gathers, Director, Prince George's County Parks and Recreation
- Mitra Pedoeem, Acting Deputy Director, Montgomery County Parks for Director Mike Riley
- Fern Piret, Director, Prince George's County Planning
- Gwen Wright, Director, Montgomery County Planning
- Joe Zimmerman, Secretary-Treasurer
- Debbie Tyner, Deputy Director, Prince George's County Parks and Recreation
- Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief
- John Kroll, Corporate Budget Manager
- William Spencer, Human Resources Director
- Janis Thom-Grate, Policy Manager (CPMO) (arrived at 11:36 a.m.)

Executive Director Barney convened the meeting at 11:04 a.m.

**ITEM 1a - APPROVAL OF EXECUTIVE COMMITTEE AGENDA (Executive Director Patricia Barney)**

Discussion	Executive Director Barney added Item 4(d) – Collective Bargaining to the closed session.
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**ITEM 1b - APPROVAL OF COMMISSION MEETING (Executive Director Patricia Barney)**

Discussion	Executive Director Barney reviewed the January 21, 2015 Commission meeting agenda. The following amendment was made:  MFD Purchasing Statistics for the Fourth Quarter of FY14 and the First Quarter of FY15 were added to the agenda.
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**ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS (Executive Director Patricia Barney)**

Discussion	Executive Director Barney reviewed the Rolling Commission Agenda for the upcoming four months. Some areas which resulted in discussion include: <ul style="list-style-type: none"> <li>• The MFD Purchasing Statistics for the First Quarter of FY15 report was moved from the February meeting agenda to the January meeting agenda. A placeholder was added in March for presentation of the MFD Purchasing Statistics for the Second Quarter of FY15 report.</li> <li>• Announcement will be made in February regarding March's Women's History Month. Executive Director Barney inquired if the program is underway as Commissioner Marye Wells-Harley usually works with a committee to develop this program. Chair Hewlett stated that her office</li> </ul>
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	<p>had received a call regarding establishing a date for the program. Commissioner Anderson recommended that Commissioner Fani-Gonzalez be invited to participate as a program speaker.</p> <ul style="list-style-type: none"> <li>• Diversity Council Annual Report – Executive Director Barney stated that the report will be presented in February or March.</li> <li>• The Government Finance Officers Association (GFOA) Budget Award was presented in January; and therefore, removed from the March Commission meeting agenda.</li> </ul>
Follow Up/Action Items	<p><u>Women’s History Month Program</u></p> <ul style="list-style-type: none"> <li>• Executive Director Barney indicated that she will contact Commissioner Wells-Harley to determine if she needs assistance with the program.</li> <li>• Corporate Policy and Management Operations Chief Bennett will request that the Women’s History Month Committee contact Commissioner Fani-Gonzalez regarding speaking at the program.</li> </ul>
<b>ITEM 2 – MINUTES</b>	
Provided for Information Only	<p>a) Minutes – Executive Committee Open Session – November 5, 2014</p> <p>b) Minutes – Executive Committee Closed Session - November 5, 2014</p> <p>Please note Executive Committee Meeting – December 3, 2014 (cancelled)</p>
<b>ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS</b>	
Discussion	<p><b>a) Enterprise Resource Planning (ERP) Briefing (Zimmerman)</b></p> <p>Secretary-Treasurer Zimmerman stated that the HCM-Personnel/Payroll module has been implemented under the new ERP system. He commended the ERP team for working so diligently and putting in many extra hours to ensure that the payroll could be processed effectively and as targeted. He shared that payroll was implemented with only a few implementation issues. He indicated that a few challenges arose with the processing of the B2 payroll (Seasonal employees primarily in Prince George’s County Parks and Recreation) and the reporting of leave hours. He also commented that a few employees were underpaid. The ERP team has addressed most issues, and is working to resolve any remaining problems. On a separate matter, he reminded Directors of critical agency standards/federal laws that require the agency to follow specific timecard processing rules for employees who are non-exempt from the Fair Labor Standards Act (FLSA) for purposes of overtime. Under the FLSA, employers must calculate work hours on a 40-hour work week for non-exempt employees. Thus, these employees may not flex work hours across a two-week pay period (80 hours) because this would cause them to be underpaid for overtime. Management should monitor extra hours in a given workweek, as it will require payment of overtime for non-exempt employees. Exempt employees are allowed to flex because they are not paid overtime.</p> <p>Montgomery County Parks Acting Deputy Director Mitra Pedoeem asked where she would get a copy of positions that are exempt and non-exempt. Executive Director Barney indicated that she would have Human Resources prepare a list. She also indicated that all position classifications are available online and each classification should have the exempt or non-exempt status identified.</p>

	<p>Mr. Zimmerman noted that Human Resources and Payroll must work together to ensure personnel actions are inputted in a timely manner. Executive Director Barney added that the deadline for submission of PA2s must be adhered to in order to ensure employees are paid. Executive Director Barney stated she and Human Resources Director Spencer met with Human Resources Manager D’Andra Pratt regarding the timing of the personnel actions. Because the Manager Self-Service module is not yet in place, Ms. Pratt’s Employee Records team is currently inputting all PA2 actions. The Team will address the timing challenge with the help of other Human Resources employees until the Manager Self Service module is operational. Ms. Pratt will speak with Prince George’s County Deputy Directors Debbie Tyner and Roslyn Johnson to determine how the field can best address timing challenges for seasonal employees. Implementation of the Manager Self Service module will be a priority because the process must roll out properly before the increase in the number of seasonal employee PA2s in the spring.</p> <p>Another challenge discussed was that the new B2-seasonal employee timecard labels now include position, accounting unit, and a rate of pay numbers. The position numbers are causing some confusion as the ERP team did not have enough time to train staff on the new process. The ERP team is aware of the problem and will try to develop a report that helps clarify the procedure.</p> <p>Executive Director Barney shared that the Steering Committee met and discussed a 30-day break for employees who have been working every night and every weekend. They also discussed the list of items that must be completed. From the project list, the Committee selected four areas as priorities:</p> <ul style="list-style-type: none"> <li>• Complete the implementation of EFM financial reporting and CIP Data capabilities</li> <li>• Implement Manager Self Service and Employee Self Service</li> <li>• Fix the Procurement process flow</li> <li>• Integration of ERP HCM/KRONOS</li> </ul> <p>Other projects will follow the high priority projects.</p>
<p>Follow Up/Action Items</p>	<p><u>Deadline for submission of PA2s</u> Send a notice to staff to adhere to the deadline for submission of PA2s to ensure employees are paid.</p> <p>Executive Director Barney will ask Human Resources Manager D’Andra Pratt to speak with Prince George’s County Deputy Directors Debbie Tyner and Roslyn Johnson to determine what the challenges are and what can be done to ensure that the PA2s for seasonal employees are submitted by the deadline to avoid the need for employees to work on weekends.</p>

The meeting adjourned to closed session at 11:25 a.m.

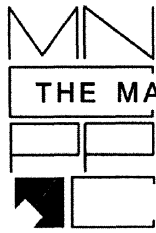


Gayla I. Williams, Senior Technical Writer/  
Senior Management Analyst



Patricia Colihan Barney  
Executive Director





**EXECUTIVE COMMITTEE MEETING MINUTES**

**February 4, 2015**

The Maryland-National Capital Park and Planning Commission’s Executive Committee met at 9:40 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. Also present were:

Department Directors/Deputies/Presenters/Staff

- Adrian Gardner, General Counsel
- Joe Zimmerman, Secretary-Treasurer
- Ronnie Gathers, Director, Prince George’s County Parks and Recreation
- Fern Piret, Director, Prince George’s County Planning
- Mike Riley, Director, Montgomery County Parks
- Gwen Wright, Director, Montgomery County Planning
- Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief
- William Spencer, Human Resources Director
- Janis Thom-Grate, Policy Manager (CPMO)

Executive Director Barney convened the meeting at 9:40 a.m.

**ITEM 1a - APPROVAL OF EXECUTIVE COMMITTEE AGENDA (Executive Director Patricia Barney)**

Discussion	Three items were added to the revised agenda: <ul style="list-style-type: none"> <li>• Briefing on upcoming Women’s History Month event</li> <li>• Black History Month events</li> <li>• Closed session discussion on African American Museum Public/Private Partnership</li> </ul>
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**ITEM 1b - APPROVAL OF COMMISSION MEETING (Executive Director Patricia Barney)**

Discussion	Executive Director Barney reviewed the February 18, 2015 Commission meeting agenda.
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**ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS (Executive Director Patricia Barney)**

Discussion	Executive Director Barney reviewed the Rolling Commission Agenda for the upcoming four months. Some areas which resulted in discussion include: <ul style="list-style-type: none"> <li>• No Smoking/E-cigarette policy update will occur in March by the Policy team.</li> <li>• Collective Bargaining Resolutions are targeted for April.</li> <li>• EAM Presentation by Mike Snyder and John Schlee will be added to the April meeting.</li> <li>• Practice 2-16 on Contract Employees will be moved to April as Directors will be reviewing a number of other policies from the Policy team in February and March including IT Security, Mobile Stipends, Telework with emergency closing provisions, and Americans with Disabilities Act updates for public accommodations. Contract employee regulations are very extensive and will be presented to the Commission as soon as Director review is completed.</li> </ul>
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<b>ITEM 2 – MINUTES</b>	
Provided for Information	January 14, 2015 Executive Committee Minutes a) Open session b) Closed Session
<b>ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS</b>	
Discussion	<p><b>a) Enterprise Resource Planning (ERP) Briefing (Zimmerman)</b> Secretary-Treasurer Zimmerman stated that the third payroll processing for bi-weekly (B1) Merit employees through the new system has been completed. He is still gathering data from Prince George’s County Parks and Recreation to help correct some concerns with the processing of B2 payroll which is largely comprised of seasonal contract employees. Most leave accrual issues have been resolved.</p> <p>His team has scheduled a Capital Improvement Project (CIP) meeting on Thursday, February 5<sup>th</sup>. Finance is working with new projections with data from the new system, and is still trying to schedule the supply chain approval process with Department Directors.</p> <p>Directors identified some concerns that still exist with leave accrual reporting, to which Mr. Zimmerman indicated he will be following up.</p> <p>Executive Director Barney added that on the Human Capital Management (HCM) side, staff will be working on the Manager Self Service functionality in the future. Until that time, DHRM staff will be working with Finance staff to manage the inflow of seasonal employees.</p> <p><b>b) Women’s History Month Event (Barney/Bennett)</b> Executive Director Barney requested an update on the One-Commission Women’s History Month event and assistance on coordination of the event. She shared that the annual event was introduced by Commissioner Wells-Harley and has been a successful program. She asked Ms. Bennett to brief the Committee.</p> <p>Ms. Bennett stated that the event is typically chaired by staff from the two Planning Boards, however, there have been a number of changes on the committee, and presently there is no Chair. Policy team specialist Lisa Dupree appears to have taken the lead to organize committee meetings and reach out to speakers. However, with the heavy workload in the Policy Office, a Co-Chair is needed to help move the event forward as it is next month. Ms. Dupree has offered to serve as Co-Chair.</p> <p>Ms. Bennett indicated that the event will take place on March 16<sup>th</sup> at Newton White Mansion, in Mitchellville, Maryland.</p> <p>Ms. Dupree has reached out to Commissioner Marye Wells-Harley and potential speakers for this year’s events to include:</p>

- Commissioner Natali Fani-Gonzalez
- Commissioner A. Shuanise Washington

Commissioner Wells-Harley will serve as Master of Ceremonies. Executive Director Barney and Commission Chairs will also be asked to speak. Chair Hewlett added that she could think of several dynamic women who may participate as speakers should the Committee need additional speakers.

Ms. Bennett shared the names of committee members as designated by Directors. She shared that members may be female or male, and in addition to committee members (who will design the program), volunteers are needed for the day of the event. Executive Director Barney suggested that the Diversity Council be more involved in these events as they celebrate diversity of our workforce.

Chair Hewlett expressed concern that the Committee has had challenges in meeting and suggested that staff should be able to meet through conference call discussions if in-person meetings are difficult. Executive Director Barney suggested Department Directors contact their designated committee member to ensure they attend upcoming meetings. She reiterated the importance of designated members who can consistently attend planning meetings, represent the Director's ideas, and help lead the event. Montgomery County Planning Director Gwen Wright suggested the directors send out department-wide emails to drum up additional interest for Committee participation. Names of potential representatives were requested by Monday, February 9<sup>th</sup>.

Executive Director Barney thanked staff in advance, noting that last year's event was exemplary.

**c) Marketing/Branding Update (Bennett)** (Item added during discussion)

Ms. Bennett briefed the Executive Committee on this effort. The M-NCPPC Marketing team has been working with consultant LMD to review a number of potential branding ideas involving pictorial logos and taglines. Those with potential will be presented to Directors this afternoon. Director input will be sought to finalize ideas which will then be shared with focus groups.

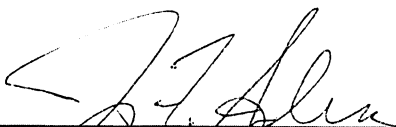
Commissioner Presley was asked to attend the review as she has a marketing background. Vice-Chair Anderson stated that the marketing group should also have a Commissioner from the Prince George's County side to join Commissioner Presley. Montgomery County Parks Director Mike Riley added how helpful it is when Planning Board members give active support to high profile agency projects.


**d) Black History Month Events (Barney)**

Executive Director Barney highlighted Black History Month events being held in the month of February. A number of events are being held by

	<p>departments in both counties. Montgomery County Planning Director Wright mentioned the events happening at MRO each Friday in February.</p> <p><b>e) Literacy Program (Hewlett)</b> (Item added during discussion) Chair Hewlett inquired about the status of the agency's Literacy Program.</p> <p>Ms. Bennett stated that a proposal was shared with Department Directors during a directors' retreat. The cost was reasonable and the training would occur sometime in the Fall of 2015. The two parks departments were to get together to work out the particulars of the contract. Chair Hewlett stressed that there should be classes both for native English speakers and for ESL individuals. Executive Director Barney suggested that it get back on the Department Directors' agenda to discuss funding, timing and identifying a point person to put the contract in place. Chair Hewlett stressed how important this program is for the agency, since those people who might benefit from these classes are often reluctant to come forward.</p>
<p>Follow Up/Action Items</p>	<p><u>Women's History Month event</u></p> <ul style="list-style-type: none"> <li>• Policy Manager Janis Thom-Grate will send Department Directors a template email for them to use to send to their respective departments to encourage staff to help or join. Responses are due Monday, February 9<sup>th</sup>.</li> <li>• Jim Adams will send a "Hold the Date" notice to all Commission employees.</li> <li>• Chair Hewlett will provide additional names of speakers. Ms. Dupree/Committee will be asked to follow up with Chair Hewlett.</li> </ul> <p><u>Black History Month events</u></p> <p>Jim Adams will post on the intranet, a link to various events being held within the Montgomery and Prince George's County departments.</p> <p><u>Literacy Program</u></p> <p>Program to be discussed at February Department Directors' meeting. Ms. Bennett will review the past proposals, see if they need to be updated, and send the Executive Committee a written briefing.</p>

The meeting adjourned for closed session at 10:05 a.m.

  
 \_\_\_\_\_  
 James F. Adams, Senior Graphic Designer  
 for Gayla Williams, Technical Hearing Writer

  
 \_\_\_\_\_  
 Patricia Colihan Barney  
 Executive Director



## EMPLOYEES' RETIREMENT SYSTEM

The Maryland-National Capital Park and Planning Commission

### REGULAR BOARD OF TRUSTEES MEETING

#### MINUTES

**Tuesday, December 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, December 2, 2014 at 10:00 a.m. Voting members present were: Josh Ardison, Khalid Afzal, Patricia Colihan Barney, CPA, Elizabeth M. Hewlett, Pamela F. Gogol, Tracy Lieberman, Barbara Walsh, and Joseph C. Zimmerman, CPA. Richard H. Bucher, Ph.D. arrived at 10:10 a.m. Jenetha Facey arrived at 11:30 a.m. Marye Wells-Harley was absent.

ERS staff included: Andrea L. Rose, Administrator, and Sheila S. Joynes, Accounting Manager.

Presentations by M-NCPPC Legal Department - LaTonya Reynolds, Associate General Counsel, the Groom Law Group's Alexander P. Ryan and Wilshire Associates - Mike Dudkowski, Managing Director and Bradley Baker, Senior Associate.

#### **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 December 2, 2014 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, November 4, 2014
- C. Minutes of Closed Session, May 6, 2014
- D. Administration & Personnel Oversight Committee's Confidential Report of February 6, 2014
- E. Disbursements Granted Reports – October 2014
- F. Transfer of \$12,600,000 to Cover Administration Expenses and Benefit Payments For December 2014-February 2015
- G. 2015 Board of Trustees Meeting Dates and Work Program
- H. 2015 Work Programs and Meeting Dates for the Investment Monitoring Group, Administration & Personnel Oversight Committee and the Audit Committee

The Agenda was revised to move Item 6.A. Committee Reports to Item 3. Miscellaneous.

MS. BARNEY made a motion, seconded by MS. WALSH to approve the Agenda, as revised. The motion PASSED unanimously (8-0). (Motion #14-53)

Item 1.C – Minutes of Closed Session, May 6, 2014 and Item 1.D. Administration & Personnel Oversight Committee's February 6, 2014 Confidential Report were removed from the Consent Agenda.

MS. BARNEY made a motion, seconded by MS. WALSH to approve the Consent Agenda, as revised. The Motion PASSED unanimously (8-0). (Motion #14-54)

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

- A. Board of Trustees Conference Summary

Richard H. Bucher, Ph.D. arrived at 10:10 a.m.



### **3. MISCELLANEOUS**

Item 6. Committee Reports moved to Item 3. Miscellaneous.

MS. BARNEY presented the regular report for the Investment Monitoring Group's (IMG) meeting of November 18, 2014. The ERS' custodian bank, Northern Trust, manages a securities lending program for the ERS. Securities lending income for the year ending June 30, 2014 and 2013 was \$270,887 and \$220,841, respectively. Northern Trust recently announced that the cash collateral pool, CoreUSA, would no longer be offered, but offered two alternatives. Wilshire's Mike Dudkowski recommended the ERS select the Collective SL Core Short Term Investment Fund which is consistent with the guidelines of the current cash collateral pool with similar investment spread and fees/cost recovery. The Northern Institutional Liquid Assets Portfolio (NILPA) alternative is a registered 2a-7 institutional prime money market fund with a lower investment spread and higher fees. The Investment Monitoring Group posed numerous questions to Northern Trust and were comfortable with the responses regarding the ratings, maximum maturity, collateral requirements, relending securities, perfected security interest, and impact on custodial fees. Andrea Rose discussed the potential impact on custodial fees if the ERS were to discontinue the securities lending program or to select the NILPA alternative.

MS. BARNEY made a motion, seconded by MR. AFZAL to select the Collective SL Core Short Term Investment Fund as the securities lending cash collateral pool as recommended by Wilshire Associates. The motion PASSED unanimously (9-0). (Motion #14-55)

### **4. CLOSED SESSION**

The Board will meet in closed session, pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) to discuss investment of public funds and to consult with legal counsel.

MS. GOGOL made a motion, seconded by MS. BARNEY to go in to Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) to discuss investment of public funds and to consult with legal counsel. The motion PASSED unanimously (9-0). (Motion #14-56)

Jenetha Facey arrive at 11:30 a.m. during the Closed Session.

DR. BUCHER made a motion, seconded by MS. BARNEY to ratify the actions taken in Closed Session. The motion PASSED unanimously (9-0). CHAIRMAN HEWLETT was out of the room. (Motion #14-60)

### **5. REPORT OF THE ADMINISTRATOR**

Presentation by Administrator, Andrea L. Rose

- A. Administrator's Report dated November 21, 2014
  - i. Popular Annual Financial Report for the Fiscal Year Ended June 30, 2014
  - ii. Account Balance Report dated November 19, 2014

Ms. Rose presented the Administrator's Report dated November 21, 2014. Ms. Rose announced the Commission approved the recommended FY2016 employer contribution of \$27,191,305 payable July 1, 2015; adoption of the Plan Document Restatement Effective January 1, 2015; and appointment of Golub Capital as a new investment manager. Annual statements were mailed to all active, vested and non-vested employees at the end of November. In an effort to Go Green, the Popular Annual Financial Report is available online or by contacting the ERS for a hard copy.

The ERS was awarded the Public Pension Standards Award for Funding and Administration for the tenth consecutive year. The Public Pension Coordinating Council recognizes public pension systems that meet the Public Pension Standards which are intended to reflect the minimum expectations for public retirement system management and administration as well as serve as a benchmark for which all defined benefit public plans should be measured.

## **6. COMMITTEE REPORTS**

- A. Investment Monitoring Group
  - Presentation by Richard H. Bucher, Ph.D.
  - i. Regular Report of November 18, 2014
  - ii. Confidential Report of November 18, 2014 – *Confidential – Trustees Only*

Item 6. Committee Reports was moved to Item 3. Miscellaneous.

## **7. Manager Reports/Presentations**

- A. Wilshire Associates
  - Presentations by Mike Dudkowski, Managing Director and Bradley Baker, Senior Associate
  - i. Executive Summary of Investment Performance; as of September 30, 2014
  - ii. Manager Comparison - 3yr and 5yr Rolling Returns; as of September 30, 2014
  - iii. Summary of Investment Performance – Gross of Fees; Qtr. Ending September 30, 2014

Mike Dudkowski reported on the fund's performance for the quarter ending September 30, 2014. The ERS' total return was 7.44% (net of fees) for the one-year ending September 30, 2014. The total fund underperformed the policy index return of 8.68%. The ERS fund return was 12.03% for the three-years ended September 30, 2014 and 9.90% for the five-years ended September 30, 2014 versus the policy index which returned 12.43% and 9.75%, respectively. The total market value through September 30, 2014 was \$800.7 million. Brad Baker reviewed individual manager performance highlighting Artisan's continued underperformance. Artisan Partners will be invited to the Investment Monitoring Group's January 20, 2015 meeting to discuss performance. Mr. Dudkowski alerted the Board to a recent departure from FLAG's real assets team. Warren Chang, Principal and member of the real assets team departed after only two and half years at the firm. This is noteworthy due to the relatively small size of the team; however, Wilshire is not recommending any action and will continue to monitor the situation.

## **8. ETHICS & FIDUCIARY RESPONSIBILITY TRAINING**

- A. M-NCPPC Legal Department
  - Presentation by LaTonya Reynolds, Associate General Counsel

LaTonya Reynolds provided Ethics & Fiduciary Responsibility training focusing on the responsibilities of a public pension fiduciary. This is required annual training for trustees.

The Board of Trustees meeting of December 2, 2014 adjourned at 1:30 p.m.

Respectfully,



Andrea L. Rose  
Administrator





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

***SPECIAL BOARD OF TRUSTEES MEETING  
MINUTES***

***Friday, December 12, 2014; 4:00 P.M.***

**ERS Conference Room and via Teleconference**

A Special Meeting of the Board of Trustees was held on Friday, December 12, 2014 at 4:00 p.m. Voting members present in person and via conference call were: Khalid Afzal, Josh Ardison, Patricia Colihan Barney, CPA, Jenetha Facey, Pamela F. Gogol, Barbara Walsh, and Marye Wells-Harley. Richard H. Bucher, Ph.D., Elizabeth M. Hewlett, Tracey Lieberman, and Joseph Zimmerman, CPA, were not present.

Andrea L. Rose, Administrator, and LaTonya Reynolds, M-NCPPC Associate General Counsel, were present.

Presentations by Wilshire Associates – Mike Dudkowski, Managing Director, and the Groom Law Group – Alex Ryan.

VICE CHAIRMAN WELLS-HARLEY called to order a Special Meeting of the Board of Trustees.

1. Special Board of Trustees Meeting Agenda

A. Approval of the December 12, 2014 Special Board of Trustees Meeting Agenda

MS. BARNEY made a motion, seconded by MS. WALSH to approve the Special Board of Trustees Meeting Agenda of December 12, 2014. The motion PASSED unanimously (7-0). (Motion #14-61)

2. Closed Session

MS. BARNEY made a motion, seconded by MS. WALSH to go into Closed Session pursuant to the General Provisions of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) to discuss the investment of public funds and to consult with legal counsel. The motion PASSED unanimously (7-0). (Motion #14-62)

MS. BARNEY made a motion, seconded by MS. WALSH to ratify the actions taken in Closed Session. The motion PASSED unanimously (7-0). (Motion #14-66)

The Special Meeting of the Board of Trustees of December 12, 2014 ended at 4:50 p.m.

Respectfully,

Andrea L. Rose  
Administrator





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

***SPECIAL BOARD OF TRUSTEES MEETING  
MINUTES***

***Friday, December 19, 2014; 3:30 P.M.***

**ERS Conference Room and via Teleconference**

A Special Meeting of the Board of Trustees was held on Friday, December 19, 2014 at 3:30 p.m. Voting members present in person and via conference call were: Josh Ardison, Patricia Colihan Barney, CPA, Richard H. Bucher, Ph.D., Pamela F. Gogol, Elizabeth M. Hewlett, Tracy Lieberman, Barbara Walsh, Marye Wells-Harley, Joseph C. Zimmerman, CPA. Richard H. Bucher, Ph.D., Elizabeth M. Hewlett, Tracey Lieberman, and Joseph Zimmerman, CPA, were not present.

Andrea L. Rose, Administrator, Sheila Joynes, Accounting Manager, LaTonya Reynolds, M-NCPPC Associate General Counsel, and Mike Dudkowski, Managing Director, were present.

Presentations by the Groom Law Group – Alex Ryan.

1. Special Board of Trustees Meeting Agenda

A. Approval of the December 19, 2014 Special Board of Trustees Meeting Agenda

VICE CHAIRMAN WELLS-HARLEY made a motion, seconded by MS. WALSH to approve the Special Board of Trustees Meeting Agenda of December 19, 2014. The motion PASSED unanimously (8-0). (Motion #14-67)

2. Closed Session

VICE CHAIRMAN WELLS-HARLEY made a motion, seconded by MS. WALSH to go into Closed Session pursuant to the General Provisions of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) to discuss the investment of public funds and to consult with legal counsel. The motion PASSED unanimously (8-0). (Motion #14-68)

MS. BARNEY arrived at 3:40 p.m.

DR. BUCHER made a motion, seconded by MS. BARNEY to ratify the actions taken in Closed Session. The motion PASSED unanimously (9-0). (Motion #14-71)

The Special Meeting of the Board of Trustees of December 19, 2014 ended at 4:20 p.m.

Respectfully,

Andrea L. Rose  
Administrator









# Item 5a

## THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION *Diversity Council*

6611 Kenilworth Avenue, Suite 402 • Riverdale, Maryland 20737 • 301-454-1740 Fax: 301-454-1750

February 2, 2015

To: Commissioners

Via: Patricia C. Barney, Executive Director

From: Mechelle T. Myers, Diversity Council Co-Chair

Subject: 2014 Diversity Council Annual Report

2014 was a busy year for The Diversity Council. We kicked off the year with the 2014 Diversity Council Celebration ***“Embracing Diversity, Embracing the World”*** with Guest Speaker Lon Kieffer who gave a humorous portrayal and caricature of the generations in the workplace – Traditionalist, Baby Boomers, Generation X and Generation Y.

After the celebration, the Council rolled up our sleeves to continue to meet our objectives for the Strategic Plan and to utilize the results of the Employee Survey; we began to edit the 2015-2017 Strategic Plan to incorporate the survey results and recommendation into the new Strategic Plan.

The Council requested and received the support of the Departmental Director’s to:

1. Recognize the appointments to the Diversity Council as a work function. This would allow the Council members and their supervisors to plan work programming needs and resources accordingly. The draft of the work function description will need to be finalized and reported back to the Department Director’s for their approval.
2. Assist in encouraging and promoting a partnership with Departmental Celebrations. This would allow the Council to use its resources and members to partner with and assist in the coordination, planning and execution of the Commission Departmental Celebrations;
3. Assist in coordination of the Departmental training events and attendance in order to allow the Council to meet the Strategic Plans mandatory requirement of 4 hours of training for staff.

The Council conducted an employee survey and took great strides to include all staff in the opportunity to respond to the survey. Council Members attended staff meetings within the Maintenance Facilities to allow for the inclusion of staff members that may not have the opportunity to respond to an electronic survey. These members were given a paper survey to capture their concerns and comments and these paper surveys were then added to the electronic responses. There were over 450 responses to this survey, and the Council will use the

results of the survey to begin the new Strategic Plan for 2015-2017 objectives, to more accurately reflect the concerns and/or interests of the Commission staff.

The Council updated the Diversity Council's webpage content and, created a shared location to which all Diversity Council members have access, in order to store all documents for future Councils.

The 2014 Diversity Council members worked very hard to continue to meet the mission of the Diversity Council and to assist future Council's continued success in the same.

**M-NCPPC  
DIVERSITY COUNCIL**



**Many Cultures, One Commission**

# Mission, Vision & Values

- Provide advice to Commission on developing and implementing a diversity policy framework
- Promote an inclusive workplace
- Encourage effective programming and services both internally and externally

# Strategic Plan Purpose

- To promote employees understanding of respecting differences and working together
- To support an inclusive work environment
- To improve quality of work, boost morale, and maximize contributions of employees through training, programs, and activities.

# Policy and Implementation

**Goal: Create an environment to embrace and promote diversity and cultural awareness**

- Executed the strategies within the approved Strategic Plan
- Conducted interviews with Senior Leadership
- Began drafting of the new Strategic Plan for years 2015 - 2017

# Marketing and Communications

## Outreach

**Goal:** *share tools, strategies and resources*

- Presented 2014 Diversity Celebration May 31, 2014 “When Generations Collide”
- Updated the Diversity Council’s webpage look and content

# Program Development and Training

**Goal:** *create alignment with training efforts*

- Implemented a Commission-wide Employee Survey to get the pulse of the staff and to assist in designing the new strategic plan and efforts for 2015-2017
- Reviewed Strategic Plan with new members



# Tools for Future Councils

- Created a shared space to allow for sharing of forms, documents and historical content from previous Councils.
- Received support from Directors to recognize Council appointments as a work function to allow for better work programming needs for members and their supervisors (work function description pending approval)
- Received support from Directors for Partnership with Departmental Celebrations and the Council
- Created documents to assist in the success of future Councils (Strategic Plan Checklist, Calendar of Diversity Events, At-a-glance booklet for new members, Celebration lessons learned notes & documents)





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
 BY DEPARTMENT AS OF JANUARY 2015

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	12/14	01/15	12/14	01/15	12/14	01/15	12/14	01/15
CHAIRMAN, MONTGOMERY COUNTY	1	0	0	1	0	0	1	1
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	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.	2	1	0	0	0	0	2	1
LEGAL DEPARTMENT	2	1	1	3	0	0	3	4
FINANCE DEPARTMENT	0	1	0	0	0	0	0	1
PRINCE GEORGE'S PLANNING	0	0	0	0	0	0	0	0
PRINCE GEORGE'S PARKS & RECREATION	2	3	0	0	0	0	2	3
MONTGOMERY COUNTY PARKS	0	0	0	0	0	0	0	0
MONTGOMERY COUNTY PLANNING	1	1	0	0	0	0	1	1
**DEPARTMENT TOTAL BY DAYS LATE**	8	7	1	4	0	0	---	---
<b>COMMISSION WIDE TOTAL:</b>							<b>9</b>	<b>11</b>

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







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

*Reply To*

February 10, 2015

**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 Month of January, 2015

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Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, February 18, 2015. 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.

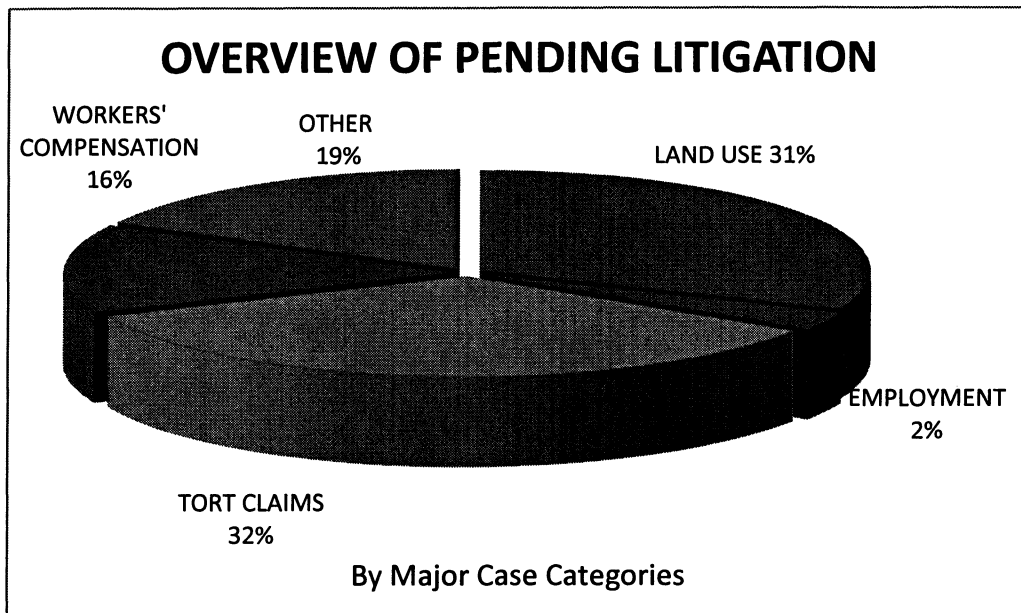
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## January 2015 Composition of Pending Litigation

(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			4	1			5
Admin Appeal: Other							0
Land Use Dispute		1					1
Tort Claims	12						12
Employment Dispute		1					1
Contract Dispute	3	1		1			5
Property Dispute	2						2
Civil Enforcement	2						2
Workers' Compensation	5						5
Debt Collection							0
Bankruptcy							0
Miscellaneous		1					1
<b>Per Forum Totals</b>	<b>24</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>34</b>





## December 2014 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2015			
	Pending Last Month	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	5			9	2	6	5
Admin Appeal: Other (AAO)	0			-			0
Land Use Disputes (LD)	2		1	1	2	2	1
Tort Claims (T)	12			10	10	7	12
Employment Disputes (ED)	1			1			1
Contract Disputes (CD)	4			4	4	4	5
Property Disputes (PD)	3			4		1	2
Civil Enforcement (CE)	2			1	1		2
Workers' Compensation (WC)	5			10		6	5
Debt Collection (D)	0			-			0
Bankruptcy (B)	0			-			0
Miscellaneous (M)	1			1			1
<b>Totals</b>	<b>35</b>	<b>0</b>	<b>1</b>	<b>41</b>	<b>19</b>	<b>26</b>	<b>34</b>

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

**A. New Trial Court Cases.**

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Glessner v. Commission	PGParks	Tort	July 2014
Jones v. Commission	PGParks	Tort	July 2014
Hawkins v. Commission	PGParks	Tort	July 2014
Howard Entertainment v. Commission	PGParks	CD	July 2014
Commission v. Paniagua	MC	CD	Aug 2014
Commission v. Pirtle	MC	CE	Aug 2014
Prince George's County v. Damell	PG	Tort	Aug 2014
Moore v. Perry, et al	PG	Tort	Sep 2014
Commission v. Kernan, et al	MC	CD	Oct 2014
Jackson v. Commission (D.Ct)	MCParks	Tort	Oct 2014
Tuckman-Barbee v. Commission	PG	CD	Nov 2014
Pulte v. Montgomery County, et al (Cir Ct)	MCPB	LD	Nov 2014
Jackson v. Commission (C.Ct)	MCParks	Tort	Nov 2014
Quick v. Commission	PGPR	Tort	Nov 2014
Jones v. Kellogg, et al	MC	Tort	Dec 2014
Quick v. Gathers	PGPR	Tort	Dec 2014
Pulte, et al v. Montgomery Cty, et al (Fed Ct)	MCPB	LD	Dec 2014

**B. New Appellate Court Cases.**

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Rock Creek Hills Citizens Assoc. v. Commission	MCPB	AALU	July 2014
Kaviani v. Montgomery County Planning Board	MCPB	AALU	Oct 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
Letke Security Contract v. Commission	MC	CD	Sept/Oct 2014
Commission v. Paniagua	MC	CD	Sept/Oct 2014
Reijerson v. Commission	PG	WC	Sept/Oct 2014
White v. Commission	PG	WC	Sept/Oct 2014
Kaviani v. Montgomery County Planning Board	MCPB	AALU	Oct 2014
Butler v. Commission	PGPR	Tort	Oct 2014
Jackson v. Commission (D. Ct.)	MCParks	Tort	Nov 2014
Bell v. Commission	PGPR	Tort	Nov 2014
Litrenta v. Commission	PGPR	Tort	Nov 2014
Duvall v. Commission	PGPB	LD	Nov 2014
Commission v. Kernan, et al	MC	CD	Dec 2014
Geico v. Ness, et al	PG	Tort	Dec 2014
Phoenix v. Commission	PG	Tort	Dec 2014
Pulte Home Corp, et al v. Mont. Cty, et al	MCPB	Tort	Jan 2015

**D. Appellate Court Cases Resolved.**

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
Kelly Canavan, et al v. Commission	PGPB	AALU	Oct 2014
Fort Myers Construction Corp v. Commission	MCPB	CD	Nov 2014
Bernardo Rene Flores v. Commission	PGPB	PD	Dec 2014
McClure v. Montgomery County Planning Board	MCPB	AALU	Dec 2014

## Disposition of FY15 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources and Management		
Montgomery County Department of Planning		
Commission v. Paniagua	Claim for breach of rental contract	Dismissed on 09/10/14.
Kaviani v. Montgomery County Planning Board	Petition for judicial review of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.	Order of Court affirming Planning Board Decision on 8/25/14.
Letke Security Contract v. Commission	Defense of claim for breach of contract	Complaint dismissed on 09/03/14.
Slover et al. v. Montgomery County Planning Board	Petition for Judicial review of the Planning Board decision to approve two-lot subdivision located at 9490 River Road in Potomac filed by project opponents.	Order of Court of Special Appeals affirming Judgment on 06/20/14.
Rock Creek Hills Citizens Association, et al v. Commission	Declaratory Judgment in Montgomery County Circuit Court attempting to stop transfer & development of Commission owned property as Association lacks standing to pursue the Federal Land and Water Conservation Fund claims.	Opinion from Court of Special Appeals affirming Montgomery County judgment on 05/27/14.
Montgomery County Department of Parks		
Beatty v. Montgomery County, et al.	Claimant is suing for tort arising from slip and fall.	Order by Court of Special Appeals affirming Judgment on 06/4/14.
Commission v. Fermin	WCC awarded 15% permanent partial disability under "other cases" and Commission appealed.	Case Settled and Dismissed on 04/11/14.
Commission v. Kernan, et al	Claim for breach of rental contract, seeking possession of property	Case dismissed on 11/03/14, tenant vacated property

Fort Myer Construction Corp v. Commission	Third party defendant noted appeal from Court's ruling in Commission's favor that URS owed the Commission duty to defend litigation.	Court of Special Appeals dismissed appeal on 09/25/14 with leave to file notice of appeal from a final judgment.
Jackson v. Commission	Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.	Jury trial prayed; case forwarded to Circuit Court on 11/06/14.
<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.
McClure v. Montgomery County Planning Board	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.	Judgment of the Circuit Court for Montgomery County affirmed on 12/02/14.
Pulte Home Corporation, et al v. Montgomery County, et al	Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland (Case No. 397601V)	Notice of Removal to U. S. Federal District Court filed; case closed on 12/18/14.
<b>Prince George's County Department of Parks and Recreation</b>		
Bell v. Commission	Defense of claims seeking damages for injuries sustained at the Sports & Learning Complex.	Case settled and dismissed on 10/02/14.
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. CAL13-35118	Case settled and dismissed on 3/24/14.
GEICO v. Ness, et al	Defense of claim for property damage to a motor vehicle involving a vehicle allegedly operated by Commission employee	Complaint dismissed under Rule 3-506 on 11/25/14.

Litrenta v. Commission	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.	Case settled and dismissed on 10/08/14.
Phoenix v. Commission	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.	Case settled without any payment from the Commission on 11/25/14.
Reijerson v. Commission	WCC found claimant sustained 10% permanent partial disability under "other cases" and claimant appealed	Case remanded to WCC on 09/25/14.
White v. Commission	WCC ordered certain surgery not causally related to accident injury and claimant appealed	Case remanded to WCC on 09/24/14.
<b>Prince George's County Planning Department</b>		
<b>Prince George's County Planning Board</b>		
Kelly Canavan, et al v. Commission	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.	Petition for Writ of Certiorari denied on 07/21/14.
Duvall v. Commission	Defense of Claim for land dispute.	Commission's Motion to Dismiss granted by Court.; case dismissed on 10/17/14.
Bernando Rene Flores v. Commission	Defense against Petition for Declaratory Judgment to invalidate Owner's Dedication of Green Space despite tax sale.	Judgment of the Circuit Court for Prince George's County affirmed on 12/02/14.
<b>Prince George's Park Police</b>		
Butler v. Commission	Defense of claim seeking damages for injuries sustained in an accident with a vehicle driven by a Park Police officer	Case settled and dismissed on 08/22/14.

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

**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: Judgment entered.

Docket:

08/28/14	Complaint filed.
09/17/14	Notice of Intention to Defend filed.
01/14/15	Judgment entered in favor of Defendant

**Quick v. Commission**  
Case No. 0502-0023986-2014 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for alleged violations of the Americans with Disabilities Act.

Status: Pending Trial

Docket:

11/06/14	Complaint filed.
11/14/14	Service via certified mail
11/25/14	Notice of Intention to Defend filed by Commission
03/19/15	Hearing

**Quick v. Gathers**  
No. 0502-0026963-2014 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for alleged violations of the Americans with Disabilities Act.

Status: Pending Trial

Docket:

11/10/14	Complaint filed.
11/14/14	Service via Sheriff
03/19/15	Hearing

**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Jones v. Kellogg, et al**

Case No. 060100171232014 (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:

10/14/14	Complaint filed
12/05/14	Notice of Intention to Defend filed by Commission
04/01/15	Trial

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

**Anderson v. Commission**

Case No. CAL14-07980 (T)

Lead Counsel: Harvin  
Other Counsel: Dickerson

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

Status: In discovery.

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
07/21/15	Trial Date

**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
10/06/14	Summons reissued for service on Defendant

**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: In discovery.

Docket:

06/20/14	Complaint filed
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07/31/14	Defendant served via certified mail
08/29/14	Defendant filed answer
09/16/14	Court accepts Defendant's letter as answer to complaint
12/12/14	Good Faith letter filed by Commission seeking Answers to Interrogatories by 12/20/14 or Motion to Compel to be filed
02/02/15	Pretrial conference
10/05/15	Trial Date

**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: Pending settlement.

Docket:

07/19/13	Complaint for condemnation filed.
07/16/14	Motion for Order of Default filed.
08/29/14	Order of Default entered
09/23/14	Order of Default granted against MARCOPOLO GF Co.
11/14/14	Ex Parte Hearing on Damages, settlement reached
11/17/14	Continued 60 days pending settlement
03/13/15	Disposition Hearing

**Glessner v. Surratt House**

CAL 14-17158 (T)

Lead Counsel: Harvin  
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-never served.

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
10/21/14	Complaint filed; Court orders Request for Waiver of fees granted
11/14/14	Complaint filed.

**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: In discovery.

Docket:

05/30/14	Complaint filed.
09/05/14	Answer filed.
12/15/14	Plaintiff's counsel files Motion to Strike Appearance
01/22/15	Court grants Motion to Strike Plaintiff's Appearance
04/07/15	Pre-trial Conference

**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: In discovery.

Docket:

07/15/14	Complaint filed.
08/22/14	Answer filed by Commission.
01/20/15	Pretrial conference scheduled.
08/03/15	ADR Conference
10/19/15	Trial Date

**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: In discovery.

Docket:

06/12/14	Complaint filed; transferred from District Court, jury trial prayed
08/04/14	Answer filed.

10/23/14	Pre-trial conference
05/11/15	Trial

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

Lead Counsel: Harvin  
Other Counsel:

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

Status: In discovery.

Docket:

08/18/14	Complaint filed.
02/19/15	Pretrial conference

**Rivera v. Commission**  
CAL13-37715 (WC)

Lead Counsel: Chagrín  
Other Counsel:

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

Status: Pending Trial

Docket:

12/19/13	Petition filed
01/14/14	Response to Petition filed
05/15/14	Pre-trial conference
03/24/15	Jury Trial

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

Lead Counsel: Chagrín  
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
09/04/14	Pretrial statement and Expert Designation 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
10/15/14	Expert Witness and Pretrial statement filed by Commission
11/03/14	Pretrial Conference
05/12/15	Jury Trial

**Tuckman-Barbee Construction Co., Inc. v. Commission**  
Case No. CAL14-28635 (CD)

Lead Counsel: Dickerson  
Other Counsel: Chagrin

Abstract: Alleged breach of contract involving Southern Regional Technology and Recreation Complex in Fort Washington, Maryland.

Status: Motion to Dismiss Pending

Docket:

10/15/14	Complaint filed
11/04/14	Service on Commission
12/04/14	Motion to Dismiss or in the alternative, Motion for Summary Judgment filed by Commission
12/23/14	Plaintiff's Opposition to Commission's Motion to Dismiss
01/22/15	Commission's Reply in Support of Motion to Dismiss or in alternative, Motion for Summary Judgment

**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: Pending Motions hearing.

Docket:

08/12/14	Petition filed.
09/02/14	Affidavit of Service on Defendant filed.
10/07/14	Motion to Dismiss or in the alternative for Summary Judgment filed by Defendant
10/27/14	Commission's Motion in Opposition to Defendant's Motion to Dismiss filed; and Commission's Motion to Dismiss Counterclaim filed.
01/05/15	Motions Hearing
02/23/15	Court reset Motion Hearing

**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:  
Docket:

Awaiting decision.

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.
09/05/14	Motion for Appropriate Relief to determine liability issues filed by URS
09/23/14	Motion in Opposition filed by Commission
10/07/14	Court grants Motion for Appropriate Relief to determine liability issues
11/10/14	Motion for Reconsideration filed by Fort Myer
11/13/14	Evidentiary hearing to determine quantum of Commission's damages against URS, Court takes matter under advisement
12/02/14	Plaintiff's Amended Motion to Reconsider, Revise or Strike Judgment on Motion for Sanctions previously entered.
12/12/14	Commission and URS files Motion in Opposition to Plaintiff's Amended Motion to Reconsider, Revise or Strike
12/18/14	Hearing on Motion for Reconsideration filed by Fort Myers; Court enters judgment in favor of Commission against the URS for \$352,355.68. Court takes Motion to Reconsider/Revise/Strike Judgment on Motion for Sanctions filed by Fort Myers under advisement.

**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
02/27/15	Pretrial conference

**Jackson v. Commission**  
Case No. 397287-V (Tort)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.

Status: Complaint filed

Docket:

11/06/14	Complaint filed
12/10/14	Commission files Interrogatories/ Request for Production of Documents
04/17/15	Status/Pre-trial conference.

**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: Case Dismissed

Docket:

03/10/14	Petition for Judicial Review filed
03/19/14	Commission Response filed
08/15/14	Pre-Trial Conference
12/03/14	Case stayed for a period of 60 days to file line of dismissal
02/03/15	Case dismissed by Court

**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: Case Dismissed

Docket:

03/10/14	Petition for Judicial Review filed
03/19/14	Commission Response filed
08/15/14	Pre-Trial Conference
12/02/14	Case stayed for a period of 60days to file joint dismissal
02/03/15	Case dismissed by Court

**MARYLAND COURT OF SPECIAL APPEALS**

**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: Affirmed.

Docket:

07/24/09	Petitioners Aimee Gray and the Estate of Affie Gray filed Notice of Appeal
09/11/14	Oral Argument held.
09/23/14	Court of Special Appeals affirms lower court decision.
10/23/14	Court of Special Appeals issues mandate.

**Kaviani v. Montgomery County Planning Board**

September Term 2014, No. 01554 (AALU)

Lead Counsel: Dumais  
Other Counsel: Lieb

Abstract: Appeal filed from the Circuit Court rule in the case of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.

Status: Appeal filed.

Docket:

09/23/14	Notice of Appeal
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**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**

**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 on Petition.

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: Court decision involving remand.

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
01/29/15	Circuit Court decision affirmed in most aspects and remanded for a limited purpose.

**U.S. DISTRICT COURT OF MARYLAND**

**American Humanist Association, et al v. Commission**

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

Lead Counsel: Dickerson  
Other Counsel: Gardner  
Harvin

Abstract: Defense of claim alleging religious advancement on public property

Status: In discovery.

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
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

**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 for mediation.

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.
09/26/14	Court extends stay through 01/23/15.
01/26/15	Court extends stay for 120 days

**Pulte Home Corporation, et al v. Montgomery County, et al**

Case No. 8:14-cv-03955 (LD)

(Originally filed under Case No. 397601V-Mont. Cty)

Lead Counsel: Gardner/Dickerson  
Other Counsel:

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status: Complaint Filed.

Docket:

12/18/14	Notice of Removal and Complaint filed
01/02/15	Commission files Motion to Dismiss or in the Alternative for Summary Judgment and Supporting Memorandum
01/09/15	Plaintiffs file Motion to Remand and Motion for Extension to response to Commission's Motion to Dismiss
02/05/15	Defendant Montgomery County's Opposition to Motion to Remand
02/06/15	Commission's Memorandum in Opposition to Motion to Remand
02/06/15	Plaintiff's Opposition to Defendant M-NCPPC's Motion to Dismiss

**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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