

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING
Wednesday, June 17, 2015
MRO 9:30 a.m. – 11:30 a.m.

			<u>ACTION</u>	
			Motion	Second
1.	Approval of Commission Agenda	(+*) Page 1		
2.	Approval of Commission Minutes			
	a) Open Session – May 20, 2015	(+*) Page 3		
	b) Closed Session – May 20, 2015	(+*)		
3.	General Announcements			
	a) Lesbian, Gay, Bisexual and Transgender Pride (LGBT) Month			
	b) National Caribbean American Heritage Month			
	c) Employees' Retirement System Certificate of Achievement for Excellence in Financial Reporting, Government Finance Officers Association (A. Rose)			
	d) Employees' Retirement System Award for Outstanding Achievement in Popular Annual Financial Reporting (A. Rose)			
	e) 2014 Calendar JP Morgan Purchase Card Rebate Presentation (Zimmerman/Pearson)			
4.	Committee/Board Reports (For Information Only):			
	a) Minutes – Executive Committee Open Session – Conference Call June 3, 2015	(+) Page 11		
	b) Minutes of the Regular Employees' Retirement System Board of Trustees Meeting - April 7, 2015 (No May Meeting)	(+) Page 15		
5.	Action and Presentation Items			
	a) Resolution #15-08 - Adoption of the FY 2016 Commission Operating Budget and FY 2016 Capital Budget (Kroll)	(LD*)		
	b) Pension Trustees Appointments (A. Rose)			
	• Acknowledge Appointment of Khalid Afzal as the Montgomery County Open Trustee for the term ending June 30, 2018 (A. Rose)	(+*) Page 21		
	• Acknowledge Jenetha Facey as the Prince George's County Open Trustees for the term ending June 30, 2018 (A. Rose)	(+*) Page 23		
	• Acknowledge Howard Brown as the Fraternal Order of Police Represented Trustee for the term ending June 30, 2016 (A. Rose)	(+*) Page 25		
	• Acknowledge the new ERS Board Chairman & Vice-Chairman for term ending June 30, 2017 – Briefing (A. Rose)			
	c) Memorandum Explaining Proposed Resolutions	(+) Page 27		
	• Resolution #15-09 - Fiscal Year 2016 Merit Increase and Cost of Living Adjustments for Park Police Command Staff and Candidates – Attachment A	(+*) Page 31		
	• Resolution #15-10 – Fiscal Year 2016 Cost of Living Adjustments for Certain Non-represented Merit System and Certain Contract Employees – Attachment B	(+*) Page 33		
	• Resolution #15-11 – Fiscal Year 2016 Anniversary (Merit) Pay Increment Adjustment and Administrative Leave for Certain Non-represented Merit System Employees – Attachment C	(+*) Page 35		
	• Resolution #15-12 – Fiscal Year 2016 Pay Increment Adjustments for Seasonal/Intermittent and Term Contract Employees – Attachment D	(+*) Page 37		
	• Resolution #15-13 – Fiscal Years 2016 and 2017 Administrative Leave for MCGEO Represented Employees – Attachment E	(+*) Page 39		
	• Resolution #15-07 – Approval of Fiscal Year 2016 Employer Contribution for Retiree Group Health Insurance – Attachment F	(+*) Page 41		

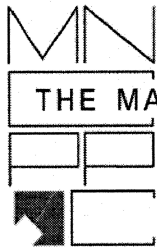
6. **Open Session - Officers' Reports**

- a) **Executive Director** – (For Information Only)
Employee Evaluations Not Completed by Due Date – (May 2015).....(+) Page 43

- b) **Secretary-Treasurer** – (For Information Only)
Enterprise Resource Planning (ERP) Briefing

- c) **General Counsel** – (For Information Only)
Litigation Report – (May 2015).....(+) Page 45

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
May 20, 2015

The Maryland-National Capital Park and Planning Commission met on May 20, 2015, at 9:30 a.m. at the Parks and Recreation Auditorium in Riverdale, Maryland.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair
Dorothy Bailey (arrived at 10:55 a.m.)
Manuel Geraldo
A. Shuanise Washington

Montgomery County Commissioners

Casey Anderson, Vice-Chair
Norman Dreyfuss (arrived at 9:55 a.m.)
Natali Fani-Gonzalez
Amy Presley
Marye Wells-Harley

ABSENT

John Shoaff

Chair Hewlett convened the meeting at 9:41 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Washington to approve the agenda
Seconded by Wells-Harley
7 approved the motion (Commissioners Bailey and Dreyfuss were not present for the vote)

ITEM 2

APPROVAL OF COMMISSION MINUTES

April 15, 2015 – Open Session
April 15, 2015 – Closed Session
April 30, 2015 – Special Commission Conference Call Open Session
April 30, 2015 – Special Commission Conference Call Closed Session
ACTION: Motion of Geraldo to approve the minutes
Seconded by Wells-Harley
7 approved the motion (Commissioners Bailey and Dreyfuss were not present for the vote)

ITEM 3

GENERAL ANNOUNCEMENTS

Chair Hewlett made the following announcements:

- a) National Fitness Month – M-NCPPC has expanded Fitness Day to Health and Fitness Week. The agency has incorporated health and fitness into many other Commission programs and embraces this event 365 days a year.

- b) Asian-Pacific American Heritage Month – M-NCPPC held its One-Commission event this week which had an excellent turnout. Vice-Chair Anderson was commended for sharing his personal story. The Commissioners thanked the Asian-Pacific American Heritage Month Committee for a fantastic celebration.

Award for Excellence in Parks and Recreation (item not listed on the agenda)

M-NCPPC is a contender for the sixth Gold Medal for Excellence in Parks and Recreation Services. Chair Hewlett extended congratulations to everyone agency-wide for their efforts in having the agency become a finalist for this award.

ITEM 4

COMMITTEE/BOARD REPORTS – (For Information Only)

- a) Minutes – Executive Committee Open Session – May 6, 2015
b) Minutes – Executive Committee Closed Session – May 6, 2015

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Resolution #15-03 – Resolution of Adoption for the College Park-Riverdale Park Transit District Development Plan (C. Williams)
Passed without discussion.
ACTION: Motion of Geraldo
Seconded by Wells-Harley
7 approved the motion (Commissioners Bailey and Dreyfuss were not present for the vote)
- b) Resolution #15-04 – Greater Baltimore Wilderness Coalition Accord (C. Lammers)
Passed without discussion.
ACTION: Motion of Wells-Harley
Seconded by Geraldo
7 approved the motion (Commissioners Bailey and Dreyfuss were not present for the vote)
- c) Resolution #15-05 – Resolution of Adoption of the Approved Aspen Hill Minor Master Plan Amendment (G. Kreger)
Passed without discussion.
ACTION: Motion of Washington
Seconded by Presley
7 approved the motion (Commissioners Bailey and Dreyfuss were not present for the vote)
- d) FY 2016 Employees’ Retirement System Operating Budget (A. Rose)
Passed without discussion.
ACTION: Motion of Washington
Seconded by Geraldo
7 approved the motion (Commissioners Bailey and Dreyfuss were not present for the vote)
- e) Central Administrative Services’ Request to Use FY15 Salary Lapse – DHRM, Merit System Board, Finance, and Legal (Barney/Zimmerman/Gardner)
General Counsel Gardner stated that the Legal Department was not ready to put forth its request at this time as it is in negotiation with vendors on some issues. He stated

that the Legal Department's request would be presented at next week's Planning Board meetings.

ACTION: Motion of Geraldo to approve the Central Administrative Services Request to Use FY15 Salary Lapse – DHRM, Merit System Board, Finance, with the exception of the Legal Department.

Seconded by Washington

7 approved the motion (Commissioners Bailey and Dreyfuss were not present for the vote)

f) Agency-wide Biennial Sustainability Report and Accompanying PowerPoint
(Nolan/Mason)

Sustainability Committee Chair Anthony Nolan presented the agency-wide Sustainability Report. He stated that the departments in Montgomery County and Prince George's County are working on a significant number of Sustainability initiatives in an effort to meet the goals of Practice 6-40, M-NCPPC Sustainability Standards. The Report highlighted some of the most significant programs and projects. Mr. Nolan shared that the Sustainability Committee is comprised of representatives from departments within Central Administrative Services, Montgomery County, and Prince George's County. He introduced the committee members:

- Montgomery County Parks Sustainability Co-chair Ellen Bennett
- Montgomery County Parks Sustainability Co-coordinator Geoffrey Mason
- Central Administrative Services Representative Lisa Dupree
- Prince George's County Planning Department Representative Michael Zamore
- Montgomery County Planning Department Representative Christine McGrew

Mr. Nolan stated that the Sustainability Committee's priority recommendation is to create positions and/or assign staff in Montgomery County and Prince George's County to serve in dedicated Sustainability Coordinator positions to oversee the management and implementation of each County's respective Sustainability Plan, related activities and reporting.

Utility and Energy Conservation

M-NCPPC is currently meeting the goals indicated in the Practice to reduce energy consumption, eliminate waste and improve efficiency. The agency has exceeded the specific goal of obtaining 40% of electricity procured from renewable energy sources by 2020. The agency currently purchases at least 50% of its electricity load via wind power.

M-NCPPC also is evaluating requests for proposals for the development of solar farms in Montgomery County (two) and Prince George's County (one) with each slated to generate 2 MW estimated to save \$250,000 in utility costs under a purchase power agreement in Montgomery County alone.

Mr. Nolan noted that the overall number of hybrids and electric vehicles in both counties' fleets is increasing.

The Sustainability Committee recommends the agency continue to implement a broad range of energy efficiency improvements and continue increasing the amount of energy acquired from renewable energy sources.

Sustainable Acquisition and Use of Agency Supplies

The agency is meeting goals with regard to reusing office supplies and furniture, and meeting goals in printing and copying. The agency also is in the process of meeting goals with regard to procurement.

The Sustainability Committee recommends embracing electronic documents for meetings, developing standard lists of “Preferred Green Products”, identifying “Green” vendors, and working with Central Purchasing to assist with development of on-line surplus venues for equipment, furniture, etc.

Recycling and Solid Waste Management

M-NCPPC meets many goals in this category. M-NCPPC has exceeded the recycling goal and is in the process of meeting the overall rate of 90% of recyclable materials. Montgomery County departments of M-NCPPC have exceeded the mandatory County recycling rate of 57.9% by achieving an overall recycling rate of 69.3. M-NCPPC departments located in Prince George’s County met with the County’s Department of Environment to discuss initiating a reporting process. If the process is implemented, M-NCPPC’s statistics would be included with Prince George’s County’s reporting requirements.

Chair Hewlett recommended that the agency invest in more recycling bins. New bins should be placed in all the conference rooms next to the trash receptacles. Mr. Nolan shared that Prince George’s County legislation has been proposed, requiring that every trash can have a recycling bin attached to it, particularly at large scale festivals.

Recommendations include expanding efforts to expand/promote recycling at area parks, expanding efforts to reduce waste at events, and exploring food waste composting. There is a cost associated with expanding these services. A pilot project has begun in Prince George’s County to assess food waste composting at the Western Branch.

Sustainable Infrastructure and Natural Areas

Mr. Nolan noted there are four focus areas that direct operations to use national/state or industry standards for the design and development of facilities and the management of natural resources:

- Sustainable building – LEED silver or equal
- Sustainable site work – SITES or LEED
- Natural resources management
- Community Planning and Development

Examples of the agency’s work in this area include:

- Extensive programs to manage non-native and invasive plants and nuisance wildlife (with the help of volunteers).
- Training on Integrated Pest Management practices for staff registered or certified to apply pesticides.

- Through planning documents, regulations, and plans, promoting smart growth principles, connectivity, and pedestrian and bicycle accessibility.
- Trail master plans which are being developed to incorporate these goals and highlight priority segments.

Recommendations include developing agency guidelines to incorporate LEED standards into operations and smaller projects, such as the administration building under construction at the Rock Creek Maintenance Yard, evaluating LEED and SITES pilot projects to provide guidance on future projects, and expanding funding for invasive management.

Health and Wellness

M-NCPPC meets the goals tied to supporting healthy communities, raising awareness of workplace health, safety and wellness, mitigating workplace hazards, and developing actions based on accident reviews.

Recommendations include developing a communication plan to share sustainability efforts with employees and the public, and proposing a Memorandum of Understanding with the Montgomery County Recreation Department to allow employees to receive discounts at County Recreation facilities.

Employee Education & Training

Both Prince George's County and Montgomery County departments have made progress in training staff on sustainability efforts. The instruction includes environmental trainings tied to the National Pollutant Discharge Elimination System (NPDES) storm water permit. Maintenance staff in Montgomery County and Prince George's County has attended training at North Carolina State at Oglebay Green School. Several staff has secured LEED credentials. Online training on sustainability and recycling are being developed in partnership with Human Resources.

The Sustainability Committee recommends: developing educational resources to provide information, tips and reminders to staff regarding sustainability efforts on Insite, via UPDATE and broadcast emails; expanding training opportunities with a focus on LEED certifications for both design and operation of buildings; and "Building Wellness" training and certification program; working with the Department of Human Resources and Management on the development of an essential job function focusing on Sustainability; and continuing to expand on achievements in the area of staff training on the sustainability practice and goals, e.g., a green technology demonstration center under construction at Watkins Regional Park.

The Commissioners thanked the Sustainability Committee for their effort.

ITEM 6

OFFICERS' REPORTS

a) Executive Director (Barney)

Employee Evaluations Not Completed by Due Date (April 2015) (For Information Only)

The Executive Director indicated that the monthly statistics are reported in the packet. Directors are aware and submitting the evaluations.

b) Secretary-Treasurer (Zimmerman) (For Information Only)

1) MFD Purchasing Statistics – 3rd Quarter FY15

The monthly report is in the packet.

2) Enterprise Resource Planning (ERP) Briefing (Zimmerman)

Secretary-Treasurer Zimmerman stated the Finance Department is continuing to work on issues in Human Resources/Payroll module to ensure employees are being paid accurately, and information is being properly reported with regards to the Employees' Retirement System interface. He stated that actual compared to budget reporting has improved in the financial system and expanded reporting is being developed for that module.

c) General Counsel (Gardner)

1) Litigation Report - (April 2015) (For Information Only)

2) Annual Legislative Report

General Counsel Gardner introduced Associate General Counsel Julio Aleman and Legislative Paralegal Assistant Sheronda Rose who supported the M-NCPPC during the legislative session. He provided as a handout, the Annual Report of the 2015 Session of the Maryland General Assembly. The following Bills were highlighted in his presentation:

- HB 652 – MC/PG 105-15 - Maryland-National Capital Park and Planning Commission – Montgomery County – Commissioner Terms (Passed).
- HB 585 – MC/PG 109-15 – Maryland-National Capital Park and Planning Commission – Regulations to Prohibit Smoking (Passed). M-NCPPC supported this Bill after working closely with the sponsor.
- HB 628 – MC/PG 111-15 – Prince George's County – Municipal Zoning Authority (Withdrawn). M-NCPPC strongly opposed this Bill. General Counsel Gardner expects a similar measure will be presented in future legislative sessions.
- HB 938/SB 564 – MC/PG 112-15 – Prince George's County – Maryland-Washington Regional District – Fairness in Zoning Act of 2015 (Passed). Bill was amended by narrowing the types of individuals who could challenge to just those with a standing to challenge, similar to the process used in the rest of the State.
- HB 675 – MC/PG 104-15 – Maryland–National Capital Park and Planning Commission Performance Audit (Passed). After working closely with the sponsor, M-NCPPC supported this Bill as substantially amended in order to require only an audit in Prince George's County on the Capital Improvement Program.

Associate General Counsel Julio Aleman highlighted three bills that overhaul the Maryland Public Information Act.

- HB 83/SB 444 – Public Records – Inspection (Passed).
- HB 674/SB 852 – Public Information Act – List of Contact Information for Governmental Unit Representatives (Passed).

- HB 755/SB 695 – General Provisions – Public Information Act – Enforcement, Fees, and Exemptions (Passed). General Counsel Gardner noted that this Bill creates a parallel structure with the Open Meetings Act.


Mr. Aleman also highlighted the following Bills:

- HB 113 – Local Government Tort Claims Act – Notice Requirements and Limits on Liability (Passed).
- HB 621/SB 656 State Highway Administration – Entrance to State Highway – Permit Process (Failed). M-NCPPC supported this Bill. General Counsel Gardner stated a commitment was made between the new Administration, the Building Trade Industry, the development community, and the Maryland Association of Counties (MACO) to work on this issue outside of the legislative process.
- SB 374/HB 405 – Maryland False Claims Act (Passed).
- HB 244/SB 526 – Maryland Second Chance Act of 2015 (Passed).

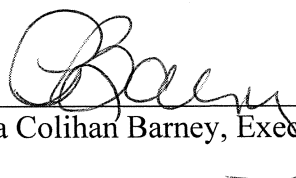
General Counsel Gardner thanked the Commissioners, various agency staff, Legislative Consultant Melony Griffith, and Michael Canning of Manis, Canning and Associates for their support during this legislative session.

ITEM 7 Pursuant to Section 3-305(b)(1) and (b)(7) of the General Provisions Article of the Annotated Code of Maryland, at 10:53 a.m., Chair Hewlett requested a motion to move to closed session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction and to consult with counsel for legal advice and to discuss Compensation Regarding Non-represented Employees.
ACTION: Motion of Geraldo
Seconded by Fani-Gonzalez
8 Approved the motion to move to closed session (Commissioner Bailey was not present for the vote)

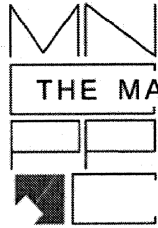
The closed session moved to open session at 10:58 a.m. and Chair Hewlett requested a motion to adjourn the meeting.



Gayla I. 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

EXECUTIVE COMMITTEE MEETING MINUTES

Conference Call

June 3, 2015

The Maryland-National Capital Park and Planning Commission's Executive Committee met via conference call at 9:30 a.m., on June 3, 2015, from the County Administration Building in Upper Marlboro, Maryland; the Montgomery Regional Office in Silver Spring, Maryland; and the Executive Office Building in Riverdale, Maryland. Present on the call 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

Fern Piret, Director, Prince George's County Planning

Mike Riley, Director, Montgomery County Parks

Gwen Wright, Director, Montgomery County Planning

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

Rose Krasnow, Deputy Director, Montgomery County Planning

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

William Spencer, Human Resources Director

Janis Thom-Grate, Policy and Corporate Records Manager (CPMO)

The meeting convened at 9:37 a.m.

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

Discussion	Executive Director Barney reviewed the Executive Committee meeting agenda. No revisions were made.
------------	--

ITEM 1b – APPROVAL OF COMMISSION MEETING (Executive Director Patricia Barney)

Discussion	Executive Director Barney reviewed the June 17, 2015 Commission meeting agenda. The following amendments were made:
------------	---

- Item 5a) - Resolution on the Adoption of the Commission Operating Budget and FY 2016 Capital Budget:

Executive Director Barney shared that the Budget Resolution was delivered to the County Executive on May 29, 2015. She added that in the event the County Executive vetoes the budget, any potential override of the veto by the County Council may not occur in time for the June 17th Commission meeting. Executive Director Barney requested that the Montgomery County and the Prince George's County Planning Boards park a potential special conference call for June 25th to adopt the FY16 Budget.

- Item 3) – General Announcements:
 - Add Lesbian, Gay, Bisexual and Transgender Pride Month
 - Add National Caribbean-American Heritage Month

ITEM 1c - APPROVAL OF ROLLING COMMISSION AGENDA FOR UPCOMING MEETINGS (Executive Director Patricia Barney)

Discussion	<p>Executive Director Barney reviewed the Rolling Commission Agenda for the upcoming four months. The following amendments were made:</p> <ul style="list-style-type: none"> • July – Change “Presentation of New Wellness Coordinator” to “Introduction of New Wellness Coordinator”. • September – Add “Guidance on Wage Reopener Language for the Fraternal Order of Police (FOP)”. • November – Add “Pension Actuarial Valuation Presentation”. • November – Add “Adoption of New Park Rules and Regulations”. General Counsel Gardner stated that a survey tool has been developed and work groups are forming to update the existing Park Rules and Regulations. He stated that a public hearing is necessary to collect input on the existing Park Rules and Regulations. General Counsel Gardner recommended the public hearing take place in the evening at either the Langley Park Community Center, the Washington Suburban Sanitary Commission, or the University of Maryland. The public hearing could take place in September and the adoption of the new Rules and Regulations could take place in November. <p>Executive Director Barney questioned the timeline indicating that the Commissioners may need time to provide input, and just one presentation for adoption did not seem sufficient.</p> <p>Vice-Chair Anderson agreed that the Commissioners may want to have input on suggested changes to the Park Rules and Regulations before the public hearing. He recommended General Counsel Gardner present a briefing to the individual Planning Boards to explain the scope of the existing Park Rules and recommended substantive changes. After the Planning Boards’ briefing, a public hearing could be held to discuss the recommended changes which would incorporate the Commissioners’ input.</p> <p>Rather than separate presentations to the Planning Boards, a briefing will be given at the July Commission meeting.</p> <p>Vice-Chair Anderson and General Counsel Gardner will continue the discussion on this matter offline.</p>
------------	---


ITEM 2 – MINUTES

Provided for Information Only	<p>May 6, 2015 Executive Committee Minutes:</p> <ul style="list-style-type: none"> a) Open Session b) Closed Session
-------------------------------	--

ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS

Discussion	<p>a) Enterprise Resource Planning (ERP) Briefing (Barney/Zimmerman) Executive Director Barney stated the ERP team is continuing to resolve issues. The team is reengaging the budget project. Corporate Budget Manager John Kroll and the field budget coordinators plan to use the new system for the next budget.</p>
Follow Up/Action Items	<p><u>Not Listed on Agenda – Schedule of Department Directors’ Meeting</u></p> <ul style="list-style-type: none">• Executive Director Barney and the Department Directors will discuss whether to have their next meeting on the last Tuesday of July or the last Tuesday of August in preparation for the September 2nd Executive Committee meeting.• <p><u>Item 1c) – Approval of Rolling Commission Agenda for Upcoming Meetings</u></p> <ul style="list-style-type: none">• Add “Briefing on Park Rules and Regulations” to the July Commission meeting agenda (Gardner)• Add “Adoption of New Park Rules and Regulations” to November Commission meeting agenda (Gardner). This item may move to the December Commission meeting, per General Counsel Gardner. <p><u>Item 5a) - Resolution on the Adoption of the FY 2016 Commission Operating Budget and FY 2016 Capital Budget</u></p> <ul style="list-style-type: none">• Gayla Williams will coordinate the June 25th special conference call of the Montgomery County and the Prince George’s County Planning Boards to adopt the FY 2016 Commission Operating Budget and FY 2016 Capital Budget if the Prince George’s Budget has not been approved by the County before the regular June Commission meeting.

The conference call ended at 10:10 a.m.



Gayla K. Williams, Senior Technical Writer/
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, April 7, 2015; 9:00 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, April 7, 2015 at 9:00 a.m. Voting members present were: Richard H. Bucher, Ph.D., Jenetha Facey, Pamela F. Gogol, Elizabeth M. Hewlett, Barbara Walsh, Marye Wells-Harley, and Joseph C. Zimmerman, CPA. Josh Ardison arrived at 9:10 a.m. Khalid Afzal arrived at 9:13 a.m. Tracy Lieberman arrived at 9:19 a.m. Patricia Colihan Barney, CPA, was absent.

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

Presentations by Wilshire Associates – Bradley A. Baker, Vice President; Dimensional Fund Advisors - Jim Charles, Vice President and Joel Schneider, Senior Portfolio Manager and Vice President; Chicago Equity Partners - Michael Nairne, Director and David Coughenour, Chief Investment Officer; and, Wellington Management - Jed Synnestvedt, Vice President and Timothy McCormack, Senior Managing Director.

1. CONSENT AGENDA

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

- A. Approval of the April 7, 2015 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, March 3, 2015
- C. Closed Session Minutes of Meeting, March 3, 2015 (**Confidential**)
- D. Disbursements Granted Report – February 2015

VICE CHAIRMAN WELLS-HARLEY made a motion, seconded by MS. GOGOL to approve the Consent Agenda, as submitted. The motion PASSED unanimously (7-0). (Motion #15-18)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary

The ERS Administrator, Andrea Rose, encouraged trustees to consider attending the Mid-Atlantic Plan Sponsors Annual Education Conference on June 3-5, 2015 in Baltimore.

3. MISCELLANEOUS

No Miscellaneous reported.

4. MANAGER REPORTS/PRESENTATIONS

A. Wilshire Associates

Presentation by Bradley A. Baker, Vice President

i. US Equity-Small Cap Value Manager Search

MR. ARDISON arrived at 9:10 a.m. and MR. AFZAL arrived at 9:13 a.m.

Due to continued underperformance of Artisan Partners, the Board of Trustees approved a search for a U.S. Equity Small Cap Value Manager at its February 3, 2015 meeting.

The ERS' investment consultant, Wilshire Associates, conducted the search with criteria that included products benchmarked to the Russell 2000 Value Index; firms with institutional quality strategies and a verifiable track record; firms with dedicated risk management systems and tools; and firms and/or strategies highly rated by the Wilshire Manager Research Group. Wilshire analyzed the universe of U.S. small cap value managers and identified managers with high quality products and minority, female, disabled and emerging managers, in accordance with the ERS' search requirements. The search process resulted in four active candidates and four passive candidates that met the criteria.

At its March 17, 2015 meeting, the Investment Monitoring Group (IMG) evaluated the candidates. The IMG selected Dimensional Fund Advisors, Chicago Equity Partners and Wellington Management to present to the Board.

The small cap value mandate is approximately \$20 million and represents 2.5% of the ERS' entire portfolio. Bradley Baker provided an overview of the three firms the IMG selected to present.

MS. LIEBERMAN arrived at 9:19 a.m.

B. Finalist Presentations – US Equity-Small Cap Value Manager Search

i. **Dimensional Fund Advisors (DFA) – Small Cap Value**

Presentations by Jim Charles, Vice President and
Joel Schneider, Senior Portfolio Manager and Vice President

a. Presentation Material

Jim Charles and Joel Schneider presented the Dimensional Fund Advisors (DFA) U.S. Equity Small Cap Value Mutual Fund that offers a process-driven, quantitative approach to the small cap universe. Investment strategies are team managed by the firm's eleven member Investment Committee, Investment Policy Committee, and portfolio managers, who meet at a minimum on a quarterly basis. The investment team is very experienced and is supported by some of the top academic researchers in the country. The investment process is top down oriented and focuses on asset class exposure. The team believes that focusing on value and size by eliminating stocks from the universe that don't meet their requirements should produce superior results over holding the entire universe. The resulting portfolios are highly diversified and can be relatively active. The strategy follows a disciplined approach and has

generated consistent and predictable results. The presenters covered historical returns and volatilities, performance and the investment process.

ii. **Chicago Equity Partners – Small Cap Value**

Presentations by Michael Nairne, Director and
David Coughenour, Chief Investment Officer

a. Presentation Material

Michael Nairne and David Coughenour presented the Chicago Equity Partners Small Cap Value Strategy that is a Separate Account designed to outperform the Russell 2000 Value Index by 200-300 bps with tracking error between 400-700 bps. Chicago Equity Partners' investment process combines the output of the firm's quantitative model, which is based on a set of fundamental, behavioral, and sentiment factors, with a fundamental overlay by the portfolio managers. The final portfolio is diversified, typically holding between 100 and 250 securities and is constructed in a fashion to neutralize common risk factors. The Small Cap Value strategy is managed by the firm's equity team which is led by Mr. Coughenour who is a founding partner. Mr. Coughenour has over twenty years of investment experience and oversees all of the equity strategies at the firm. In addition to Mr. Coughenour, the equity team consists of five additional portfolio managers/sector analysts who average 18+ years with the firm. They are also supported by a central team of quantitative analysts. The presenters highlighted the strict adherence to the firm's investing discipline has outperformed over time; adding value in up and down markets. The average client relationship has been 11 years. The presenters covered historical returns and volatilities, performance and the investment process.

iii. **Wellington Management Company – Small Cap Value**

Presentations by Jed Synnestvedt, Vice President and
Timothy McCormack, Senior Managing Director

a. Presentation Material

Jed Synnestvedt and Timothy McCormack presented Wellington Management Company's Small Cap Value Commingled Fund that offers moderate risk with a focus on fundamental research. The product is managed with a high quality bias, as measured by high profitability and a conservative financial structure, and can sometimes appear very core-like based on its holdings which are 60-90 stocks between \$100 million and \$2 billion in market cap. The maximum individual position size is 5%, and the maximum industry weight is typically 20%. Sector weights are maintained within +/- 50% of the benchmark weight on a relative basis. The firm expects a tracking error of 4-8% versus the Russell 2000 Value Index. Wellington's value profile can drift between traditional value and core because of the team's definition of value. The Small Cap Value strategy is managed by a small team headed by Mr. McCormack, who has over 20 years of investment experience and has been with Wellington for well over a decade. Mr. McCormack is assisted on the strategy by a portfolio manager and one dedicated research analyst. In addition, the team is well positioned to access the 50 global industry analysts along with the other value and small cap teams. This strategy is highly capacity constrained and is currently soft closed to new separate accounts but open for new pool

investments under \$25M. The presenters covered historical returns and volatilities, performance and the investment process.

C. Recommendation to Approve US Equity-Small Cap Value Manager

Due to the ERS' account size and management fees, the Board agreed that Dimensional Fund Advisors and Chicago Equity Partners were very close contenders. After a lengthy discussion on the different team approaches and performance, CHAIRMAN HEWLETT asked for a motion to select the finalist.

DR. BUCHER made a motion, seconded by MS. WALSH to approve Chicago Equity Partners as a new investment manager for a small cap value mandate of approximately \$20 million. The motion PASSED unanimously (9-0). (Motion #15-19)

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

D. Conflicts Check Report; March 25, 2015 (**Confidential**)

For informational purposes only.

5. **REPORT OF THE ADMINISTRATOR**

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated March 27, 2015

i. Recommendation to Approve the revised Board of Trustees Job Description

Ms. Rose reported the terms for the Montgomery County Employee Representative and the Prince George's County Employee Representative serving on the Board of Trustees of the M-NCPPC Employees' Retirement System expire June 30, 2015. A Call for Nominations will run from April 13 to April 27, 2015. Appointments are made as a result of an election. The Board of Trustees will recommend the candidate from each County receiving the highest number of votes cast, to the Commission for appointment to the Board. The elected representatives will serve a three-year term from July 1, 2015 - June 30, 2018.

A Board Candidate Packet will be available online for interested candidates. The packet includes the Board of Trustees Job Description which requires some updates. Ms. Rose requested approval of the revised Board Job Description.

MR. AFZAL made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY to approve the Board of Trustees Job Description, as revised. The motion PASSED unanimously (9-0). (Motion #15-20)

The Certificate of Achievement for Excellence in Financial Reporting was awarded to the Employees' Retirement System by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR) for the fiscal

year ended June 30, 2014. Ms. Rose recognized and congratulated Sheila Joynes, Accounting Manager, for leading the CAFR team to another award in excellence.

An Award for Outstanding Achievement in Popular Annual Financial Reporting was awarded to the Employees' Retirement System for its Summary Annual Financial Report for the fiscal year ended June 30, 2014. This is the fifth year the ERS applied for and received the award. Ms. Rose congratulated Heather Brown, Senior Administrative Specialist, for her significant role and contributions to the Annual Report team.

Ms. Rose reported to date only one of three interface files continues to be functional in the Commission's new ERP Project. Staff continues to be concerned about the timely processing of contribution deficiencies/overpayments, member benefit payments, as well as, the impact to the year-end process, including production of the actuarial valuation data file.

6. COMMITTEE REPORTS/RECOMMENDATIONS

A. Investment Monitoring Group

Presentation by Committee Chairman, Patricia Barney, CPA

i. Regular Report of March 17, 2015

- a. Recommendation to Approve the Investment Manager Guidelines for Golub Capital Partners 9, L.P.

ii. Confidential Report of March 17, 2015

MR. AFZAL made a motion seconded by VICE CHAIRMAN WELLS-HARLEY to approve the Investment Manager Guidelines for Golub Capital Partners 9, L.P. The motion PASSED unanimously (9-0). (Motion #15-21)

B. Administration & Personnel Oversight Committee

Presentation by Committee Chairman, Richard H. Bucher, Ph.D.

i. Regular Report of March 17, 2015

- a. Recommendation to Approve a New Staff Position, a Retirement Benefits Analyst, with a starting salary of \$54,000
- b. Recommendation to Approve the FY2016 Proposed Operating Budget

ii. Confidential Report of March 17, 2015

DR. BUCHER made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY to approve a new staff position, a Retirement Benefits Analyst, with a starting salary of \$54,000. The motion PASSED unanimously (9-0). (Motion #15-22)

DR. BUCHER made a motion, seconded by MS. WALSH to approve the FY2016 Proposed Operating Budget. The motion PASSED unanimously (9-0). (Motion #15-23)

VICE CHAIRMAN WELLS-HARLEY made a motion, seconded by MS. WALSH to go into Closed Session Pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(1)(i) and 3-305(b)(7) to Discuss Personnel Matters and to Consult with Legal Counsel. The motion PASSED unanimously (9-0). (Motion #15-24)

7. CLOSED SESSION

The Board will meet in Closed Session, Pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(1)(i) and 3-305(b)(7) to Discuss Personnel Matters and to Consult with Legal Counsel.

CHAIRMAN HEWLETT and MR. ZIMMERMAN left the meeting at 12:25 p.m. during Closed Session.

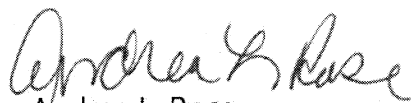
MS. WALSH made a motion, seconded by MS. FACEY to ratify the actions taken in Closed Session. The motion PASSED unanimously (7-0). (Motion #15-29)

The Board of Trustees meeting of April 7, 2015 adjourned at 1:05 p.m.

Respectfully,



Heather D. Brown
Senior Administrative Specialist



Andrea L. Rose
Administrator



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

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

Andrea L. Rose
 Administrator

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
 Vice Chairman Marye Wells-Harley

Khalid Afzal
 Patricia Colihan Barney, CPA
 Richard H. Bucher, Ph.D.
 Pamela F. Gogol
 Joseph C. Zimmerman, CPA

Josh Ardison
 Howard Brown
 Jenetha Facey
 Barbara Walsh

To: The Commission Date: June 2, 2015

Via: Elizabeth M. Hewlett, Chairman

From: Andrea L. Rose, Administrator

Subject: Acknowledge Khalid Afzal as the Montgomery County Open Trustee to the Board of Trustees for the term ending June 30, 2018

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission acknowledge Khalid Afzal as the Montgomery County Open Trustee for a three-year term ending June 30, 2018.

BACKGROUND

The term for the Montgomery County Open Trustee serving on the Board of Trustees expires June 30, 2015. In accordance with election procedures, a Notice of Election was placed in Update, on the ERS' and the Commission's websites in April 2015. Applications were due in the ERS Office, April 24, 2015 by 5:00 p.m. The incumbent, Khalid Afzal, applied for re-appointment for the Montgomery County Open Trustee. No other applications were received. Mr. Afzal is determined to have won by acclamation.

Mr. Afzal has been a team leader with the Montgomery County Department of Park and Planning since April of 1997. Mr. Afzal has been actively involved as the Montgomery County employee representative on the Board of Trustees since October 2001. Mr. Afzal has served as Chairman of the Member Education Committee and as a member of the Investment Monitoring Group. Mr. Afzal's long-term dedication, experience and knowledge are valuable assets to the Board.

Thank you for your action.

MEMORANDUM



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

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

Andrea L. Rose
Administrator

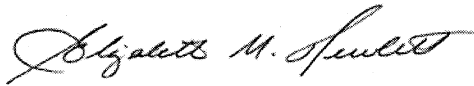
BOARD OF TRUSTEES

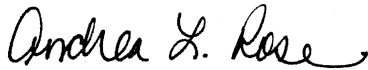
Chairman Elizabeth M. Hewlett
Vice Chairman Marye Wells-Harley

Khalid Afzal
Patricia Colihan Barney, CPA
Richard H. Bucher, Ph.D.
Pamela F. Gogol
Joseph C. Zimmerman, CPA

Josh Ardison
Howard Brown
Jenetha Facey
Barbara Walsh

To: The Commission Date: June 2, 2015

Via: Elizabeth M. Hewlett, Chairman 

From: Andrea L. Rose, Administrator 

Subject: Acknowledge Jenetha Facey as the Prince George's County Open Trustee to the Board of Trustees for the term ending June 30, 2018

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission acknowledge Jenetha Facey as the Prince George's County Open Trustee for a three-year term ending June 30, 2018.

BACKGROUND

The term for the Prince George's County Open Trustee serving on the Board of Trustees expires June 30, 2015. In accordance with election procedures, a Notice of Election was placed in Update, on the ERS' and the Commission's websites in April 2015. Applications were due in the ERS Office, April 24, 2015 by 5:00 p.m. The incumbent, Jenetha Facey, applied for re-appointment for the Prince George's County Open Trustee. No other applications were received. 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.

Thank you for your action.

MEMORANDUM



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

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

Andrea L. Rose
Administrator

BOARD OF TRUSTEES
Chairman Elizabeth M. Hewlett
Vice Chairman Marye Wells-Harley

Khalid Afzal
Patricia Colihan Barney, CPA
Richard H. Bucher, Ph.D.
Pamela F. Gogol
Joseph C. Zimmerman, CPA

Josh Ardison
Howard Brown
Jenetha Facey
Barbara Walsh

To: The Commission Date: June 2, 2015

Via: Elizabeth M. Hewlett, Chairman

From: Andrea L. Rose, Administrator

Subject: Acknowledge Howard Brown as the Fraternal Order of Police Represented Trustee to the Board of Trustees for term ending June 30, 2016

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission acknowledge Howard Brown as the new Fraternal Order of Police ("FOP") Represented Trustee for the term ending June 30, 2016.

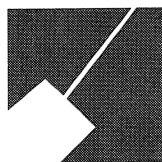
BACKGROUND

In April 2015, Tracy Lieberman, the former FOP Represented Trustee was promoted to lieutenant and is no longer eligible to be the representative on the ERS Board.

In accordance with Section 2.1.5(b) of the Plan Document, Howard Brown was selected to represent the FOP on the ERS Board for the remainder of the term ending June 30, 2016. At the Regular Meeting of the Board of Trustees on June 2, 2015, the Board acknowledged Mr. Brown as the newly selected FOP Represented Trustee for the remainder of the term ending June 30, 2016.

Mr. Brown served for 15 years on the Anne Arundel County Pension Board and will be an asset to the ERS Board.

Thank you for your action.



Department of Human Resources and Management
Maryland-National Capital Park and Planning Commission

OFFICE OF THE EXECUTIVE DIRECTOR
 6611 Kenilworth Avenue, Suite 402
 Riverdale, Maryland 20737
 Office: (301) 454-1740

June 17, 2015

TO: Commissioners

FROM: Patricia Colihan Barney, Executive Director

SUBJECT: Resolutions to authorize compensation adjustments to Non-Represented Merit System Employees, Park Police Command Staff and Candidates, and Certain Contract Employees; and Resolution for 2016 Employer Contribution for Retiree Group Health Insurance including the transfer to the Section 115 Trust

Recommendation: Approve the attached Commission resolutions authorizing fiscal year 2016 compensation adjustments and the Employer Contribution for Retiree Group Health Insurance and the prefunding transfer to the Section 115 Trust. All wage adjustments fit within the Fiscal Year 2016 Adopted Budget. The Executive Committee and Department Directors support approval of these actions. The Employer Contribution for Group Health Insurance also is in compliance with the amount in the Adopted Fiscal Year 2016 Budget.

Park Police Command Staff and Candidates

The Collective Bargaining Agreement for the FOP was adopted by the Commission in May 2014. That Collective Bargaining Agreement provides for compensation changes in fiscal year 2016. Approval of Resolution #15-09 (Attachment A) provides to the Command Staff and Candidates the same compensation changes as specified in the FOP agreement.

Resolution #15-09 Fiscal Year 2016 Cost of Living Adjustments (COLA) and Anniversary Merit Increase for Park Police Command Staff and Candidates (Attachment A)

Command staff and Candidate adjustments-

- 1.75% COLA effective the first full pay period following July 1, 2015. Salary schedules to be adjusted accordingly.
- 3.5% anniversary merit increase for FY16 (Candidates are eligible for an anniversary merit increase only after meeting the requirements of graduation from the academy, plus an additional 12 months of service and an overall rating of "2" in accordance with Chapter 500 of the Merit System Rules & Regulations.)

Non-Represented Employees: Merit System Employees and Certain Contract Employees (excludes Park Police Officers, Command Staff and Candidates and

MCGEO Members)

During April 2015, the Commission's management team reached a tentative agreement with MCGEO that provides for compensation changes in fiscal years 2016 and 2017. The Commissioners approved the MCGEO Collective Bargaining Agreement on April 30, 2015 by Resolution #15-06. The same compensation adjustments for fiscal year 2016 are recommended for non-represented staff (excludes Park Police Officers, Command Staff and Candidates) as follows and contained in the referenced resolution below:

RESOLUTION #15-10 Fiscal Year 2016 Cost of Living Adjustments for Certain Non-Represented Merit System and Certain Contract Employees (Attachment B)

- Certain non-represented Merit System Employees & Term Contract Employees assigned to the General Pay Schedule: 1.75% COLA effective the first full pay period following September 1, 2015.

RESOLUTION #15-11 Fiscal Year 2016 Anniversary (Merit) Pay Increment Adjustment and Administrative Leave for Certain Non-Represented Merit System Employees (excludes Park Police Command Staff and Candidates) (Attachment C)

- 1.75% anniversary merit increase for FY16.
- 0.5% Lump Sum for employees at the Top of Grade effective first full pay period following July 1, 2015 (prorated at 50% for part time).
- 12 hours of Administrative Leave effective the first full pay period following September 1, 2015. (Although previously discussed with the Commissioners as part of MCGEO tentative agreement, due to an administrative oversight it was not included in the Exhibit A which presented a summary of the Collective Bargaining Agreement Changes referenced in Resolution #15-06.)

RESOLUTION #15-12 Fiscal Year 2016 Pay Increment Adjustments for Seasonal Intermittent and Term Contracts (Attachment D)

Term Contract

- 1.75% pay increase is granted, (contingent upon overall satisfactory performance) at the beginning of the next contract year when the employee returns.

Seasonal/Intermittent (except for Class Instructor)

- 1.75% pay increase after completion of 100 hours and one (1) year of employment and receipt of an overall satisfactory performance evaluation. If 100 hours are not completed in one year, the hours may be accumulated in succeeding years if the employee is re-employed in the immediate succeeding year.

Seasonal/Intermittent Class Instructor

- 1.75% pay increase after completion of a minimum of three (3) consecutive class sessions within one year and an overall satisfactory performance evaluation. If three classes have not been completed in one year, the class sessions may be

accumulated in succeeding years if the employee is re-employed in the immediate succeeding year.

Seasonal/Intermittent Aquatic Plan

- Contract employees assigned to the Aquatic Pay Plan are **not eligible** for an annual increase as above. Upon rehire and a satisfactory evaluation a pay increase will be within the level of the position based upon applicable experience.

Temporary Contract

- **Not eligible** for annual increase above. May be granted pay increase if re-employed under a new contract after 90 calendar days have elapsed since end of the current contract.

RESOLUTION #15-13 Fiscal Year 2016 and Fiscal Year 2017 Administrative Leave for MCGEO Represented Employees (Attachment E)

Although previously discussed with the Commissioners as part of MCGEO's tentative agreement, due to an administrative oversight it was not included in the Exhibit A which presented a summary of the Collective Bargaining Agreement Changes referenced in Resolution #15-06.

- 12 hours of Administrative Leave effective the first full pay period following September 1, 2015.
- 12 hours of Administrative Leave effective the first full pay period following September 1, 2016.

Transfer to the Section 115 Trust for the Prefunding of Retiree Medical

Each year, the Commission is required to take an action to authorize the transfer of the prefunding portion of the Employer Contribution from the Group Insurance Fund to the Section 115 Trust Fund.

RESOLUTION #15-07 Approval of Fiscal Year 2016 Employer Contribution for Retiree Group Health Insurance (Attachment F)

- The Fiscal Year 2016 Budget includes \$12,047,663 for current retiree healthcare and.
- The Fiscal Year 2016 Budget includes \$4,588,066 for prefunding Retiree Group Insurance and authorizes this transfer along with \$525,000 from the 2014 Retiree Drug Subsidies for Medicare Part D to be received in 2016 to the Section 115 Trust Fund.

INFORMATION PURPOSES ONLY

FOP Park Police Officers

In May 2014, the Commission approved Resolution #14-12, Adoption of The Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30.

The adopted bargaining agreement provides for the following FY2016 wage adjustments:

- 1.75% Cost of Living Adjustment effective July 1, 2015
- Normal anniversary merit increment of 3.5%
- 2.5% Additional Step Increment (ASI 1 or 2) upon meeting certain criteria and after progressing to top of grade (ASI is not in addition to normal anniversary merit increment in same year).
- Shift differential for Evening Shift increases from \$1.70 to \$.1.75 effective July 1, 2015; Midnight Shift increases from \$2.50 to \$2.55 effective July 1, 2015.

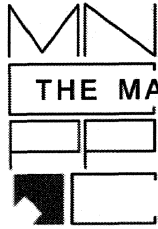
The adopted May 2014 resolution already authorizes the Executive Director to take necessary to take steps to implement the Commission adopted and approved collective bargaining agreement. This is brought to you for information purposes only.

MCGEO Represented Employees

During April 2015, the Commission's management team reached a tentative agreement with MCGEO that provides for compensation changes in fiscal year 2016 and 2017. The Commissioners approved the MCGEO Collective Bargaining Agreement on April 30, 2015. The Commissioners' earlier adoption provides for the following changes for MCGEO Represented Employees.

- 1.75% COLA effective the first full pay period following September 1, 2015.
- 1.75% anniversary merit increase for FY16.
- 0.5% Lump Sum for employees at the Top of Grade effective first full pay period following July 1, 2015 (prorated at 50% for part time).
- 12 hours of Administrative Leave effective the first full pay period following September 1, 2015.

Staff will be present to address any questions.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution Number 15-09

FISCAL YEAR 2016 MERIT INCREASE AND COST OF LIVING ADJUSTMENTS FOR
PARK POLICE COMMAND STAFF AND CANDIDATES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2016 (“FY 16”) operating and capital budget to the Montgomery and Prince George’s County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland;

WHEREAS, the respective County Councils on May 7, 2015 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission (“Commission”);

WHEREAS, §16-302 of the Land Use Article of the Annotated Code of Maryland requires the Maryland-National Capital Park and Planning Commission (the “Commission”) to engage in collective bargaining for certain employees and under specified circumstances;

WHEREAS, eligible Commission employees are organized into the Park Police Bargaining Unit and have elected the Fraternal Order of Police Lodge No. 30 (“FOP”) to be their exclusive representative for the purpose of collective bargaining with the Commission;

WHEREAS, the FOP has a Collective Bargaining Agreement with the Commission, adopted by Resolution 14-12 on May 1, 2014, *Adoption of the Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30*, which is effective February 1, 2014 through January 31, 2017 (“Agreement”) that includes certain adjustments to FY 16 compensation for its represented Park Police Officers and authorizes the Executive Director to take actions to effectuate its decision to approve and ratify the Agreement which includes revising the pay schedule;

WHEREAS, Park Police Command Staff and Park Police Candidates are non-represented Merit System employees, not subject to the Agreement;

WHEREAS, the Commission’s Merit System Rules and Regulations, Chapter 1200, Employee Compensation, awards an anniversary (merit) pay increment, not to exceed a 3.5% increase in base pay, for successful job performance to non-represented, Merit System employees; and

WHEREAS, the Commission desires to maintain the percentage wage differential between its Park Police Officers and Park Police Command Staff and between its Park Police Candidates and Park Police Officers.


NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts FY 16 compensation adjustments for Park Police Command Staff and Park Police Candidates as follows:

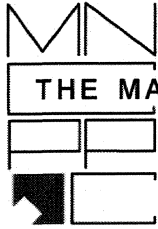
- 1) Maintain regularly scheduled 3.5% anniversary (merit) pay increments to be effective the first pay period after an employee's anniversary date; and
- 2) Adopt a 1.75% Cost of Living Adjustment ("COLA") to be effective the first full pay period after July 1, 2015; and

BE IT FURTHER RESOLVED that effective on the first day of the first pay period following July 1, 2015, the Park Police Command / Candidate Pay Schedule shall be revised to reflect the increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of these pay schedules shall be rescinded; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 6/8/2015



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 15-10

FISCAL YEAR 2016 COST OF LIVING ADJUSTMENTS FOR
CERTAIN NON-REPRESENTED MERIT SYSTEM
AND CERTAIN CONTRACT EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2016 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 7, 2015 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission"); and

WHEREAS, eligible Merit System agency employees are organized into the Service/Labor, Office and Trade Bargaining Units and have elected the United Food and Commercial Workers, Local 1994, Municipal and County Government Employees' Organization (MCGEO) to be their exclusive representative for the purpose of collective bargaining with the Commission; and


WHEREAS, the Commission approved Resolution 15-06, *Adoption Of The Collective Bargaining Agreement For Service/Labor, Office And Trade Units*, that includes a 1.75% Cost of Living Adjustment ("COLA") for employees represented by MCGEO and authorizes the Executive Director to take actions to effectuate its decision to approve and ratify agreement which includes revising the pay schedule.

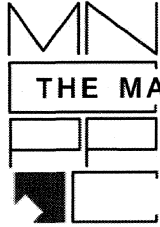
NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts a 1.75% COLA for non-represented Merit System employees, Term Contract employees that are assigned to the General Service Pay Scale; and

BE IT FURTHER RESOLVED that effective on the first day of the first pay period following September 1, 2015, the General Service and Select Career IT Pay Schedules shall be revised to reflect the increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of these pay schedules shall be rescinded; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 6/9/2015



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 15-11

FISCAL YEAR 2016 ANNIVERSARY (MERIT) PAY INCREMENT ADJUSTMENT
AND ADMINISTRATIVE LEAVE FOR
CERTAIN NON-REPRESENTED MERIT SYSTEM EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2016 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 7, 2015 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission"); and

WHEREAS, eligible Merit System agency employees are organized into the Service/Labor, Office and Trade Bargaining Units and have elected the United Food and Commercial Workers, Local 1994, Municipal and County Government Employees' Organization (MCGEO) to be their exclusive representative for the purpose of collective bargaining with the Commission;

WHEREAS, the Commission approved Resolution 15-06, *Adoption Of The Collective Bargaining Agreement For Service/Labor, Office And Trade Units*, that includes a 1.75% Anniversary (merit) Pay Increment and a .5% (one-half of one percent) lump sum payment for employees at top-of-grade;

WHEREAS, the granting of twelve (12) hours of administrative leave for employees represented by MCGEO had been discussed with the Commissioners and agreed upon with MCGEO, but due to an administrative oversight was not included in the Exhibit A of Resolution 15-06, which presented a summary of the economic terms of the Collective Bargaining Agreement ; and

WHEREAS, the Commission's Merit System Rules and Regulations, Chapter 1200, Employee Compensation, awards an Anniversary (merit) Pay Increment, not to exceed a 3.5% increase in base pay, for successful job performance to Merit System employees.

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a reduction of the FY 2016 maximum anniversary (merit) pay increment from 3.5% to 1.75% for all non-represented Merit System employees, except for Park Police Command Staff and Candidates; and

BE IT FURTHER RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a FY 2016 lump sum payment of .5% to all non-represented Merit System employees, except for Park Police Command Staff and Candidates, who have reached top-of-grade and are therefore, not eligible for an anniversary (merit) pay increment; and

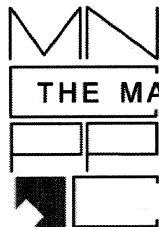
BE IT FURTHER RESOLVED that the Maryland-National Capital Park and Planning Commission hereby approves the grant of twelve (12) hours of administrative leave to all non-represented Merit System employees, except for Park Police Command Staff and Candidates, to be effective the first full pay period following September 1, 2015 and expiring June 30, 2016; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 6/9/2015



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 15-12

FISCAL YEAR 2016 PAY INCREMENT ADJUSTMENTS FOR SEASONAL/INTERMITTENT AND TERM CONTRACT EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2016 operating and capital budget to the Montgomery and Prince George’s County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 7, 2015 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission (“Commission”); and

WHEREAS, Commission Practice 2-16 and Administrative Procedures 00-02 allows for the award of pay increments of 3.5% for Seasonal/Intermittent and Term Contract employees assigned to the General Service or Intermittent Pay Schedules in accordance with the Performance Evaluation System for Contract Employees; and

WHEREAS, Commission Practice 2-16 and Administrative Procedures 00-02 allow employees assigned to the Seasonal/Intermittent Aquatics Pay Schedule to receive a pay increase upon being re-hired and attaining a “satisfactory” performance evaluation within the level of the position and based upon salary and experience.

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts a reduction of the FY 2016 maximum pay increment from 3.5% to 1.75% for all Seasonal/Intermittent and Term Contract employees assigned to the General Service or Intermittent Pay Schedules; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

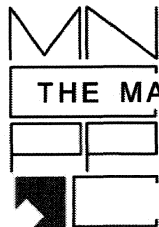
APPROVED AS TO LEGAL SUFFICIENCY

A. Kennedy

M-NCPPC Legal Department

Date

6/8/2015



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 15-13

FISCAL YEARS 2016 AND 2017 ADMINISTRATIVE LEAVE
FOR MCGEO REPRESENTED EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2016 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 7, 2015 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission"); and

WHEREAS, eligible Merit System agency employees are organized into the Service/Labor, Office and Trade Bargaining Units and have elected the United Food and Commercial Workers, Local 1994, Municipal and County Government Employees' Organization (MCGEO) to be their exclusive representative for the purpose of collective bargaining with the Commission;

WHEREAS, the Commission approved Resolution 15-06, *Adoption Of The Collective Bargaining Agreement For Service/Labor, Office And Trade Units*, which is effective July 1, 2015 through June 30, 2018 ; and


WHEREAS, the granting of twelve (12) hours of administrative leave for fiscal years 2016 and 2017 for employees represented by MCGEO had been discussed with the Commissioners and agreed upon with MCGEO, but due to an administrative oversight was not included in the Exhibit A of Resolution 15-06, which presented a summary of the economic terms of the Collective Bargaining Agreement.

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby approves the grant of twelve (12) hours of administrative leave to all MCGEO represented employees to be effective the first full pay period following September 1, 2015 and expiring June 30, 2016; and

BE IT FURTHER RESOLVED that the Maryland-National Capital Park and Planning Commission hereby approves the grant of twelve (12) hours of administrative leave to all MCGEO represented employees to be effective the first full pay period following September 1, 2016 and expiring June 30, 2017; and

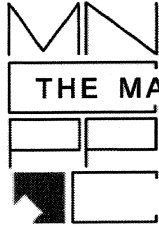
BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 6/9/2016



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 15-07

APPROVAL OF FISCAL YEAR 2016 EMPLOYER CONTRIBUTION
FOR RETIREE GROUP HEALTH INSURANCE

WHEREAS, the Maryland-National Capital Park and Planning Commission (the “Commission”) as “Plan Sponsor” entered into an Amended and Restated Post-Retirement Insurance Benefits Program Trust Agreement as of July 1, 2007 (“the Agreement”); and

WHEREAS, Section 1.1 of the Agreement states that the Plan Sponsor shall contribute such amounts as it deems necessary, in its sole discretion, from time to time, to meet its benefit obligations under the Group Health Insurance Plan (“Plan”). Contributions shall be made to the Trust Fund (“Section 115 Trust Fund”) on a periodic basis or in a lump-sum in the discretion of the Plan Sponsor. The Plan Sponsor shall not be required to make contributions unless (and only to the extent) it has obligated itself to do so by resolution; and

WHEREAS, although the Commission expects to continue the Group Health Insurance Plan (the “Plan”), it is the Commission’s position that there is no implied contract between employees and the Commission to do so and that the creation of a retiree health benefit was not the product of collective bargaining negotiations. Therefore, the Commission reserves the right at any time and for any reason to amend or terminate the Plan, subject to the needs of the Commission and subject to any applicable collective bargaining; and

WHEREAS, the Plan Sponsor engaged Boomershine Consulting Group, L.L.C. (“the Actuary”) to prepare a Retiree Healthcare Programs Actuarial Valuation as of July 1, 2014; and


WHEREAS, the Retiree Healthcare Programs Actuarial Valuation as of July 1, 2014 projected a Fiscal Year 2016 Plan Sponsor contribution totaling \$16,679,000 consisting of \$12,079,000 for current retiree healthcare, \$4,600,000 along with \$525,000 from the 2014 Retiree Drug Subsidies for Medicare Part D to be received in 2016 for prefunding the Section 115 Trust Fund; and

WHEREAS, funding of the current portion will come from the Commission and the Maryland-National Capital Park and Planning Commission Employees’ Retirement System in the amounts of \$12,047,663 and \$31,337, respectively; and for the prefunding in the amounts of \$4,588,066 and \$11,934, respectively.

NOW THEREFORE, BE IT RESOLVED, that the Commission as Plan Sponsor approves a \$12,047,663 payment to the Group Insurance Fund for current retiree healthcare and a \$4,588,066 payment to the Section 115 Trust Fund; and

BE IT FURTHER RESOLVED, that the Commission approves a contribution to the Section 115 Trust Fund in the amount of \$525,000 received from the 2014 Retiree Drug Subsidies for Medicare Part D to be received in 2016; and

BE IT FURTHER RESOLVED, that the Commission does hereby authorize the Executive Director and other officers to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 6/8/2015



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

Reply To

June 5, 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 May, 2015

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, June 17, 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.

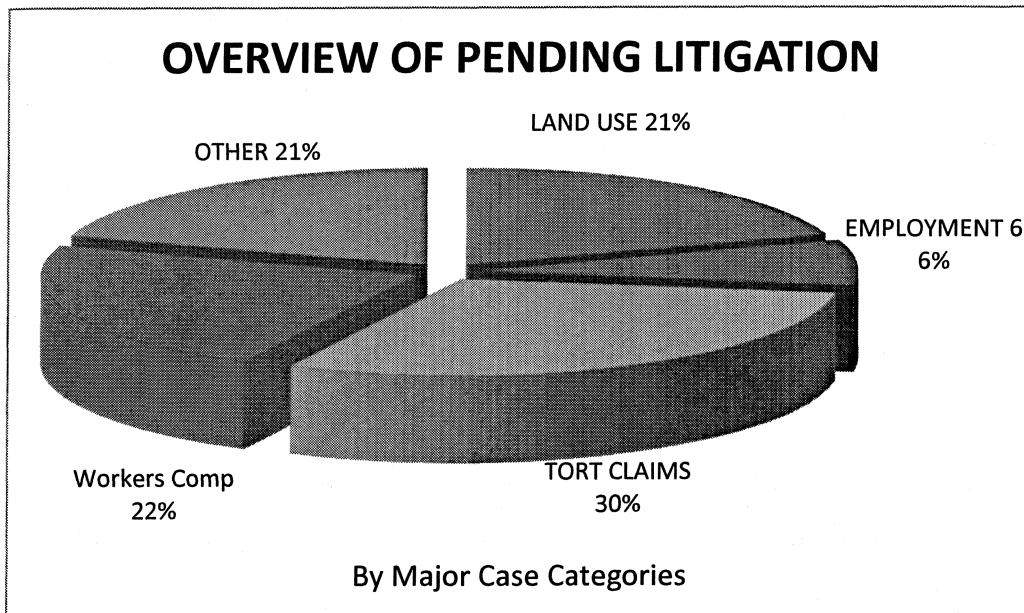
Table of Contents - May Report

Composition of Pending Litigation.....	Page 01
Overview of Pending Litigation (Chart).....	Page 01
Litigation Activity Summary	Page 02
Index of New YTD Cases (FY15)	Page 03
Index of Resolved YTD Cases (FY15)	Page 04
Disposition of FY15 Closed Cases Sorted by Department	Page 05
Index of Reported Cases Sorted by Jurisdiction.....	Page 10
Litigation Report Ordered By Court Jurisdiction	Page 12

May 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	1		2				3
Admin Appeal: Other							0
Land Use Dispute	1	1					2
Tort Claims	12						12
Employment Dispute	3						3
Contract Dispute	2	1	1				4
Property Dispute	2			1			3
Civil Enforcement	2						2
Workers' Compensation	9						9
Debt Collection							0
Bankruptcy							0
Miscellaneous	1	1					2
Per Forum Totals	33	3	3	1	0	0	40



May 2015 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)	3			9	3	9	3
Admin Appeal: Other (AAO)	0			-			0
Land Use Disputes (LD)	2			1	3	2	2
Tort Claims (T)	13		1	10	12	9	12
Employment Disputes (ED)	4		1	1	3	1	3
Contract Disputes (CD)	5		1	4	6	6	4
Property Disputes (PD)	3			4		1	3
Civil Enforcement (CE)	2			1	1		2
Workers' Compensation (WC)	7	2		10	7	9	9
Debt Collection (D)	0			-			0
Bankruptcy (B)	0			-			0
Miscellaneous (M)	2			1	1		2
Totals	41	2	3	41	36	37	40

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

<u>A. New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Glessner v. Commission	PGParks	Tort	July 2014
Jones v. Commission	PGParks	Tort	July 2014
Hawkins v. Commission	PGParks	Tort	July 2014
Howard Entertainment v. Commission	PGParks	CD	July 2014
Commission v. Paniagua	MC	CD	Aug 2014
Commission v. Pirtle	MC	CE	Aug 2014
Prince George's County v. Darnell	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
Nicholson v. Commission	PG	ED	Jan 2015
Corsetti-Barczy v. Commission	PG	WC	Feb 2015
L. Jackson v. Commission	MC	WC	Feb 2015
L. Jackson v. Commission	MC	WC	Feb 2015
Pollard v. Commission	PG	WC	Feb 2015
Armstrong v. Commission	PG	ED	Feb 2015
Burnette v. Commission	PG	WC	Feb 2015
Hill v. Commission	MC	ED	Mar 2015
Commission, et al v. The Town of Forest Heights	PG	M	Mar 2015
Friends of Croom Civic Assoc. v. Commission	PGPB	AALU	Mar 2015
Jang v. Commission	MC	Tort	Apr 2015
Newell v. Commission	PGPR	Tort	Apr 2015
Bell v. Commission	MC	LD	Apr 2015
Fort Myers Construction Corp v. Commission	MC	CD	Apr 2015
Leeks v. Commission	PG	WC	May 2015
McDonnell v. Commission	PG	WC	May 2015

<u>B. New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Rock Creek Hills Citizens Assoc. v. Commission	MCPB	AALU	July 2014
Kaviani v. Montgomery County Planning Board	MCPB	AALU	Oct 2014
Fort Myer Construction Corp. v. Commission	MCParks	CD	Mar 2015

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

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Sweeney	PG	WC	July 2014
Commission v. Ferman	MC	WC	July 2014
Beatty v. Montgomery County, et al	MC	Tort	July 2014
Commission v. Rivera	PG	WC	July 2014
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
Prince George's County, Md. vs Darnell	PG	Tort	Jan 2015
Munoz-Saucedo v. Commission	MC	WC	Feb 2015
Munoz-Saucedo v. Commission	MC	WC	Feb 2015
Fort Myer Construction Corp. v. Commission	MCParks	CD	Mar 2015
Rivera v. Commission	PG	WC	Apr 2015
Jones v. Kellogg	MC	Tort	May 2015
Tuckman-Barbee Const. Co.,Inc. v. Commission	PGPD	CD	May 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	MCParks	CD	Nov 2014
Bernando Rene Flores v. Commission	PGPB	PD	Dec 2014
McClure v. Montgomery County Planning Board	MCPB	AALU	Dec 2014
Hall, et al v. Commission	PGPB	AALU	Feb 2015
Sahady v. Montgomery County Planning Board	MCPB	AALU	Mar 2015
Rock Creek Hills Citizens Assoc v. Commission	MCPB	AALU	Apr 2015
Streeter V. Commission	PG	ED	May 2015

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.
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.	Court of Appeals denied Petition for Certiorari on 09/22/14. Original Montgomery County judgment affirmed by COSA 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. 383591-V	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.	
Fort Myer Construction Corp. v. Commission	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	Fort Myer's case dismissed without prejudice on 03/31/14 and 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 on 04/28/14.	
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.	
Munoz-Saucedo v. Commission	WCC found claimant sustained 5% permanent partial disability under "other cases" and claimant appealed. (388096 -V)	Case dismissed by Court on 02/03/15.	
Munoz-Saucedo v. Commission	WCC found claimant sustained 5% permanent partial disability to first (index) finger on left hand and claimant appealed.	Case dismissed by Court on 02/03/15.	
Montgomery County Park Police			
Jones v. Kellogg, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	Notice of Dismissal under Rule 3-506 (b) on 03/27/15.	

Montgomery County Planning Board		
Arking, et al. v. MCPB	Petition for writ of certiorari, seeking review of Court of Special Appeals order affirming Planning Board re-subdivision approval.	Petition for Writ of Certiorari denied on 04/21/14.
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 in State Court on 12/18/14.
Sahady v. Montgomery County Planning Board	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	Judgment of the Circuit Court for Montgomery County affirmed on 02/09/15.

Prince George's County Department of Parks and Recreation		
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.
Prince George's County v. Darnell	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle operated by Commission employee.	Judgment entered in favor of Commission employee on 01/14/15.
Rejerson v. Commission	WCC found claimant sustained 10% permanent partial disability under "other cases" and claimant appealed	Case remanded to WCC on 09/25/14.
Streeter v. Commission	Defense of claim alleging discrimination and retaliatory termination	Order Granting Motion to Dismiss Complaint with Prejudice on 03/31/15.
White v. Commission	WCC ordered certain surgery not causally related to accident injury and claimant appealed	Case remanded to WCC on 09/24/14.
Prince George's County Planning Department		
Tuckman-Barbee v. Construction Co., Inc. v. Commission	Alleged breach of contract involving Southern Regional Technology and Recreation Complex in Fort Washington, Maryland.	Notice of Voluntary Dismissal filed in accordance with Settlement Agreement on 04/14/15.
Prince George's County Planning Board		
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.
Duwall 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.
Hall, et al v. Commission	Defense against Petition for Judicial Review of Planning Board's decision to approve Bundy's Subdivision of Birdlawn Preliminary Plan 4-06158.	Court of Special Appeals affirmed Planning Board's subdivision approval on 9/23/14
Prince George's Park Police		
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.
Rivera v. Commission	Claimant/employee is appealing the WCC's decision regarding permanency award.	Consent Order to remand to Workers Compensation; case dismissed on 03/26/15.

INDEX OF CASES

DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND.....	12
Quick v. Commission.....	12
Quick v. Gathers.....	12
DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND.....	13
Jang v. Commission, et al.....	13
CIRCUIT COURT FOR CHARLES COUNTY, MARYLAND.....	14
Burnette v. Commission.....	14
CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND.....	15
Corsetti-Barzcy v. Commission.....	15
CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND.....	16
Anderson v. Commission.....	16
Armstrong v. Commission.....	16
Commission v. 6509 Rhode Island Realty Corp.....	16
Commission v. Fleming.....	17
Commission v. Forest Heights.....	17
Commission v. MARCOPOLO GF Co.....	17
Commission v. McDonnell.....	18
Friends of Croom Civic Association, et al v. Commission.....	18
Glessner v. Commission.....	18
Hawkins v. Commission.....	19
Hill v. Commission.....	19
Jones v. Commission.....	20
Kelly v. Commission.....	20
Leeks v. Commission.....	20
Moore v. Perry, et al.....	21
Newell v. Commission.....	21
Nicholson v. Commission.....	21
Pollard v. Commission.....	22
Savoy, D. v. Commission.....	22
Savoy, G. v. Commission.....	22
CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND.....	23
Bell, et al v. Commission.....	23
Commission v. Johnson.....	23
Commission v. Pirtle.....	23
Fort Myer Construction Corporation v. Commission.....	24
Howard Entertainment, Inc. v. Commission.....	24

A. Jackson v. Commission	25
L. Jackson v. Commission.....	25
L. Jackson v. Commission.....	25
MARYLAND COURT OF SPECIAL APPEALS	26
Fort Myer Construction Corporation v. Commission	26
Kaviani v. Montgomery County Planning Board	26
Smith v. Montgomery County Planning Board	26
MARYLAND COURT OF APPEALS	27
Rounds v. Commission.....	27
U.S. DISTRICT COURT OF MARYLAND.....	28
American Humanist Assoc. v. Commission.....	28
Hartford Casualty Insurance Company v. Commission.....	28
Pulte Home Corp, et al v. Montgomery County, et al	29

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

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	Court to reschedule case for trial
04/27/15	Amended Complaint filed.
06/18/15	Trial Date.

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	Court to reschedule case for trial
06/18/15	Trial Date.

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Jang v. Commission, et al
Case No. 060100054592015 (Tort)

Lead Counsel: Aleman
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:

04/03/15	Complaint filed
07/29/15	Trial date

CIRCUIT COURT FOR CHARLES COUNTY, MARYLAND

Burnette v. Commission
08-C-15-000434 AA (WC)
(W050308)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.

Status: Petition filed.

Docket:

02/24/15	Petition filed
03/17/15	Joint Motion to Transfer Venue
03/20/15	Order granting Motion to Transfer to Circuit Court for Prince George's County
06/02/15	Case transferred to Prince George's County

CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND

Corsetti-Barczy v. Commission

13-C-15-102403 (WC)

Lead Counsel: Chagrin
Other Counsel:

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

Status: Petition filed.

Docket:

02/11/15	Petition filed
09/03/15	Settlement Conference

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

Armstrong v. Commission

Case No. CAL14-22103 (ED)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Defense of claim seeking damages for alleged workplace discrimination and termination.

Status: In discovery.

Docket:

08/08/14	Complaint filed
02/25/15	Service on Commission
03/27/15	Commission files Motion to Dismiss
05/11/15	Commission's Response to Plaintiff's Motion for Time Extension to Respond to Motion to Dismiss
05/27/15	Notice of Removal filed
05/28/15	Court orders Plaintiff to file Response to Commission's Motion to Dismiss by 06/01/15

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
04/28/15	Case dismissed.

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
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
02/02/15	Pretrial conference
10/05/15	Trial Date

Commission, et al v. The Town of Forest Heights
CAL 15-04255 (M)

Lead Counsel: Borden
Other Counsel: Mills

Abstract: Commission filed lawsuit to stop the unlawful attempt by the Town of Forest Heights, Maryland to expand its geographical boundaries by annexing properties without the required consent of any affected property owner or popular vote.

Status: Complaint filed.

Docket:

03/03/14	Complaint filed
05/26/15	Status hearing continued
06/04/15	Motion to Stay denied; Motion to Extend Time to Answer granted for sixty days
08/18/15	Status hearing

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
05/11/15	Stipulation of Dismissal filed

Commission v. McDonnell

Case No. CAL15-15567 (WC #B694587)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Petitioner/Employer is appealing the WCC's decision regarding

Status: Pending trial.

Docket:

05/07/15	Petition filed.
----------	-----------------

Friends of Croom Civic Association, et al. v. Commission

Case No. CAL-14-32333 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.

Status: Pending Oral Argument

Docket:

11/26/14	Petition for Judicial Review filed
12/15/14	Commission filed Response to Petition
12/15/14	Commission filed Certificate of Compliance
12/15/14	Commission filed Notice of Appeal
12/29/14	Brandywine T/B Southern Regional Coalition filed a Response to Petition for Judicial Review
01/12/15	Route 301/Industrial/CPI Limited Partnership filed a Response to Petition for Judicial Review
07/01/15	Oral Argument

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.
05/12/15	Court dismisses case without prejudice
06/01/15	Court rescinds Order of Dismissal and finds service defective
08/14/15	Status hearing

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 Appearance of Plaintiff's Counsel.
04/07/15	Pre-trial Conference
04/13/15	Motion for Sanctions filed
10/05/15	Trial

Hill v. Commission
CAL15-04057 (ED)

Lead Counsel: Dickerson
Other Counsel:

Abstract: Employee is seeking judicial review of the Merit Board 's dismissal of her appeal.

Status: Petition filed.

Docket:

02/18/15	Petition for Judicial Review filed
----------	------------------------------------

03/18/15	Certificate of Compliance filed
03/27/15	Response to Petition filed
08/14/15	Oral Argument

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
04/10/15	Case Dismissed

Leeks v. Commission
CAL15-09048 (WC W060284) (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision denying occupational hypertension disease as causally related to his course of employment.

Status: Pending trial.

Docket:

05/06/15	Petition for Judicial Review filed
05/21/15	Answer filed.

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.
03/24/15	Pretrial conference
09/21/15	Trial

Newell v. Commission
Case No. CAL15-05386 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for trip and fall on alleged wire hanging from the light display at Watkins Regional Park.

Status: Pending trial.

Docket:

03/11/15	Complaint filed
04/15/15	Notice of Intent to Defend filed by Commission

Nicholson v. Commission
CAL14-36539 (ED)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the DLLR's decision regarding unemployment insurance benefits.

Status: Decision affirmed.

Docket:

12/22/14	Petition for Judicial Review filed
01/09/15	Response to Petition filed
05/27/15	Oral Argument; DLLR decision affirmed.

Pollard v. Commission
CAL15-00392 (WC-B629257)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision denying the left hip surgery as causally related to his workers' compensation claim.

Status: Pending Trial.

Docket:

12/19/13	Petition filed
05/01/15	Motions Hearing; Motion to Dismiss denied.
10/19/15	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
09/04/14	Pretrial statement and Expert Designation filed
09/09/14	Pre-trial conference.
06/02/15	Stipulation of Dismissal filed with court; remanded to WCC

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
05/13/15	Case dismissed and remanded back to WCC

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Bell, et al v. Commission

Case No. 401282-V (LD)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Plaintiffs filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement

\
Status: Complaint filed.

Docket:

02/23/15	Complaint filed.
05/26/15	Commission filed Motion to Dismiss

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 and attempts to seek compliance by foreclosing bank.

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 Opposition to Defendant's Motion to Dismiss filed; and Commission's Motion to Dismiss Counterclaim filed.
09/10/15	Hearing on Motion to Dismiss or in the alternative for Summary Judgment

Fort Myer Construction Corporation v. Commission

Case No. 399804V (CD)

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

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Status: Complaint filed.
 Docket:

01/23/15	Complaint filed
11/06/15	Status Hearing
12/04/15	Pre-trial hearing
04/27/15	Motion for Appropriate Relief filed by Commission
02/22/16	Trial

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: Case settled.

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
04/15/15	Case stayed for 30 days pending settlement
05/18/15	Case dismissed

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
02/05/15	Defendant files Motion to Dismiss
04/16/15	Hearing on Motion to Dismiss or in the Alternative for Summary Judgment
06/12/15	Status/Pre-trial conference.

L. Jackson v. Commission

Case No. 401201-V (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding low back exclusion from claim arising from 5/27/14 accidental injury.

Status: Pending trial.

Docket:

02/18/15	Petition filed.
07/30/15	Pretrial hearing

L. Jackson v. Commission

Case No. 401202-V (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding low back not causally related to the accidental injury and denial of medical treatment and other benefits.

Status: Pending trial.

Docket:

02/18/15	Petition filed
07/30/15	Pretrial hearing

MARYLAND COURT OF SPECIAL APPEALS

**Fort Myer Construction Corporation v. Commission
Commission v. URS Corporation (Third Party claim by Commission)**

2015 Term, No. 16 (CD)

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

Abstract: Fort Myer Construction Corporation appeals award of sanctions against it.
Commission notes cross appeal, as does URS Corporation.

Status: Appeal filed.
Docket:

03/09/15	Notice of Appeal filed by Plaintiff.
03/19/15	Notice of Appeal filed by Commission
03/20/15	Notice of Appeal filed by URS Corporation
06/17/15	Mediation

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: Awaiting oral agrument.

Docket:

09/23/14	Notice of Appeal
06/2015	Oral Argument

Smith v. Montgomery County Planning Board

September Term 2013, No. 00774 (AALU)

Lead Counsel: Lieb
Other Counsel:

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

Status: Awaiting decision.

Docket:

06/21/13	Notice of Appeal filed
03/07/14	Commission's Brief filed
05/15/14	Reply Brief filed
06/11/14	Oral Argument held.

MARYLAND COURT OF APPEALS

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: Judgment affirmed in most aspects with remand and Motion for Reconsideration.

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	Opinion from Court of Appeals affirming most aspects and remanding for a limited purpose.
02/24/15	Defendant Brown files Motion for Reconsideration.
03/16/15	Plaintiff Appellant responds agreeing to dismiss claim against Defendant Brown.
03/27/15	Mandate from Court of Appeals affirming in part and reversing in part; remanding to Court of Special Appeals directing that they remand case to Montgomery County for further proceedings
04/08/15	Order from Court of Special Appeals remanding case to Circuit Court for Montgomery County for further proceedings
05/14/15	Commission's Renewal of Motion to Dismiss filed
06/01/15	Plaintiff's Response consenting to Commission's Motion to Dismiss filed

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 violation of establishment clause of Constitution.

Status: Dispositive Motions.

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
05/01/15	Parties are in process of filing cross-motions for Summary Judgment pursuant to Scheduling Order
05/05/15	Plaintiff's Motion for Summary Judgment filed

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: Pending 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
05/11/15	Mediation
05/26/15	Order granting Consent Motion to Stay for 45 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: Harvin

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

Status: Awaiting decision on pending motions.

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.
02/05/15	Defendant Montgomery County's Opposition to Motion to Remand
02/06/15	Commission's Opposition to Plaintiff's Motion to Remand
02/06/15	Plaintiff's Opposition to Defendant M-NCPPC's Motion to Dismiss
02/23/15	Plaintiff's Reply in Support of Motion to Remand
02/23/15	Commission's Reply to Opposition to Motion to Dismiss

Q:\LEGAL\DOC\DOC\WP60\2015 Litigation\May 2015 Litigation Report-Final Draft.docx