

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

**Wednesday, November 18, 2015**

**MRO 9:30 a.m. – 11:30 a.m.**

				<u>ACTION</u>	
				Motion	Second
1.	<b>Approval of Commission Agenda</b>	(+*)	Page 1		
2.	<b>Approval of Commission Minutes</b>				
	a) Open Session – October 21, 2015	(+*)	Page 3		
	b) Closed Session – October 21, 2015	(+**)			
3.	<b>General Announcements</b>				
	a) Upcoming One-Commission Holiday Event - December 11, 2015 at Newton White Mansion				
	b) Prince George’s Department of Parks and Recreation Winter Festival of Lights – Watkins Regional Park, November 23, 2015 through January 1, 2016				
	c) Montgomery Parks Department Winter Garden Walk Through Holiday Light Display – Brookside Gardens, November 27, 2015 through January 3, 2016				
4.	<b>Committee/Board Reports (For Information Only):</b>				
	a) Minutes – Executive Committee Open Session – November 4, 2015	(+)	Page 9		
	b) Minutes of the Regular Employees’ Retirement System Board of Trustees Meeting – October 6, 2015	(+)	Page 15		
	c) 115 Trust (OPEB) Meeting Minutes – June 17, 2015	(+)	Page 21		
5.	<b>Action and Presentation Items</b>				
	a) Awards and Photo with Commissioners				
	1) FY2014 CAFR (Zimmerman/Walsh)				
	2) FY16 GFOA (Barney/Kroll)				
	b) Pension Actuarial Valuation Presentation (Rose)	(+)	Page 23		
	c) Recommendation to Approve an Employer Contribution for Pension Plan in the Amount of \$20,268,189 for Fiscal Year 2017 (Rose)	(+*)	Page 37		
	d) Appointment of the Carlyle Group as the new Private Real Assets Manager for the M-NCPPC Employees’ Retirement System (Rose)	(+*)	Page 39		
	e) Final Policy Guidance Implementing the Commission’s Decision on Family Medical Leave Act Program (Merit System Rules: Section 1640) (Bennett/Thom-Grate)	(+*)	Page 41		
	f) Recommended Amendments to Contract Employee Policies (Practice 2-16) to Address Vendor Transition and Applicability of FMLA/ACA (Bennett/Thom-Grate)	(+*)	Page 51		
	g) Discussion on the M-NCPPC Park Rules and Regulations Project	(+)	Page 59		
6.	<b>Open Session - Officers’ Reports (For Information Only)</b>				
	a) <b>Executive Director</b>				
	Employee Evaluations Not Completed by Due Date – (As of October 2015) (+)		Page 91		
	b) <b>Secretary-Treasurer</b>				
	1) Enterprise Resource Planning (ERP) Briefing				
	2) 115 Trust FY2014 (Zimmerman)	(+)	Page 93		
	3) Investment Report – (June 2015)	(+)	Page 95		
	c) <b>General Counsel</b>				
	1) Litigation Report – (October 2015)	(+)	Page 101		
	2) Legislative Update				





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
October 21, 2015

The Maryland-National Capital Park and Planning Commission met on October 21, 2015, in the Newton White Mansion in Mitchellville, Maryland.

PRESENT

Prince George's County Commissioners

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

Montgomery County Commissioners

Casey Anderson, Vice-Chair (arrived at 11:31 a.m.)  
Norman Dreyfuss  
Natali Fani-Gonzalez  
Marye Wells-Harley

ABSENT

Amy Presley

Chair Hewlett convened the meeting at 9:45 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

Chair Hewlett noted a change to the agenda.

Item 5d, Art-O-Matic Presentation and Item 5e, Employment Program for People with Disabilities will be presented before Item 5c, Annual Audit Committee Report.

ACTION: Motion of Geraldo to approve the agenda with the modification

Seconded by Bailey

8 approved the motion to approve the agenda (Vice-Chair Anderson and Commissioner Presley were not present for the vote)

ITEM 2 APPROVAL OF COMMISSION MINUTES

September 16, 2015 – Open Session

September 16, 2015 – Closed Session

ACTION: Motion of Geraldo to approve the minutes

Seconded by Wells-Harley

8 approved the motion to approve the minutes (Vice-Chair Anderson and Commissioner Presley were not present for the vote)

ITEM 3

GENERAL ANNOUNCEMENTS

Chair Hewlett made the following announcements:

- a) Breast Cancer Awareness Month – Chair Hewlett reminded employees to get examined regularly.

The month of October was also highlighted for celebration/awareness of the following:

- Domestic Violence Awareness Month – Chair Hewlett shared there are resources available for people subjected to domestic violence and that employees can contact the Commissioners’ offices to obtain a list of those resources.
- National Disability Employment Awareness Month – The M-NCPPC has made a concerted effort to ensure that the agency is actively involved in employing individuals with disabilities and does continuous outreach to that community.
- Women Walking in Their Own Shoes Month.
- National Arts and Humanities Month. The Art-O-Matic presentation which will occur in Item 5d is very fitting, as it takes place concurrently with the recognition of National Arts and Humanities Month.
- Vice-Chair Anderson’s birthday is today, and Commissioner Natali Fani-Gonzalez’s birthday also is approaching.
- Congratulations were extended to Commissioners Bailey, Geraldo and Shoaff for their reappointments to the Commission.
- M-NCPPC won its sixth “Gold Medal for Excellence in Parks and Recreation Management.” Chair Hewlett acknowledged all departments within M-NCPPC for their team contribution in helping the agency achieve this award. Chair Hewlett presented the gold medal to the Commissioners and shared that M-NCPPC broke its record, which was set in 2003, as the only agency to receive five gold medals. She stated that M-NCPPC gave more presentations than any other agency at the National Recreation and Park Association (NRPA) Conference. She also shared that Prince George’s County Executive Rushern Baker sent out a press release, and that some of the NRPA national officers are coming to Maryland to acknowledge M-NCPPC. She expressed gratitude to the agency’s retirees and to Commissioner Wells-Harley who served in the Prince George’s County Department of Parks and Recreation, for their groundwork. M-NCPPC has built upon Commissioner Wells-Harley’s record.

Prince George’s County Department of Parks and Recreation Deputy Director Debbie Tyner announced that M-NCPPC received an award from NRPA for Excellence in Inclusion. The agency is a trailblazer in this area.

- b) The Commission-wide Service Awards Luncheon, honoring employees with 25 or more years of service, will take place at the Newton White Mansion immediately following the Commission meeting.

- ITEM 4      COMMITTEE/BOARD REPORTS – (For Information Only)
- a) Minutes – Executive Committee Open Session – October 7, 2015
  - b) Minutes – Executive Committee Closed Session – October 7, 2015
  - c) Minutes – Regular Board of Trustees Meeting – September 1, 2015

ITEM 5      ACTION AND PRESENTATION ITEMS

- a) Resolution #15-15 – Board of Education/M-NCPPC Properties Exchange (Ray Palfrey)  
Prince George’s County Parks and Recreation Master Planner Supervisor Ray Palfrey presented the Resolution for approval.  
ACTION: Motion by Geraldo  
              Seconded by Wells-Harley  
              8 approved the Resolution (Vice-Chair Anderson and Commissioner Presley were not present for the vote)
  
- b) Resolution #15-19 – Merit System Board Member Reappointment – Tanya Upthegrove-Coleman (Spencer/King)  
ACTION: Motion by Wells-Harley  
              Seconded by Geraldo  
              8 approved the Resolution (Vice-Chair Anderson and Commissioner Presley were not present for the vote)
  
- c) Art-O-Matic Presentation (Gathers/Johnson)  
Prince George’s County Parks and Recreation Deputy Director Roslyn Johnson introduced Art-O-Matic Event Director and Co-presenter Wuiping Yap. Ms. Johnson also introduced University of Maryland student Korey Richardson. Ms. Johnson invited the Commissioners to view a 10-minute demonstration performed by University of Maryland student Danny Goldberg.

Ms. Johnson and Ms. Yap also gave a PowerPoint presentation on the Art-O-Matic event, as provided in the handout. Ms. Yap highlighted the 2012 Art-O-Matic survey results and key points of the upcoming event. Ms. Johnson thanked Mr. Palfrey for recommending the use of M-NCPPC’s newly purchased Prince George’s Park Police building at 8100 Corporate Center Drive, in Hyattsville, Maryland, for the Art-O-Matic activities. She highlighted that this is the first time that Art-O-Matic has been featured in the State of Maryland. Art-O-Matic will run from October 30<sup>th</sup> through December 12<sup>th</sup>, with M-NCPPC Night occurring November 19<sup>th</sup>. There is no cost to attend. The schedule of events can be found at [www.artomatic.org](http://www.artomatic.org).

Chair Hewlett thanked the Prince George’s County Department of Parks and Recreation for bringing Art-O-Matic to Prince George’s County.

General Counsel Gardner invited the Commissioners to the Elected Official’s Reception at Art-O-Matic on Friday, November 6<sup>th</sup>, from 6:00 p.m. to 9:00 p.m. Members of the Prince George’s County House and Senate Delegation, the Montgomery County House and Senate Delegation, and the Senate Environmental Matters Committee have been invited to this reception.

- d) Employment Program for People with Disabilities (Spencer/Glover)  
Program Manager Jeannette Glover provided history on the Americans with Disabilities Act (ADA). She explained the ADA and provided that it is civil rights legislation which seeks to increase the inclusion of people with disabilities in all aspects of community life, including employment. She added that October is National Disability Employment Awareness Month (NDEAM), which is a nationwide campaign to raise awareness about disability issues and to celebrate the contributions of America's workers with disabilities. NDEAM's theme this year is "My Disability is One Part of Who I Am."

Ms. Glover noted M-NCPPC's inclusive efforts, and shared that Maryland Department of Disabilities Secretary Carol Beatty presented the M-NCPPC with a certificate of recognition from the Maryland Community Connection in honor of M-NCPPC's hiring and supporting individuals with disabilities. Ms. Glover gave an overview of M-NCPPC's Employment Program for People with Disabilities and noted that M-NCPPC interviewed over 100 people with disabilities and placed 45 of them into positions.

She noted that Prince George's County Department of Parks and Recreation Special Populations Division Chief Anthony Nolan suggested a video highlighting M-NCPPC's Employment Program for People with Disabilities. Ms. Glover presented the video, which was developed by a team of Prince George's County Department of Parks and Recreation employees, including: Special Programs Training Specialist Judith Brown; Public Affairs and Marketing Visual Media & Imaging Specialists Cassi Hayden and Khalil Gill; and Class Instructors Aminah Bushrod and Robert Kingwood. The Commissioners and Executive Director Barney congratulated Ms. Glover on a great job. At the request of Commissioner Geraldo, Ms. Glover will have the video added to the agency's website.

- e) Annual Audit Committee Report (Dreyfuss/Shoaff)  
Commissioner Shoaff thanked Internal Audit Chief Renee Kenney for the tremendous job she is doing. He also thanked the Audit Committee's former Public Member Rhea Reed, who has taken a new position in another state, and introduced the new member, Karen Tobat. Ms. Tobat is currently the Director of Management Advisory Services for the Anne Arundel Community College, and previously held the position of Internal Audit Manager for the Comptroller of Maryland.

Commissioner Shoaff presented the Audit Committee Activity Report for FY15. He stated the report is consistent with the reporting requirements of the Audit Committee as outlined in Practice No. 1-31, Organization and Functions of the Audit Committee.

Commissioner Shoaff stated that the FY15 Activity Report addresses: how the Committee discharged its duties and met its responsibilities; provides a summary of significant audit findings as prepared by the Internal Auditor; and includes the Committee's evaluation on the adequacy of internal controls and the agency's adherence to financial regulations/policies; and identifies any significant concerns/complaints that were filed with, or identified by the Audit Committee.

Commissioner Shoaff explained throughout the fiscal year, the Audit Committee members make themselves available to meet with internal and external auditors.

Commissioner Shoaff reviewed the Activity Report as contained in the meeting packet. He noted that October is Cyber Security Awareness Month and more attention will be paid to the M-NCPPC's IT controls. The Audit Committee reported there were no significant audit findings and that overall, the design and implementation of fiscal internal controls appear to be effective.

For FY15, the Office of Internal Audit completed 15 performance audits, 10 fraud, waste, and abuse audits; 7 management advisories; 14 follow-up reviews; and 5 non-audit advisories. Commissioner Shoaff reviewed the Office of Internal Audit (OIA) Initiatives (Past and Future) and noted fewer performance audits could be completed as initially planned. However, a higher number of other audit advisories were completed. He also reviewed the initiatives and goals for FY16 for the OIA.

Commissioner Shoaff stated the Audit Committee recognizes continued compliance with existing policies and timely corrective action by management in response to the audit findings. Commissioners thanked Ms. Kenney for a spectacular job.

At 10:54 a.m., Chair Hewlett requested a motion to move to closed session.

f) Closed Session Discussion – New Pay Plan and Pay Schedules for Vendor Transition

Pursuant to Section 3-305 (b)(1)(i)(ii) and (b)(7) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to discuss: (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals; and (b)(7) to consult with counsel to obtain legal advice.

ACTION: Motion of Geraldo to move to closed session  
Seconded by Bailey

8 approved the motion (Vice-Chair Anderson and Commissioner Presley were not present for the vote)

At 11:32 a.m., the Commission moved to open session to vote on Resolution #15-20, New Pay Plan and Pay Schedules for Vendor Transition.

g) Resolution #15-20, New Pay Plan and Pay Schedules for Vendor Transition – Open Session (Spencer/King)

ACTION: Motion of Geraldo  
Seconded by Bailey

9 approved the Resolution (Commissioner Presley was not present for the vote)

ITEM 6

OFFICERS' REPORTS

a) Executive Director (Barney)  
Employee Evaluations Not Completed by Due Date (September) (For Information Only)

Executive Director Barney stated that departments are working on evaluations.

b) Secretary-Treasurer (Zimmerman)  
Enterprise Resource Planning (ERP) Briefing (Zimmerman)

Secretary-Treasurer Zimmerman stated the team is making progress on the work required to comply with the Affordable Care Act (ACA). The team is testing functionality of the new software, and it appears the software will meet the ACA regulations and the agency's needs. Payroll is stabilizing, and a new distribution report has been sent to the departments reflecting employee location. A report will be sent out each pay period, beginning in November. Human Capital Management (HCM) Application Manager/Employee Self-Service is on track for March. A document imaging project is in progress for purchase requisition documents which will allow documents to be seen online. The date for this is to be determined.

Executive Director Barney stated the operating departments are requesting that certain selected staff in their departmental human resources offices have online access to the data. Testing will soon take place in those departments.

c) General Counsel (Gardner)  
Litigation Report - (March 2015) (For Information Only)

General Counsel Gardner stated the report is in the packet. He thanked Principal Counsel William Dickerson for his assistance on the vendor transition pay plan matter. He stated that the litigation program is going smoothly.

Legislative Update

No discussion on this topic.

There being no further business to discuss, the meeting adjourned at 11:36 a.m.



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



Patricia Colihan Barney, Executive Director







**EXECUTIVE COMMITTEE MEETING MINUTES**

**November 4, 2015**

The Maryland-National Capital Park and Planning Commission's Executive Committee met in the Executive Director's Conference Room, at the Executive Office Building in Riverdale, Maryland. Present were Chair Elizabeth M. Hewlett, Vice-Chair Casey Anderson (joined via conference call at 10:21 a.m.) and Executive Director Patricia C. Barney (via conference call). Also present were:

Department Heads/Deputies/Presenters/Staff

Adrian Gardner, General Counsel

Joe Zimmerman, Secretary-Treasurer

Ronnie Gathers, Director, Prince George's County Parks and Recreation

Fern Piret, Director, Prince George's County Planning

Rose Krasnow, Deputy Director, Montgomery County Planning (for Gwen Wright, Director)

John Nissel, Deputy Director, Montgomery County Parks (for Mike Riley, Director)

William Dickerson, Principal Counsel, Office of the General Counsel

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

William Spencer, Human Resources Director

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

Jennifer McDonald, Health and Benefits Manager (for discussion of Item 3d only)

Executive Director Barney convened the meeting at 10:10 a.m.

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

Discussion

The following items were added to the agenda:

- Item 3c – Briefing on Literacy and Language Proficiency Program (Bennett)
- Item 3d - Briefing about M-NCPPC programs available to employees for prevention of drug/alcohol abuse (Bennett/Spencer/McDonald)

**ITEM 1b - APPROVAL OF COMMISSION MEETING AGENDA (Executive Director Patricia Barney)**

Discussion

The following revisions were made to the November 18, 2015, Commission meeting agenda:

- Add the following to General Announcements:
  - Date and location to Item 3a – Upcoming One-Commission Holiday Event (December 11<sup>th</sup> at Newton White Mansion). Prince George's Department of Parks and Recreation Winter Festival of Lights, Watkins Regional Park – November 23, 2015 for employees, and November 27<sup>th</sup> through January 7<sup>th</sup>, 2016 for the public.
  - Montgomery Parks Department Winter Garden Walk through Holiday Light Display, Brookside Gardens - November 27, 2015 through January 3, 2016.
- Add Recommended updates to Contract Employee Policies (Practice 2-16) to address Vendor transition changes, FMLA, ACA.

	<p>Montgomery County Planning Deputy Director Rose Krasnow asked if a decision had been made at the last IT Council meeting, as to whether the Commission or the Executive Committee has to vote on using the funds in the Internal Service Fund (ISF) for other projects. Executive Director Barney responded that a discussion will be had to determine if the Commission or the Planning Boards should make the decision about the use of the ISF for other projects. She noted that some of the funding for the increased cost of the Microsoft licenses will be used. Executive Director Barney will meet with Corporate Budget Manager John Kroll and Secretary-Treasurer Joe Zimmerman on this topic. A discussion regarding the use of the ISF for other projects will be included on the December Executive Committee and Commission meeting agendas.</p>
<p><b>ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS</b> (Executive Director Patricia Barney)</p>	
<p>Discussion</p>	<p>The following items were modified on the Rolling Agenda:</p> <ul style="list-style-type: none"> <li>• Move IT Governance presentation to January 2016, if the December Commission meeting agenda is too full.</li> <li>• Move the Purple Line Resolutions to January because the Memorandum of Agreement will not be ready in December. The Montgomery County and Prince George’s County sides are working together on this project.</li> <li>• Add Fraternal Order of Police to the January Collective Bargaining Update.</li> <li>• Move the FY2015 Comprehensive Annual Financial Report (CAFR) to January 2016.</li> </ul>
<p><b>ITEM 2 – MINUTES</b></p>	
<p>Provided for Information</p>	<p>October 7, 2015 Executive Committee Minutes</p> <ul style="list-style-type: none"> <li>a) Open session</li> <li>b) Closed Session</li> </ul>
<p><b>ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS</b></p>	
<p>a. <b>Enterprise Resource Planning</b> (Zimmerman)</p> <p>b. <b>Briefing on Park Rules and Regulations</b> (Gardner)</p>	<p>Secretary-Treasurer Zimmerman stated the team continues to work on Employees’ Retirement System issues and will try to finalize them by the end of the year. Affordable Care Act (ACA) implementation is going well in terms of compliance with the law. Mr. Zimmerman will receive an update at tomorrow’s weekly meeting.</p> <p>General Counsel Gardner gave a PowerPoint presentation on the Park Rules and Regulations (“Park Rules”) update. He provided a general overview of the current Park Rules and explained the impetus for the update. He explained the legally required communications that must occur and stated that information received from a staff survey provided ideas for proposals to the Park Rules.</p>

<p>c. <b>Literacy and Language Proficiency Program</b> (Bennett)</p>	<p>General Counsel Gardner added that a project team has been assembled consisting of representatives from both sides of the agency. A handout of survey input will be distributed to the Commissioners prior to the November Commission meeting. The Commissioners will also be provided a copy of the Park Rules. These will be provided to the Commissioners so that they may collectively review the information before the Commission meeting and be equipped to provide direction to the project team.</p> <p>Vice-Chair Anderson noted that the issue of alcohol use in the parks should be included in the Briefing on Park Rules and Regulations.</p> <p>Corporate Policy and Management Operations Division Chief Bennett gave a briefing on the new Literacy and Language Proficiency Program. She shared a copy of the memorandum that was given to Department Heads at their October meeting. This memo reviewed the planned program of two classes of 20 participants each, which would provide instruction reading/writing/communication skills for Native English and non-Native English speakers. It also outlined the marketing and communications efforts to inform the workforce and supervisors of the program's benefits.</p> <p>Ms. Bennett noted that 57 employees applied for the program; 33 of these applicants requested the English as a Second Language course, and 24 requested instruction for native English speakers. All applicants were assessed by the Literacy Council on current skill levels to help determine the most appropriate instruction. Because of the overwhelming response from employees/supervisors, Department Heads were asked in October whether the program should be expanded to provide instruction for all approved applicants. Ms. Bennett stated that three options were presented to the Department Heads, and they approved adding one additional ESL course. This option best addresses all applicants and differentiation in skill level. Classes will begin in November 16, 2015.</p> <p>Chair Hewlett expressed excitement that this program is taking place and thanked the Department Heads for their commitment. She stated there may be a need for an advanced course for some students after completion of their course. She added that M-NCPPC will honor the participants who complete the program.</p>
<p>d. <b>Briefing about M-NCPPC programs available to employees for prevention of drug/alcohol abuse</b> (Bennett/Spencer)</p>	<p>Vice-Chair Anderson expressed interest in efforts made by the agency to address substance abuse and the types of resources that are available to employees. He discussed a Washington Post article about the increasing problem of addiction.</p> <p>CPMO Chief Bennett stated that her Division administers the agency's Drug and Alcohol-Free Workplace Program. She explained that the Program has both a self-initiated rehabilitation component as well as a compliance component. Rehabilitation is coordinated through the Substance Abuse Professionals with the Employee Assistance Program (EAP). The Substance Abuse Professionals meet with employees to provide education and determine appropriate rehabilitation plans/referrals, which may include outpatient or inpatient treatment depending on the type of concern being addressed.</p>

When employees self-initiate use of the EAP the employee can receive assistance without concern of disciplinary action. EAP referrals also can be initiated by management or the Risk and Safety Office when there are concerns identified by the supervisor or through the drug-testing program. She noted that the EAP is free to employees and their family members, and that rehabilitation is coordinated with the employee's insurance.

The EAP program provides a number of counseling services designed to help employees and their families with substance abuse and other family/work/life concerns. Training on the benefits of the EAP program is communicated by the Human Resources Office, where that benefit is housed. Communication of the Drug and Alcohol Free Workplace Program is communicated by the Risk and Safety Office, often along with Human Resources staff.

Human Resources Director William Spencer shared that staff is currently preparing to rollout EAP training on a wider scale to assist managers in recognizing behavior that demonstrates abuse issues. Mr. Spencer noted the agency has other programs in terms of wellness initiatives not associated with the EAP, but that support the overall fitness of employees, such as smoking cessation programs; flu shots; wellness challenges; and incentivizing employees to participate in those activities to ensure a physically fit workforce. The agency also has a wellness coordinator.

Vice-Chair Anderson inquired if the agency's insurance is adequate to meet the needs of employees who have addiction problems. Executive Director Barney stated a presentation can be given comparing what M-NCPPC's offers versus what other local jurisdictions offer. Health and Benefits Manager Jennifer McDonald (from the Human Resources Office) confirmed that the EAP coordinates rehabilitation services with the employee's medical insurance. Employees can utilize the substance abuse rehabilitation coverage under the health plan generally with a \$10.00 copay per visit for outpatient service. Inpatient hospitalization cost is \$0, as hospitalization is paid at 100% by all of the agency's health plans.

Ms. Bennett added that the EAP also helps identify support services that may fall outside of the traditional medical treatment referrals. These include support groups and group counseling for employees and their families.


The Executive Committee recommended enhancing the marketing effort on available resources and emphasizing the confidentiality of the agency's substance abuse program.

Executive Director Barney recommended that the Human Resources Office and the Corporate Policy and Management Operations Office work collectively to develop a comprehensive program that addresses the various avenues (education, marketing, benefits). The Executive Director also requested that staff return to the Executive Committee on more details of rehabilitation services and benefits along with comparison to the neighboring jurisdictions.

	<p>Vice-Chair Anderson indicated that it would be beneficial to also provide Commissioners a briefing on what the agency currently does and available resources to address substance abuse. This will be arranged following staff research to the Executive Committee.</p>
<p>Follow up</p>	<p><b>b. Approval of Commission Meeting Agenda (Barney)</b></p> <ul style="list-style-type: none"> <li>• Add Use of Internal Service Fund for Other Projects to December Executive Committee and Commission meeting agendas.</li> </ul> <p><b>d. Briefing about M-NCPPC programs available to employees for prevention of drug/alcohol abuse (Bennett/Spencer)</b></p> <ul style="list-style-type: none"> <li>• Health and Benefits Manager McDonald will prepare a briefing on substance abuse related benefits provided by the EAP and medical plans for the Executive Committee. She will also conduct a survey of other agencies.</li> <li>• The Health and Benefits Office is to enhance the marketing effort on available resources and emphasizing the confidentiality of the agency's substance abuse program.</li> <li>• The Human Resources Office and the Corporate Policy and Management Operations Office are to develop a comprehensive program that addresses the various avenues (education, marketing, benefits).</li> <li>• The Health and Benefits Office is to provide Commissioners a briefing on what the agency currently does and available resources to address substance abuse. This will be arranged following staff research to the Executive Committee.</li> </ul>

The meeting adjourned at 11:25 a.m.

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

  
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 Patricia Colihan Barney, Executive Director





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

**REGULAR BOARD OF TRUSTEES MEETING**

**MINUTES**

**Tuesday, October 6, 2015; 10:00 A.M.**

**ERS/Merit Board Conference Room**

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, October 6, 2015 at 10:00 a.m. Voting members present were: Josh Ardison, Patricia Colihan Barney, CPA, Howard Brown, Richard H. Bucher, Ph.D., Jenetha Facey, Pamela F. Gogol, Barbara Walsh, Marye Wells-Harley and Joseph C. Zimmerman, CPA. Elizabeth M. Hewlett joined the meeting via conference call. Khalid Afzal arrived at 10:35 a.m.

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

Presentations by Wilshire Associates - Bradley A. Baker, Vice President; The Carlyle Group - Jacques Chappuis, Head of Carlyle Investment Solutions, David Sherman, Managing Director, Private Equity Real Estate and Noah Keys, Principal, Private Equity Energy; and, Grosvenor Capital Management, L.P. - Vikram Bhaskar, Private Markets Investment Committee Member, Managing Director, Peter Braffman, J.D., Private Markets Investment Committee Member, Managing Director and Patrick J. McGarvey, Managing Director, Business Development.

**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 October 6, 2015 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, September 1, 2015
- C. Closed Session Minutes of Meeting, September 1, 2015 (**Confidential**)
- D. Disbursements Granted Reports – August 2015

The Agenda was revised to add Item 4.A.ii. Groom letter dated October 1, 2015 re: Recommendations Concerning the Determination Letter Program and Item 7 Closed Session.

VICE CHAIRMAN WELLS-HARLEY made a motion, seconded by MS. BARNEY to approve the Consent Agenda which includes the Revised October 6, 2015 Board of Trustees Meeting Agenda. The motion PASSED (10-0). (Motion #15-51)

**2. CHAIRMAN'S ITEMS**

- A. Board of Trustees Conference Summary

**3. MISCELLANEOUS**

No miscellaneous reported.

**4. REPORT OF THE ADMINISTRATOR**

Presentation by Administrator, Andrea L. Rose



- A. Administrator's Report dated September 25, 2015
  - i. Recommendation to Approve a Resolution to Amend the Assumptions for Calculation of an Actuarial Deficiency
  - ii. Groom letter dated October 1, 2015 re: Recommendations Concerning the Determination Letter Program

Andrea Rose presented the Administrator's Report dated September 25, 2015.

The Board's June 2, 2015 action to update the actuarial economic assumptions necessitates an update to the existing Resolution that sets forth relevant actuarial assumptions to the extent not specifically provided in the Plan Document. The Board approved a post-retirement adjustment assumption of 2.75% compounded annually for benefits based on credited service accrued until July 1, 2012 and 2.5% compounded annually thereafter.

Ms. Rose presented a revised Resolution for the Board's approval. The Commission's LaTonya Reynolds reviewed the Resolution for legal sufficiency.

MS. GOGOL made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY to approve a Resolution to amend the assumptions for calculation of an actuarial deficiency with revised language that sets forth the approved post-retirement adjustment assumption of 2.75% compounded annually for benefits based on credited service accrued until July 1, 2012 and 2.5% compounded annually thereafter. The motion PASSED (10-0). (Motion #15-52)

At the September Board Meeting, the Board approved joining the Groom Law Group (Groom) in submitting comments to the IRS on curtailment of the Determination Letter program. Ms. Rose distributed a copy of the letter sent from the Groom Law Group to the IRS dated October 1, 2015 re: Recommendations Concerning the Determination Letter Program.

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

- A. Investment Monitoring Group Committee
  - Presentation by Andrea L. Rose
    - i. Regular Report of September 15, 2015
      - a. Recommendation to Approve a Commitment to Private Real Assets of \$30 Million per year for the next three years (2016, 2017, and 2018)
      - b. Recommendation to Approve a Custom Strategy for Implementation of the 2016, 2017 and 2018 Commitment to Private Real Assets
    - ii. Confidential Report of September 15, 2015 (**Confidential**)

In MS. BARNEY'S absence at the September 15, 2015 Investment Monitoring Group (IMG) Meeting, Andrea Rose presented the regular report highlighting noteworthy points.

The IMG met with C.S. McKee's Nancy Y. Banker, Senior Vice President and Brian S. Allen, CFA, Senior Vice President for the performance review for the C.S. McKee fixed income mandate and reviewed Wilshire Associates' Manager Review of the strategy which showed consistent performance, outperforming the Barclays Aggregate. For the five year period ending June 30, 2015, the portfolio returned 3.57%, outperforming the index by 0.22%. Wilshire does not have any concerns about performance.

The IMG met with Earnest Partners' Aaron Kirchoff, Product Management and Jessie Magee, CFA, Partner for the performance review for the Earnest Partners International Equity Fund and reviewed Wilshire Associates' Manager Review of the strategy which illustrates outperformance in the 1-year, 3-years and 5-years over the MSCI ACWI ex-US index. Mr. Baker explained that Earnest Partners has done a good job over the longer term. Because the portfolio is more concentrated returns may bounce around in the short-term. Wilshire does not have any concerns about performance.

The IMG reviewed Wilshire Associates' Manager Review for the Capital Group International Equity strategy which shows strong performance in the 2Q2015, 1-year, 3-years, 5-years, outperforming the custom policy index. Wilshire does not have any concerns about performance.

Wilshire's Bradley Baker presented a Private Real Assets Review.

At its June 2, 2015 meeting, the Board delegated analysis of the Private Real Assets Review to the IMG. As of June 30, 2015, the allocation to private real assets was 9.8% versus the target allocation of 15%. Each of the current private real assets managers were discussed including number of investments, investment/commitment, vintage year, geographic diversification. The private real estate review reflected a need to broaden ex-U.S. exposure.

A private real assets pacing model was prepared to assist in planning future fund commitments. Three scenarios were recommended for consideration and modeled at 20%, 25% and 30% of the target allocation. Several assumptions were factored into the model, including a 7.25% fund return, net benefit payments at 5%, capital commitments drawn at 16.67% annually for six years, and capital distributions to begin in years 3 and return 15% annually for 10 years. Private real assets programs are built slowly over time by consistently committing capital to the asset class. Annually pacing the capital ensures adequate vintage year diversification, ability to commit to underrepresented segments of the market, and ability to adjust to changes in the market.

Wilshire recommended committing \$75-\$105 million to a private real assets strategy over the next three years (\$25-\$35 million per year). The IMG recommended the Board approve a commitment to private real assets of \$30 million per year for the next three years (2016, 2017, and 2018).

MS. BARNEY made a motion, seconded by MS. GOGOL to approve a commitment to private real assets of \$30 million per year for the next three years (2016, 2017, and 2018). The motion passed (10-0). (Motion #15-53)

The IMG reviewed two implementation options: a fund-of-fund vehicle and a custom strategy.

Under the fund-of-fund vehicle the ERS would make two commitments, one to a private real asset fund and one to a private real estate fund. The IMG discussed the available managers.

Under the custom strategy, the ERS would make one commitment and the investment manager would diversity between private real estate and private real assets. The manager would have the added flexibility of diversifying based on the ERS' current lineup of real assets managers. The structure would be set up similar to the Wilshire Private Equity mandate. The custom strategy would be a fund of one, the ERS, allowing for continued commitments after the initial 3-year commitment, providing for implementation efficiencies, monitoring and ongoing due diligence. The IMG discussed four

investment firms providing custom strategies – The Carlyle Group, FLAG Capital Management, Grosvenor, and LGT Clerestory.

After considerable discussion regarding the implementation options and the managers, the IMG felt confident recommending a custom strategy.

MS. BARNEY made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY to approve a custom strategy for implementation of the 2016, 2017 and 2018 commitment to private real assets. The motion passed (10-0). (Motion #15-54)

Based on this recommendation, the Board invited the Carlyle Group and Grosvenor to make presentations at the October 6, 2015 board meeting.

The IMG reviewed the annual performance of Wilshire Associates for the period July 1, 2014-June 30, 2015. Wilshire has fully met the Scope of Services outlined in the Investment Consulting Services Agreement (“Agreement”). The Agreement expires June 30, 2016 so a Request for Proposal will be issued in early 2016, in accordance with the Board’s policy that an RFP be issued every 5-years for investment consulting services.

## **6. MANAGER REPORTS/PRESENTATIONS**

### **A. Private Real Assets Review**

Presentation by Wilshire Associates - Bradley A. Baker, Vice President

Wilshire analyzed the universe of private real asset managers and selected the top four managers to recommend to the Investment Monitoring Group (IMG) for consideration. The IMG selected the Carlyle Group and Grosvenor Capital Management, L.P. to present to the Board.

Wilshire’s Bradley Baker said for full disclosure, Wilshire Associates works with both firms in terms of legacy assets.

MR. AFZAL arrived at 10:35 a.m.

### **Private Real Asset Presentations**

#### **i. The Carlyle Group**

Presentations by Jacques Chappuis- Head of Carlyle Investment Solutions; David Sherman- Managing Director, Private Equity Real Estate; and, Noah Keys- Principal, Private Equity Energy

#### **a. Presentation Material**

The Carlyle Group’s Investment Solutions’ (Investment Solutions) team members, Jacques Chappuis, David Sherman and Noah Keys, presented the Carlyle Group’s Real Assets Investment Strategy that offers a fully customized real assets managed account. Investment Solutions consists of 14 investment professionals globally investing across primary funds, secondary investments and co-investments; manages \$50+ billion in alternative assets, which includes 18 managed account clients; and, invests more than \$3.5B in real assets with over 150 general partners globally since 2000.

Based on discussions with Wilshire Associates and preliminary analysis of the ERS’ current private equity portfolio, Investment Solutions proposed a real assets managed account that is focused on

MINUTES, AS APPROVED, AT THE NOVEMBER 3, 2015 REGULAR BOARD OF TRUSTEES MEETING

strategies that have the highest return potential, including local value-added and opportunistic real estate investments with an overweight in Europe and Asia and investments across the energy value chain, including energy-related infrastructure. Investment Solutions seeks to access the private real assets market via primary funds, sourced secondary investments and co-investment deal flow by leveraging scale and market reputation. The diversified real assets portfolio that will target, 50% real estate and 50% energy-related real assets exposure, 70% primary funds (13-16 commitments) and 30% secondary investments and co-investments and 55% North-America, 25% Europe and 20% Asia exposure; and, provide a dedicated client services team that supports the managed account.

- ii. Grosvenor Capital Management, L.P.  
 Presentations by Vikram Bhaskar, Private Markets Investment Committee Member, Managing Director; Peter Braffman, J.D., Private Markets Investment Committee Member, Managing Director; and, Patrick J. McGarvey, Managing Director, Business Development
  - a. Presentation Material

Vikram Bhaskar, Peter Braffman, J.D. and Patrick J. McGarvey presented Grosvenor Capital Management's customized private markets investments strategy that will address the ERS' specific needs and complement the existing real asset and real estate portfolio. The Private Markets team (Private Markets) consists of 48 investment professionals, managing over \$23 billion in private market assets. As of December 31, 2014, Private Markets manages 115 separate account programs and 39 commingled programs; and, have made 617 fund investments and 159 co-investments since 1999 inception. The proposed diversified portfolio targets 50% Real Assets and 50% Real Estate. The Real Assets portion targets 25% oil and gas, 30% infrastructure/hard assets, 20% power generation, 15% natural resources and 10% other. The real estate portion targets 34% core, 46% value add/opportunistic, 15% debt, and 5% secondaries /co-investments.

MR. ARDISON left the meeting at 12:16 p.m.

VICE CHAIRMAN WELLS-HARLEY left the meeting at 12:17 p.m.

- iii. Recommendation to Approve a Private Real Assets Manager

Mr. Baker highlighted the differences in the two managers. Carlyle's investment expertise is stronger with better access to funds/partners and 18 clients. Carlyle does not believe investment in infrastructure will achieve the targeted mid teen returns. Grosvenor is better focused on customization with 75 clients. Grosvenor is less risky due to infrastructure exposure of 30% and lower target return of 10-12%. Grosvenor's allocation to real estate debt at 15% dampens volatility.

The current private real assets portfolio is well diversified with a high core concentration. The ERS' portfolio can afford to take on more risk. The Trustees discussed the two managers compared to the ERS' current managers.

MS. BARNEY made a motion, seconded by DR. BUCHER to approve the Carlyle Group's Investment Solutions' Real Assets Investment Strategy. The motion PASSED (8-1) with MS. GOGOL opposed. (Motion #15-55)

- B. Private Equity Overview & Pacing Analysis  
 Presentation by Wilshire Associates' Bradley A. Baker, Vice President

- i. Recommendation to Approve a Commitment to Private Equity for the Next Three Years (2016, 2017, and 2018) with Wilshire Private Markets (specify commitment amount).

At its September 1, 2015 meeting, Wilshire Associates' Brad Baker recommended an additional private equity commitment of \$30-45 million over the next three years (2016, 2017, and 2018). Mr. Baker recommended utilizing the existing separate account with Wilshire Private Markets to take advantage of fees, access and negotiating terms. The Board agreed there were unique advantages in continuing with Wilshire Private Markets but wanted to understand what, if any, flexibility there may be with respect to modifying a commitment amount in year 2 or 3. Mr. Baker explained most firms do not offer commitment flexibility, but Wilshire Private Markets is willing to allow with certain restrictions, including a minimum commitment amount of \$30 million and maximum amount of \$60 million. In addition, there will be notice requirements. Wilshire Private Markets agreed to draft the initial amendment for the Groom Law Group's review.

DR. BUCHER made a motion, seconded by MS. GOGOL to approve a Commitment to Private Equity for the Next Three Years (2016, 2017, and 2018) with Wilshire Private Markets for \$15M a year for a total of \$45. The motion PASSED unanimously (9-0). (Motion #15-56)

#### 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.

MS. BARNEY made a motion, seconded by MS. GOGOL to go in to Closed Session under authority of 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 #15-57)

MS. WALSH made a motion, seconded by MS. BARNEY to ratify the actions taken in Closed Session. The motion PASSED unanimously (9-0). (Motion #15-61)

The Board of Trustees meeting of October 6, 2015 adjourned at 1:37 p.m.

Respectfully,



Heather D. Brown  
Senior Administrative Specialist



Andrea L. Rose  
Administrator

115 Trust (OPEB)  
Meeting Minutes  
MRO

Wednesday, June 17, 2015

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

Absent: Commissioner Casey Anderson, Trustee

The meeting was called to order at 11:00 a.m.

Minutes from the March 18, 2015 meeting were motioned by Ms. Barney to be approved, seconded by Mr. Spencer, and then unanimously accepted.

Following approval of the minutes, Mr. Bryant provided a cursory overview of first quarter results in order to allow ample time for discussion of the asset allocation study.

Mr. Bryant reported that the first quarter GDP number was weaker than anticipated and that the expectation for when the Federal Reserve would push out interest rates had changed from June to late this year or early next year. Market returns in the first quarter were good, but return shifted from domestic to developed European stocks.

Mr. Bryant stated that the fund's first quarter results were 0.5%, well below the average for public plans of 2.3%. He attributed poor performance to the lack of mid and small cap stocks in the allocation, the lack of real estate, the poor performance of the PIMCO All-Asset/All-Authority fund, and the use of a global bond strategy instead of a domestic strategy. Mr. Bryant indicated that he felt the PIMCO tactical strategy and bond strategies were well positioned, but that he was reviewing the equity strategies with the manager later in June.

Ms. Barney stated that the poor returns needed to be addressed. Mr. Bryant said he would discuss them in greater detail at a later meeting, but noted that returns were divided into two periods, before the plan was derisked and after. Including the full time period, returns were in the middle of the distribution for all public plans, but were much stronger before the plan was derisked. Mr. Bryant also said the holdings of the PIMCO All-Asset/All Authority strategy would be addressed at a future meeting. He was prepared to do so but wanted to focus on the asset allocation discussion for the remainder of the meeting.

Mr. Bryant next discussed the asset allocation. He said the inputs included three factors: the plan's cash flows, a selection of asset classes with allowed ranges, and three return scenarios. The asset classes used in the study were tactical asset allocation, domestic large cap equity, domestic mid/small cap equity, foreign developed (EAFE) equity, foreign emerging market equity, private real estate, domestic bonds and foreign bonds. The three return scenarios used were the 20-year historical scenario, the 10-year historical scenario, and a projection scenario based on consensus projections of Wall Street firms.

Mr. Bryant said the projection scenario tended to favor equity over fixed income, and foreign equity over domestic equity, relative to the historical scenarios. He agreed with that point of view based on rich valuations for domestic equity and record low interest rates for domestic fixed income. Outputs included mean, standard deviation, % chance of beating the 7.4% actuarial assumption, and 20-year terminal values for the 50%, 75% and 95% confidence level with a confidence level indicating a value that the asset mix would achieve or exceed.

Mr. Bryant then discussed different aspects of risk: short-term risk, long-term risk, entity risk and unknown risk. He said he thought this plan could take more short-term risk because it was not subject to significant public scrutiny, and because it had no immediate need for cash outflows.

After analyzing eight mixes, Ms. Barney and Mr. Zimmerman both expressed the belief that the fund could afford to have a low bond allocation relative to other plans. Commissioner Geraldo expressed a desire to reduce dependence on the PIMCO tactical strategy. The group collectively decided to implement the following allocation: 10% PIMCO All-Asset/All-Authority, 20% domestic large cap, 20% domestic SMID cap, 20% EAFE equity, 10% emerging market equity, 10% real estate, and 10% fixed income.

Mr. Bryant asked if the fixed income money could, for now, remain with the PIMCO unconstrained strategy, and if Dahab could select an index fund to implement the SMID cap allocation. The Commissioner and Trustees agreed to both suggestions, and it was decided to implement the new allocation as soon as a forthcoming contribution of approximately \$5mm is made.

Ms. Rodman reported that a contract has been executed with the Groom law firm to review the real estate contract.

The next meeting date was set for September 16, 2015, 11:00 a.m. at MRO.

The meeting was adjourned at 12:35 p.m.

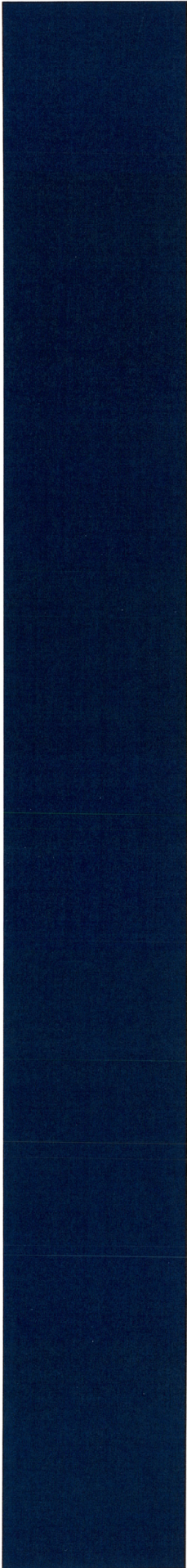
Respectfully Submitted,



Claudia Stalker

**ACT/PRESENT ITEMS**





**Employees' Retirement System  
Actuarial Review as of July 1, 2015  
Commissioners Meeting  
November 2015**

ITEM 5b



# Demographic Highlights

	7/1/2014	7/1/2015	% Change
<b>Number of Members</b>			
Active	2,070	2,104	1.6%
Terminated Vested	244	260	6.6%
Retirees, Disableds and Beneficiaries	<u>1,272</u>	<u>1,324</u>	<u>4.1%</u>
Total	3,586	3,688	2.8%
<b>Active Participants</b>			
Annual Compensation	\$135,041,803	\$141,670,765	4.9%
Average Annual Compensation	\$66,132	\$68,341	3.3%
Average Age	47.78	47.62	(0.3)%
Average Service	12.92	12.60	(2.4)%

# Market Value of Assets Changes

<b>Market Value of Assets as of 7/1/2014</b>		\$824,285,563
<b>Employer Contributions for 2014-15 Plan Year</b>	\$28,149,976	
<b>Less Receivable for 2014 Plan Year</b>	(28,149,976)	
<b>Employee Contributions</b>	6,339,732	
<b>Net Investment Income</b>	3,340,520	
<b>Benefit Payments</b>	(40,382,818)	
<b>Administrative Expenses</b>	<u>(1,587,371)</u>	
<b>Market Value of Assets as of 6/30/2015</b>		\$791,995,626
<b>Receivable Contribution as of 7/1/2015</b>		\$27,191,305
<b>Market Value of Assets as of 7/1/2015</b>		\$819,186,931

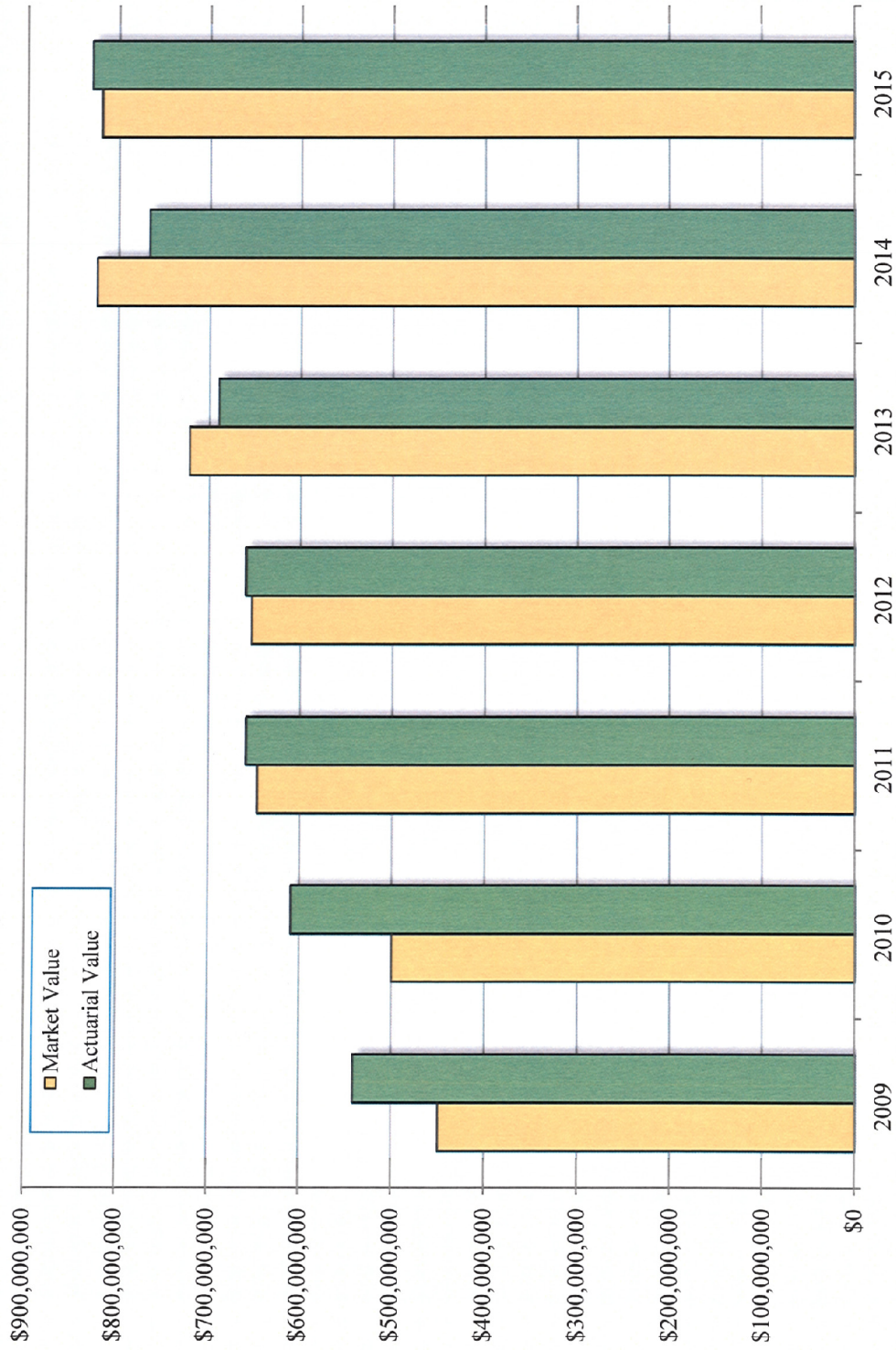
# Plan Assets: Market Value and Actuarial Value

	7/1/2014	7/1/2015
Market Value	\$824,285,563	\$819,186,931
Investment Return	15.28%	0.41%
Actuarial Value	\$766,531,514	\$830,052,104
Investment Return	12.22%	9.61%

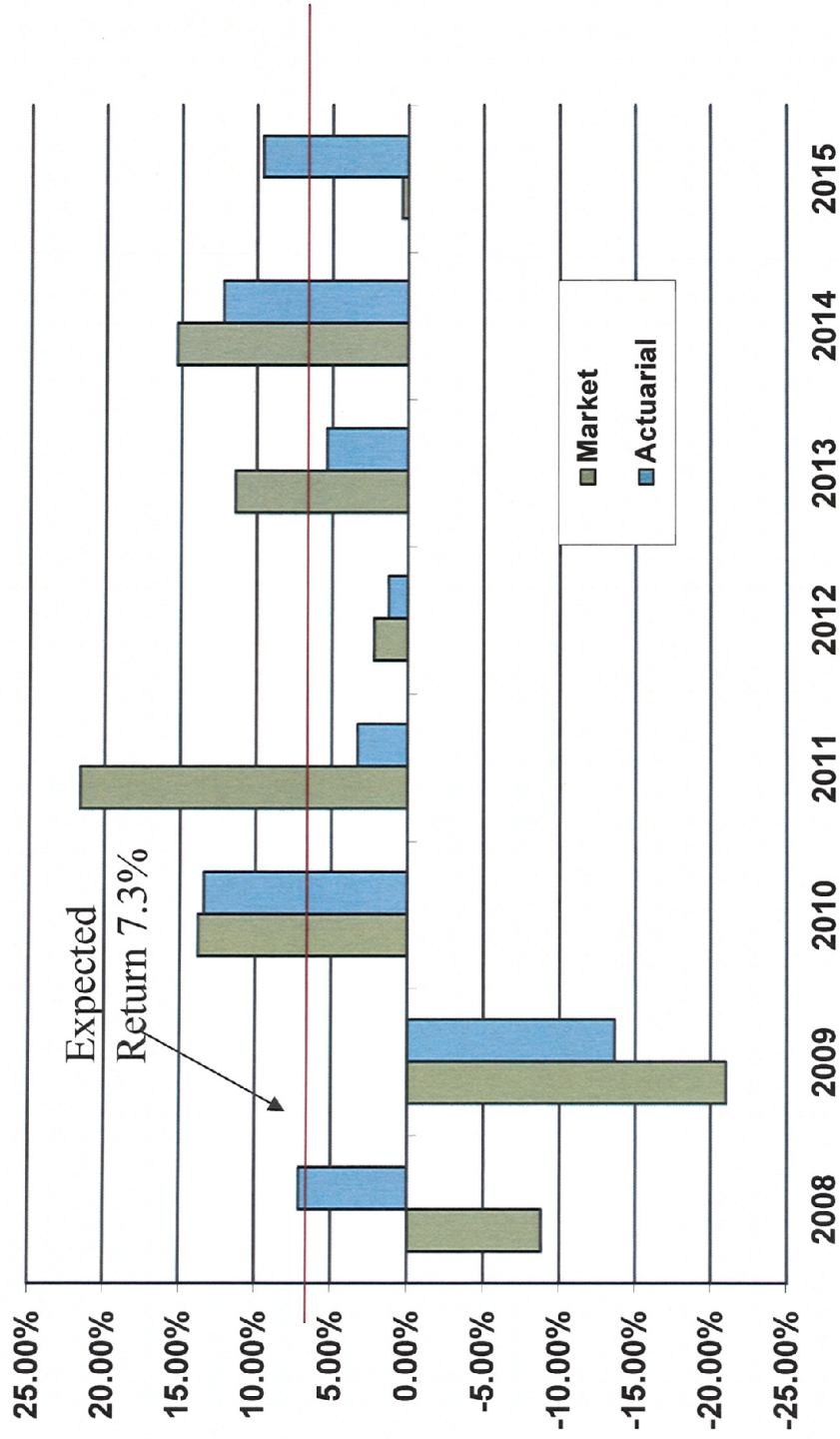
## 5-Year Average Return

	7/1/2014	7/1/2015
Market Value	12.70%	9.91%
Actuarial Value	7.04%	6.27%

# 7-Year History of Plan Asset Values



# Rates of Return on Plan Asset Values



Year end June 30

# 2015 Valuation Assumptions

Note: Separate assumptions for Police and Non-Police	
Investment Return	7.25% (Last Year – 7.30%)
Unused Sick Leave	0.25 additional months per year of service
Salary Increases	2.75% per year plus additional merit increases for 2015 and later
Retirement Age	Rate of Retirement based on years of service
Mortality	RP 2000 projected to 2010 and Generational method applied using Scale AA factors after 2010
Disability	Specific Tables
Withdrawal	Table based on years of service
Spouses	90% of males and 50% of females assumed married
Post Retirement Adjustment	2.75% (Last Year – 3.00%) compounded annually for benefits based on credited service accrued until July 1, 2012, and sick leave accrued until January 1, 2013, 2.5% compounded annually thereafter
Expenses	0.2% of total liability
Asset Valuation	5 year asset return smoothing method*

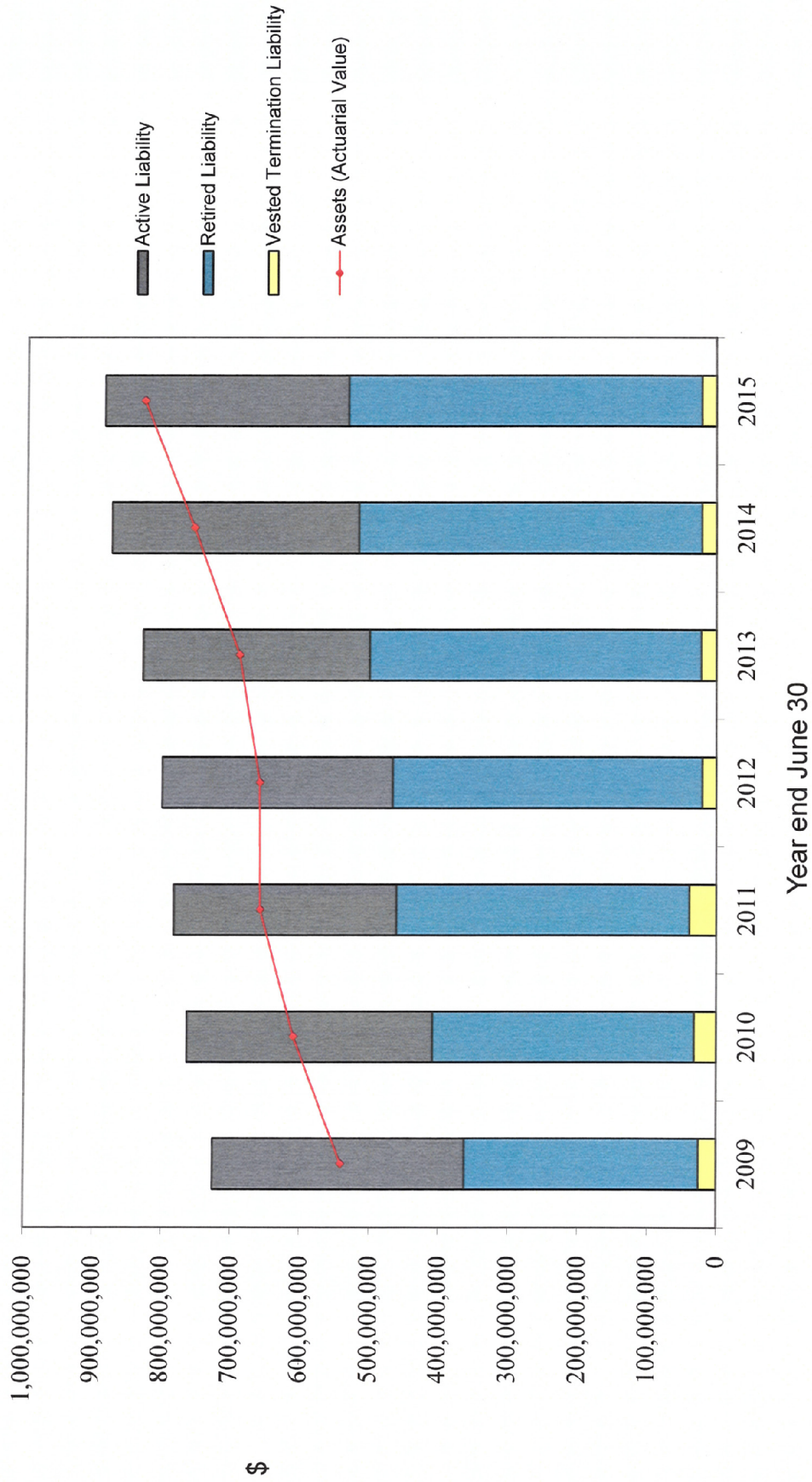
\* Based on 80%/120% corridor around market value

# Total Funded Status

Ongoing Basis	7/1/2014	7/1/2015
Actuarial Accrued Liability	\$879,190,389	\$887,487,374
Actuarial Value of Assets	766,531,514	830,052,104
Unfunded Actuarial Accrued Liability	112,658,875	57,435,270
Funded Ratio (AVA/AAL)	87.2%	93.5%
Accrued Benefit Basis	7/1/2014	7/1/2015
Present Value of Accumulated Benefits	\$830,223,456	\$822,059,468
Market Value of Assets	824,285,563	819,186,931
Unfunded PV of Accumulated Benefits	5,937,893	2,872,537
Funded Ratio (MVA/PVAB)	99.3%	99.7%



# 7-Year History of Funded Status



# Total Recommended Commission Contribution

	2014	2015	Change
Normal Cost	\$13,023,696	\$11,740,964	\$(1,282,732)
Normal Cost as a % of Payroll	9.6%	8.3%	1.3%
Amortization of Unfunded	12,317,687	7,157,114	\$(5,160,573)
Total Recommended Contribution Payable at the Beginning of the Year	25,341,383	18,898,078	\$(6,443,305)
As a % of Payroll	18.8%	13.3%	(5.5)%
Total Recommended Contribution Payable at the End of the Year	\$27,191,305	\$20,268,189	\$(6,923,116)
As a % of Payroll	20.1%	14.3%	(5.8)%

# Commentary

- ➔ Funded Ratios
  - Increase on Funding Basis using Actuarial Value of Assets
    - 87.2 % to 93.5%
  - Increase on an Accrued Benefit Basis using Market Value of Assets
    - 99.3 % to 99.7%
- ➔ Recommended Contributions
  - Percent of Pay cost decreased from 20.1% to 14.3% (based on payment at end of year)
  - Primarily due to actuarial asset value gains (from prior deferred gains), demographic gains and assumption changes
- ➔ **Up Next: Full experience study & assumption review**
  - **Will compare actual experience to expected and adjust assumptions as needed; Amortization and Asset Smoothing to be reviewed as well.**

# 5-Year Contribution Projection

Dollar amounts in millions

Payable July 1	Prior Year Participant Payroll	Employer Normal Cost	Amortization of Unfunded	Interest to End of Year	Total Employer Cost	Employer Cost as a % of Payroll
2016	\$141.67	\$11.74	\$7.16	\$1.37	\$20.27	14.3%
2017	\$145.57	\$12.10	\$8.05	\$1.46	\$21.61	14.8%
2018	\$149.57	\$12.36	\$7.94	\$1.47	\$21.78	14.6%
2019	\$153.68	\$12.63	\$8.36	\$1.52	\$22.51	14.6%
2020	\$157.91	\$12.90	\$9.88	\$1.65	\$24.43	15.5%
2021	\$162.25	\$13.17	\$10.06	\$1.68	\$24.92	15.4%

**Assumptions**

- Valuation interest rate = 7.25%
- Future investment return = 7.25%
- Payroll increases = 2.75%
- No future gains or losses

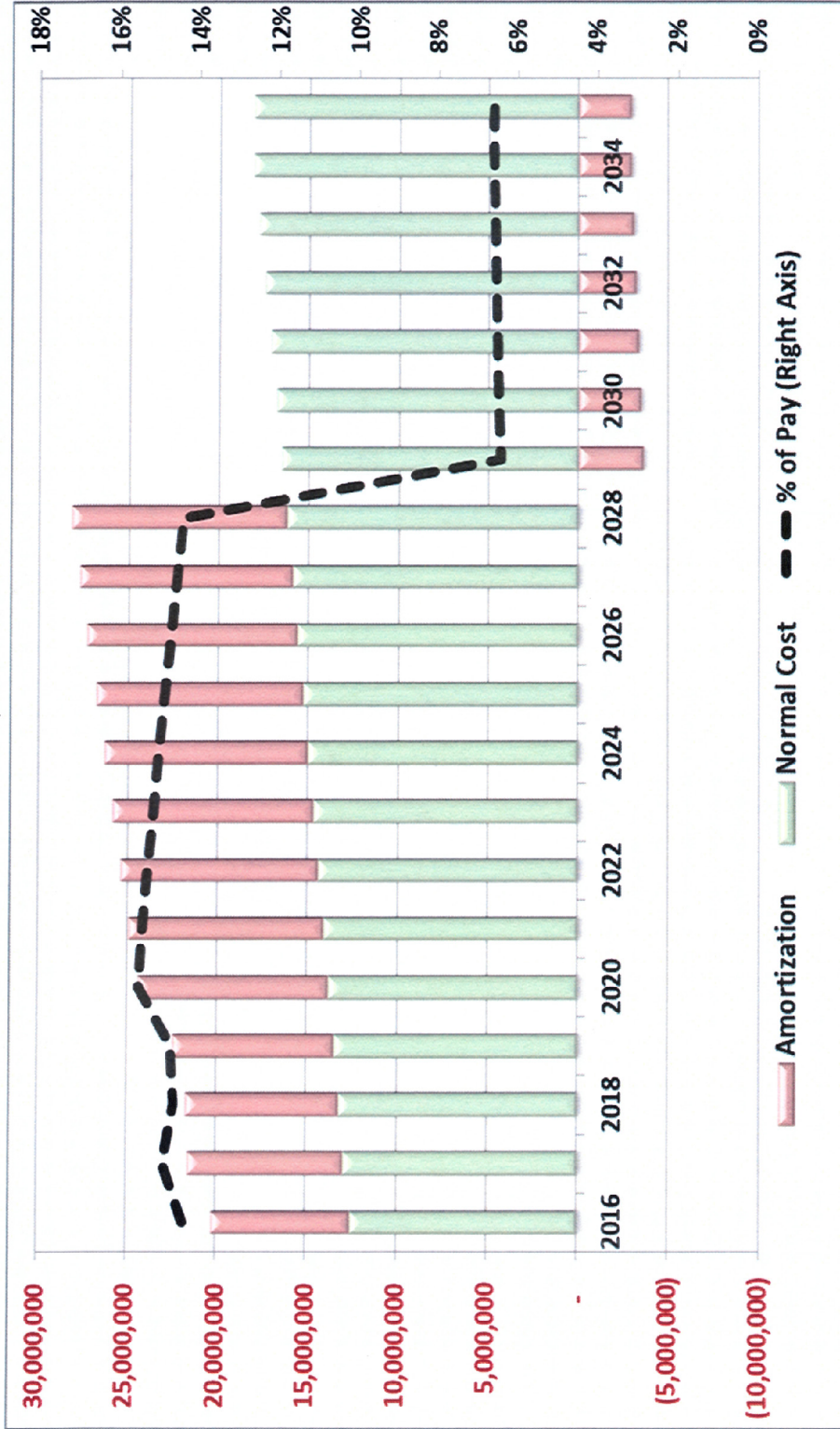
# Funding Outlook - Baseline



**Assumptions**

- Valuation interest rate = 7.25%
- Future investment return = 7.25%
- Payroll increases = 2.75%
- No future gains or losses

# Baseline Contribution Projection



Total contribution =  
Normal Cost + interest,  
offset by any negative  
amortization.

**Assumptions**  
Valuation interest rate = 7.25%  
Future investment return = 7.25%  
Payroll increases = 2.75%  
No future gains or losses



**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: November 4, 2015

VIA: Elizabeth M. Hewlett  
Chairman, Board of TrusteesFROM: Andrea L. Rose  
ERS AdministratorSubject: ***Recommendation to Approve an Employer Contribution in the Amount of \$20,268,189 for Fiscal Year 2017*****RECOMMENDATION**

At its November 3, 2015 meeting, the Employees' Retirement System (ERS) Board of Trustees ("Board") accepted the July 1, 2015 Actuarial Valuation presented by Boomershine Consulting Group. As a result, the Board recommends the Commission approve an employer contribution in the amount of \$20,268,189 (14.3% of covered payroll) for fiscal year 2017.

**BACKGROUND**

Each year the ERS has an independent actuarial valuation performed to determine the funding requirements for the ERS. The actuarial valuation is designed to measure the current and future cost of retiree benefits based on employee demographics, assets and liabilities, plan provisions, and actuarial assumptions and methods. The actuary recommends an employer contribution in order to ensure sufficient assets are available for future benefits.

A pension plan is well funded when it has enough money in reserve to meet all expected future obligations to participants. The ERS' funding objective is to meet long-term benefit promises through employee and employer contributions that remain approximately level as a percent of member payroll. The July 1, 2015 actuarial valuation indicated the funded ratio of the actuarial value of assets to the actuarial accrued liability for benefits was 93.5%, which is up from 87.2% in 2014.

The July 1, 2015 actuarial valuation includes reductions in the investment return, salary and post-retirement cost-of-living assumptions which were approved earlier this year following a recommendation by Boomershine Consulting Group and the ERS' investment consultant, Wilshire Associates. The valuation also includes changes in employee contributions for Plans C and D.

In order to meet the ERS' funding objectives, the recommended employer contribution of \$20,268,189 (14.3% of covered payroll) is payable July 1, 2016 for fiscal year 2017. The recommended employer contribution decreased significantly from \$27,191,305 (20.1% of covered payroll) as of July 1, 2014 primarily due to actuarial asset value gains, demographic gains and assumption changes.

Boomershine Consulting Group's David S. Boomershine, Senior Consulting Actuary will present the attached presentation at the Commission's November 18, 2015 meeting.

Thank you in advance for your consideration.

Attachment

1. Employees' Retirement System Review as of July 1, 2015





**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](mailto:ERSBoard@mncppc.org)

*Andrea L. Rose*  
**Administrator**

**BOARD OF TRUSTEES**  
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Khalid Afzal  
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 Richard H. Bucher, Ph.D.  
 Pamela F. Gogol  
 Joseph C. Zimmerman, CPA

Josh Ardison  
 Howard Brown  
 Jenetha Facey  
 Barbara Walsh

To: The Commission Date: October 16, 2015

Via: Elizabeth M. Hewlett  
 Chairman, Board of Trustees

From: Andrea L. Rose  
 ERS Administrator

**SUBJECT: Appointment of the Carlyle Group as the new Private Real Assets Manager for the Maryland-National Capital Park and Planning Commission Employees' Retirement System**

### RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System (ERS), I recommend the Commission approve the Carlyle Group as a new Private Real Assets Manager for the ERS.

### BACKGROUND AND EVALUATION

At its June 2, 2015 meeting, the Board of Trustees considered Wilshire Associate's ("Wilshire") Private Real Assets Review and discussed additional commitments for the ERS' real assets program. Given the complexity and analysis required, the Board moved further review and recommendation to the Investment Monitoring Group's (IMG) September 15, 2015 meeting.

At its September 15, 2015 meeting, the IMG discussed Wilshire's analysis of the private real assets program. A private real assets allocation includes investments in private real estate and private real assets (energy, natural resources, infrastructure, timber, and agriculture). Historically, the ERS made commitments in the real assets space using fund-of-fund vehicles; however, utilizing this option requires hiring two managers, one for private real assets and one for private real estate.

The IMG explored investment firms that manage custom strategies as a result of the ERS' increased target allocation (5% in 2007 to 15% in 2015). Under a custom strategy, the investment manager diversifies between private real estate and private real assets and has the added flexibility of diversifying based on the ERS' current lineup of real assets managers. A custom strategy allows for continued commitments after the initial 3-year commitment, providing for implementation efficiencies, monitoring and ongoing due diligence.

The IMG discussed four top-tier investment firms providing custom strategies – The Carlyle Group, FLAG Capital Management, Grosvenor, and LGT Clerestory. The Carlyle Group and Grosvenor were invited to make presentations to the Board at its October 6, 2015 meeting.

At its October 6, 2015 meeting, the Board approved selection of the Carlyle Group as the new Private Real Assets Manager for the ERS.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

November 9, 2015

To: The Commission

Via: Patricia C. Barney, Executive Director *OB*

From: Anju Bennett, Chief *AMB*  
 Janis Thom-Grate, Corporate Policy and Corporate Records Manager *JTG*  
 Corporate Policy & Management Services Division

Subject: Recommended Amendments to the Merit System Rules and Regulations: Family and Medical Leave Act Program

**Requested Action**

The Commission is asked to consider proposed amendments to Section 1640 of the Merit System Rules and Regulations (MSR&R), Family and Medical Leave. Proposed amendments communicate implementation requirements for:

- M-NCPPC Resolution 15-17, which was adopted by the Commission in September, and changes the calculation method used to determine eligibility for the FMLA program; and
- Military Leave Benefits that have already been implemented by the agency.

Changes to the MSR&R must be considered by the Merit System Board before final adoption by the Commission. Amendments were circulated for a 30-day comment period. No changes were recommended to the initial staff proposals. On November 6, 2015, the Merit System Board issued its approval of the policy proposals and recommended that they be forwarded to the Commissioners for final adoption. Policy changes are presented in Attachment A to this packet item and identified through shading/strikeout.

**Background on Proposed Policy Amendments**

The Merit System Rules and Regulations communicate employment policies for Merit employees. The following background explains the two policy areas that are recommended for approval:

**1. Calculation of FMLA Eligibility Period: Move from Calendar Year to Rolling Year FMLA Leave Method (Proposed Amendments to Section 1640 and Subsection 1641)**

Under the Family and Medical Leave Act (FMLA), eligible employees are entitled to take unpaid, job-protected leave for specified family and medical reasons. Employees are entitled to this leave

during a defined 12-month period. Employers may select one of several methods to calculate the 12-month period. In September, the Commission elected to change the calculation period from the present “calendar-year” method to a “rolling-year” method, with the understanding staff would return with policy amendments following mandated review with the Merit System Board. The change in calculation method is explained below.

#### Existing 12-month “Calendar Year” Method

Currently, the 12-month eligibility period runs each year from January 1 through December 31. This allows an employee to take 12 weeks of FMLA leave in a calendar year, and request another 12 weeks immediately at the beginning of the following year. Under this method, an employee may be entitled to 24 consecutive weeks of FMLA leave, depending on the timing of the leave. The following example illustrates this principle:

Jane requests 12 weeks of FMLA leave beginning October 1, 2015, which places her on FMLA leave status through the end of the calendar year. Jane is entitled to another 12 weeks of FMLA leave at the beginning of the new calendar year (January 1, 2016), which would result in a total of 24 consecutive workweeks of FMLA leave.

#### Adopted “Rolling 12-Month” Method

Under the new calculation method, an employee is entitled to 12 weeks of FMLA leave during a 12-month rolling or “look-back” period. More specifically, the 12 months are measured backward from the date of the employee’s most recent FMLA leave request. Thus, each time an employee requests FMLA leave, he/she is considered for the balance of the 12 week leave entitlement that was not used during the immediately preceding 12 months. An employee who already has taken eight weeks of FMLA leave in the last 12 months has only four more weeks of leave they may use under the FMLA. The following example illustrates this principle:

Michael requests three weeks of FMLA leave to begin on August 31, 2015. The employer looks back 12 months (from August 31, 2015 back to the previous September 1, 2014) to see if any FMLA leave had been used. If Michael had not taken any previous FMLA leave, he is entitled to the three weeks he requested and has nine more weeks available.

The effective date of the change to the Rolling 12-month Method is January 1, 2016. During the first year of implementation (2016), FMLA taken in 2015 will not reduce 2016 FMLA entitlement.

## **2. Codification of Qualifying Exigency/Military Caregiver Leave Provisions (Proposed Amendment to Subsection 1642)**

The National Defense Authorization Act amended the FMLA to provide two types of military family leave for FMLA-eligible employees: “qualifying exigency leave” and “military caregiver leave.” The agency has already incorporated these military leave categories in its FMLA operational guidelines. Policy is being amended to codify the program benefit.

#### Qualifying Exigency Leave

FMLA leave may be taken for any qualifying exigency arising out of the fact that a covered military member is on active duty or called to active duty status. The Department of Labor's regulations include a broad list of activities that are considered qualifying exigencies, and permits eligible employees who are family members of a covered military member to take FMLA leave to address the most common issues that arise when a covered military member is deployed, such as attending military-sponsored functions, making appropriate financial and legal arrangements, and arranging for alternative childcare.

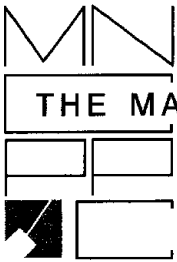
#### Military Caregiver Leave

FMLA leave may be taken by an eligible employee to care for a covered service member with a serious injury or illness, which is defined as an injury or illness incurred in the line of duty while on active duty.

#### **Attachments**

- A. Drafted Revisions to Section 1640 of the Merit System Rules and Regulations (MSR&R), Family and Medical Leave
- B. Memo from Merit System Board





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MERIT SYSTEM BOARD

6611 Kenilworth Avenue, Suite 101B  
Riverdale, Maryland 20737  
(301) 454-1427

November 9, 2015

To: The Commission

From: Steven R. Cohen, Chair  
Merit System Board

Re: Merit System Rules and Regulations Chapter Revision – Chapter 1600 (Section 1640, the Family and Medical Leave Act Program)

Under the expert direction of Anju Bennett, Division Chief, Corporate Policy and Management Operations, the Merit System Board has conducted a review of amendments to Chapter 1600 of the Merit System Rules and Regulations. This review considered policy proposals, recommendations made by the Policy office, Department Heads and the Executive Committee, and any comments submitted by employees and management during the mandatory policy review period.

The final version being submitted, which considers those recommendations by employees and management, is fully supported by the Merit System Board.





DRAFT AMENDMENTS to the Merit System Rules and Regulations

Chapter 1600: Leave Status Programs: Leave-Without-Pay, Parental Leave, Family and Medical Leave, and Absence-Without-Leave

Subsection 1640 Excerpted

Key to Proposed Policy Amendments:

Shaded: Proposed additions

Strikeout: Recommended deletions

1640 Family and Medical Leave Status

Note to Draft Reviewer: The federal Family and Medical Leave Act (FMLA) permits an employer to select from several options, the calculation method used to determine the twelve (12) month period during which employees may request FMLA leave for qualified events. The proposed amendment redefines the calculation period from the present "calendar-year" method to a

In accordance with the Family and Medical Leave Act (FMLA), employees may be eligible for a total of up to twelve (12) work weeks of unpaid leave in a twelve (12) month eligibility period per calendar year for FMLA-qualifying events.

Through December 31, 2015, a calendar year basis (January–December) is used to determine the twelve (12) month eligibility period for available FMLA leave.

Effective January 1, 2016, a "rolling" twelve (12) month period is used to determine eligibility for available FMLA leave. More specifically, the twelve (12) months are measured backward from the date of the employee's most recent FMLA leave request. Each time an employee requests FMLA leave, the request is considered for the balance of the twelve (12) week leave entitlement that was not used during the immediately preceding twelve (12) months.

Any part of the FMLA status may be substituted with paid leave or leave-without-pay as governed by Chapter 1400, Employee Leave; Chapter 1500, Commission Leave; and Chapter 1600, Leave Status Programs. As such, the FMLA leave runs concurrently with all leave programs offered by the Commission for events that qualify under the FMLA.

Note to Draft Reviewer: The reference to Administrative Procedures has been removed as guidance is typically issued in application forms and accompanying documents. The oversight will remain with the Executive Director.

Specific guidance on the administration of leave taken under the FMLA shall be set forth by the Executive Director, in administrative procedures for the Family and Medical Leave Act.

1641 Eligibility for FMLA Leave Status

The FMLA coverage is available to all employees who have met the following minimum service and work hour requirements:

- 1641.1 Twelve (12) months of completed employment service with the Commission, not necessarily consecutive; and

1  
2 1641.2 Twelve hundred and fifty (1,250) hours worked during the twelve (12) month period  
3 calendar year immediately preceding the start of the leave.  
4

5 1642 **Qualified Events**  
6

7 FMLA may be granted for any of the following events. During the leave status, employees may use  
8 eligible types of paid leave and leave-without-pay listed under the respective events.  
9

10 1642.1 Parental responsibilities including the birth, adoption, or foster care of a child of the  
11 employee up to the age of 18, older if disabled: Employees may offset the 12-week FMLA  
12 unpaid leave entitlement with eligible types of paid leave and leave-without-pay available  
13 for parental responsibilities (see Section 1630).  
14

15 1642.2 Care of a seriously ill or injured dependent: Leave may be taken to care for a seriously ill  
16 or injured dependent which includes the employee's spouse, domestic partner, parent, or  
17 child up to the age of 18, older if disabled. Employees may apply the following types of  
18 paid leave during the FMLA leave status: eighty (80) hours of sick leave and any  
19 accumulated annual leave, compensatory leave, or personal leave. An employee wishing  
20 to take authorized leave-without-pay shall first use accrued annual and compensatory  
21 leave.  
22

23 1642.3 Care of the employee's own serious illness or injury: Employees may offset the unpaid  
24 FMLA entitlement with paid accrued sick, annual, compensatory or personal leave.  
25 Disability leave, Workers' Compensation, or the leave under the Sick Leave Bank Program  
26 may also be used if eligible. Employees who wish to take leave-without-pay shall first use  
27 all accrued sick and compensatory leave.  
28

29 **Note to Draft Reviewer:** *The FMLA provides two types of military family leave for FMLA-*  
30 *eligible employees: "qualifying exigency leave" and "military caregiver leave." Qualifying*  
31 *exigency leave may be taken for any qualifying exigency arising out of the fact that a covered*  
32 *military family member is on active duty or called to active duty status.*  
33

34 *Military caregiver leave is the second of the two military family leave provisions. While these*  
35 *leave categories have already been communicated to employees as an available benefit, the*  
36 *codified FMLA policy is being amended to reflect this update.*  
37

38 1642.4 Care or comfort of a military service member (qualifying exigency and military caregiver  
39 leave): Employees may use the twelve (12) week leave entitlement to address certain  
40 qualifying exigencies when a spouse, domestic partner, son, daughter or parent is on  
41 covered active duty or is called to covered active duty status. Qualifying exigencies may  
42 include attending certain military events, arranging for alternative childcare, addressing  
43 certain financial and legal arrangements, attending certain counseling sessions, and  
44 attending post-deployment reintegration briefings.  
45

46 The FMLA also includes a special leave entitlement that permits eligible employees up to  
47 26 weeks of leave during a single twelve (12) month period to care for a covered service  
48 member with a serious injury or illness.  
49  
50  
51







THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

November 10, 2015

To: The Commission

Via: Patricia C. Barney, Executive Director 

From: Anju A. Bennett, Chief   
 Janis Thom-Grate, Corporate Policy and Corporate Records Manager   
 Corporate Policy and Management Operations

Subject: Recommended Updates to Administrative Practice 2-16, (Contract Employment)  
 Seasonal/Intermittent, Temporary, and Term Employment

**Requested Action**

The Commission is asked to adopt proposed amendments to the agency policy pertaining to Contract employees. This policy is contained in Administrative Practice 2-16 and its accompanying Administrative Procedures. Together these policies address the full scope of employment and compensation policies for Seasonal/Intermittent, Temporary, and Term employees. While a broader review of these policies is currently underway with Department Heads, some policy amendments are being presented to the Commission for immediate adoption so they may be implemented by January 1, 2016.

The proposed amendments, which are presented in Attachment A, primarily focus on the implementation requirements for Resolution #15-20 (New Pay Plan and Pay Schedules for Vendor Transition) which was adopted by the Commission this past October. This Resolution adopts three new pay plans to address compensation for vendors who must be converted to employee status.

Other areas also addressed by amendments include:

- Communication of the agency's commitment to comply with all applicable federal/State laws with respect to employment, compensation, and other benefits (including but not limited to those afforded by the Affordable Care Act, the Family and Medical Leave Act, and workers' compensation laws); and
- Clarification of existing overtime policies.

**Overview and Background**

In reviewing the agency's historical practice of hiring independent contractors to provide recreational services, the management team sought changes to:

- Improve the consistency in compensating individuals who perform similar work;
- Make the agency's employment and compensation policies more consistent with other recreational employers in the region; and
- Enhance overall compliance with tax regulations.

In this review, the agency analyzed its existing vendors to determine whether they should be more appropriately classified as employees. This analysis was conducted as part of the Vendor Transition project on which the Commission has been briefed. The analysis resulted in reclassifying certain vendors as Contract employees. In October, the Commission adopted Resolution 15-20, establishing three new pay plans to address the type of work that would be carried out by transitioned vendors. Work sessions were held with affected departments, to address the implementation of these pay plans and associated compensation policies in the areas of overtime, anniversary increases, and promotional adjustments. These policies are presented through amendments to Practice 2-16 and:

- **Recognize the new pay plans adopted by the Commission in October:**
  - o Base Rate of the Lowest Wage (Minimum Hourly Rate) Adopted by the Commission Plus 50% of Class Revenue Structure;
  - o Specialty Services Pay Plan; and
  - o Tennis Instructor Pay Plan.
  
- **Clarify the application of anniversary pay increases to the new pay plans:**
  - o Anniversary increases (which are given at time of contract renewal) are applicable to employees assigned to the:
    - Specialty Services Pay Plan; and
    - Tennis Instructor Pay Plan.
  
  - o Anniversary increases are not applicable to employees assigned to the revenue-based compensation pay plan which was adopted by the Commission as the “Base Rate of the Lowest Wage (Minimum Hourly Rate) Adopted by the Commission Plus 50% of Class Revenue Structure.”
  
- **Explain that employees in the new compensation plans are not eligible for overtime work except in unusual circumstances and with prior Department Head approval.**

**Attachment:**

- A: Proposed Amendments to Administrative Practice 2-16, (Contract Employment)  
Seasonal/Intermittent, Temporary, and Term Employment

**PROPOSED AMENDMENTS (Draft)**

**Administrative Practice 2-16,  
CONTRACT EMPLOYMENT: SEASONAL/INTERMITTENT, TEMPORARY, AND TERM EMPLOYMENT**

Policy Sections Excerpted

**AUTHORITY**

This Practice was initially approved by the Commission on July 10, 1991. This Practice was amended by the Commission on February 17, 1999, May 17, 2000, October 15, 2003, Dec 7, 2014, and \_\_\_\_\_, 2015.

**PURPOSE &  
BACKGROUND**

This Practice was developed in 1991 to provide rules and procedures for establishing the terms and conditions of employment on a Seasonal/ Intermittent, Temporary, or Term basis. The Practice was amended February 17, 1999, and May 17, 2000, to adopt changes to the pay plans for Contract employees to clarify the maximum number of work hours which could be assigned for each of the contractual categories, and introduce a new pay plan for Contract employees titled the Seasonal/Intermittent Aquatic Plan. This Practice was revised on October 15, 2003, to adopt changes to the temporary employment category. It was amended to incorporate M-NCPPC Resolution #14-07 that was adopted by the Commission on May 21, 2014, to recognize the updated methodology for calculation of overtime that would be implemented with the updated Enterprise Resources Planning system. The changes are consistent with the Fair Labor Standards Act.

This policy was amended on \_\_\_\_\_ 2015, **(date and changes to be determined following Commission review)**

**REFERENCES**

- Division II, Land Use Article, Annotated Code of Maryland
- Intermittent Classification and Pay Plan
- Seasonal/Intermittent Aquatic Plan
- General Service Pay Schedule
- **Base Rate of Lowest Wage (Minimum Hourly Rate) Adopted by the Commission Plus 50% Class Revenue Structure**
- Specialty Services Pay Plan
- Tennis Instructor Pay Plan
- **Commission Resolution #15-17, Amendments to Family Medical Leave Act Policy**
- **Commission Resolution #15-20, Approval of New Pay Plan and Pay Schedules for Vendor Transition**

1 **POLICY**

2 In order to perform its work program, the Maryland-National Capital Park and Planning  
3 Commission (M-NCPPC) finds it necessary to hire ~~contract employees, utilize non-~~  
4 ~~permanent positions.~~ These non-Merit positions are filled on a contractual employment  
5 basis as defined below into the categories of Seasonal/Intermittent, Temporary and  
6 Term employment.

7 The M-NCPPC strives to hire and promote the best qualified individuals available.  
8 Employment decisions shall adhere to the principles of equal employment opportunity  
9 and comply with all applicable federal/state/local employment regulations. The agency  
10 prohibits discrimination in any employment decision on the basis of race, color, religion,  
11 ethnic/national origin, age, gender, sexual orientation, disability, genetic information, or  
12 other unlawful factor prohibited by law.

13 It is the policy of the ~~Commission M-NCPPC~~ to treat Contract employees in a fair and  
14 equitable manner and to maintain a safe working environment. ~~and to~~ The agency may  
15 extend a limited benefits package to certain categories of Contract employees, as  
16 described defined below within this Practice. Contract employees are entitled to any  
17 benefit, including leave for which they are eligible by law or relevant M-NCPPC policies  
18 including, but not limited to, the Family and Medical Leave Act (FMLA), Affordable Care  
19 Act (ACA), and workers' compensation.

20 All Contract employees are expected to comply with this Practice and all other relevant  
21 organizational policies, procedures and standards.

22 **Terms and Conditions of Contractual Employment**

23 **Contract Employee:** an employee who is hired under a contract on a full-or part-time  
24 basis in a seasonal/intermittent, temporary, or term employment category to perform,  
25 under supervision, specific duties and responsibilities as designated by the assigned  
26 classification(s).

27 **Contract Year:** the length of a contract which may be either the maximum number of  
28 hours permitted in an employment category, or twelve (12) consecutive months  
29 effective the first day of employment, whichever comes first.

30 **Contract Employment Categories:**

31 **Seasonal/Intermittent Employment Category:** ~~an employment A~~ category under  
32 which a Contract employee may work up to 1560 hours within a contract year.  
33 During the contract year, ~~a~~ this Contract employee works on programs or at  
34 facilities that are of a seasonal nature, e.g., ~~such as~~ athletic facilities, golf courses,  
35 swimming pools, ball fields, ~~or summer~~ playgrounds and other seasonal programs,  
36 internships; instructor-led classes; or works on a sporadic or as-needed basis, such  
37 as fill in work when a career Merit System employee is on leave or assisting in  
38 special events.  
39



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2  
3 Contracts for employees who are employed on a Seasonal/Intermittent basis may  
4 be considered for renewal annually. **Employees may be eligible for medical health**  
5 **benefits consistent with the Affordable Care Act.**

6  
7 **Temporary Employment:** an employment category under which a contract  
8 employee works on projects or programs for a specified duration not to exceed  
9 1365 hours. This type of employment category is used for internships, special  
10 projects, or need for extra assistance for a specified time.

11  
12 Contracts for employees who are employed in a temporary category may not be  
13 renewed. A contract employee who is hired under a temporary category is eligible  
14 for employment under a new contract after ninety (90) calendar days have  
15 elapsed.

16  
17 **Term Employment:** an employment category under which a contract employee is  
18 regularly scheduled to work a minimum of thirty (30) hours, and a maximum of  
19 thirty-seven and one-half (37 ½) hours per week, on a consecutive weekly basis, for  
20 twelve (12) months. All hours worked beyond the thirty-seven and one-half (37 ½)  
21 hour regularly scheduled workweek are considered overtime hours and must have  
22 prior Department Head approval. The term employment category is applied to  
23 contract employees who meet one of the following criteria: employment in multiple  
24 jobs during a contract year; employment in a position that exceeds the limitations  
25 and hours of the employment categories listed above; or employment in a position  
26 not described in the other employment categories such as jobs associated with  
27 grant funding or where the Commission implements programs or services for  
28 another agency.

29  
30 Contractual employment agreements of employees hired under the term category  
31 are for one year and are renewable for an additional one (1) year (a two-year  
32 maximum). Contracts may be renewed beyond the two (2) year maximum only with  
33 the consent of the Department Head. The Department Head determines that such  
34 employment is in compliance with the intent of this Practice. The Department Head  
35 shall inform the Executive Director of the determination and justify in writing, any  
36 extension of employment beyond the two (2) year limit. Contract employees  
37 working under the auspices of a grant, in which the grant determines the limits of  
38 employment, are exempt from this provision.

39  
40 Term contract employees are eligible for a limited benefit package (see “Benefits  
41 and Compensation Limited to Term Contract Employees”).  
42  
43  
44  
45

1 **RULES**

2  
3 **III. Classification, Compensation and Benefits**

4  
5 A. Classification, Compensation, and Benefits That Apply to for all Contract  
6 Employees.

7 Contract employees shall be classified and assigned pay rates in  
8 accordance with the assigned duties and responsibilities. ~~The applicable~~  
9 ~~pay plan is assigned depending on the type of contract employment and~~  
10 ~~position to which the employee is hired. The pay rates fall within the~~  
11 ~~following pay plans: *General Service Classification and Pay Plan;*~~  
12 ~~*Intermittent Classification and Pay Plan; or Seasonal/Intermittent Aquatic*~~  
13 ~~*Plan.*~~

- 14  
15 • Term Contract employees may be assigned to either:
  - 16 - the General Service Classification and Pay Plan; or
  - 17 - the Intermittent Classification and Pay Plan.
- 18  
19 • Temporary Contract employees may be assigned to the:
  - 20 - General Service Classification and Pay Plan;
  - 21 - Intermittent Classification and Pay Plan; or the
  - 22 - Seasonal/Intermittent Aquatic Plan.
- 23  
24 • Seasonal/Intermittent Contract employees may be assigned to the:
  - 25 - Intermittent Classification and Pay Plan;
  - 26 - Seasonal/Intermittent Aquatic Plan;
  - 27 - ~~Base Rate of the Lowest Wage (Minimum Hourly Rate) Adopted by~~  
28 ~~the Commission Plus 50% of Class Revenue Structure;~~
  - 29 - ~~Specialty Services Pay Plan; or the~~
  - 30 - ~~Tennis Instructor Pay Plan.~~

31  
32 Dependent upon Commission action, Contract employees may be entitled to  
33 pay rate increases based upon revisions to their respective pay plans.

34 1. Overtime Compensation:

35 Most contract positions are assigned to work less than 40 hours per work  
36 week. All extra hours worked beyond the normal schedule must be  
37 approved by the Department Head or his/her designee. The authorization is  
38 subject to work program needs and availability of funding.

39 The M-NCPPC's Classification Plan shall identify by class specification,  
40 positions that are eligible to receive overtime, as defined by the Fair Labor  
41 Standards Act (FLSA). Identification shall include designation of positions as  
42 either "non-exempt" or "exempt" from overtime mandates under the FLSA.  
43

Overtime compensation will be based on the overtime code of the assigned classification(s).

a) **Compensation for Work that Exceeds the Regularly Scheduled Workweek Hours (but remains at 40 hours or below)**

Hours worked by a Contract employee that exceed the regularly scheduled workweek hours will be compensated at straight time up to the fortieth (40<sup>th</sup>) hour.

b) **Overtime Compensation for Work that Exceeds 40 Hours in a Workweek**

**Non-Exempt Positions:** Pursuant to the FLSA, For contract employees who hold positions classified as assigned to non-exempt classes, from the FLSA, receive overtime compensation at a the rate of one and one-half (1½) the base rate of pay for each all authorized hours worked beyond forty (40) hours in any a seven-day work week.

If a Contract employee works in more than one non-exempt position and has more than one rate with separate rates of base pay, consistent with FLSA, overtime pay (as described above) at one and one-half (1½) will be based on the weighted average of the rates of pay for all assignments worked during the week.

**Exempt Positions:** For Contract employees assigned to positions that are exempt classifications from FLSA overtime requirements classifications, compensation shall will be at the employee's regular assigned rate (straight time) for all authorized hours worked in a workweek.

If an exempt employee holds multiple positions, the rate of pay ~~shall be based on the highest rate of pay for the positions worked.~~

For all hours worked by a contract employee that exceed the regularly scheduled workweek hours, compensation will be at straight time up to the fortieth (40<sup>th</sup>) hour.

c) **Limitations on the Authorization of Work Beyond 40 Hours**

Employees who are assigned to the following pay scales are not eligible for overtime work except in unusual circumstances, and with prior Department Head approval:

- Base Rate of the Lowest Wage (Minimum Hourly Rate) Adopted by the Commission Plus 50% of Class Revenue Structure;
- Specialty Services Pay Plan; or
- Tennis Instructor Pay Plan.

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2. Anniversary Pay Increment: Only Seasonal/Intermittent and Term Contract employees assigned to the following pay plans may be eligible for a pay increment on the anniversary date in accordance with the Performance Evaluation System for Contract Employees:
- General Service Classification and Pay Plan; ~~or the~~
  - Intermittent Classification and Pay Plan;
  - Specialty Services Pay Plan; or the
  - Tennis Instructor Pay Plan.

Employees assigned to the Base Rate of the Lowest Wage (Minimum Hourly Rate) Adopted by the Commission Plus 50% of Class Revenue Structure are not eligible for an anniversary pay increment.

The Performance Evaluation System is developed and maintained by the Department of Human Resources and Management, Human Resources Division.

3. Increase Due To Promotion: A promotion is the movement of an employee to a position of a higher-grade level. The Contract employee's assigned pay plan determines eligibility for a promotion and promotional adjustments.
- a) Contract employees assigned to the following these pay plans who are promoted to a higher grade, may be paid at any rate in the higher grade which does not exceed a ten percent (10%) increase in pay above the pay held in the former position. However, the resulting salary shall not be less than the minimum nor exceed the maximum of the new pay grade.
    - General Service Classification Pay Plan
    - Intermittent Classification Pay Plan
    - Specialty Services Pay Plan; or
    - Tennis Instructor Pay Plan
  - b) Seasonal/Intermittent Aquatic Plan: Contract employees assigned to this pay plan who are promoted at any time during the contract year, will be paid at a rate within the level of the new position based upon appropriate experience.
  - c) Base Rate of the Lowest Wage (Minimum Hourly Rate) Adopted by the Commission Plus 50% of Class Revenue Structure: Contract employees assigned to this pay plan are not eligible for promotional pay increment on the anniversary date.



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

## Memorandum

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

**VIA:** Adrian R. Gardner, General Counsel *AG*

**FROM:** Sheronda M. Rose, Legislative/Paralegal Assistant *SR*

**RE:** M-NCPPC Park Rules and Regulations Project

**DATE:** November 10, 2015

As you are aware, the Commission is currently in the process of revamping the Park Rules and Regulations in order to modernize them to better meet the current needs of our park system, and update them for consistency and accuracy. A work group has been assembled to take on this important task and has been focused on drafting revisions to the regulations that are more clear and concise, and we have obtained the services of Aisha Braveboy to assist in the process.

Part of the process involved surveying Commission employees to include their feedback and expertise. The goal of the survey was to evaluate, from the perspective of Commission employees, the effectiveness of the current Park Rules and Regulations and solicit suggestions for improvement. It was important to the workgroup that the opinions of our employees be received and considered as they work with the public daily and have vital insight on what can be done to improve our regulations. The survey evaluated factors such as how effective our employees feel that the current regulations are and how difficult they think they are to enforce.

Attached to this memo is a letter from our outside counsel Aisha Braveboy as well as charts containing a breakdown of findings from the survey for your review. A text copy of the Commission's current rules and regulations is also included for reference. We ask for your feedback on the concerns and suggestions raised by Commission employees so that we can consider incorporating them into the revised regulations.

We thank you for your support as we continue to carry out this important task for the Commission.

c: Department Heads



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Adrian Gardner, General Counsel  
Maryland-National Park and Planning Commission  
6611 Kenilworth Ave.  
Riverdale, MD 20737

November 4, 2015

Re: Summary of Findings from M-NCPPC Park and Planning Rules and Regulations Survey

Dear Mr. Gardiner:

I am providing you with a summary of my findings from the survey conducted on the Maryland-National Capitol Park and Planning Commission's (Commission) Park Rules and Regulations (Rules). There were a total of 232 respondents. Of those who responded, 165 completed the survey and 67 respondents did not complete the survey. Generally, respondents are familiar with the Rules, and about 71% are "extremely familiar" or "familiar" with the Rules. Around 54% of respondents believe that the Rules are effective, and 46% believe that they are not effective. Less than half (48%) of the respondents believe that the Rules are "easy" or "pretty easy" to enforce, and the balance of the respondents, 52%, believe that they are "slightly" to "very difficult" to enforce. It appears that civilian employees who work at park and recreation facilities account for the majority of those respondents who believe that the Rules are difficult to enforce.

About 60% of the respondents believe that the Rules should be updated every 5 years, and around 28% believe that they should be updated every 2 years. The good news is that 35% of the respondents are willing to serve on a workgroup to review the Rules, and around 34% may be willing to serve.

I am attaching a detailed summary of the results of the survey, but I have provided a summary of the highlights, by Chapter, below:

**Chapter I. Purpose, Authority, Enforcement**

Respondents pointed out that the Commission should remove references to Article 28. Many respondents believe that the fines should be raised to serve as a deterrent (most agree that \$50 is too low). Some respondents believe that fines should be higher for more serious offenses. In addition, respondents are concerned that there is no uniform suspension policy and that it is difficult to enforce suspensions. Lastly, respondents believe that there isn't enough

signage, informing park and recreation users of the Rules. As a result, many judges are dismissing complaints against violators.

#### **Chapter II. Definitions**

Respondents believe that there should be a distinction between school buses and regular commercial buses. In addition, one respondent recommended updating the definition of "Director" and adding "Deputy Directors".

#### **Chapter III. Regulations of Public Use**

Respondents believe that the Commission should clarify the hours of operations for Commission facilities, especially for parks. There appears to be some concern that terms like "closed at dark" and "open sunrise to sunset" may be misinterpreted. Some respondents believe that as the Commission builds more "urban parks", commuters should be allowed to use these parks as a means of getting to and from work, which may require an exception to the general park hours.

#### **Chapter IV. Regulation of Traffic**

Respondents believe that this section should be updated. Some believe that commercial vehicles should only be limited by weight. Others believe that food trucks should be allowed, by permit. Respondents indicated that the Commission should have a policy for Electric Personal Assisted Mobility Devices (EPAMD). Respondents would also like the Commission to review the charges for commercial vehicles (buses) that park on MNCPPC property.

#### **Chapter V. Regulation of General Conduct and Personal Behavior**

Many respondents believe that the Commission should consider relaxing our rules around the consumption of alcohol and make it easier for visitors to have alcohol at softball games, picnics and parties. Respondents also say that the Commission should review the leash policies, and develop a policy around the use of electronic leashes. Some respondents believe that the Commission should ban metal detectors. Many respondents are concerned that our smoking policy is not comprehensive enough and would like to include policies around the use of electronic cigarettes, "vaping" and medical marijuana. Respondents believe that the Commission needs to ensure that its policies are ADA compliant and address the use of service animals.

#### **Chapter VI. Regulation of Recreational Activities**

Respondents believe that the Commission needs a policy around the use of drones. Respondents also think that the Commission should clarify what types of grills can be used at parks. Respondents would like the Commission to review policies around winter sports, specifically where and if sledding and skiing should be allowed. Respondents believe that the Commission should revisit bicycle policies (speed limits and permissible areas) and address electronic bikes.

Respondents also identified several behaviors/activities that are difficult to enforce, such as trespassing after dark, alcohol consumption, littering, biking in areas that are restricted, using park



Respondents also identified several behaviors/activities that are difficult to enforce, such as trespassing after dark, alcohol consumption, littering, biking in areas that are restricted, using park facilities for commercial purposes (personal training, photography, painting, etc.) and allowing dogs to run unleashed.

In addition, respondents raised several issues that the Commission should examine, including compliance with new "Public Accommodations" laws, providing more areas where dogs can run free, developing ATV rules and developing lighting policies for park facilities.

I look forward to meeting with you in the near future to discuss the results of the survey and determine next steps. Should you need to reach me, feel free to contact me at 301-641-4019 or [abraveboy@gclawmd.com](mailto:abraveboy@gclawmd.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Aisha N. Braveboy". The signature is fluid and cursive, with a large initial "A".

Aisha N. Braveboy, Esq.  
Counsel



## **Chapter 1**

**Section 3. Change fines from \$50 to \$100**

**Section 2A needs to be changed to Land Use Article 17-207\***

**Section 3. Fines should be \$250**

**Section 3. Fines for unleashed dogs should be higher**

**Section 3. Fines for alcohol/drug should be higher\***

**Section 3. Fines for dumping should be raised**

## **Chapter 2**

**Section 1(D) distinguish between commercial busses and those used for school children.**

**Updates definitions, separate Directors add Deputies**

### **Chapter 3**

**Section 2. Address hours of operation (clarify which parks have sunrise and sunset)**

**Section 2. Some parks post "Closed at Dark"**

**Section 2. Some parks should be open after dark, not just ball fields**

**Section 3. Amend to include all types of digital photography**

**Section 1. Remove term "impairment" outdated and offensive**

**Section 2. Allow commuters to use park after dark.**

**Section 2. Needs to address employees who are off duty re: hours**

**Section 2. Needs to be modernized, may parks are "urban parks"**

## **Chapter IV**

**Section 4. Can trucks over 1 ton be fined?**

**Section 4. Provide exceptions for parents w/work vehicles not in service**

**Section 4. Limit commercial vehicles by weight only**

**Section 4. Outdated (we now have bus routes along Sligo Creek)**

**Section 4. Add new EPAMD policy**

**Section 4. Allow food trucks by permit.**

**Section 5 A. 15. insert "or any assessable aisle", to prevent people from parking in hashed out areas**

**Section 5 C. Tour busses don't generally get permits**

**Section 5. Charge minimum fees for school busses and other non-park related uses**

**Section 3. What about EPAMD/OPMD?**

## **Chapter V**

**Section 15. Needs to include model drones\*\*\***

**Section 21. Clarify what is permissible re: berry picking\*\*\***

**Section 20 Electronic Collars for dog walkers should be included**

**Section 19. Permits are not issued for metal detectors, and should not be\*\***

**Section 12. Commercial Use restrictions clarified to include only parkways**

**Section 3. Include drug paraphernalia**

**Section 3. Break out each section (Alcohol, Tobacco, Marijuana, CDS)**

**Section 1. Remove reference to examples and just leave it as aircraft, or add gyro-planes and hovercrafts to list**

**Section 7. Need to clarify how to enforce unlawful presence\*\*\***

**Section 10. Might be a violation of 1st amendment (carrying signs...)**

**Section 15. Should be in line with FAA language**

**Section 20. Electronic leashes should not be considered compliance.**

**Section 4 (B) Should address conduct on commission property that has residential tenants**

**Section 4. Include nudity or provocative posing**

**Section 3. Make it easier for alcohol permit for picnic, ball fields and party room rentals**

**Section 11. Ban canopies, the section should be more specific**

**Section 3. Address e-cigarettes and other lighted tobacco products**

**Section 3. Address "vaping"**

**Section 12. Ensure that commercial use does not apply to paid field trips**

**Section 20. Needs to be ADA Complaint. Address service dogs \*\*\***

**Section 21. Better address illegal hunting**

**Section 3. Develop policy for medical marijuana**

**Add section to ban generators**

## **Chapter 6**

**Section 6A, Clarify size and type of grill permitted \*\*\***

**Section 14. Is sledding allowed on golf courses?**

**Section 6A. Propane tanks should be banned**

**Section 4A and B should be combined**

**Section 14. Permit sledding and skiing on solid surface**

**Section 3. Clarify bike speed limits on roads and trails**

**Section 11. Clarify designated "picnic area"**

**Section 14. Clarify where people can sled or ski (hiker/biker trails can be used)**

**Section 6. Remove "privately owned grills"**

**Section 14. Consider abolishing all winter sports notices except ice skating**

**Section 3. Bicycle signs and regulations need to be clarified**

**Section 3. Electronic bikes should be addressed**

**Section 14. Permit skiing**

**Section 11. Consider allowing picnics in areas not designated**

## **Activities/behaviors that are Hard to Regulate**

Difficult to patrol during evening hours

Difficult to enforce permit requirements, noise and rec center rentals

Parking after hours

Use of closed athletic fields

Dog leashes and dog poop

Boundary lines (green and white boundary markers are useless)

Hunting

Picnic areas

BB Guns

Trespassing (homeless especially)

Prohibition against trainers in fitness rooms

Patrons who don't speak English

Alcohol consumption

Mountain bikes in the woods

Golfing in park

Fireworks

Moon bounces

Photography and painting (should these be permitted activities?)

Dumping/littering

Swimming with street clothes

Posting political signs

Biking on "no biking" trails

Hiking off trails

illegal metal detecting

Property encroachments

Capping group sizes (groups of 25 pp max)



## **Rules to Abolish**

**Rule against renting entire facility out for tennis tournaments**

## MISC

Is paddle boarding allowed?

Service vehicles should get decals (taxi, tow trucks, etc.)

Address cat colony?

Must post signs that say No Drinking, Smoking or Close at Dark (some judges require signage to enforce rules)\*\*\*

regulate fitness for hire and drivers education instructors

Make "Failure to obey a park representative" a citation offense

Develop simple way to ban/suspend someone from the park

Since marijuana is a civil offense, officers should not be forced to enter drug evidence (similar to alcohol)

All fields should require a permit

Ensure the we are complying with the new "Public Accommodations" Laws

Park rules are no longer codified

Develop lighting policy for park facilities

All hard surface areas should be open to all non-motorized wheeled users (bike, skate board, skates, etc.)

Shorten pool and fitness rules

clarify ATV rules

Allow for commuters to use trails

Brookside Garden rules are tough to enforce \*\*

some trails can only be accessed by people parking on grass, but they can get tickets for parking on grass

need more natural areas where dogs can run

difficult to delineate scheduled mowing areas (easements vs. heavy use areas, etc.)

Do away with lighted courts

Administrative directives should be referenced

CAPRA re-certification occurs every five years, so would recommend re-evaluation

1 **Park Rules and Regulations**

2 **GOVERNING USE OF COMMISSION PARKS AND RECREATION**  
3 **FACILITIES IN PRINCE GEORGE'S AND MONTGOMERY**  
4 **COUNTIES**

5

6 **Effective March 21, 2001**

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2 Appendix: Administrative Directives

3 Duties and Programs

4 *Chapter I: Purpose, Authority, Enforcement*

5 **Section 1. Purpose**

6 The Commission has a responsibility to establish regulations to provide for the safe and  
7 peaceful use of Commission property and parks by the public; for the educational and  
8 recreational benefit and enjoyment of the public; and for the protection and preservation of  
9 the property, facilities and natural resources of the Commission.

10

11 **Section 2. Authority**

12 A. Article 28, Section 5-113 of the Annotated Code of Maryland authorizes these Regulations  
13 and the posting of specific regulations at appropriate sites.

14 B. The Commission authorizes the Director (as defined in II A below) to promulgate special  
15 rules necessary and appropriate to administer these Regulations. Such rules must be in  
16 writing and may be obtained from the Department of Park and Planning of Montgomery  
17 County or the Parks and Recreation Department of Prince George's County.

18 C. Additional rules and regulations may apply at a specific facility or program. In the event  
19 such a rule or regulation issued for purposes of a specific facility or program conflicts with  
20 any applicable rule and regulation set forth herein, the rule or regulation provided herein  
21 shall be deemed to control.

22

23 **Section 3. Violations and Penalties**

24 A. Participant violations of the Code of Conduct set forth among the provisions of Chapter V  
25 of these Regulations will result in action by Commission Staff which may include, but is not  
26 limited to, the following:

27• Verbal warning

28• Notification of Parent/Guardian/Next of Kin

29• Suspension from Commission programs, activities and facilities

30• Liability for any damage to the property or facilities of the Maryland-National Capital  
31 Park and Planning Commission or the property and facilities of others resulting from acts of  
32 the participant, either solely or in concert with others

33• Civil Citations/Traffic Citations

1• Criminal prosecution under the laws of the State of Maryland  
2 B. Any person violating the provisions of these Regulations may be issued a civil citation  
3 and, upon conviction, be punished by a fine not to exceed \$50.00 for the first offense, or  
4 \$100.00 for the second or further offenses. Any person violating any Federal, State, County  
5 or local law or ordinance in force and applicable to park property, shall upon conviction  
6 thereof, be punished in accordance with the applicable penalty provisions of the law or  
7 ordinance (see Art. 28, Sec. 5-113(b)(3)).

8 *Chapter II: Definitions*

9 Section 1. Definitions

10 **A. Director**

11 The Director of the Department of Park and Planning in Montgomery County and the  
12 Director of Parks and Recreation in Prince George's County are the officials responsible for  
13 implementation and administration of Commission regulations on a regional basis for park  
14 property.

15

16 **B. Park Property, Commission Property**

17 Any land or water, devoted to park or recreation uses and owned, operated or established  
18 by the Commission, and all vegetation or natural substances, buildings, fixtures,  
19 monuments, structures and their contents located on Commission land or water.

20

21 **C. Public Bicycle Area**

22 Any highway, bike path, or other facility or area maintained by the State of Maryland, a  
23 political subdivision, or the Commission for the use of bicycles.

24

25 **D. Bus**

26 A motor vehicle designed to carry more than ten passengers; or any other motor vehicle  
27 that is designed and used to carry people for compensation.

28

29 **E. Permit**

30 Written permission and/or an official form issued by the Director or designee.

31

32 **F. Sexual Harassment** includes, but is not limited to, the following:

33 Verbal or physical sexual advances, including pressure for sexual activity; unwelcome  
34 sexually motivated comments, touching, pinching, patting or intentional brushing against;  
35 verbal harassment or abuse; and remarks or gestures of a sexual nature.

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**G. Administrative Areas**

Property dedicated to the Commission's administrative functions and activities, such as buildings used for administrative activities, maintenance yards, police stations, as well as the sidewalks and the parking lots abutting those areas.

*Chapter III: Regulation of Public Use*

**Section 1. Use by the General Public**

Park property and park and recreation programs are open to use by all members of the public regardless of race, gender, age, national origin, color, creed, disability, sexual orientation or impairment.

**Section 2. Hours of Operation**

A. Except for Commission employees or persons accompanied by Commission employees, no person shall be on Commission or Park property from sunset to sunrise unless that facility is officially open for public use.

B. Any park property may be closed by the Director to the public entirely or for certain uses. Such closing shall be posted in advance when possible for public notice.

C. Commission facilities or programs are subject to holiday schedules.

**Section 3. Permits**

**A. Permits Are Required For:**

- The reserved use of athletic fields, recreation buildings, camping and group picnic areas and certain other facilities as designated.
- Solicitation of contributions, signatures, or moneys.
- Conducting a parade, procession or rally. Conducting an assembly or rally using amplification equipment (also referred to as amplified speech).
- Conducting surveys, interviews or polls.
- Still photography, celluloid, or digital video filming for commercial purposes.
- Certain picnic shelters.
- Conducting any form of commercial speech. Commercial speech is defined as speech that promotes a product or service for profit or any other commercial purpose.

**DISCUSSION PROOF 10/27/15**

1• • Other activities and uses indicated as requiring a permit in Chapters V and VI of  
2 these Regulations.

3• • Teaching or instruction for hire.

4• Notwithstanding any lease or other written agreement existing between a third-party  
5 and the Commission, any activity on Park Property not expressly authorized under the  
6 terms of such lease or agreement shall require a permit as provided in these Regulations.

7 B. Procedure For Permits: Permit applications may be obtained from the Park Permit Offices  
8 of the Departments or other designated locations for use of facilities or activities in the  
9 appropriate County.

10 The permit shall be issued within a reasonable length of time following receipt of the  
11 application, all required fees and deposits, and all information requested by the Director, or  
12 the applicant shall be furnished a written statement indicating the reasons why the permit  
13 has been denied. In the event that a permit is denied, the applicant may apply to a court of  
14 record, having jurisdiction over the parties, within ten days of denial of permit, to obtain  
15 judicial review of such restriction and denial

16 C. Permits are Issued Subject to these Conditions:

17 1. Payment of all applicable fees and deposits;

18 2. Permits may be issued for a single time use, seasonally, or on an indefinite time basis for  
19 regional parks, athletic fields, recreation centers or community buildings.

20 3. Permits will be issued upon a determination by the Director or his/her designee that the  
21 facility or activity areas applied for are available and appropriate for the purpose specified in  
22 the permit, and that the proposed use or activity is consistent with the size, location and  
23 available amenities of the relevant park property and with public health, safety and welfare.  
24 The Director may deny permit if the request is inconsistent with maintaining the open,  
25 unspoiled, natural condition of the parks.

26 4. The application may be granted and the permit may be issued unless one or more of the  
27 following facts is found to exist:

28 a. That one or more of the statements in the application is not true.

29 b. When the applicant or any agent or representative of the applicant who will participate  
30 under the permit has previously violated any portion of the Regulations of the Commission,  
31 or has violated any of the terms and provisions of any prior permit.

32 c. When the permit seeks use of all or part of an administrative area.

33

34 5. Permits are issued subject to:

35 a. All regulations presently in effect, as though inserted as part of the terms of the permit.



- 1 b. Revocation at any time for violation of any provision of the permit.
- 2 c. Liability for any damage, injury or loss sustained by persons or property as a result of
- 3 permittee's negligence or that of any member of that group.
- 4 6. The permit must be in the possession of the permittee and shown upon request.
- 5 7. The activities referred to shall be conducted strictly in conformance with the terms and
- 6 conditions of the permit issued.
- 7 8. In conducting permitted activities no person shall:
- 8 a. In any way obstruct, delay or interfere with the free movements of any other person,
- 9 seek to coerce or physically disturb any other person, or hamper or impede the conduct of
- 10 any authorized business or activity on any Commission property.
- 11 b. Conduct any activities in a misleading or fraudulent manner.
- 12
- 13 9. Whenever rallies, demonstrations, pageants, ceremonies or other special events are to be
- 14 held on park property, special regulations as to the parking of vehicles and positions and
- 15 movements of spectators may be promulgated by the Director or his/her designee. All
- 16 persons within the area of such special regulations must obey or comply with the lawful
- 17 orders of the Park Police or other authorized persons engaged in maintaining order.
- 18
- 19 10. A fee may be assessed to defray the cost of conducting certain events. Additionally, for
- 20 a special event, the permittees assume personal liability for the costs of cleanup of the
- 21 premises; loss, breakage or removal of park property, and for the conduct and good order
- 22 of the group.

23

24 **D. Permit Rules and Conditions**

- 25 1. Violation of a rule or condition of a permit will be cause for immediate revocation of the
- 26 permit, loss of all privileges of the permit, and forfeiture of any deposits and or fees paid for
- 27 the permit.
- 28
- 29 2. Persons holding a permit for use of a site or facility will be entitled to exclusive use of the
- 30 site or facility for the purposes specified in the permit on the dates and between the hours
- 31 specified in the permit. On the dates and between the hours specified in the permit, persons
- 32 holding a permit may, if otherwise permitted by law, limit the use of the site or the facility
- 33 more strictly than the limits imposed by these regulations. Persons not holding a permit and
- 34 using that site or facility must vacate that site or facility upon the arrival of a permit holder.

35

1 E. Permits are not required for unamplified speech, distributing non-commercial literature or  
2 informal gatherings of less than twenty-five people.

3 *Chapter IV: Regulation of Traffic*

4 **Section 1. Enforcement**

5 All applicable laws and regulations shall be observed when operating a motorized vehicle on  
6 park property. Any traffic direction from any Park Police Officer or person authorized to  
7 enforce traffic laws on Park Property shall supersede written or posted laws and regulations.  
8

9 **Section 2. Speed Limit**

10 No person shall operate any motorized vehicle in excess of twenty-five (25) miles per hour,  
11 unless speed limit is otherwise posted or directed.  
12

13 **Section 3. Permissible Roadways**

14 No person shall operate any motorized vehicle on Commission Property on a road or street  
15 to which public access is prohibited. No person shall operate a motorized vehicle on  
16 Commission property while off designated roads or streets.  
17

18 **Section 4. Trucks over One Ton, Commercial Vehicles, Buses**

19 Trucks, commercial vehicles (excluding taxicabs and tow trucks on service calls to disabled  
20 vehicles on Commission property) with commercial marking or tools of trade and buses shall  
21 not be operated on park property except by special permit.  
22

23 **Section 5. Parking Regulations**

24 A. No person may stop, stand or park a motor vehicle on Commission property:

- 25 1. In front of a public driveway;
- 26 2. Within an intersection;
- 27 3. Within twenty (20) feet of, or so as to obstruct, a crosswalk; or within 20 feet of an  
28 intersection;
- 29 4. On a bridge;
- 30 5. Any place an official sign prohibits, or regulates, stopping, standing, parking, or the  
31 manner of parking in general;
- 32 6. On the traveled portion of a roadway or public driveway;
- 33 7. On, or obstructing the entrance to, any bicycle path, hiker path, bridle path, or access  
34 road;
- 35 8. So as to obstruct another vehicle or traffic;

- 1 9. So as to occupy more than one parking space or park across painted parking lines;  
2 10. During those hours when Commission property is not open to the public as defined in  
3 Chapter 111, Section 2,A., of these Regulations;  
4 11. On any grass area, unless specifically allowed, or so as to injure any tree, shrub, plant,  
5 or vegetation;  
6 12. In a fire lane;  
7 13. On Commission property other than that designated for vehicular parking;  
8 14. Within fifteen (15) feet of a fire hydrant; within thirty (30) feet of the approach to any  
9 traffic control device located at the side of a roadway or at an intersection.  
10 15. In parking spaces which are designated for use only by persons with disabilities unless  
11 such vehicles display a special registration plate, a removable windshield placard, or a  
12 temporary removable windshield placard allowing such parking which is issued by Motor  
13 Vehicle  
14 Administration of Maryland or similarly by another state, the District of Columbia, or another  
15 country.

16  
17 B. Any vehicle which is to be stopped or parked adjacent to any roadway must be removed  
18 from the traveled portion of the roadway and stopped or parked in the direction of  
19 authorized traffic movement, with left wheels parallel to and within thirty-six (36) inches of  
20 the right edge or boundary of the roadway.

21  
22 C. No bus shall park in a regional or local park except by permit and shall be parked in a  
23 designated area.

24  
25 **Section 6. Impoundment of Illegally Parked Vehicles**

26 Any illegally parked vehicles may be removed and/or impounded by the Park Police at the  
27 owner's expense. After proper notification to the last known registered owner and each  
28 secured party, those vehicles may be destroyed if not claimed, pursuant to the provisions of  
29 the Maryland Vehicle Laws.

30 *Chapter V: Regulation of General Conduct and Personal Behavior (Code of*  
31 *Conduct)*

32  
33 **Section 1. Policy**

34 The Commission is committed to providing the citizens of Montgomery and Prince George's  
35 Counties with quality parks and recreational opportunities in a safe, healthy and enjoyable

1 environment. To fulfill this commitment, the provisions contained in Chapter V are hereby  
2 established as the "Code of Conduct" which shall apply to the use of Commission Property.  
3 The Code simply requires that participants in Commission programs, with or without a  
4 reasonable accommodation, must conduct themselves in a rational and reasonable manner,  
5 in accordance with the rules and regulations established by the Commission.

6  
7 **Section 2. Regulations**

8 A. No person shall violate any regulation posted for the operation of an individual  
9 Commission facility.

10  
11 B. No person or permit holder shall violate any rule or condition on a permit.

12  
13 **Section 3. Alcohol/Tobacco, Controlled Substances**

14 Possession, use or distribution of alcohol (except by special permit); illegal drugs or  
15 controlled dangerous substances are prohibited. Smoking is prohibited in areas in which  
16 notice is posted.

17  
18 **Section 4. Indecent Conduct**

19 A. Urinating or defecating on Commission property other than in the places officially  
20 provided is prohibited.

21  
22 B. No person shall engage in the act of sexual intercourse or other sexual act or indecent or  
23 obscene acts or sexual harassment on Commission property.

24  
25 **Section 5. Obstructing Entrances, Exits, Sidewalks**

26 No person(s) shall congregate or assemble in or about any public structure on Commission  
27 property in such a manner as to hinder or obstruct the proper use thereof.

28  
29 **Section 6. Employees: Interference with Duties and Programs**

30 A. No person may interfere with any Commission employee acting in the course of his or her  
31 official duties.

32  
33 B. No person may disrupt or obstruct participation in a Commission program, activity or at a  
34 Commission facility.

35  
36 **Section 7. Unauthorized Presence**

1 A person requested to leave Commission property by authorized personnel must do so  
2 immediately.

3

4 **Section 8. Destruction of Park Property**

5 No person may deface, destroy, injure, misuse, or remove any Commission property.

6

7 **Section 9. Littering, Dumping and Storage**

8 A. No person may deposit, leave, or spill refuse or other substances on Commission  
9 property other than in receptacles provided for this purpose.

10

11 B. No person may deposit refuse from private premises in Commission trash receptacles.

12

13 C. No person may store material of any description on park property except by written  
14 authorization from the Director.

15

16 **Section 10. Posting Notices, Carrying Signs and Picketing**

17 Attaching or posting of notices, signs, or any other objects on Commission property is  
18 prohibited except by permit. Carrying signs or picketing on Commission property is  
19 prohibited except by permit.

20

21 **Section 11. Erecting Structures**

22 Enclosure of any area or erection of any structures on Commission property is prohibited  
23 unless authorized by permit.

24

25 **Section 12. Commercial Use**

26 Solicitation of any business, trade or occupation is strictly prohibited unless authorized by  
27 permit. This includes conducting class instruction for a fee and the taking of photographs  
28 and/or videos for commercial use.

29

30 **Section 13. Audio Devices and Noise**

31 No person may play an audio device or create excessive noise so as to disturb the peace.

32

33 **Section 14. Automobile Service**

34 No person may service any automobile on park property. Prohibited activities include  
35 washing, repairing, or performing other work, except in case of an emergency.

36

1 **Section 15. Powered Model Airplanes and Rockets**

2 No powered model airplanes or rockets shall be flown or launched from any park area  
3 except on officially designated areas or by permit.

4

5 **Section 16. Fireworks and Explosives**

6 No person may possess and or discharge any fireworks or other explosive pyrotechnics on  
7 park property, except by special permit.

8

9 **Section 17. Weapons**

10 No person shall carry or possess or discharge a bow and arrow, dart, firearm, knife with a  
11 blade of more than three (3) inches in length, or other dangerous weapon on park property  
12 except where permitted in designated areas. This provision does not apply to law  
13 enforcement officers and persons with legal permits.

14

15 **Section 18. Gambling**

16 No person may engage in gaming or gambling for money or any other thing in any form on  
17 Commission property except by written permission from the Director for charitable  
18 purposes.

19

20 **Section 19. Metal Detectors, Digging**

21 Using metal detectors and/or digging into the surface of park property is prohibited except  
22 by permit.

23

24 **Section 20. Domesticated Animals**

25 A. No animal may be brought upon park property unless it is on a leash, and is at all times  
26 entirely within the control of the person bringing it upon park property.

27

28 B. Persons bringing any animal upon park property are responsible for immediate cleanup  
29 and removal of the animal's defecation.

30

31 C. The grazing of any animal is prohibited except in those areas under lease for such  
32 purpose.

33

34 D. Persons may not abandon domestic animals on Commission property.

35

36 E. Domestic animals are not permitted at any time in certain posted areas of park property.

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F. Domestic animals trespassing on park property may be impounded and shall be treated in accordance with applicable State and County statutes.

**Section 21. Wildlife, Plants, Fossils, Minerals**

A. No person shall catch, injure, destroy or interfere in any way with any wildlife, plants, fossils, or minerals, except as provided in Chapter VI, Section 7, Fishing and Section 10, Hunting/Trapping.

B. Animals may not be released on Park Property without permission.

C. Planting vegetation or causing vegetation to be planted on Commission property is prohibited except by permit.

D. No person may cut or saw any live or dead trees or their parts, with any type of equipment, power or otherwise, on Commission property, or remove any live or dead trees from Commission property except by permission from Park Management.

**Section 22. Lost and Found Objects**

Lost objects found on Commission property must be turned over to the Park Police and may be recovered by proper identification at Park Police Headquarters. Lost objects will be held by the Park Police for three (3) months.

**Section 23. Intended Use of Park Property**

Use of park property for other than intended purposes is prohibited without prior authorization.

*Chapter VI: Regulation of Recreational Activities*

The following activities are restricted to designated areas.

**Section 1. Aeronautical Activities**

Aeronautical activities are permitted pursuant to airport regulations. Airplanes, helium/hot air balloons, hang gliders, parachutes, ultra-light planes, or any other person operated aircraft shall not be flown or launched from any Commission property except in officially designated areas by permit.

1 **Section 2. Athletics**

2 Persons holding a permit for use of an athletic field are entitled to exclusive use of such  
3 areas on the dates and between the hours specified in the permit; however, exercising the  
4 privilege of play may be prohibited if wet grounds or other unsuitable conditions will cause  
5 damage to the field as determined within the discretion of the Director or his or her  
6 designee.

7  
8 **Section 3. Bicycling**

9 Bicycle riding is permitted only on roads or trails designated for that purpose and is  
10 prohibited on tennis courts, athletic fields and other areas not designated for bicycle use.  
11 Bicycle riding is subject to the following requirements:

12  
13 A. Bicyclists must yield to pedestrians and equestrians along the trail.

14  
15 B. Use of any unauthorized motorized vehicle and equestrians on the trail is prohibited.

16  
17 C. Bicycles shall not be operated at a speed greater than reasonable and prudent for  
18 existing conditions.

19 D. No person shall operate any bicycle in excess of twenty-five (25) miles per hour, unless  
20 speed limit is otherwise posted or directed.

21  
22 E. Bicycle trail users shall yield to vehicular traffic at intersecting roadways.

23  
24 F. Bicyclists and hikers shall keep right except to pass and bicyclists must alert other trail  
25 users before passing.

26  
27 G. Bicycle trails are considered to be "Public Bicycle Areas" and as such are subject to  
28 regulations the Maryland Vehicle Code.

29  
30 H. Bicycle helmet laws are enforced on Commission property.

31  
32 **Section 4. Boating**

33 A. No boat or other watercraft is allowed on lakes, streams, ponds, or river banks on  
34 Commission property except by permit.



1 B. Manually or electrically powered privately-owned boats or other watercraft are allowed by  
2 permit on designated Commission lakes.

3 C. Operators and occupants of permitted watercraft will comply with all Commission, Local,  
4 State, and Federal regulations governing the use and operation of watercraft.

5

6 **Section 5. Camping**

7 Camping is permitted only in designated areas and requires payment of a fee and  
8 possession of a permit.

9

10 **Section 6. Fires**

11 A. Fires are permitted only on public campgrounds and picnic areas, but are restricted to  
12 established fireplaces constructed for this purpose, and privately owned grills or stoves.

13 B. Before leaving the site, persons who have made fires shall wet the hot coals until they  
14 are thoroughly soaked and cold and shall dispose of the coals in steel receptacles marked  
15 "COALS ONLY," if available, or shall remove the coals from Commission property.

16 C. Building of fires may be prohibited or limited by the Director or his/her designee when a  
17 fire hazard exists.

18

19 **Section 7. Fishing**

20 Fishing is permitted only in designated areas and in compliance with Maryland State  
21 Angler's License requirements.

22

23 **Section 8. Golf**

24 Playing or practicing golf is not permitted except at golf courses.

25

26 **Section 9. Horseback Riding**

27 Horses are permitted only in designated or established areas and trails.

28

29 **Section 10. Hunting/Trapping**

30 A. Trapping is permitted on park property for scientific and animal control purposes and  
31 requires a Commission permit.

32 B. Hunting is permitted only in areas designated for hunting and must comply with Federal  
33 and/or Maryland State licensing requirements.

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**Section 11. Picnicking**

Picnicking is permitted only in designated picnic areas. Picnic areas not requiring a permit are operated on a "first-come, first-served" basis.

**Section 12. Roller Skating/Roller Blading/In-line Skating and Skateboards**

Roller skating, roller-blading, in-line skating, and skateboarding are permitted only in areas designated for such use. Skateboarding is prohibited on hiker/biker trails.

**Section 13. Swimming, Water Sports**

Swimming and other water sports are permitted only in areas designated for such use.

**Section 14. Winter Sports**

Ice skating, sledding, skiing, snowboarding and snowmobiling or tobogganing are permitted on park property only where authorized by posted notice and only in accordance with special regulations on the posted notice.

**Section 15. Amusement/Play Equipment**

The temporary construction and/or use of amusement play equipment such as moon bounces, carousels, dunk tank, ball crawls, pony rides, etc. is prohibited except by special permits.

**Administrative Directives**

The following Administrative Directives have been issued by the Montgomery County Director of the Department of Park and Planning:

- A. Group Picnic Area Policy: Reservations and Beer/Wine Policy April 3, 1981; July 1, 1982
- B. Recreation Centers Rentals to Nonprofit Organizations, June 10, 1982
- C. Recreation Centers Advanced Reservations July 1, 1982; July 17, 1982
- D. Administrative Fee for Unpaid Violations Flagged for State Motor Vehicle Bureau, October 3, 1983
- E. Local Parks Ball Field Policy July 15, 1991; September 14, 1998

**DISCUSSION PROOF 10/27/15**

1

2 **F. Brookside and McCrillis Gardens Rules February 17, 1983; October 13, 1998**

3

4 **G. Little Bennett Regional Park Campsites, May 4, 1983**

5

6 **H. Rockwood Manor Special Park Rules and Regulations; March 19, 1987**

7

8 **The following Administrative Directives have been issued by the Prince George's County**  
9 **Director of Parks and Recreation:**

10

11 **A. Rules and Regulations for College Park Airport, June 8, 1983**

12

13 **B. Rules and Regulations Governing After-Hours Use of Community Centers, June 28, 1979**

14





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

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	09/15	10/15	09/15	10/15	09/15	10/15	09/15	10/15
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	1	0	1	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	1	1	1
INTERNAL AUDIT	1	0	1	0	0	0	1	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	0	0	0	0	0	0	0
LEGAL DEPARTMENT	0	1	1	0	1	2	2	3
FINANCE DEPARTMENT	1	0	0	0	0	0	1	0
PRINCE GEORGE'S PLANNING	0	3	0	0	0	0	0	3
PRINCE GEORGE'S PARKS & RECREATION	3	4	0	0	0	0	3	4
MONTGOMERY COUNTY PARKS	0	2	0	0	1	0	1	2
MONTGOMERY COUNTY PLANNING	0	2	1	0	0	0	1	2
**DEPARTMENT TOTAL BY DAYS LATE**	5	12	2	0	4	3	---	---
<b>COMMISSION WIDE TOTAL:</b>							<b>11</b>	<b>15</b>

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







**The Maryland-National Capital Park and Planning Commission  
Other Post Employment Benefits Trust Fund Investments  
Statement of Plan Net Assets  
June 30, 2015**

<b>Assets</b>	
Cash and short-term investments	\$ -
Investments at fair value	
Bond Funds	18,027,524
Equity Funds	26,643,992
Total investments	<u>44,671,516</u>
 Total Assets	 44,671,516
<b>Liabilities</b>	
Accounts payable and others	<u>-</u>
 <b>Net Assets held in trust for other post employment benefits</b>	 <b>\$ 44,671,516</b>

**The Maryland-National Capital Park and Planning Commission  
Other Post Employment Benefits Trust Fund Investments  
Statement of Changes in Plan Net Assets  
For the Period Ended June 30, 2015**

	<u>Month to Date</u>	<u>Fiscal Year to Date</u>
<b>ADDITIONS:</b>		
Contributions	<u>-</u>	<u>\$ 5,065,821</u>
 Investment Earnings:		
Interest	-	-
Dividends	22,641	281,957
Net increase (decrease) in the Fair Market Value of Investments	(883,114)	(1,151,317)
Total Investment Earnings	<u>(860,473)</u>	<u>(869,360)</u>
 Add Investment Advisory and Management fees net of adjustment	<u>-</u>	<u>-</u>
Net Income from Investing Activities	<u>(860,473)</u>	<u>(869,360)</u>
 Total Additions	<u>(860,473)</u>	<u>4,196,461</u>
 <b>DEDUCTIONS:</b>		
 Increase in Net Assets	<u>(860,473)</u>	<u>4,196,461</u>
<b>Net Assets held in trust for other post employment benefits</b>		
Beginning of period	45,531,989	40,475,055
June 30, 2015	<u>\$ 44,671,516</u>	<u>\$ 44,671,516</u>



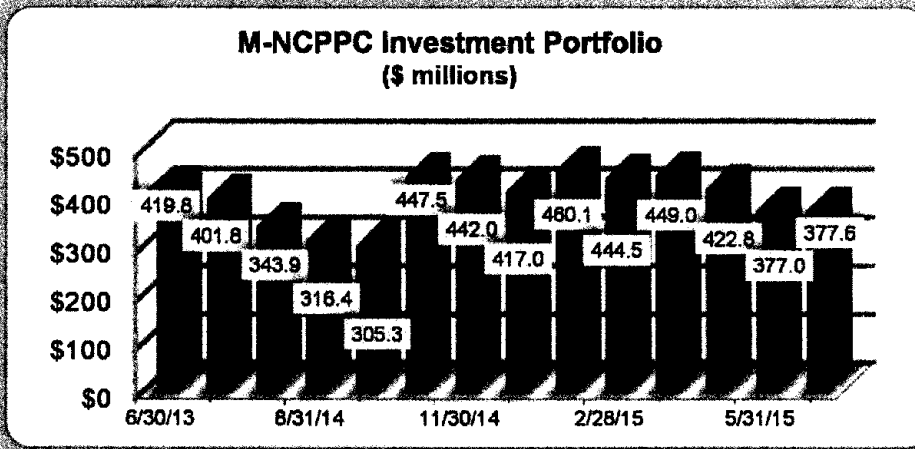


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
 TREASURY OPERATIONS, FINANCE DEPARTMENT  
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737  
 Telephone (301) 454-1541 / Fax (301) 209-0413

**MEMO**

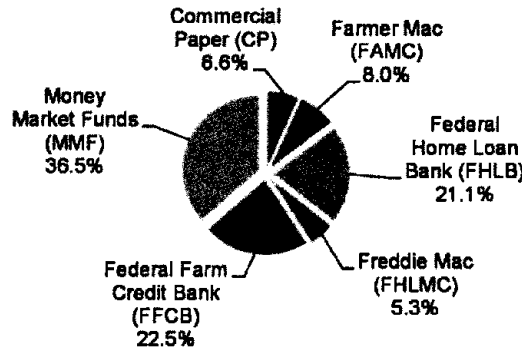
**TO:** Commissioners  
**VIA:** Joseph Zimmerman, Secretary-Treasurer  
**FROM:** Abbey Rodman, Investment & Treasury Operations Manager *[Signature]*  
**DATE:** 11/5/2015  
**SUBJECT:** Investment Report – June 2015

The Commission’s pooled cash investment portfolio totaled \$377.6 million as of June 30, 2015, with a 0.16% increase from May 31, 2015. Details are as follows:



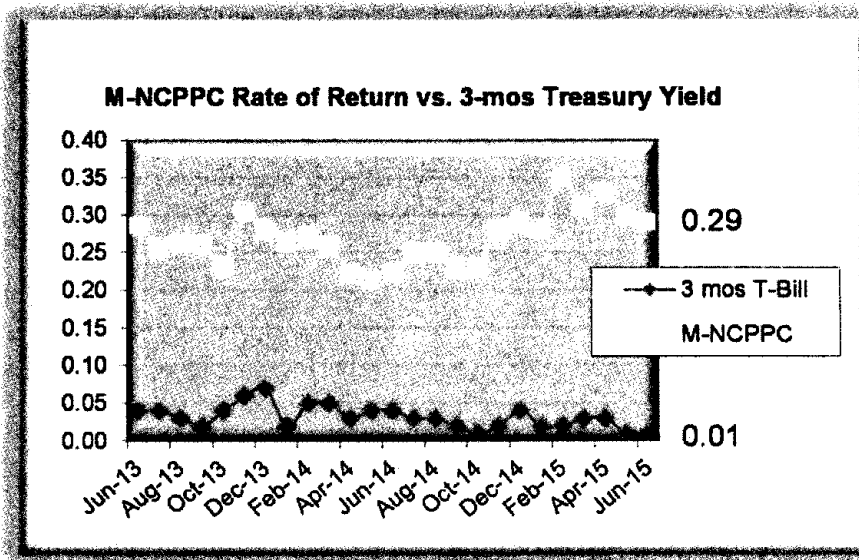
The composition of the pooled cash portfolio as of June 30, 2015 is summarized below:

**Portfolio Composition as of 6/30/15**

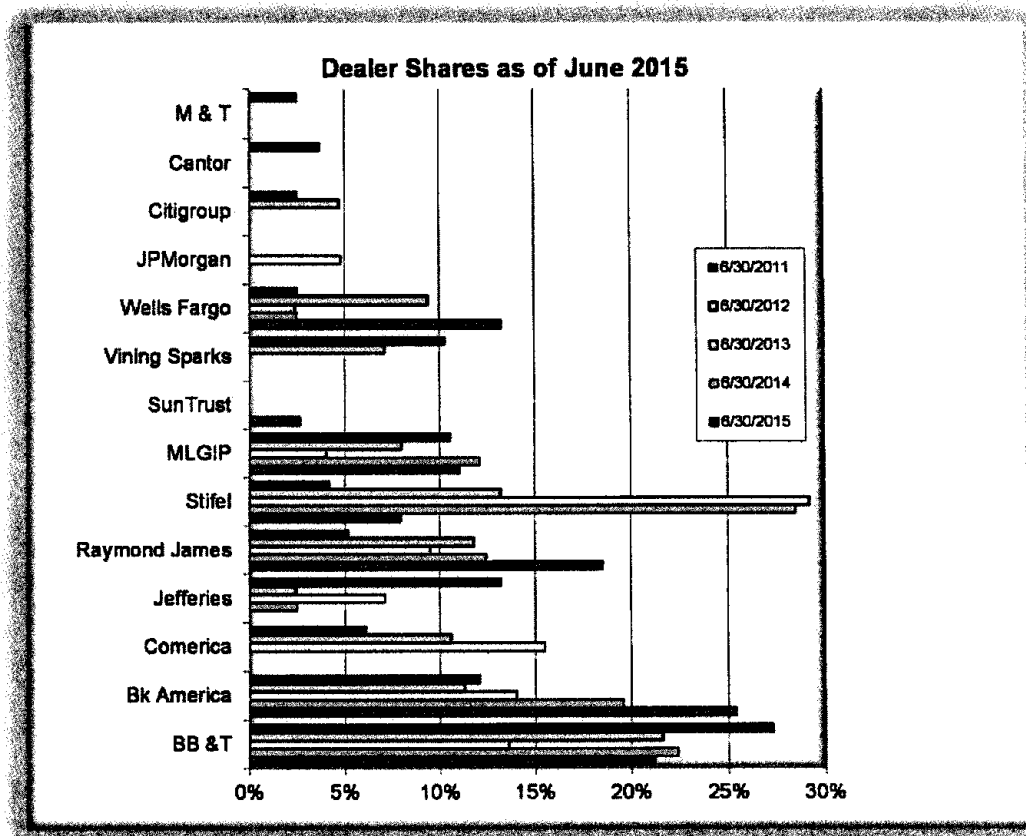


Current Investment Portfolio - June 2015				
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Money Funds	25%	37%	\$ 137,627,979	n/a
Federal Farm Credit Bureau	20%	23%	85,000,000	0.37%
Federal Home Loan Banks	20%	21%	80,000,000	0.30%
Farmer Mac	20%	8%	30,000,000	0.24%
Commercial Paper	10%	7%	25,000,000	0.77%
Freddie Mac	20%	5%	20,000,000	0.37%
Treasury Notes	100%	0%	-	
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			<b>\$ 377,627,979</b>	<b>0.38%</b>

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



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



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

<b>Market Value- 06/30/15</b>	
Prince George's County (PGC-2014A)	\$ 9,237,762
Montgomery County (MC-2014A)	1,553,804
	<u>\$ 10,791,566</u>

The Commission had debt service payments during the month totaling \$532,322 of interest.

Details by issue of debt outstanding as of June 30, 2015 appear below:

<b>Debt Balances - June 2015</b>					
	<b>Initial Par</b>	<b>Amount Outstanding</b>	<b>% Outstanding</b>	<b>Issue Date</b>	<b>Maturity Date</b>
<b>Bi-County</b>					
<b>Total Bi-County</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>		
<b>Prince George's County</b>					
KK-2 (Refunded AA-2)	17,300,000	5,481,298	32%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	8,080,000	57%	Mar-10	May-21
EE-2	37,525,000	9,240,000	25%	Mar-04	Jan-17
PG-2012A	11,420,000	8,000,000	70%	Jun-12	Jun-24
JJ-2	8,900,000	6,060,000	68%	May-07	May-27
PGC-2014A	26,565,000	25,295,000	95%	May-14	Jan-34
<b>Total Prince George's County</b>	<b>\$ 115,790,000</b>	<b>\$ 62,156,298</b>	<b>54%</b>		
<b>Montgomery County</b>					
LL-2	8,405,000	4,440,000	53%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,200,000	60%	Nov-04	Dec-24
FF-2	4,000,000	720,000	18%	Nov-04	Dec-24
II-2	4,700,000	3,220,000	69%	Mar-07	Apr-27
MM-2	5,250,000	3,990,000	76%	May-09	Nov-28
MC-2012A	12,505,000	11,505,000	92%	Apr-12	Dec-32
MC-2012B	3,000,000	2,755,000	92%	Apr-12	Dec-32
MC-2014A	14,000,000	13,500,000	96%	Jun-14	Jun-34
<b>Total Montgomery County</b>	<b>\$ 53,860,000</b>	<b>\$ 41,330,000</b>	<b>77%</b>		
<b>Total</b>	<b>\$ 169,650,000</b>	<b>\$ 103,486,298</b>	<b>61%</b>		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012  
 FISCAL YEAR 2015 - June 30 , 2015

OBJECTIVES			Met Objective	Within Limits	Comments
<b>Protection of principal</b>			<b>Yes</b>		
	<b>Limiting types and amounts of securities</b>	Limit		<b>Yes</b>	All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
	US Government	100%			
	US Federal Agencies - combined	60%			
	US Federal Agencies - each	20%			
	Repurchase Agreements	60%			
	CD's and Time Deposits	50%			
	Commercial Paper	10%			
	Money Market Mutual Funds	25%			
	MD Local Gov't Investment Pool	25%			
	Investing Bond Proceeds:				
	State and local agency securities	100%			
	Money Market Mutual Funds	10%			
	Bond Proceeds:				
	Highly-rated state / local agency securities			<b>Yes</b>	
	Highly-rated money market mutual funds (Max. 10% in lower-rated funds)				
	<b>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</b>			<b>Yes</b>	
	<b>Ensure competition among participants</b>	30%		<b>Yes</b>	
	<b>Competitive Bidding</b>			<b>Yes</b>	
	<b>Diversification of Maturities</b>			<b>Yes</b>	
	Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.				
	<b>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</b>			<b>Yes</b>	
	<b>Maintain sufficient liquidity</b>		<b>Yes</b>		
	<b>Attain a market rate of return</b>		<b>Yes</b>		
	The pro-rated rates of return for the portfolio and T-bills were 0.29% and 0.01%, respectively.				
				Exceeded by 28 basis points.	









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

*Reply To*

November 2, 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 October, 2015

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Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, November 18, 2015. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

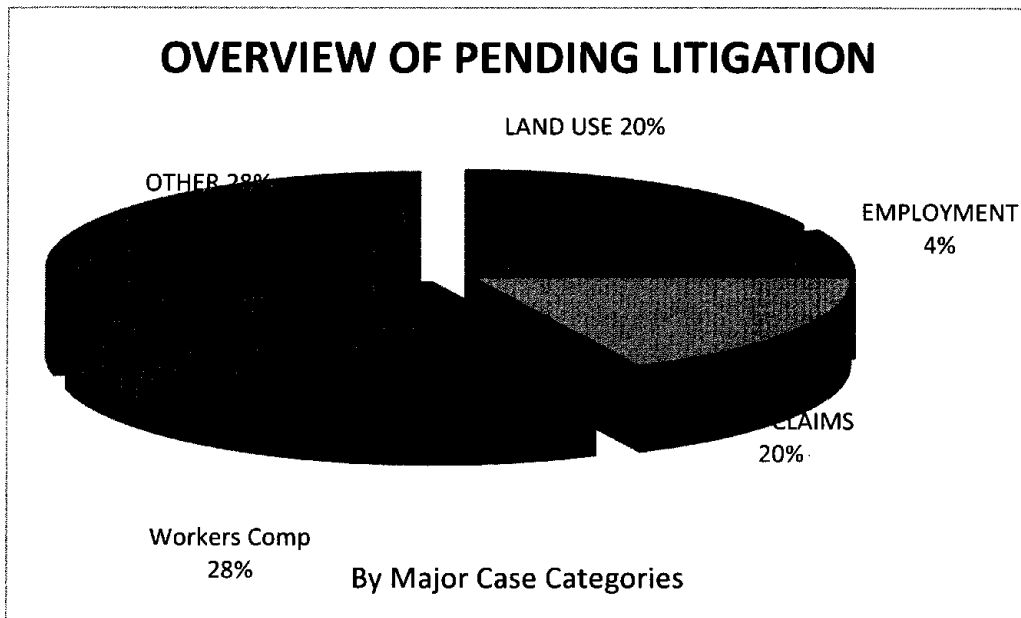
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Litigation Report Ordered By Court Jurisdiction .....Page 10

## October 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		1				2
Admin Appeal: Other							0
Land Use Dispute		1					1
Tort Claim	5						5
Employment Dispute		1	1				2
Contract Dispute	1	1	1				3
Property Dispute	2						2
Civil Enforcement	2						2
Workers' Compensation	8						8
Debt Collection							0
Bankruptcy							0
Miscellaneous	2	1					3
<b>Per Forum Totals</b>	<b>21</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>28</b>



## October 2015 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2015			
	Pending In June/15	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
<b>Admin Appeal: Land Use (AALU)</b>	4		2	9	1	2	2
<b>Admin Appeal: Other (AAO)</b>	0			-			0
<b>Land Use Disputes (LD)</b>	2		1	1	1	1	1
<b>Tort Claims (T)</b>	7		2	10	3	9	5
<b>Employment Disputes (ED)</b>	2			1	1	2	2
<b>Contract Disputes (CD)</b>	3			4			3
<b>Property Disputes (PD)</b>	2			4	1	1	2
<b>Civil Enforcement (CE)</b>	2			1			2
<b>Workers' Compensation (WC)</b>	9		1	10	2	2	8
<b>Debt Collection (D)</b>	0			-			0
<b>Bankruptcy (B)</b>	0			-			0
<b>Miscellaneous (M)</b>	3			1	1		3
<b>Totals</b>	34		6	41	10	17	28

**INDEX OF YTD NEW CASES  
(7/1/2015 TO 6/30/16)**

**A. New Trial Court Cases.**

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Suggs v. Commission	PG	Tort	Aug 2015
Bell, et al v. Commission	MCPB	LD	Aug 2015
White v. Commission	PG	Tort	Aug 2015
Starks v. Kellogg, et al	MCPB	Tort	Aug 2015
Keeler v. Commission	MC	WC	Aug 2015
Giuffrida v. Commission	MC	WC	Sept 2015
Cohhn v. Commission	MC	Misc	Sept 2015
Commission v. Landover Polk Street Property, LLC	PG	PD	Sept 2015

**B. New Appellate Court Cases.**

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Hill	PG	ED	Sept 2015
Smith v. MCPB	MCPB	AALU	Sept 2015

**INDEX OF YTD RESOLVED CASES  
(7/1/2015 TO 6/30/16)**

**C. Trial Court Cases Resolved.**

<u>Case Name</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Anderson v. Commission	PGPR	Tort	July 2015
Armstrong v. Commission	PG	ED	July 2015
Quick v. Gathers	PGPR	Tort	July 2015
Quick v. Commission	PGPR	Tort	July 2015
Jang v. Commission	MC	Tort	Sept 2015
A. Jackson v. Commission	MC	Tort	Sept 2015
Commission v. Fleming	PG	Tort	Sept 2015
Hill v. Commission	PG	ED	Sept 2015
Moore v. Perry, et al	PG	Tort	Sept 2015
Bell, et al v. Commission	MC	LD	Sept 2015
Corsetti-Barczy v. Commission	PGPR	WCC	Oct 2015
Hawkins v. Commission	PGPR	Tort	Oct 2015
Jones v. Commission	PGPR	Tort	Oct 2015
Bell, et al v. Commission	MC	LD	Oct 2015

**D. Appellate Court Cases Resolved.**

Rounds v. Commission	MC	PD	Sept 2015
Smith v. MCPB (COSA)	MCPB	AALU	Oct 2015
Smith v. MCPB (COA)	MCPB	AALU	Oct 2015

## Disposition of FY16 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
<b>Employees Retirement System</b>		
<b>Finance Department</b>		
<b>Department of Human Resources and Management</b>		
<b>Montgomery County Department of Planning</b>		
Bell, et al v. Commission	Plaintiffs filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement (407517-V)	08/28/15- Plaintiffs filed Notice of Dismissal without Prejudice.
Bell, et al v. Commission	Plaintiffs filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement (401282-V)	09/04/15-Case dismissed.
Rounds v. Commission	Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.	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 proceeding; CSA enters Order dismissing remaining count against Commission on 06/25/15
<b>Montgomery County Department of Parks</b>		
Jang v. Commission, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	07/29/15: Trial-judgment entered in the amount of \$9,080 and \$88 costs
A. Jackson v. Commission	Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.	08/10/15: Jury Trial; verdict for Commission

<b>Montgomery County Park Police</b>			
<b>Montgomery County Planning Board</b>			
Smith v. Montgomery County Planning Board	Commission appealed Circuit Court ruling for forest conservation violations at 21627 Ripplemead Drive.	06/02/15- Court of Special Appeals affirms decision by Montgomery County Planning Board	
Smith v. Montgomery County Planning Board	Commission appealed Circuit Court ruling for forest conservation violations at 21627 Ripplemead Drive.	09/21/15-Court of Appeals denies Writ of Certiorari	
<b>Prince George's County Department of Parks and Recreation</b>			
Anderson v. Commission	Defense of claim seeking damages for injuries to a minor sustained in an altercation while attending Rollingcrest/Chillum Community Center Park.	07/27/15-Case settled and complaint dismissed.	
Armstrong v. Commission	Defense of employment-related claim alleging discrimination	06/26/15-Notice of Removal to U. S. District Court; case dismissed	
Commission v. Fleming	Commission filed a lawsuit seeking subrogation recovery for amount due for personal injuries sustained by Commission employee.	08/04/15- Insurer settled and paid Commission for subrogated claim.	
Corsetti-Barczy v. Commission	Claimant/employee is appealing the WCC's permanency award.	09/28/15 - Order of Court dismissing and remanding case back to WCC.	
Hawkins v. Commission	Defense of tort claim for claimed near drowning while taking swimming lessons at Prince George's Sports and Learning Center in Landover, Maryland.	10/02/15-Motion for Summary Judgment granted, case dismissed.	
Hill v. Commission	Employee is seeking judicial review of the Merit Board's dismissal of her appeal.	08/14/15- Oral Argument held, Court reversed and remanded to Merit System Board	



Jones v. Commission	Defense of claim for trip and fall on alleged broken concrete and loose gravel at Tucker Road Community Center.	10/02/15-Case dismissed.
Moore v. Perry, et al	Defense of claim for personal injury involving vehicle allegedly operated by Commission employee.	08/14/15- Case settled, line of dismissal filed.
Quick v. Commission	Defense of claim for alleged violations of the Americans with Disabilities Act.	06/18/15-Complaint dismissed by Court.
Quick v. Gathers	Defense of claim for alleged violations of the Americans with Disabilities Act.	06/18/15-Complaint dismissed by Court.
<b>Prince George's County Planning Department</b>		
<b>Prince George's County Planning Board</b>		
<b>Prince George's Park Police</b>		
<b>Office of Internal Audit</b>		

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

**Suggs v. Jones, et al**

No. 0502-0016592-2015 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.

Status: Pending trial.

Docket:

07/20/15	Complaint filed
08/18/15	Notice of Intention to Defend filed by Commission
01/04/16	Trial date

**White v. Commission**

No. 0502-0017069-2015 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injuries involving a vehicle owned by Commission and operated by Commission employee.

Status: Pending trial.

Docket:

07/14/15	Complaint filed
07/20/15	Notice of Intention to Defend filed by Commission
11/25/15	Trial date

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

**Burnette v. Commission**

CAL15-18263 (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
06/03/15	Case transferred from Charles County
11/06/15	Pre-trial conference.

**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
05/11/15	Motion to Dismiss, and/or Motion for Summary Judgment filed by Defendant
05/26/15	Status hearing continued
06/04/15	Motion to Stay denied; Motion to Extend Time to Answer granted for sixty days
07/27/15	Opposition by Commission to Defendant's Motion to Dismiss and/or Motion for Summary Judgment
08/05/15	Stipulation of Dismissal filed by Plaintiff, USA
08/18/15	Status conference
08/19/15	Defendant's Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss or for Summary Judgment and Opposition to Plaintiff's Counter-Motion for Summary Judgment
08/21/15	Amended Complaint filed
09/09/15	Defendant's Renewed Motion to Dismiss and/or Motion for Summary Judgment filed.
09/25/15	Status Hearing
12/10/15	Motions Hearing

**Commission v. Landover Polk Street Property, LLC**  
CAL 15-25609 (PD)

Lead Counsel: Gardner  
Other Counsel: Chagrin

Abstract: Commission filed a condemnation action to acquire property for use by the Department of Parks and Recreation.

Status: Complaint filed.

Docket:

09/28/15	Complaint filed
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**Commission v. McDonnell**  
Case No. CAL15-15567 (WC #B694587)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Petitioner/Employer is appealing the WCC's decision for medical treatment to Claimant for her right shoulder injury.

Status: Petition dismissed.

Docket:

05/07/15	Petition filed.
10/19/15	Dismissed and remanded to WCC

**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: Judgment affirmed.

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
12/29/14	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

07/14/15	Oral Arguments
10/26/15	Judgment of Prince George's County Planning Board affirmed

**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.

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; counsel enters appearance for Plaintiff
10/05/15	Commission served with complaint
10/30/15	Status conference.
10/30/15	Commission files Motion to Dismiss

**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.
09/30/15	Pre-trial conference.
06/27/16	Trial date

**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 Intention to Defend filed by Commission
12/16/15	Pre-trial conference.

**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 is causally related to his workers' compensation claim.

Status: Pending Trial.

Docket:

01/20/15	Petition filed
05/01/15	Motions Hearing; Motion to Dismiss denied.
03/07/16	Trial



**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Cohn, et al v. Commission**

Case No. 409148-V (M)

Lead Counsel: Dickerson  
Other Counsel: Harvin

Abstract: Plaintiff filed complaint attempting to restrain Commission from implementing Archery Managed Deer Hunting Program in Montgomery County.

Status: Complaint filed.

Docket:

09/10/15	Complaint for Declaratory Judgment, A Temporary Restraining Order and Preliminary and Permanent Injunctive Relief filed.
09/11/15	Hearing: Court denies Temporary Restraining Order.
10/09/15	Answer filed by Commission.

**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: Case dismissed.

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 and Counterclaim filed by Defendant
10/27/14	Commission's Opposition to Defendant's Motion to Dismiss filed; and Commission's Motion to Dismiss Counterclaim filed.
10/31/14	Amended Petition for Enforcement filed
07/28/15	Stipulation of Dismissal of Defendant's Counterclaim filed
08/14/15	Commission files Motion for Summary Judgment
08/27/15	Defendant filed Response to Motion for Summary Judgment; Answer to Amended Petition and Motion to Dismiss Amended Complaint, or in the Alternative, Motion for Summary Judgment
09/11/15	Motions Moot; Plaintiff filed Amended Complaint
09/23/15	Plaintiff's Response to Defendant's Motion to Dismiss Commission's Amended Petition for Civil Enforcement of Administration Order or, in the alternative, Motion for Summary Judgment and attachments
10/20/15	Complaint dismissed in open court

**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: Case stayed.

Docket:

01/23/15	Complaint filed
04/27/15	Motion for Appropriate Relief (Motion to Stay) filed by Commission
05/19/15	Plaintiff's Response to Commission's Motion for Appropriate Relief
10/27/15	Court grants Commission's Motion to Stay pending decisions from Court of Special Appeals
10/27/15	Commission's Motion for Stay granted.

**Giuffrida v. Commission**  
Case No. 408754-V (WC)

Lead Counsel: Chagrin  
Other Counsel:

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

Status: Pending trial.

Docket:

09/08/15	Petition filed.
02/12/16	Pre-trial hearing

**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
11/04/15	Trial

**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: Case consolidated.

Docket:

02/18/15	Petition filed
04/08/15	Court grants consolidation of 401201-V with Case # 401202-V; both cases should follow the scheduling order established under civil 401201; that all future pleadings shall be filed in civil 401201-V.
11/04/15	Trial date.

**Keeler v. Commission**  
Case No. 405704-V (WC)

Lead Counsel: Chagrin  
Other Counsel:

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

Status: Petition filed.

Docket:

06/08/15	Petition filed.
11/12/15	Pre-trial conference.

**Rounds v. Commission**  
Case #350954-V (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: Second Amended Complaint filed.

Docket:

04/30/15	Mandate returned from Court of Appeals; judgment affirmed in part and reversed in part; case remanded.
05/14/15	Commission's renewal of Motion to Dismiss
06/01/15	Plaintiff's Response to Commission's renewal of Motion to Dismiss
06/25/15	Court grants Commission's Motion to Dismiss Plaintiff's Amended Complaint
07/27/15	Court grants Plaintiffs sixty days to amend complaint
09/21/15	Second Amended Complaint filed
10/23/15	Commission's Motion to Dismiss for failure to join necessary parties filed
11/19/15	Status Hearing

**Starks v. Kellogg, et al**  
Case No. 407554V (Tort)

Lead Counsel: Harvin  
Other Counsel:

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

Status: Pending Trial.

Docket:

08/04/15	Complaint filed.
11/06/15	Scheduling Hearing
05/19/16	Pre-trial/Settlement conference.

**MARYLAND COURT OF SPECIAL APPEALS**

**Commission v. Hill**

September Term 2015, No. 01516 (ED)  
(Originally filed under CAL15-04057)

Lead Counsel: Dickerson  
Other Counsel:

Abstract: Commission appealed Circuit Court ruling reversing and remanding employee termination to Merit Board System.

Status: Appeal filed.

Docket:

09/11/15	Notice of Appeal filed
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**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 held
03/01/16	Oral Argument

**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 ruling in the case of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.

Status: Judgment affirmed.

Docket:

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

07/29/15	Court affirms judgment of the Circuit Court
09/01/15	Court issues Mandate affirming decision.

**MARYLAND COURT OF APPEALS**

**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
06/11/15	Commission's Opposition to Plaintiff's Motion for Summary Judgment and Commission's Motion for Summary Judgment and supporting Memorandum filed.
08/10/15	Commission Reply Brief in Support of its Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment.
08/10/15	American Legion Reply in Support of Cross-Motion for Summary Judgment
09/15/15	Eleven Marylanders Refined Motion for Leave to Submit Memorandum of Amici Curiae in Support of Defendants
10/01/15	Motion for Leave to file Memorandum of Amicus Curiae by the Center for Inquiry
10/01/15	Motion for Leave to file Memorandum of Amici Curiae by Council on American-Islamic Relations



**Armstrong v. Commission**  
Case No. 8:15-cv-01558 (ED)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Defense of employment-related claim alleging discrimination.

Status: Case dismissed.

Docket:

05/28/15	Complaint filed
06/26/15	Commission's Motion to Dismiss filed.
07/31/15	Court grants Motion for Extension of Time to file response until August 24, 2015
08/19/15	Motion to Appoint Counsel filed by Plaintiff
10/14/15	Court grants Commission's Motion to Dismiss and denied Plaintiff's Motion to Appoint Counsel, while allowing Plaintiff to file within thirty days a Motion for Leave to file an Amended Complaint.

**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
10/26/15	Settlement negotiations in progress

**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
07/17/15	Order denying Pulte's Motion to Remand; Order denying MNCPPC's Motion to Dismiss with leave to respond to complaint with 14 days
07/31/15	Commission's Answer to Complaint
07/31/15	Commission's Motion for Reconsideration
08/26/15	Plaintiffs' Opposition to Commission's Motion for Reconsideration filed
09/24/15	Commission's Reply to Plaintiff's Opposition to Reconsideration of the Court's Denial of the Commission's Motion to Dismiss filed

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