

# ***COMMISSION MEETING***

***DECEMBER 16, 2015***

***9:30 a.m. – 11:30 a.m.***

***PARKS AND RECREATION***

***AUDITORIUM***

***6600 Kenilworth Avenue***

***Riverdale, MD 20737***

# Item 1b

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MEETING  
Wednesday, December 16, 2015  
PRA 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> November 18, 2015	(+*)	Page 3		
3.	<b>General Announcements</b>				
4.	<b>Committee/Board Reports</b> (For Information Only):				
	a) Minutes – Executive Committee – December 2, 2015	(+)	Page 11		
	b) Minutes of the Regular Employees’ Retirement System Board of Trustees Meeting – November 3, 2015	(+)	Page 17		
5.	<b>Action and Presentation Items</b>				
	a) Resolution #15-21, FY 2017 Operating Budget (Kroll)	(LD*)			
	b) Public Pension Standards Award for Funding and Administration 2015 (Rose)	(+)	Page 21		
	c) Other Post-Employment Benefits Valuation (Boomershine)	(+)	Page 23		
6.	<b>Open Session - Officers’ Reports</b>				
	a) <b>Executive Director</b> – (For Information Only) Employee Evaluations Not Completed by Due Date – (November 2015).....	(+)	Page 35		
	b) <b>Secretary-Treasurer</b> – (For Information Only) Enterprise Resource Planning (ERP) Briefing				
	c) <b>General Counsel</b> – (For Information Only)				
	1) Litigation Report – (November 2015).....	(+)	Page 37		
	2) Legislative Update				

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





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
November 18, 2015

The Maryland-National Capital Park and Planning Commission met on November 18, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

PRESENT

Prince George’s County Commissioners

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

Montgomery County Commissioners

Casey Anderson, Vice-Chair  
Norman Dreyfuss  
Natali Fani-Gonzalez  
Amy Presley  
Marye Wells-Harley

ABSENT

Manuel Geraldo  
John Shoaff

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

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Presley to approve the agenda  
Seconded by Bailey  
8 approved the motion (Commissioners Geraldo and Shoaff were not present for the vote)

ITEM 2 APPROVAL OF COMMISSION MINUTES

October 21, 2015 – Open Session  
October 21, 2015 – Closed Session  
ACTION: Motion of Washington to approve the minutes  
Seconded by Bailey  
8 approved the motion (Commissioners Geraldo and Shoaff were not present for the vote)

ITEM 3 GENERAL ANNOUNCEMENTS

a) Upcoming One-Commission Holiday Employee Appreciation Event – December 11, 2015 at Newton White Mansion.

- b) Prince George's Department of Parks and Recreation Winter Festival of Lights will be hosted at 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.

Employees and their families are invited to both events, and must R.S.V.P.

(Other Announcements Not listed on the Agenda)

- Chair Hewlett asked for a moment of silence for the victims and families of the Paris terrorist attack, and victims of any terrorist attack in the world.
- In honor of Veterans' Day, Chair Hewlett recognized the many veterans who have served and continue to serve the United States in the armed services.
- M-NCPPC is closing out its celebration of American Indian Heritage Month. The Prince George's County Department of Parks and Recreation opened its American Indian Village on the Piscataway River and Patuxent River Park and was very well received.
- The Commissioners welcomed Executive Director Patricia Barney back from extended leave.
- In recognition of National Hunger and Homeless Awareness Week (November 15<sup>th</sup> through November 22<sup>nd</sup>), the Prince George's County Department of Parks and Recreation is sponsoring a Teens and Jeans Walk-a-thon for the Homeless, on November 21<sup>st</sup>, at 11:00 a.m., in Bladensburg, Maryland.
- M-NCPPC will be sponsoring a Trot-for-a-Turkey on Saturday, November 21<sup>st</sup> to raise money to provide turkeys for families in need.
- The Prince George's County Department of Parks and Recreation opened its Wizard-of-Oz playground which has received landscape architect awards and recognition both nationally and internationally.
- The Commissioners thanked the Prince George's County Department of Parks and Recreation for bringing Art-O-Matic to the State of Maryland for the first time. The event features over 500 visual and performing artists and takes place in Hyattsville, Maryland. Chair Hewlett encouraged individuals to attend the event.
- The Commissioners congratulated the Montgomery County Planning Department on receiving a number of Design Excellence Awards. Vice-Chair Anderson briefed the Commissioners on the award winners and the vision of Planning under the leadership of Director Gwen Wright. He stated the Awards not only recognize some of the most talented architects and developers in Montgomery County, but also raises the bar on standards expected in the future for new construction and development in the county.
- Commissioner Wells-Harley announced that this year marks the 25<sup>th</sup> anniversary of the signing of the Americans with Disabilities Act. On November 8<sup>th</sup>, the Montgomery Department of Parks, the Montgomery Department of Recreation, and the cities of Rockville and Takoma Park held a celebration in honor of this law.
- Chair Hewlett announced Community Service activities in which the agency is involved. These will take place from November 9<sup>th</sup> to November 20<sup>th</sup> to support the community through So Others Might Eat (SOME), A Wider Circle Food, and New Socks and Washcloths drive. Donations for SOME take place on November

20<sup>th</sup> from 10:00 a.m. to 1:30 p.m. at the Montgomery Regional Office (MRO). Additional community service activities are scheduled for Thanksgiving week.

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

- a) Minutes – Executive Committee Open Session – November 4, 2015
- b) Minutes – Regular Employees’ Retirement System Board of Trustees Meeting – October 6, 2015
- d) 115 Trust (OPEB) – June 17, 2017

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Awards and Photos with Commissioners
  - 1) FY2014 CAFR Award (Zimmerman/Walsh)  
Chair Hewlett presented the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada (GFOA) which was awarded to M-NCPPC for its Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 30, 2014. This award is the highest form of recognition for governmental accounting and financial reporting. M-NCPPC is tied with the Chicago Metropolitan Water Reclamation District for the greatest number of times receiving this award, now totaling 41.
  - 1) FY16 GFOA Budget Award (Barney/Kroll)  
Chair Hewlett presented the Government Finance Officers Association’s (GFOA) Distinguished Budget Presentation Award received by the M-NCPPC for its annual budget. This award program recognizes budgets that are rated proficient as a policy document, a financial plan, an operations guide, and a communication’s device. M-NCPPC has received this award for its 30<sup>th</sup> consecutive year.
- b) Pension Actuarial Valuation Presentation (Rose)  
Employees’ Retirement System (ERS) Administrator Andrea Rose introduced actuary David Boomershine from Boomershine Consulting Group. Ms. Rose stated they were presenting on behalf of the ERS Board of Trustees a recommendation for the Employer Contribution to the Employees’ Retirement System for Fiscal Year 2017. Each year the Board requests an actuarial valuation on the funding requirements to the ERS. Mr. Boomershine explained that when his group conducts an actuarial valuation, four primary components are used in the model: employee demographics, assets in the plan, plan provisions, and actuarial assumptions used for future projections.

Mr. Boomershine stated that the recommended contribution for Fiscal Year 2017 is in the Amount of \$20,268,189. Mr. Boomershine also explained the 5-Year contribution projections as contained in the packet. He noted the Funding Basis using Actuarial Value of Assets increased from 87.2% to 93.5%, and the Accrued Benefit Basis using the Market Value of Assets increased from 99.3% to 99.7%. Mr. Boomershine also presented contribution projections which ranged from \$20.27 million for FY17 to \$24.92 million for FY21.

With regards to the plan assets, Commissioner Presley questioned what caused the decrease in the investment return, to which Mr. Boomershine responded that the

investment returns are consistent with trends experienced by other pension plans across the country, as the market returns did not do well last year. Mr. Boomershine also explained the new standards 67 and 68, as issued by the Government Accounting Standards Board.

Following the presentation, Executive Director Barney explained that the multi-year actuarial projections presented today assume a 7.25% return. Changes in the market affect the return rate, and consequently the overall pension assets and employer contribution. If the market has a downturn, the fund can become less than 90% or 100% funded. Years ago, the agency had a contribution ratio of \$34 million. This was the result of significant downturns in the investment market. Ms. Rose noted that after an agency gets above 90% funded, the employer contribution becomes more volatile.

c) Recommendation to Approve an Employer Contribution for Pension Plan In the Amount of \$20,268,189 for Fiscal Year 2017

Executive Director Barney confirmed the recommended contribution for the Pension Plan was \$20,268,189.

ACTION: Motion of Washington to approve the Pension Actuarial Valuation  
Seconded by Wells-Harley

8 approved the motion (Commissioners Geraldo and Shoaff were not present for the vote)

d) Appointment of the Carlyle Group as the new Private Real Assets Manager for the M-NCPPC Employees' Retirement System (Rose)

Ms. Rose presented a recommendation to approve the Carlyle Group as a new Private Real Assets Manager for the M-NCPPC Employees' Retirement System. The firm will manage a custom \$90 million dollar strategy for the ERS. This is the first time the ERS has been able to conduct a custom strategy due to the large allocation the agency is providing. The allocation has increased from 5% in 2007 to 15% in 2015. The custom strategy allows for continued commitments after the initial 3-year commitment, providing for implementation efficiencies, reduced fees, monitoring and ongoing due diligence.

ACTION: Motion of Presley  
Seconded by Washington

8 approved the recommendation (Commissioners Geraldo and Shoaff were not present for the vote)

(e-f) Corporate Policy and Management Operations Division Chief Anju Bennett requested the Commission's review of policy amendments affecting Merit System and Contract employees.

e) Final Policy Guidance Implementing the Commission's Decision on Family Medical Leave Act Program (Merit System Rules: Section 1640) (Bennett/Thom-Grate)

Ms. Bennett presented the recommended amendments to the Merit System Rules and Regulations to incorporate implementation guidance for recent changes to the Family and Medical Leave Act (FMLA) Program. Ms. Bennett explained that in September, Commissioners adopted Resolution #15-17 to recognize changes to the FMLA Program. Staff is now asking the Commission to adopt the specific policy standards that will help the agency apply the

changes. She shared policy changes to the Merit System Rules and Regulations require the support of the Merit System Board. The Merit Board's letter of support is provided in the Commission packet. The Board's support is based on its review of proposals and a review of any comments which are submitted during the mandatory 30-day review by all non-represented employees. Two policy areas were recommended for approval:

1. Calculation of FMLA Eligibility Period: Move from Calendar Year to Rolling Year FMLA Leave Method

Ms. Bennett explained that the agency will be moving to a rolling twelve-month period for purposes of calculating an employee's eligibility period, effective January 1, 2016. Ms. Bennett noted that Executive Director Barney and M-NCPPC's bargaining team have already negotiated this change with the unions. Executive Director Barney added that although the change will be effective at the beginning of the year, employees will be entitled to the full FMLA benefit (of up to 12 weeks) in the first year. The leave taken in 2015 will not be counted toward the 2016 FMLA leave, thus employees will have a year to transition to this new calculation method.

2. Codification of Qualifying Exigency/Military Caregiver Leave Provisions

The second policy change codifies the military leave benefits that the agency is already implementing. Ms. Bennett explained the Qualify Exigency Leave and Military Caregiver Leave provisions, as provided in the meeting packet. Commissioner Fani-Gonzales commended the agency for providing these benefits.

**ACTION:** Motion of Washington to approve the recommended Merit System Rules and Regulations amendment  
Seconded by Fani-Gonzalez  
8 approved the motion (Commissioners Geraldo and Shoaff were not present for the vote)

f) Recommended Amendments to Contract Employee Policies (Practice 2-16 to Address Vendor Transition and Applicability of FMLA/ACA (Bennett/Thom-Grate)

Corporate Policy and Corporate Records Manager Thom-Grate presented recommended updates to Administrative Practice 2-16 (Contract Employment) Seasonal/Intermittent, Temporary, and Term Employment for adoption. She informed the Commissioners that a broader review of Practice 2-16 is underway, but that the current proposed amendments are being presented for immediate adoption so they may be implemented by January 1, 2016. She reminded the Commissioners of Resolution #15-20 they adopted in October which implemented three new pay plans for vendors who converted to employee status. The proposed amendments focus on compensation equity, the implementation requirements of the Resolution, as well as communicate the agency's commitment to comply with applicable laws such as the Affordable Care Act, the FMLA, and workers' compensation laws, and clarify the existing overtime policies.

**ACTION:** Motion of Wells-Harley to approve the recommended amendments  
Seconded by Bailey  
8 approved the motion (Commissioners Geraldo and Shoaff were not present for the vote)



- g) Discussion on the M-NCPPC Park Rules and Regulations Project (Gardner)  
General Counsel Gardner introduced Consultant Aisha Braveboy, Esq., who will be assisting with the Park Rules and Regulations (Park Rules) update. He stated the purpose of the discussion was to allow the Commissioners to provide input, at the beginning of this project, on changes to the agency's Park Rules. He shared that comments have been received from an employee survey of the Park Rules. He wanted to review those comments with the Commissioners so that direction can be provided to the project team. He shared updates must be adopted by July 1, 2016, due to smoking legislation which takes effect on that date. He noted that a transcript of this meeting would be created for the staff working on the rewrite so the project team would understand the Commissioners' perspective before preparing the next draft, and for posterity. Mr. Gardner stated the Park Rules were last updated March 2001. He provided a general overview of the current Park Rules, explained the impetus for the update, and legally required communications that must occur. Ms. Braveboy reviewed input submitted through the employee survey, as contained in the handout.

Areas Commissioners requested focus included:

- Significance of urban parks;
- Use of alcohol in the parks;
- Foundations/major fundraisers being made part of the scope of this project and in the thought process;
- Trends in recreation pursuits in terms of acceptable/permissible activities so standards encourage use by patrons; and
- Benchmarking against other agencies/jurisdictions

General Counsel Gardner added that other areas that will be reviewed include regulation of open space, 1<sup>st</sup> Amendment rights, managing public/private partnerships, and accommodations for transgendered individuals.

Following the presentation, General Counsel Gardner reviewed the next steps which must take place no later than April to complete the process by July 1:

- Scheduling of a meeting of the workgroup which will develop a draft that will be ready for public comment;
- Joint public hearing by the Commissioners;
- Formal promulgation of the Park Rules; and
- Posting and publishing of the Park Rules

## ITEM 6

### OPEN SESSION – OFFICERS' REPORTS – For Information Only

#### a) Executive Director (Barney)

##### Employee Evaluations Not Completed by Due Date – (As of October 2015)

The report contains a few late evaluations. The Directors will be contacted to have the evaluations submitted before the next report is generated.

#### b) Secretary-Treasurer (Zimmerman)

##### 1) Enterprise Resource Planning (ERP) Briefing

No discussion on this topic.

2) 115 Trust FY2014

This report shows where the agency invests money for the future payment for Other Post-Employment Benefits insurance for retirees. M-NCPPC is approximately 13% to 14% funded for the end of this year for the entire liability. Compared to the agency's peers, M-NCPPC is a leader in the area of funding other post-employment benefits. This was not a stellar year for the investment performance; however, the agency's investment horizon for these funds is so long, that the ups and downs offset each other. There is no need for concern.

3) Investment Report (June 2015)

Mr. Zimmerman shared that the agency has reached a point with the new software that it can now reinstitute investment reporting and get it on a regular basis. For June 2015, the agency has earned 38 basis points of return. Laws restrict investment options which limits the ability to make money, but does meet the prime objective to preserve public funds.

c) General Counsel (Gardner)


1) Litigation Report – (October 2015)

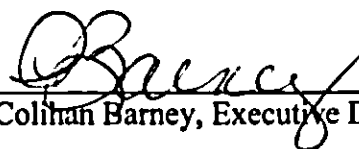
No discussion on this topic. Report was provided in Commission packet.

2) Legislative Update

No discussion on this topic.

There being no further business to discuss, the meeting adjourned at 11:29 a.m.

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

  
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Patricia Colihan Barney, Executive Director







THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE  
 CONFERENCE CALL MINUTES  
 DECEMBER 2, 2015

On December 2, 2015, the Maryland-National Capital Park and Planning Commission’s Executive Committee was held via conference call. Present on the call were Chair Elizabeth M. Hewlett (\*), Vice-Chair Casey Anderson (\*\*), and Executive Director Patricia C. Barney (\*\*). Also present were:

Department Heads/Deputies/Presenters/Staff

- Adrian Gardner, General Counsel (\*) (Left the call at 9:58 a.m.)
- Joe Zimmerman, Secretary-Treasurer (\*\*)
- Ronnie Gathers, Director, Prince George’s County Parks and Recreation (\*)
- John Nissel, Deputy Director, Montgomery County Parks (for Director Mike Riley) (\*\*)
- Gwen Wright, Director, Montgomery County Planning (\*)
- Anju Bennett, Chief, Corporate Policy and Management Operations (CPMO) (\*\*)
- William Spencer, Human Resources Director (\*\*)
- Janis Thom-Grate, Corporate Policy and Corporate Records Manager (CPMO)(\*\*)

Note: (\*) (participated by calling in remotely)  
 (\*\*) (participated on the call from the Executive Director’s Conference Room)

Executive Director Barney convened the meeting at 9:32 a.m.

**ITEM 1a - APPROVAL OF EXECUTIVE COMMITTEE AGENDA**

Discussion	The Executive Committee revised the meeting agenda to include Item 3b, Commission-wide IT Initiatives Fund – Waiver of FY16 budgeted payment and approval of projects to be funded by available cash.
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**ITEM 1b - APPROVAL OF COMMISSION MEETING AGENDA**

Discussion	<p>The Executive Committee made the following revisions to the December 16, 2015, Commission meeting agenda:</p> <ul style="list-style-type: none"> <li>• The OPEB Valuation will be presented by the Boomershine Consulting Group.</li> <li>• The IT Governance presentation is still being prepared and will not be ready in time for the December meeting. Executive Director Barney will brief the Department Heads of the status of this presentation.</li> </ul>
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**ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS**

Discussion	<p>The Executive Committee modified the following item on the Rolling Agenda:</p> <ul style="list-style-type: none"> <li>• 2015 Diversity Council Annual Report – This item will be presented by Montgomery County Parks Therapeutic Recreation Coordinator MaryBeth Dugan and Montgomery County Parks Administrative Services Division Chief Shuchi Vera, instead of Executive Director Barney.</li> </ul>
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<b>ITEM 2 – MINUTES</b>	
Provided for Information	<b>November 4, 2015 Executive Committee Minutes</b> a) Open session
<b>ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS</b>	
Discussion	<p><b>a) Enterprise Resource Planning (Zimmerman)</b>  Secretary-Treasurer Zimmerman provided an update on Enterprise Resource Planning (ERP). The implementation of the Affordable Care Act module, by INFOR, was successful. The Health and Benefits team is getting the information it needs for the immediate requirement to offer coverage to certain employees. The software is able to address the reporting needs for the IRS Form 1095c. Executive Director Barney suggested an article be posted in the UPDATE newsletter, explaining the purpose of the IRS Form 1095c as the form will be given to employees who receive benefit coverage. Mr. Spencer will ask Benefits Manager Jennifer McDonald to write the article.</p> <p>The revised Employees' Retirement System (ERS) calculations have been installed. Incorrect ERS deductions were found for 40 career part-time employees. The problems are being corrected before payroll runs today.</p> <p>The document imaging project is about to launch. This project, with software being provided by consultant MHC, will provide document imaging to accompany requisitions as a first stage. The Accounts Payable check submission process will be revised. Mr. Zimmerman will have the timeline on this project by next week. It is critical that the Manager Self-Service/Employee Self-Service in the Human Capital Management module for records and onboarding employees be functional by early spring. The consultant will be coming next week to assist with planning this module.</p> <p>Executive Director Barney shared the agency needs a project manager to focus on ERP. With other challenges, the current staff is not able to work on the ERP projects that the IT Council needs to have completed. A schedule is needed for the remaining projects, descriptions of each project so they can be prioritized, resource dedication, and goals and objectives. The IT Council has agreed to fill the project manager's position. In the interim, a Request for Proposal (RFP) for a project management consultant will be done. Savings from the unfilled project manager's vacancy will pay for the position; therefore, additional money will not be required.</p> <p>Executive Director Barney shared that at the IT Council retreat, the group voted to retain the federated model of the IT Governance. The federated model has the Chief Information Officer (CIO) reporting to the Chair, the Vice-Chair, and the Executive Director. The CIO oversees enterprise-wide projects, and the Chief Technology Officers (CTOs) have shared reporting to the CIO. The CIO position will be advertised. Executive Director Barney sent the draft class specification for the CIO position to the IT Council for review. Comments on the draft should be sent to the Executive Director. The position can be advertised although the IT Governance model has not been presented to the Commission. The federated model will focus on implementation. Executive Director Barney expects the previous interview</p>

process to be repeated again for this recruitment. That process consisted of the IT Council and CTOs conducting interviews, with the best three candidates doing presentations. Additional outreach may be needed to attract qualified candidates.

Management Self-Service/Employee Self-Service (MSS/ESS) will permit employees, in time for the next open enrollment season, to go online to enroll for benefits, and access their W-2s online. Executive Director Barney has asked INFOR for someone who can assist M-NCPPC with implementation of the MSS/ESS schedule. The right resources are needed for the implementation to take place before spring.

Executive Director Barney discussed a pilot currently in place in Montgomery County Parks. This pilot was in response to a request from the operating departments to have the ability to conduct online inquiries of human resource data. The pilot was started with Montgomery County Parks as they have a smaller population of employees. The Executive Director indicated that this will be rolled out to Prince George's County Parks and Recreation once feedback is received from pilot. She will contact Director Gathers with the date, which should be in January.

With regard to the hiring side of the HCM module, there are certain data fields that the recruitment tool NeoGov does not have for its interface with the ERP system. Those data fields will be passed to another module in the ERP system. The Human Resources staff will add more data, and then information will upload. More information will be provided once INFOR develops the task list for MSS/ESS and the automated personnel action process. Executive Director Barney anticipates the schedule to be completed in December, for delivery by April 1<sup>st</sup> as the agency starts hiring for seasonal employees in March.

**b) Commission-Wide IT Initiatives Fund – Waiver of FY 16 budgeted payment and approval of projects to be funded by available cash (Barney)**

Executive Director Barney presented a memorandum requesting approval of two recommendations supported by the Department Heads and the IT Council. As background, Executive Director Barney explained the agency budgets multi-year Enterprise-wide Information Technology projects in the Commission-wide Information Technology Initiatives Internal Service Fund (CWIT Fund). Each operating department shares in the costs for a particular project. An estimate is made based on a cost driver of what each departments' contribution must be into the fund. Over the past few years funds have built up in the CWIT Fund. Due to the fiscal environment and Montgomery County Government's request for a savings plan, the Commission's Montgomery County Departments requested a waiver of the FY16 payment to the Commission-Wide Information Technology Fund (CWIT).

The IT Council recommendations are as follows:

**Recommendation 1:**

Waive the FY16 budgeted payment of \$646,000 that the operating departments would normally make into this fund.

Executive Director Barney stated that of that \$2.7 million available cash balance, the IT Council wanted clarity on the priority of the current projects which were already placed in the budget, and the funds that would be spent. Before recommending the waiver, the Commission's IT Council reviewed the available funds and the critical projects planned as recommended by the Acting Chief Information Officer and the Departmental Chief Technology Officers.

**Recommendation 2:**

Support \$1.5 million use of the available cash balance on critical Commission enterprise-wide projects.

Executive Director Barney noted the projects listed in the memorandum, that are designated to be spent from the \$2.7 million, were included in prior year budgets, and that the contribution on those projects were driven by cost drivers that were agreed upon by everyone. She reviewed the project list on Page 2 of the memorandum, and stated that the IT Council will continue to monitor the available funds and recommend projects as those named on the list are completed and resources are freed up.

Executive Director Barney stated that at the IT Governance meeting, the group will discuss budget policies and obtain clarity. She asked if the request of waiver of the FY16 budgeted payment should be taken to the Commission. Chair Hewlett and Vice-Chair Anderson agreed there is no requirement to take this request to the Commission. The Executive Committee approved both recommendations; however, Chair Hewlett recommended that General Counsel Gardner provide an opinion on the matter.

**General Announcements (Items not Listed on the Agenda)**


- Executive Director Barney and Chair Hewlett shared that the Commission-Wide Employee Appreciation event is scheduled for December 11<sup>th</sup>, at the Newton White Mansion. All employees are invited.
- Director Gathers congratulated General Counsel Gardner and the Legal team for winning the Peace Cross case.
- Executive Director Barney provided that there will be two meetings held with vendors who are transitioning to employees tomorrow, December 2<sup>nd</sup>, at 4:00 p.m. and at 6:00 p.m. Executive Director Barney, Prince George's County Parks and Recreation Deputy Director Debbie Tyner, Human Resources Director William Spencer, Human Resources Manager Boni King, and Prince George's County Parks and Recreation Program Superintendent Shawna Fchet will attend the meeting to answer questions.

There being no further business, the meeting adjourned at 10:07 a.m.



Follow-up	<p><b>Item 1c) – Rolling Agenda for Upcoming Commission Meetings</b></p> <ul style="list-style-type: none"> <li>• <u>January 2016 Agenda</u> – Executive Director Barney to contact Prince George’s County Government on status of FOP negotiations. Human Resources Director Spencer to contact Montgomery County Government on same.</li> </ul> <p><b>Item 3a) - Enterprise Resource Planning</b></p> <ul style="list-style-type: none"> <li>• Benefits Manager Jennifer McDonald to post an article in the UPDATE newsletter, explaining the purpose of the IRS Form 1095c.</li> <li>• IT Council to send comments on the draft class specifications for the CIO position to the Executive Director.</li> </ul> <p><b>Item 3b) – Commission-wide IT Initiatives Fund</b></p> <ul style="list-style-type: none"> <li>• General Counsel Gardner to render an opinion as to whether the waiver of the FY16 budgeted payment requires approval by the Commission.</li> </ul>
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 Gayla Williams, Senior Management Analyst/  
 Senior Technical Writer

  
 Patricia Colihan Barney, Executive Director





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

**REGULAR BOARD OF TRUSTEES MEETING  
MINUTES**

**Tuesday, November 3, 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, November 3, 2015 at 10:00 a.m. Voting members present were: Khalid Afzal, Howard Brown, Elizabeth M. Hewlett, Barbara Walsh, Joseph C. Zimmerman, CPA. Patricia Colihan Barney, CPA joined via conference call. Pamela F. Gogol arrived at 10:07 a.m. Josh Ardison arrived at 10:08 a.m. Richard H. Bucher, Ph.D., Jenetha Facey and Marye Wells-Harley were absent.

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

Presentations by Boomershine Consulting Group - David S. Boomershine, Senior Consulting Actuary and President; Gregory M. Stump, Vice President and Senior Actuary; and, Sunita Bhatia, Senior Consultant and Actuary.

**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 November 3, 2015 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, October 6, 2015
- C. Closed Session Minutes of Meeting, October 6, 2015 (Confidential)
- D. Disbursements Granted Reports – September 2015

The Agenda was revised to add Item 4.A.v. Contribution Review.

MS. WALSH made a motion, seconded by MR. AFZAL to approve the Consent Agenda which includes the Revised November 3, 2015 Board of Trustees Meeting Agenda. The motion PASSED (6-0). (Motion #15-62)

MS. GOGOL arrived at 10:07 a.m.

**2. CHAIRMAN'S ITEMS**

- A. Board of Trustees Conference Summary

**3. MISCELLANEOUS**

MR. ARDISON arrived at 10:08 a.m.

**4. MANAGER REPORTS/PRESENTATIONS**

- A. Presentations by Boomershine Consulting Group's David S. Boomershine; Senior Consulting Actuary and President; Gregory M. Stump, Vice President and Senior Actuary; and, Sunita Bhatia, Senior Consultant and Actuary
  - i. M-NCPPC Trustee Education November 2015

MINUTES, AS APPROVED, AT THE DECEMBER 1, 2015 REGULAR BOARD OF TRUSTEES MEETING

- ii. Actuarial Review as of July 1, 2015
  - a. Recommendation to Approve an Employer Contribution of \$20,268,189 Payable July 1, 2016
- iii. Annual Review and Actuarial Valuation as of July 1, 2015
- iv. Actuarial Valuation Information for Financial Reporting under Governmental Accounting Standards Board – Statements 67 and 68
- v. Contribution Review

Gregory M. Stump conducted an actuarial educational session covering the mechanics of pension funding, the causes of gains and losses and how to manage funding volatility.

Sunita Bhatia reviewed the results of the July 1, 2015 Actuarial Valuation which 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. As of July 1, 2015, the actuarial value of assets was \$830,052,104 and the actuarial accrued liability was \$887,487,374, which resulted in an unfunded actuarial accrued liability of \$57,435,270.

The July 1, 2015 actuarial valuation included economic assumptions adopted by the Board as follows: a change in the investment assumption from 7.3% to 7.25% with a corresponding decrease in the salary scale assumption to 2.75%; and, a change in the post-retirement cost-of-living adjustment assumption to 2.75% for benefits accrued until July 1, 2012 and 2.5% annually thereafter. The valuation also recognized employee contribution changes in Plans C and D.

In order to meet the funding objectives, a 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 gains, demographic gains and assumption changes.

MR. AFZAL made a motion, seconded by MS. WALSH to approve an employer contribution of \$20,268,189 (14.3% of payroll) payable July 1, 2016 for fiscal year 2017. The motion PASSED unanimously (8-0). (Motion #15-63)

Ms. Rose recognized Staff for their efforts in submission of the actuarial data to Boomershine Consulting Group and thanked Boomershine for working within the ERS' timeline.

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

Presentation by Administrator, Andrea L. Rose

### **A. Administrator's Report dated October 22, 2015**

- i. Comprehensive Annual Financial Report for Fiscal Years Ended June 30, 2015 and June 30, 2014

Andrea Rose presented the Administrator's Report dated October 22, 2015.

Ms. Rose noted Boomershine will be conducting an experience study and actuarial factor review in early 2016.

The 2015 Comprehensive Financial Annual Report (CAFR) was submitted to the Government Finance Officers Association (GFOA) for consideration of a Certificate of Achievement for Excellence

in Financial Reporting and preparation of the Popular Annual Financial Report for members is underway and near completion.

Ms. Rose reported a modified Annual Statement will be sent out to members this year. The modified Annual Statement includes the member's account balance, normal retirement date, age at normal retirement, step-down date, and credited service, including service from unused sick leave, but does not include an estimate of benefits at normal retirement. Given the interface issues resulting from the Commission's recent payroll implementation, the ERS was unable to include an estimate of benefits at normal retirement in this year's statements to members.

The ERS continues to be impacted by the Commission's ERP system. The interface issues are affecting the timely payment of retirement, termination and death benefits and the calculation of estimates for members. ERS staff are continuing to work with Commission staff to resolve these issues.

Ms. Rose introduced the ERS' new Retirement Benefits Analyst, Eleanor Dagirmanjian. Eleanor's extensive experience includes 18 years with Aon Consulting as an Actuarial Analyst; a brief stint with the Maryland State Retirement System and the last 5 years as an Adjunct Mathematics Professor for two community colleges.

Ms. Rose notified the Board that Andrew Junkin was promoted to President of Wilshire Consulting effective October 15, 2015, replacing Julia Bonafede who is leaving Wilshire after 24 years to pursue new interests. Andrew joined Wilshire in 2005 and assumed the role of Managing Director in 2006. He is a member of Wilshire Consulting's Investment Committee and was named to the Board of Directors earlier this year. Mark Brubaker was also named to the Board of Directors in October 2015. Mr. Brubaker and Mr. Baker assured Ms. Rose there would be a seamless transition with no effect on the consulting services provide to the ERS.

MR. AFZAL reported on the conference he attended hosted by the ERS' investment manager, Principal Global Investors.

## **6. COMMITTEE REPORTS/RECOMMENDATIONS**

### **A. Audit Committee**

Presentation by Committee Chairman, Barbara Walsh

#### **i. Regular Report of October 6, 2015**


MS. WALSH presented the regular report for the Audit Committee's meeting of October 6, 2015. MS. WALSH reported CliftonLarsonAllen conducted a full scope audit for the fiscal year ended June 30, 2015 and issued an unmodified "clean" opinion on the ERS' financial statements.

The Board of Trustees meeting of November 3, 2015 adjourned at 12:25 p.m.

Respectfully,



Heather D. Brown  
Senior Administrative Specialist



Andrea L. Rose  
Administrator







Public Pension Coordinating Council

***Public Pension Standards Award  
For Funding and Administration  
2015***

Presented to

***The Maryland-National Capital Park and Planning  
Commission Employees' Retirement System***

In recognition of meeting professional standards for  
plan funding and administration as  
set forth in the Public Pension Standards.

*Presented by the Public Pension Coordinating Council, a confederation of*

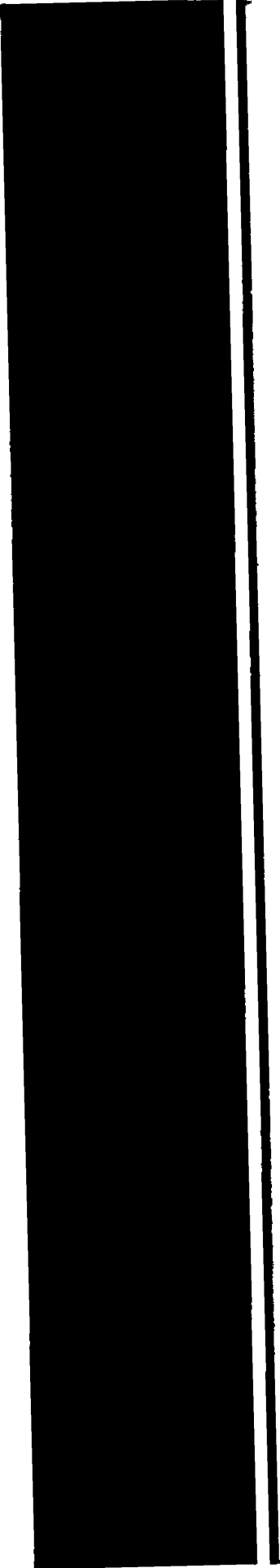
National Association of State Retirement Administrators (NASRA)  
National Conference on Public Employee Retirement Systems (NCPERS)  
National Council on Teacher Retirement (NCTR)

A handwritten signature in cursive script that reads "Alan H. Winkle".

Alan H. Winkle  
Program Administrator



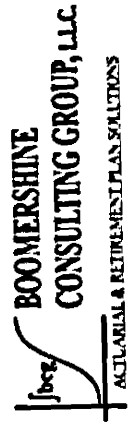




# Retiree Healthcare Programs

2015 Actuarial Valuation Review

December, 2015



## Overview of GASB Rules

- Key financial statement components – GASB #45
  - Annual Required Contribution (annual expense) – ARC
  - Annual OPEB Cost (adjusted annual expense) – AOC
  - Net OPEB Obligation (balance sheet liability) – NOO
- Advance funding is not required; however there are some advantages
  - The Net OPEB Obligation will be close to zero
  - The actuary can use a more favorable discount rate to value the plan
- GASB Rules will be changing in 2-3 years (FY 2017-2018)

# To Fund or Not To Fund?

## Discount Rate Basis

Per GASB 45: Basis for setting Discount Rate is determined by the source of funds used for paying benefits

- Assuming the Plan is pre-funded:
  - Benefits paid through Trust Fund
  - Investment portfolio similar to pension plans
  - Use Discount Rate – 7.25%
- Assuming the Plan is not pre-funded:
  - Benefits paid through General Fund
  - Low fixed interest return
  - Use Discount Rate – about 4.0%
- Partial Funding: Pro-rate Discount Rate; utilize 6.0%
- Phase-in Approach: Move from 4.0% to 7.25%; blended rates

# Actuarial Valuation Process

## Major Cost Drivers

- Assumptions
  - Discount rate assumption – 7.25% (7.4% in prior valuation) Note: At Full Funding ahead of phase-in schedule
  - Healthcare trend rate assumption – 6.75% to 4.00%
  - Per Capita Claims Costs/Premium Rates Experience – utilized 7/1/2015 rates
  - Retirement – per Pension Plan Assumptions
- Plan Design
  - Includes EGWP change

# Potential Impact of Accounting

## Bond Rating Agency views

- Looking for “funding plan”; may include:
  - Funding annual costs
    - Full
    - Partial
    - Phase In
  - Plan design revisions
- Funding approach/plan changes and impacts

## Market Value of Assets

Market Value of Assets as of 7/1/2014	\$40,465,175
Employer Contributions for 2014-2015 Plan Year	\$15,900,734
Retiree Contributions	2,238,511
Net Investment Income	(869,360)
Benefit Payments and Administrative Expenses	<u>(13,067,307)</u>
Market Value of Assets as of 7/1/2015	\$44,667,753

# Net OPEB Obligation (NOO) Summary

## 7/1/2013 – 6/30/2015

(\$ in thousands)

	FY ending <u>6/30/2014</u>	FY ending <u>6/30/2015</u>
<u>Annual Required Contribution (ARC)</u>	\$ 18,611	\$ 19,143
<u>Annual OPEB Cost (AOC)</u>		
ARC	\$ 18,611	\$ 19,143
Interest on Net OPEB Obligation (NOO)	4,637	5,035
Adjustment to ARC	<u>(3,305)</u>	<u>(3,593)</u>
Total AOC	\$ 19,943	\$ 20,585
<u>Employer Contributions</u>	\$ 18,509	\$ 17,347
Increase in NOO	\$ 1,434	\$ 3,238
NOO – 7/1	\$ 66,610	\$ 68,044
NOO – 6/30	\$ 68,044	\$ 71,282
Contribution Rate	99%	91%



# Valuation Results Summary

## 2015 Valuation

- Valuation Date – 7/1/2015
- Funding Approach – Full Funding
- Discount Rate – 7.25%
- Level % of Pay Amortization – 30 years; closed period starting in 2016
- Increased number of active Participants and increased number of retired Participants from prior valuation

<u>Number of Participants</u>	<u>Police</u>	<u>Non-Police</u>	<u>Total</u>
• Actives	179	1,765	1,944
• Retirees, Spouses and Disabled	<u>121</u>	<u>965</u>	<u>1,086</u>
• Total	300	2,687	3,030

# Valuation Results Summary

	Police	Non-Police	Total
Discount Rate: 7.25%			
Actuarial Accrued Liability (AAL)	\$ 49,124	\$ 224,920	\$ 274,044
Asset Value 6/30/2015	<u>8,007</u>	<u>36,661</u>	<u>44,668</u>
Unfunded Actuarial Accrued Liability (UAAL)	\$ 41,117	\$ 188,260	\$ 229,377
Funded Ratio	16%	16%	16%
<b><u>Annual Required Contribution (ARC)</u></b>			
Normal Cost	\$ 914	\$ 3,865	\$ 4,779
30 Year Amortization of UAAL	<u>2,354</u>	<u>10,911</u>	<u>13,265</u>
Total ARC	\$ 3,268	\$ 14,776	\$ 18,044
<b><u>Annual OPEB Cost (AOC)</u></b>			
<b><u>Expected Contributions</u></b>			
Implicit Subsidy	\$ 276	\$ 1,724	\$ 2,000
Retiree Premiums	1,960	8,903	10,863
Trust Fund	<u>844</u>	<u>4,281</u>	<u>5,125</u>
Total	\$ 3,080	\$ 14,908	\$ 17,988
Increase in NOO	\$ 374	\$ 830	\$ 1,204

## Valuation Highlights

- ARC decreased from \$19.0M to \$18.0M
- Funded Ratio increased from 14% to 16%
- Primary reasons for cost/liability changes are:
  - Decrease in discount rate
  - Increase in assets
  - Plan experience: 2015 claims costs/premium rates
  - Full funding of Annual Required Contribution
- Slight increase in NOO expected at 6/30/2016

## Up Next?

- Full Experience Study and Assumption Review
- GASB Accounting changes in 2-3 years





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

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	10/15	11/15	10/15	11/15	10/15	11/15	10/15	11/15
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	0	1	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	1	0	0	0	0	0	1
LEGAL DEPARTMENT	1	2	0	1	1	0	3	3
FINANCE DEPARTMENT	0	2	0	0	0	1	0	3
PRINCE GEORGE'S PLANNING	3	1	0	1	0	0	3	2
PRINCE GEORGE'S PARKS & RECREATION	4	3	0	0	0	0	4	3
MONTGOMERY COUNTY PARKS	2	1	0	0	0	0	2	1
MONTGOMERY COUNTY PLANNING	0	1	0	0	0	0	2	1
**DEPARTMENT TOTAL BY DAYS LATE**	12	11	0	2	3	1	15	14
	<b>COMMISSION WIDE TOTAL:</b>						<b>15</b>	<b>14</b>

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









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

*Reply To*

December 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 November, 2015

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Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, December 16, 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.

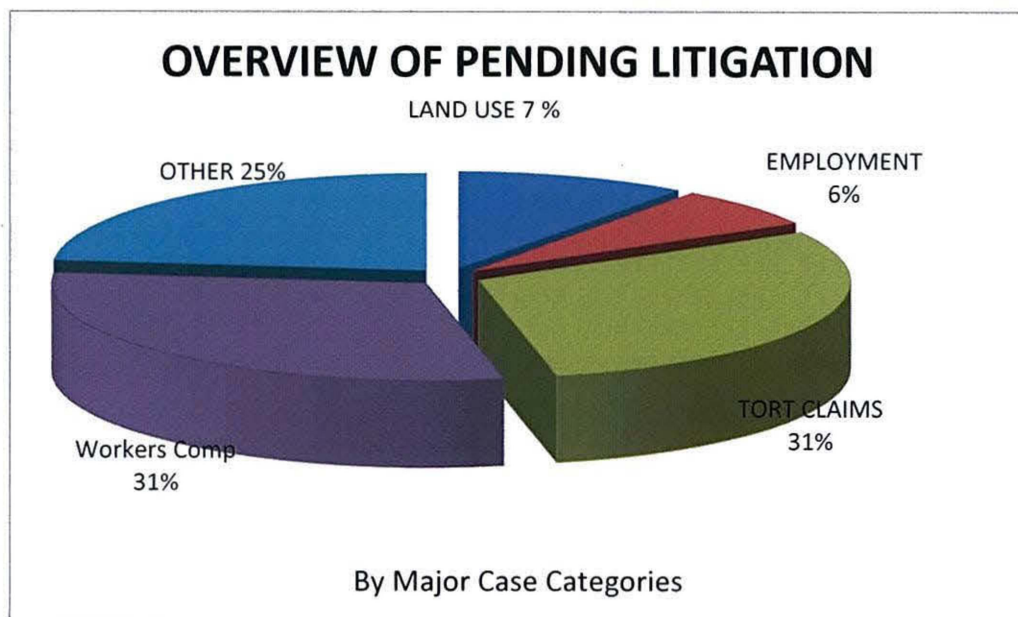
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## November 2015 Composition of Pending Litigation

(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							0
Admin Appeal: Other							0
Land Use Dispute					1		1
Tort Claim	8				1		9
Employment Dispute			1		1		2
Contract Dispute	1		1		1		3
Property Dispute	2						2
Civil Enforcement	1						1
Workers' Compensation	9						9
Debt Collection							0
Bankruptcy							0
Miscellaneous	2				1		3
<b>Per Forum Totals</b>	<b>23</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>30</b>



## November 2015 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2015			
	Pending In June/15	New Cases	Resolved Cases	Pending Prior FY	New Cases FYTD**	Resolved Cases FYTD**	Pending Current Month
<b>Admin Appeal: Land Use (AALU)</b>	2		2	9	1	4	0
<b>Admin Appeal: Other (AAO)</b>	0			-			0
<b>Land Use Disputes (LD)</b>	1			1	1	1	1
<b>Tort Claims (T)</b>	5	4		10	5	9	9
<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	1		1	1
<b>Workers' Compensation (WC)</b>	8	2	1	10	4	3	9
<b>Debt Collection (D)</b>	0			-			0
<b>Bankruptcy (B)</b>	0			-			0
<b>Miscellaneous (M)</b>	3			1	1		3
<b>Totals</b>	28	6	4	41	14	21	30

**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
Gluffrida v. Commission	MC	WC	Sept 2015
Cohn v. Commission	MC	Misc	Sept 2015
Commission v. Landover Polk Street Property, LLC	PG	PD	Sept 2015
Sutton v. Commission	PGPR	Tort	Nov 2015
Berry v. Volk-Lopez	MC	Tort	Nov 2015
Smith v. Commission	MC	WC	Nov 2015
Commission v. Guzman	MC	WC	Nov 2015
Shipe v. Louketis, et al	MC	Tort	Nov 2015
Tugwell v. Louketis, et al	MC	Tort	Nov 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)**

<b><u>C. Trial Court Cases Resolved.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
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
Commission v. McDonnell	PG	WCC	Nov 2015
Friends of Croom Civic Assoc., et al v. Commission	PG	AALU	Nov 2015
Commission v. Pirtle	MC	CE	Nov 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
Kaviani v. Mont. County Planning Board	MCPB	AALU	Nov 2015

## Disposition of FY16 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources and Management		

<b>Montgomery County Department of Planning</b>		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)	Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation	09/04/15-Case dismissed.
Commission v. Pirtle	Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.		10/20/15- Complaint dismissed in open court.
Rounds v. Commission			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>		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
Jang v. Commission, et al		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
A. Jackson v. Commission			
<b>Montgomery County Park Police</b>			



<b>Montgomery County Planning Board</b>			
Kaviani v. Montgomery County Planning Board	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	07/29/15- Court affirms judgment of the Circuit Court.	
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.	
Commission v. McDonnell	Petitioner/Employer appealed WCC's decision for medical treatment to Claimant for her right shoulder injury	10/19/15-Dismissed and remanded back to WCC.	
Corsetti-Barczyk 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>		
Friends of Croom Civic Association, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.	10/26/15- Judgment of Prince George's County Planning Board affirmed.
<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: Complaint settled.

Docket:

07/14/15	Complaint filed
07/20/15	Notice of Intention to Defend filed by Commission
11/24/15	Complaint settled.

**CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND**

**Shipe v. Louketis, et al**

Case No. 06-C-15-070021 (Tort)

Lead Counsel: Adams  
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: Complaint filed.

Docket:

10/26/15	Complaint filed
11/20/15	Commission served

**Tugwell v. Louketis, et al**

Case No. 06-C-15-069996 (Tort)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: Complaint filed.

Docket:

10/21/15	Complaint filed
11/20/15	Commission served

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

**Berry v. Lopez, et al**  
Case No. CAL15-25864 (Tort)

Lead Counsel: Adams  
Other Counsel: Dickerson

Abstract: Defense of police liability claim for alleged false imprisonment and wrongful detention arising from an incident in Montgomery County

Status: Complaint filed.

Docket:

10/08/15	Complaint filed
12/01/15	Motion to Dismiss filed
12/01/15	Motion to Transfer Venue filed

**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: Pending trial.

Docket:

02/24/15	Petition filed
06/03/15	Case transferred from Charles County
11/06/15	Pre-trial conference.
09/06/16	Trial Date

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

Lead Counsel: Borden  
Other Counsel: Mills

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

Status: Complaint filed.

Docket:

03/03/14	Complaint filed
05/11/15	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
11/03/15	Defendant served via private process.
11/18/15	Commission filed Motion to serve unknown Defendants.
11/30/15	Joint Motion to Extend Time to Answer Complaint filed.

**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
03/04/16	Pre-trial conference

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

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: In discovery.

Docket:

03/11/15	Complaint filed
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**

**Cohhn, 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: In discovery.

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. Guzman**

Case No. 411685-V (WC)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Commission appealed WCC order authorizing medical treatment.

Status: Pending trial.

Docket:

11/17/15	Petition filed.
04/22/16	Status/Pre-trial hearing

**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

**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.

**Gluffrida 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:** Case stayed.

**Docket:**

02/18/15	Petition filed.
07/30/15	Pretrial hearing
10/30/15	Order of Court staying case for 30 days

**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 stayed.

**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.
10/30/15	Order of Court staying case for 30 days

**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: Pending trial.

Docket:

06/08/15	Petition filed.
03/01/16	Trial Date

**Rounds v. Commission**  
Case #350954-V (PD)

Lead Counsel: Gardner  
Other Counsel: Dickerson  
Harvin

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
06/28/16	Status Hearing

**Smith v. Commission**  
Case No. 411259V (WC B717488)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's award of permanent partial disability under "other cases".

Status: Pending trial.

Docket:

11/02/15	Petition filed.
04/07/16	Pre-trial conference.

**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

**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  
Adams

Abstract: Defense of claim alleging violation of establishment clause of Constitution.

Status: Case dismissed.

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 Refiled 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
11/30/15	Motion for Summary Judgment filed by Commission granted; ownership, maintenance and display of Monument does not violate Establishment clause of the First Amendment

**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
10/13/15	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.
11/16/15	Court orders case dismissed

**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: Adams

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

**Sutton v. Commission**

Case No. 1:15-cv-01996-CCB(Tort)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Defense of employment-related claim alleging discrimination.

Status: Complaint filed.

Docket:

07/23/15	Complaint filed.
11/20/15	Answer to Complaint filed by Commission.

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