

***COMMISSION
MEETING***

JANUARY 20, 2016

9:30 a.m. – 11:00 a.m.

***MONTGOMERY REGIONAL OFFICE
AUDITORIUM
8787 Georgia Avenue
Silver Spring, MD 20910***

7. Open Session - Officers' Reports

- a) **Executive Director – (For Information Only)**
 - Employee Evaluations Not Completed by Due Date – (December 2015).....(+) Page 17

- b) **Secretary-Treasurer – (For Information Only)**
 - 1) Investment Report – (September 2015).....(+) Page 19
 - 2) Enterprise Resource Planning (ERP) Briefing
 - 3) FY15 Comprehensive Annual Financial Report (CAFR).....(+) Page 25

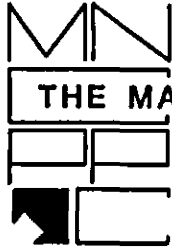
- c) **General Counsel – (For Information Only)**
 - 1) Litigation Report (December 2015).....(+) Page 43
 - 2) Legislative Update

8. Closed Session

Collective Bargaining Update - Pursuant to Section 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to consult with counsel to obtain legal advice, and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

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

ITEM 3



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
December 16, 2015

The Maryland-National Capital Park and Planning Commission met on December 16, 2015, in the Prince George's County Department of Parks and Recreation Auditorium, in Riverdale, Maryland.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair
Dorothy Bailey
Manuel Geraldo

Montgomery County Commissioners

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

ABSENT

John Shoaff
A. Shuanise Washington

Natali Fani-Gonzalez
Amy Presley

Chair Hewlett convened the meeting at 9:46 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Bailey
Seconded by Geraldo
6 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

November 18, 2015 – Open Session
ACTION: Motion of Bailey
Seconded by Dreyfuss
6 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Hewlett made the following announcements:

- Thanked those who participated in agency holiday festivities and those who volunteered at the Employee Appreciation Open House. More than 1,600 employees attended the various activities. M-NCPPC collected more food for donations, including 630 turkeys, at this event than any other year. CAS-IT also collected unwrapped toys for the U.S. Marine Corps' Toys for Tots Program.
- Birthday greetings were extended to Commissioner Geraldo, as well as congratulations to his son for passing the bar exam.

- The following individuals were congratulated by the Commissioners and respective Department Head/designee on their retirements:
 - Prince George's County Parks and Recreation Park Police Chief Larry Brownlee
 - Prince George's County Parks and Recreation Administrative Services Division Chief Bill Henaghan
 - Prince George's County Parks and Recreation Police Captain Stanley R. Johnson
 - Prince George's County Parks and Recreation Park Planning & Development Division Chief Lawrence Quarrick
- Congratulations extended to the Prince George's County Department of Parks and Recreation on the success of Art-O-Matic.

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

- a) Minutes – Executive Committee Open Session – December 2, 2015
- b) Minutes – Regular Employees' Retirement System Board of Trustees Meeting – November 3, 2015

ITEM 5 CLOSED SESSION WAS WITHDRAWN – POLICE MUTUAL AID AGREEMENT FOR PARK POLICE IN BALTIMORE CITY

ITEM 6 ACTION AND PRESENTATION ITEMS

a) Resolution #15-22, POLICE MUTUAL AID AGREEMENT FOR PARK POLICE IN BALTIMORE CITY (Brownlee)

Chief Brownlee presented for approval Resolution #15-22, Mutual Aid Agreement to provide assistance to the Baltimore City Police Department.

ACTION: Motion of Wells-Harley
 Seconded by Geraldo
 6 approved the motion

b) Resolution #15-21, FY 2017 Operating Budget (Kroll)

Corporate Budget Manager John Kroll presented for approval, Resolution #15-21 – Approval of the Fiscal Year 2017 Proposed Operating and Capital Budgets of the Maryland-National Capital Park and Planning Commission. Following approval of the Resolution, separate budgets will be published for the Commission's Montgomery County and Prince George's County operations. The budgets will be presented to the respective counties in mid-January.

Mr. Kroll provided a summary stating that the Proposed Budget Resolution for FY17 reflects the Proposed Budgets approved by each Planning Board, as modified by a decrease in Other Post-Employee Benefit (OPEB) costs and other non-substantial adjustments. The Proposed Budget totals \$445.8 million in funding excluding reserves, ALARF, Capital Projects and Internal Service Funds. Compared to the FY16 Adopted Budget, the FY17 Proposed Budget is \$1.5 million greater, for an increase of 0.3%. He reviewed the budgets for the Montgomery County and Prince George's County operations, and noted a total budget for the agency of \$612 million and with a funded position count of 2,348, per Exhibit A.

ACTION: Motion of Anderson
 Seconded by Wells-Harley
 6 approved the motion

- c) Public Pension Standards Award for Funding and Administration (Rose)
Employees' Retirement System (ERS) Administrator Andrea Rose presented an award received by the M-NCPPC's Employees' Retirement System from the Public Pension Coordinating Council. The Public Pension Coordinating Council gave this award to the ERS in recognition of meeting professional standards for plan funding and administration as set forth in the Public Pension Standards. This is the 11th consecutive year the agency has received this award. Ms. Rose noted this award is for the Commission, the Board of Trustees, and the ERS staff. The Commissioners and Executive Director Barney offered their congratulations.
- d) Other Post-Employment Benefits Valuation (Boomershine)
Secretary-Treasurer Joe Zimmerman introduced actuary David Boomershine from Boomershine Consulting Group, LLC. Mr. Zimmerman stated that the Other Post-Employment Benefits (OPEB), also known as the Retiree Health Care Program, requires an annual actuarial valuation to ensure the agency is aware of how much funding is required, and to ensure the expenses of the program are covered.

Mr. Boomershine noted the valuation contains four primary components: census data, assets in the program, plan provisions, and the actuarial assumptions used for future projections. He presented a summary of the Governmental Accounting Standards Board (GASB) Rules that presently apply to M-NCPPC, adding that rules will be changing in a couple of years. Mr. Boomershine stated that agency's pre-funding is significant, and has helped keep the liability on the books closer to zero, and also allows the agency to use a higher discount rate, which is a key driver in the valuation. The agency is currently using a discount rate of 7.25% which is the same as the pension plan. If the plan is not pre-funded the benefits for the plan would be paid from the General Assets and would be restricted to a much lower discount rate, which could mean as much as a 50% increase in cost. The agency adopted the phase-in approach to get up to full funding, paying contributions equal to the annual cost. The plan has been slowly growing and the agency hit full funding ahead of schedule a few years ago.

Mr. Boomershine discussed the cost drivers, what the bond rating agencies are looking for when funding the plan, the market value of assets, and provided a summary of the net OPEB obligation and valuation results, as contained in the meeting packet. He shared that the net OPEB obligation will be going away in the next few years.

He shared that the Annual Required Contribution (ARC) decreased from \$19.0M to \$18.0M and the funded ratio increased from 14% to 16%. The primary reasons for these changes were the decrease in discount rate, increase in assets, and plan experience. He added that a full experience study and assumption review will be conducted in the future.

The Commissioners thanked Mr. Boomershine for the presentation.

ITEM 7

OPEN SESSION – OFFICERS' REPORTS

- a) Executive Director (For Information Only)
Employees' Evaluations Not Completed by Due Date – (November 2015)
Executive Director Barney reported that the number of evaluations that are reflected late on the report, were reduced prior to this meeting. Department Heads are doing a nice job tendering the evaluations on time.

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

ERP implementation continues and operations are ongoing. A significant challenge that has been undertaken in recent weeks is the implementation of the Affordable Care Act (ACA) compliance measures for identifying and offering individuals health insurance in line with provisions of the law, as well as the reporting of who has insurance and who does not. The ACA rules, promulgated by the Internal Revenue Service, are very complicated and there are penalties for non-compliance. M-NCPPC has implemented the offering piece and is completing the mandatory reporting. The agency expects to be in full compliance at the appropriate time. Employees will receive the new IRS Form 1095C and a letter explaining the document.

Executive Director Barney thanked the team that worked on the ACA Project and noted that the penalty for not complying with the ACA would have been \$4 million. An article will appear in the employee Update newsletter and on Intranet explaining the purpose of the IRS 1095C form.

In response to a question posed by Chair Hewlett regarding the issue with leave balances, Secretary-Treasurer Zimmerman answered that the leave balances have been corrected.

Executive Director Barney also mentioned that the Vendor Transition Project is on Track, and that there will be a second phase. Chair Hewlett thanked everyone who worked on the Vendor Transition project.

c) **General Counsel (For Information Only)**

1) **Litigation Report – (November 2015)**

General Counsel Gardner directed the Commissioners to the American Humanist Association vs. M-NCPPC case found on Page 60 of the Commission meeting packet. He noted the plaintiff claimed the agency's ownership of the Peace Cross in Bladensburg was a violation of the establishment clause of the First Amendment. He added that the federal district courts agreed with M-NCPPC's position that the history of the Peace Cross monument did not have a religious purpose in its creation, and M-NCPPC's ownership was not an expression of a religious belief. General Counsel Gardner extended kudos to William Dickerson on the handling of this matter.

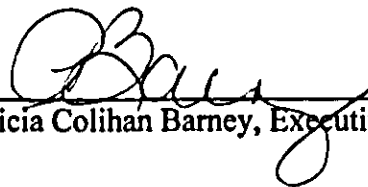
2) **Legislative Update**

No discussion.

There being no further business to discuss, the meeting adjourned at 10:40 a.m.



Gayla Williams, Senior Technical Writer/
Senior Management Analyst



Patricia Colihan Barney, Executive Director



**EXECUTIVE COMMITTEE
CONFERENCE CALL MINUTES
January 6, 2016**

On January 6th, 2016, the Maryland-National Capital Park and Planning Commission's Executive Committee met 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 (*)
- Joe Zimmerman, Secretary-Treasurer (**)
- Ronnie Gathers, Director, Prince George's County Parks and Recreation (*)
- Mike Riley, Director, Montgomery County Parks (*)
- Gwen Wright, Director, Montgomery County Planning (*)
- Anju Bennett, Chief, Corporate Policy and Management Operations (CPMO) (**)
- 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 9:35 a.m.

ITEM 1a - APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	The Executive Director revised the meeting agenda to add a closed session on the following items: <ul style="list-style-type: none">• The Affordable Care Act• FOP Negotiations
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ITEM 1b - APPROVAL OF COMMISSION MEETING AGENDA


Discussion	Executive Director Barney reviewed the revised January 4, 2016, Commission meeting agenda. She stated: <ul style="list-style-type: none">• A closed session was added to discuss the Fraternal Order of Police (FOP) negotiations, as the M-NCPPC negotiating team will most likely begin negotiations before the February Commission meeting.• With Municipal and County Government Employees' Organization (MCGEO) President Gino Renne on leave, Executive Director Barney and Human Resources Director Spencer will contact MCGEO to determine the point person assigned to handle M-NCPPC matters in Mr. Renne's absence.
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ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	<p>The Executive Committee modified/noted the following items for the Rolling Commission Agenda:</p> <p><u>February</u></p> <ul style="list-style-type: none"> • Pending receipt of comments from the FOP and MCGEO regarding updates to Practice 2-14, Non-Commission Business and Employment, this item may be moved to the March Commission meeting agenda. • With regards to the Black History Month Events and the Upcoming Women’s History Month Events, the Executive Office staff will contact the groups who usually work on these events and obtain the dates for these activities. • A photographer will be needed to take pictures of the Diversity Council with the Commissioners. • The IT Governance presentation will be moved to the March agenda. • Executive Director Barney may provide a briefing in January on a closed session item related to salary comparisons of police salaries. She will work with the negotiation team to determine if January or February is the best date to provide the briefing. <p><u>March</u></p> <ul style="list-style-type: none"> • A number of policies are under review with Department Heads and Unions. Practice 3-10, Expense Reimbursement for Travel, Meetings, and Conferences is going to Department Heads in January. The policy on gifts and other ethics policies, and contract employee regulations will also be reviewed. Depending on the review, Practice 3-10, may move to the April agenda. Policies will be scheduled based on completion of Department Heads. • Resolution for Adoption of the Montgomery Village Master Plan will be added to the agenda, and moved to later in the spring if necessary. • Classification and Compensation Study will be added to the agenda. <p><u>April</u></p> <ul style="list-style-type: none"> • Organizational and Functional Responsibilities (assigned to Boards/Committees/Departments) will move to the May agenda if Practice 3-10, Expense Reimbursement for Travel, Meetings, and Conferences moves to the April agenda.
ITEM 2 – MINUTES	
Provided for Information	<p>December 2, 2015 Executive Committee Conference Call Minutes</p> <p>a) Open session</p>
ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS	
Discussion	<p>a) Enterprise Resource Planning (Zimmerman)</p> <p>Secretary-Treasurer Zimmerman stated the B1 payroll was run for career employees this past week. The Employees’ Retirement System calculations were accurate for most employees. There were a few data record issues, which is an improvement from software problems that were experienced with the prior pay</p>

	<p>periods. Mr. Zimmerman expects this problem to be resolved within the next few payroll cycles. The next step will be to deal with discrepancies in total contributions for employees which will take some time to resolve. INFOR is currently working on the Affordable Care Act project, and other matters related to Manager Self-Service, etc. Nationally, the Internal Revenue Service (IRS) has extended the date for the issuance of the IRS Form 1095C to employees. M-NCPPC is still working to achieve compliance by January 31 to provide employees with the required information.</p>
<p>Follow-up</p>	<p><u>Rolling Agenda</u></p> <ul style="list-style-type: none"> • Gayla Williams to schedule a photographer to take pictures for the Diversity Council recognition at the February Commission meeting. • Executive Office staff to contact the groups who usually work on Black History Month events and Woman's History Month events to obtain the dates for these activities. Diversity Council will also be consulted.


 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, December 1, 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, December 1, 2015 at 10:00 a.m. Voting members present were: Patricia Barney, CPA, Jenetha Facey, Pamela F. Gogol, Elizabeth M. Hewlett, Barbara Walsh, Marye Wells-Harley and Joseph C. Zimmerman, CPA. Khalid Afzal arrived at 10:23 a.m. Howard Brown and Richard H. Bucher, Ph.D. were absent. The Municipal and County Government Employees Organization Board member seat is vacant.

ERS staff included: Andrea L. Rose, Administrator and Heather D. Brown, Senior Administrative Specialist.

Presentation by Wilshire Associates – Bradley A. Baker, Vice President and Mark E. Brubaker, CFA, Managing Director.

1. CONSENT AGENDA

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

- A. Approval of the December 1, 2015 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, November 3, 2015
- C. Disbursements Granted Report for October 2015
- D. Transfer of \$12,900,000 to Cover Administration Expenses and Benefit Payments for December 2015 – February 2016
- E. 2016 Board of Trustees Meeting Dates and Work Program
- F. 2016 Work Programs and Meeting Dates for the Investment Monitoring Group, Administration & Personnel Oversight Committee and the Audit Committee

The Agenda was revised to add Item 2.C. Resolution in Honor of Josh Ardison.

MS. GOGOL made a motion, seconded by MS. BARNEY to approve the Consent Agenda which includes the Revised December 1, 2015 Board of Trustees Meeting Agenda. The motion PASSED (7-0). (Motion #15-64)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary
- B. Public Pension Standards Award for Funding and Administration 2015

CHAIRMAN HEWLETT announced the ERS was awarded the Public Pension Standards Award for Funding and Administration from the Public Pension Coordinating Council (PPCC) for the

MINUTES, AS APPROVED, AT THE JANUARY 5, 2016 REGULAR BOARD OF TRUSTEES MEETING

eleventh (11th) consecutive year. PPCC recognizes public pension systems that meet the Public Pension Standards which are intended to reflect the minimum expectations for public retirement system management and administration as well as serve as a benchmark for which all defined benefit public plans should be measured. CHAIRMAN HEWLETT noted the ERS does not do anything at a minimum and congratulated the Board and Staff.

CHAIRMAN HEWLETT informed the Board that the Municipal County Government Employees Organization Representative (MCGEO), Josh Ardison, resigned from MCGEO in November 2015 and is therefore no longer eligible to be the representative on the ERS Board. CHAIRMAN HEWLETT read a Resolution in Honor of Mr. Ardison which recognizes his contributions to the Employees' Retirement System. Andrea Rose reported Gino Renne, MCGEO President, will be appointing a replacement to fulfill the remainder of Mr. Ardison's term ending June 30, 2016. There is now a vacancy on the Audit Committee and the Administration & Personnel Oversight Committee.

MR. AFZAL arrived at 10:23 a.m.

3. MISCELLANEOUS

4. MANAGER REPORTS/PRESENTATIONS

A. Wilshire Associates

Presentations by Bradley A. Baker, Vice President and Mark E. Brubaker, CFA, Managing Director

- i. Executive Summary of Investment Performance; as of September 30, 2015
- ii. Asset Liability Valuation (ALV) Process Educational Discussion
- iii. Manager Comparison - 3yr and 5yr Rolling Returns; as of September 30, 2015
- iv. Summary of Investment Performance; September 30 2015

Mark Brubaker provided a general overview of the 3Q2015 market environment which focused on China and global growth. The equity markets were down which marked the first negative quarter since 2011. Many investors ran to U.S. Treasuries, pushing yields down on maturities beyond two years. The Fed refrained from raising interest rates during the quarter. The U.S. economy continued to grow during the quarter and the U.S. dollar strengthened compared to other currencies around the globe. Mr. Brubaker happily reported a nice reversal in the 4th quarter with U.S. and Non-U.S. equity markets up.

Bradley Baker reported on the fund's performance for the quarter ending September 30, 2015. The ERS' total fund return was -6.20% (net of fees) for the quarter underperforming the policy index return of -5.16%. The ERS fund return was -3.76% for the one-year ended, 4.98% for the three-years ended, and 6.73% for the five-years ended September 30, 2015 versus the policy index which returned 2.74%, 5.49% and 7.21%, respectively. The total market value through September 30, 2015 was \$760.7 million. Total fund performance was below peers in the public universe due to a higher private equity allocation from larger funds and the ERS' overweight in public real assets which was hit hard in the third quarter. Individual manager performance was discussed with no concerns.

Mr. Brubaker said the most important decision the Board makes relating to investment performance is asset allocation. In anticipation of the asset liability study, Wilshire presented

the Asset Liability Valuation Process Educational Discussion which provides an overview of Wilshire's asset allocation processes.

5. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated November 18, 2015

- i. Popular Annual Financial Report for the Fiscal Year Ended June 30, 2015

Andrea Rose presented the Administrator's Report dated November 18, 2015.

At its November 18, 2015 meeting, the Commission approved the Board's recommended employer contribution of \$20,268,189 (14.3% of covered payroll) payable July 1, 2016 as a result of the July 1, 2015 actuarial valuation and the appointment of Carlyle Investment Solutions as a new investment manager.

Ms. Rose presented the Popular Annual Financial Report (Annual Report) for the Fiscal Year Ended June 30, 2015. Annual statements will be mailed to all active, vested and non-vested employees by the end of the month along with a notice that the Annual Report will be available online or by contacting the ERS for a hard copy.

6. COMMITTEE REPORTS/RECOMMENDATIONS

A. Investment Monitoring Group

Presentation by Committee Chairman, Patricia Barney, CPA

- i. Regular Report of November 17, 2015
- ii. Confidential Report of November 17, 2015

MS. BARNEY presented the regular report for the Investment Monitoring Group's (IMG) meeting of November 17, 2015.

The IMG met with Voya Investment Management's ("Voya") Russell Greig, Vice President and Mark Haak, CFA, Senior Vice President and Portfolio Manager, for the performance review of Voya's Senior Loan Fund and reviewed Wilshire Associates' Manager Review of the strategy which showed consistent performance, outperforming the S&P LSTA Leverage Loan Index. Wilshire does not have any concerns about performance.

The IMG discussed a staff recommendation to eliminate the mandatory 5-year Request for Proposal process for Investment Consulting Services and to extend the Investment Consulting Agreement with Wilshire Associates. The IMG considered the policies of other retirement systems, Wilshire's recent performance and the current work program.

The IMG agreed to recommend an extension of Wilshire's Agreement for one-year given the recent accomplishments and the Asset Liability/Experience Studies which are underway and require additional time for evaluation and implementation.

MR. AFZAL made a motion, seconded by MS. WALSH to approve a Waiver of Competition for the purpose of extending the Investment Consulting Agreement with Wilshire Associates for one additional year through June 30, 2017. The motion PASSED unanimously (8-0). (Motion #15-65)

MS. GOGOL left the meeting at 12:13 p.m.

The Board of Trustees meeting of December 1, 2015 adjourned at 12:16 p.m.

Respectfully,



Heather D. Brown
Senior Administrative Specialist



Andrea L. Rose
Administrator



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

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Andrea L. Rose
Administrator

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

Khalid Afzal
Howard Brown
Jenetha Facey
Barbara Walsh

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

To: The Commission Date: January 5, 2016
Via: Elizabeth M. Hewlett, Chairman
From: Andrea L. Rose, Administrator
Subject: **Acknowledge the Appointment of Amy Millar as the Municipal and County Government Employees' Organization Representative to the Board of Trustees for term ending June 30, 2016**

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission acknowledge the appointment of Amy Millar as the Municipal & County Government Employees' Organization ("MCGEO") Representative for the term ending June 30, 2016.

BACKGROUND

In November 2015, Josh Ardison, the former MCGEO Representative resigned his position with MCGEO and is no longer eligible to be the representative on the ERS Board.

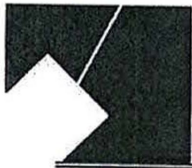
In accordance with Section 2.1.5(d) of the Plan Document, MCGEO President, Gino Renne appointed Amy Millar to represent the union on the Board. At the January 5, 2016 Meeting of the ERS Board of Trustees, the Board acknowledged Ms. Millar as the newly elected MCGEO Representative to complete the term ending June 30, 2016.

Thank you for your action.

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

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	11/15	12/15	11/15	12/15	11/15	12/15	11/15	12/15
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	0	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	2	0	0	0	0	1	2
LEGAL DEPARTMENT	1	1	1	0	0	0	3	1
FINANCE DEPARTMENT	2	1	0	0	1	1	3	2
PRINCE GEORGE'S PLANNING	1	1	1	2	0	0	2	3
PRINCE GEORGE'S PARKS & RECREATION	3	4	0	0	0	0	3	4
MONTGOMERY COUNTY PARKS	2	3	0	0	0	0	1	3
MONTGOMERY COUNTY PLANNING	1	2	0	0	0	0	1	2
DEPARTMENT TOTAL BY DAYS LATE	11	14	2	2	1	1	---	---
COMMISSION WIDE TOTAL:							14	17

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

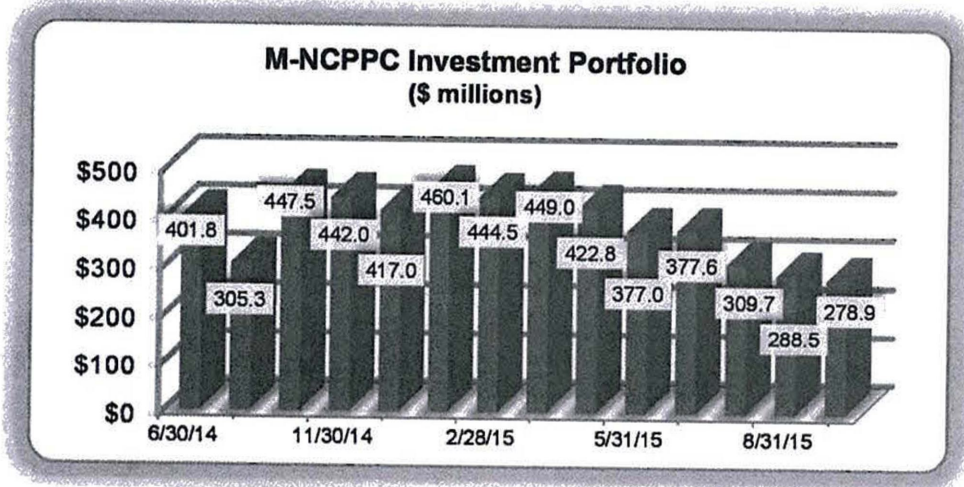


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

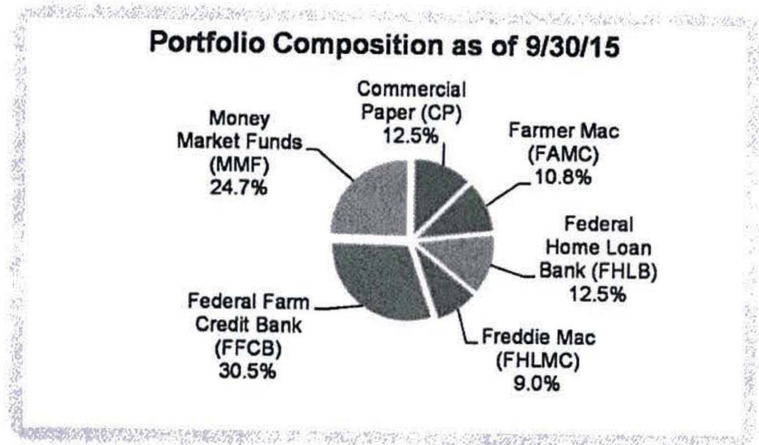
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
DATE: 1/6/2016
SUBJECT: Investment Report – September 2015

The Commission’s pooled cash investment portfolio totaled \$278.9 million as of September 30, 2015, with a 3.33% decrease from August 31, 2015. Details are as follows:

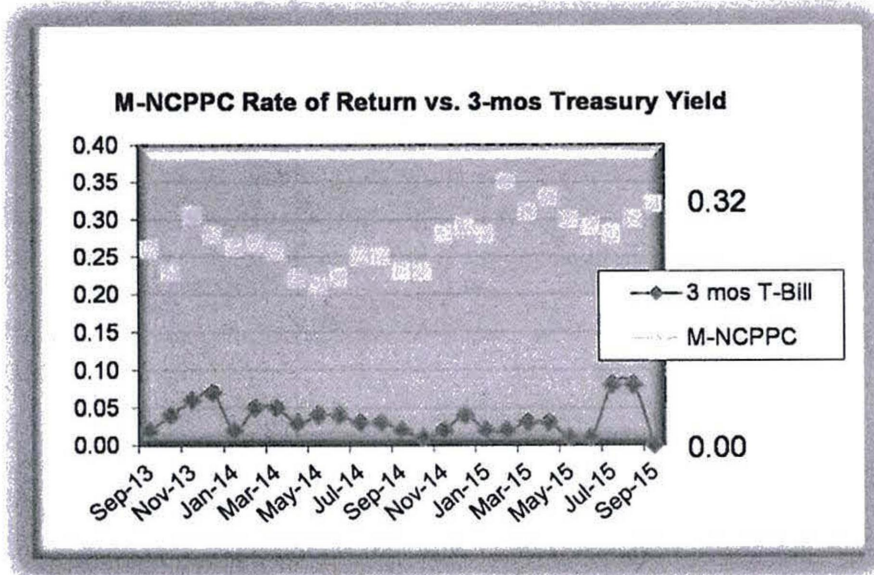


The composition of the pooled cash portfolio as of September 30, 2015 is summarized below:

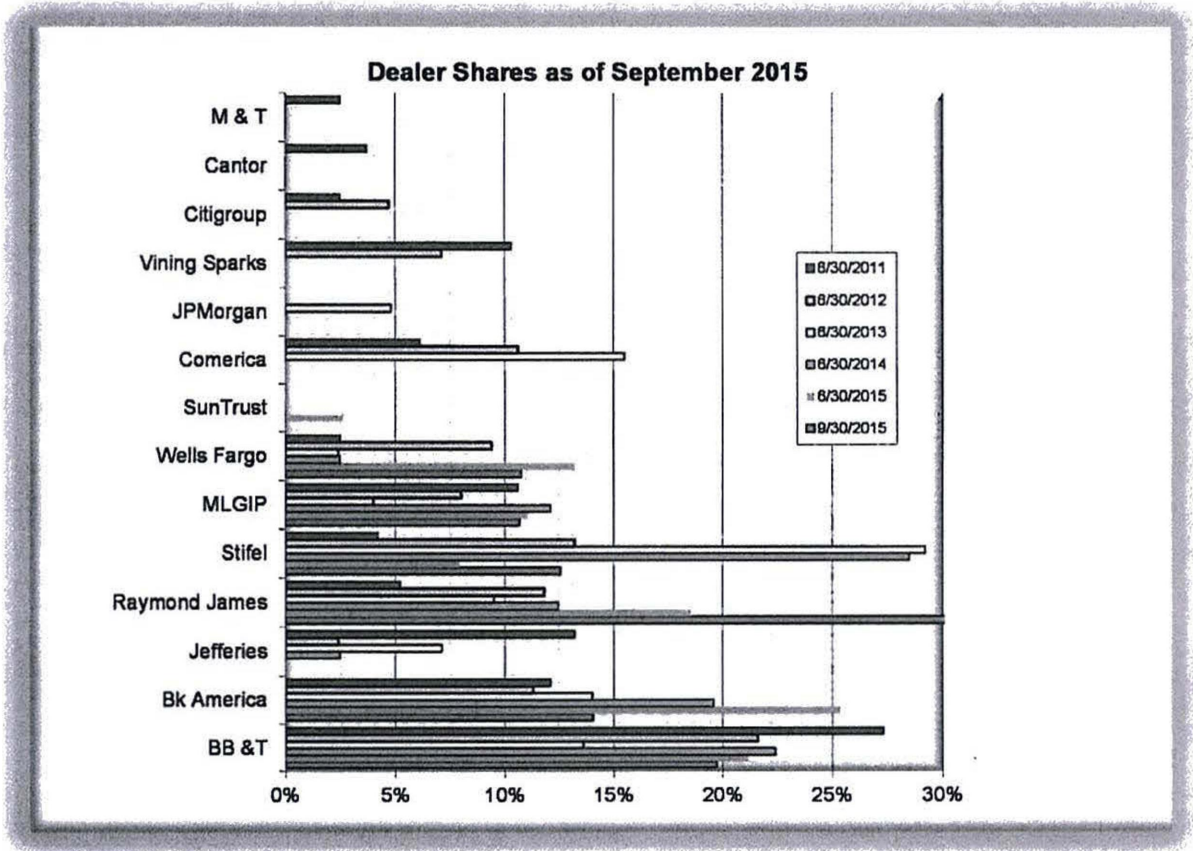


Current Investment Portfolio - September 2015				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Federal Farm Credit Bureau	20%	31%	\$ 85,000,000	0.37%
Money Funds	25%	25%	68,940,311	n/a
Federal Home Loan Banks	20%	13%	35,000,000	0.26%
Commercial Paper	10%	13%	35,000,000	0.66%
Farmer Mac	20%	11%	30,000,000	0.24%
Freddie Mac	20%	9%	25,000,000	0.79%
Treasury Notes	100%	0%	-	
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 278,940,311	0.43%

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:

Market Value- 09/30/15	
Prince George's County (PGC-2014A)	\$ 9,224,414
Montgomery County (MC-2014A)	1,554,388
	<u>\$ 10,778,801</u>

The Commission had no debt service payments during the month.

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

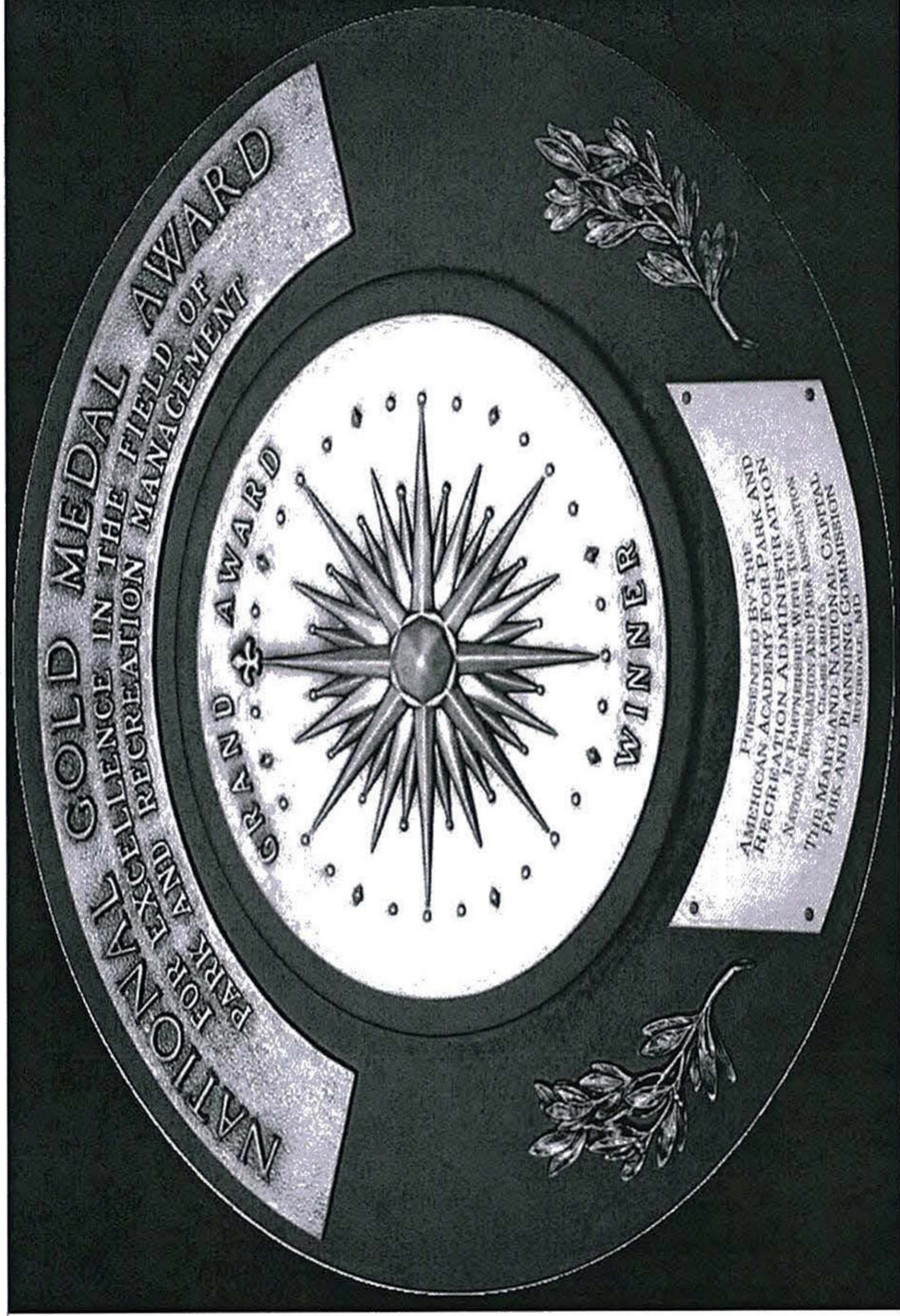
Debt Balances -September 2015						
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date	
Bi-County						
Total Bi-County	\$ -	\$ -	0%			
Prince George's County						
KK-2 (Refunded AA-2)	17,300,000	5,481,298	32%	Apr-08	May-18	
NN-2 (Refunded Z-2)	14,080,000	8,080,000	57%	Mar-10	May-21	
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	
Total Prince George's County	\$ 115,790,000	\$ 62,156,298	54%			
Montgomery County						
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	
Total Montgomery County	\$ 53,860,000	\$ 41,330,000	77%			
Total	\$ 169,650,000	\$ 103,486,298	61%			

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2016 - September 30, 2015

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
US Government	100%				All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%				
US Federal Agencies - each	20%				
Repurchase Agreements	60%				
CD's and Time Deposits	50%				
Commercial Paper	10%				
Money Market Mutual Funds	25%				
MD Local Gov't Investment Pool	25%				
Investing Bond Proceeds:					
State and local agency securities	100%				
Money Market Mutual Funds	10%				
Bond Proceeds:					Yes T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities					
Highly-rated money market mutual funds (Max. 10% in lower-rated funds)					
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers				Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants	30%			Yes	No dealer share exceeded 30%
Competitive Bidding				Yes	All purchases awarded competitively.
Diversification of Maturities					All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.					
Require third-party collateral and safekeeping, and delivery-versus-payment settlement				Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity			Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return			Yes		Exceeded by 32 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.32% and 0.00%, respectively.					

The Maryland-National Capital Park And Planning Commission



Comprehensive Annual Financial Report
for the Fiscal Year Ended June 30, 2015

Land Use Article Requirements

- Section 15-115
 - Commission must publish an annual financial report certified by independent certified public accountants.
- Section 15-116
 - Commission must publish an annual report setting forth the work of the Commission for the year.

Auditor's Opinion

- Received an unqualified (clean) opinion from CliftonLarsonAllen, LLP

Commission Wide Activity (Millions)

	Governmental Activities	Business- type Activities	Total
Revenues	\$398.5	\$19.5	\$418.0
Expenses	(367.3)	(31.0)	(398.3)
Transfers	(9.7)	9.7	-
Change in Net Position	\$ 21.5	\$ (1.8)	\$ 19.7

MONTGOMERY COUNTY ADMINISTRATION ACCOUNT- GENERAL FUND (Thousands)			
	Final Budget	Actual	Variance
Revenues:			
Total Revenues	\$ 26,307.5	\$ 26,223.3	\$ (84.2)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	28,860.0	26,872.8	1,987.2
Revenues over (under) Expenditures	(2,552.5)	(649.5)	1,903.0
Transfer to Park Fund	(1,100.0)	(1,100.0)	-
Change in Fund Balance	\$ (3,652.5)	(1,749.5)	\$ 1,903.0
Fund Balance - Budget Basis, Beginning		6,985.2	
Fund Balance - Budget Basis, Ending		\$ 5,235.7	

Fund balance, budget basis	\$ 2,099.1
Assigned (Designated for FY 2016 Budget)	<u> </u>
Unassigned (Designated for Contingencies)	900.7
Unassigned (net of Contingency Designation)	<u>2,235.9</u>
Total Unassigned	<u>3,136.6</u>
Total fund balance, budget basis	<u>\$5,235.7</u>

MONTGOMERY COUNTY PARK ACCOUNT- GENERAL FUND (Thousands)			
	Final Budget	Actual	Variance with Variance
Revenues:			
Total Revenues	\$ 90,335.0	\$ 89,840.3	\$ (494.7)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	86,453.5	85,315.2	1,138.3
Revenues over (under) Expenditures	3,881.5	4,525.1	643.6
Transfers In (Out)			
Capital Project Funds	42.2	27.4	(14.8)
Debt Service	(5,142.7)	(4,789.7)	353.0
Capital Project Funds - Development	(350.0)	(350.0)	-
Special Revenue	-	(23.5)	(23.5)
Administration Account	1,100.0	1,100.0	-
Total Transfers	(4,350.5)	(4,035.8)	314.7
Change in Fund Balance	\$ (469.0)	489.3	\$ 958.3
Fund Balance - Budget Basis, Beginning		6,313.2	
Fund Balance - Budget Basis, Ending		<u>\$ 6,802.5</u>	

Fund balance, budget basis

Assigned (Designated for FY 2016 Budget) \$ 559.5

Unassigned (Designated for Contingencies) 2,637.0

Unassigned (net of Contingency Designation) 3,606.0

Total Unassigned 6,243.0

Total fund balance, budget basis \$6,802.5

PRINCE GEORGE'S COUNTY			
ADMINISTRATION ACCOUNT- GENERAL FUND (Thousands)			
	<u>Final Budget</u>	<u>Actual</u>	<u>Variance with Variance</u>
Revenues:			
Total Revenues	\$ 43,010.1	\$ 43,301.7	\$ 291.6
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	49,455.3	45,230.1	4,225.2
Revenues over (under) Expenditures	(6,445.2)	(1,928.4)	4,516.8
Transfer to Special Revenue Fund	(30.0)	(30.0)	-
Change in Fund Balance	(6,475.2)	(1,958.4)	\$ 4,516.8
Fund Balance - Budget Basis, Beginning		22,312.1	
Fund Balance - Budget Basis, Ending		<u>\$ 20,353.7</u>	

Fund balance, budget basis

Assigned (Designated for FY 2016 Budget)

\$ 3,786.4

Unassigned (Designated for Contingencies)

2,432.3

Unassigned (net of Contingency Designation)

14,135.0

Total Unassigned

16,567.3

Total fund balance, budget basis

\$ 20,353.7

PRINCE GEORGE'S COUNTY PARK ACCOUNT- GENERAL FUND (Thousands)			
	Final Budget	Actual	Variance with Variance
Revenues:			
Total Revenues	118,452.1	119,955.2	1,503.1
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	115,667.7	110,185.1	5,482.6
Revenues over (under) Expenditures	2,784.4	9,770.1	6,985.7
Transfers In (Out)			
Capital Project Funds	155.5	158.5	3.0
Debt Service	(11,342.0)	(10,741.8)	600.2
Capital Project Funds - Development	(16,155.0)	(16,155.0)	-
Total Transfers	(27,341.5)	(26,738.3)	603.2
Change in Fund Balance	\$ (24,557.1)	(16,968.2)	\$ 7,588.9
Fund Balance - Budget Basis, Beginning		115,034.4	
Fund Balance - Budget Basis, Ending		\$ 98,066.2	

Fund balance, budget basis

Assigned (Designated for FY 2016 Budget) \$0.0

Unassigned (Designated for Contingencies) 5,839.1

Unassigned (net of Contingency Designation) 92,227.1

Total Unassigned 98,066.2

Total fund balance, budget basis \$ 98,066.2

PRINCE GEORGE'S COUNTY RECREATION ACCOUNT- GENERAL FUND (Thousands)			
	Final Budget	Actual	Variance with Variance
Revenues:			
Total Revenues	\$ 64,880.1	\$ 65,757.7	\$ 877.6
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	63,988.0	60,104.0	3,884.0
Revenues over (under) Expenditures	892.1	5,653.7	4,761.6
Transfer Out - Enterprise	(9,725.8)	(9,725.8)	-
Change in Fund Balance	(8,833.7)	(4,072.1)	\$ 4,761.6
Fund Balance - Budget Basis, Beginning		24,779.8	
Fund Balance - Budget Basis, Ending		<u>\$ 20,707.7</u>	

Fund balance, budget basis

Assigned (Designated for FY 2016 Budget)

\$ 3,651.3

Unassigned (Designated for Contingencies)

3,625.8

Unassigned (net of Contingency Designation)

13,430.6

Total Unassigned

17,056.4

Total fund balance, budget basis

\$ 20,707.7

Enterprise Funds (Thousands)

	Montgomery County	Prince George's County
Operating revenues	\$ 9,868	\$ 9,536
Operating expenses, excluding depreciation	8,159	18,898
Operating income (loss), excluding depreciation	1,709	(9,362)
Depreciation	1,242	2,663
Operating Income (loss)	467	(12,025)
Nonoperating revenue (expense)	58	38
Transfers/Contributions	—	9,726
Changes in Net Position	\$ 525	\$ (2,261)

Montgomery County
Fund Balance Policy
General Fund Accounts

Goal: Fund Balance 3 - 5% of expenditures

Administration Fund:

Actual available Fund Balance \$3,136,647
10.87% of FY15 budgeted expenditures

Park Fund:

Actual available Fund Balance \$6,243,043
7.22% of FY15 budgeted expenditures

Prince George's County
Fund Balance Policy
General Fund Accounts

Goal: Fund Balance 3 - 5% of expenditures

Administration Fund:

Actual available Fund Balance \$16,567,254
33.50% of FY15 budgeted expenditures

Park Fund:

Actual available Fund Balance \$98,066,222
84.78% of FY15 budgeted expenditures

Recreation Fund:

Actual available Fund Balance \$17,056,416
26.66% of FY15 budgeted expenditures

Montgomery County Cash
Balance Policy
Enterprise Fund

Goal: Cash Balance equal to 10% of operating
expenses

Minimum required cash	\$ 940,076
Cash as of June 30, 2015	7,705,866
Cash as Percentage of operating expenses	81.97%

Prince George's County Cash
Balance Policy
Enterprise Fund

Goal: Cash Balance equal to 10% of operating expenses

Minimum required cash	\$ 2,156,081
Cash as of June 30, 2015	5,233,398
Cash as Percentage of operating expenses	24.27%

Montgomery County
Fund Balance Policy
Special Revenue Fund

Goal: Fund Balance 15% of expenditures

Actual ending Fund Balance \$5,380,411
93.67% of budgeted expenditures

Prince George's County
Fund Balance Policy
Special Revenue Fund

Goal: Fund Balance 10% of expenditures

Actual ending Fund Balance \$7,656,464
88.08% of budgeted expenditures

Fund Balance Policy --
Risk Management Fund

Goal – reserve net position equal to at least 2% of prior year (2014) operating expenses

Montgomery County Fund Net Position: \$5,485,272
Percentage of 2014 Operating Expenses: 4.0%

Prince George’s County Fund Net Position: \$11,737,438
Percentage of 2014 Operating Expenses: 4.5%



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

Reply To

January 8, 2016

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 December, 2015

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, January 20, 2016. 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.

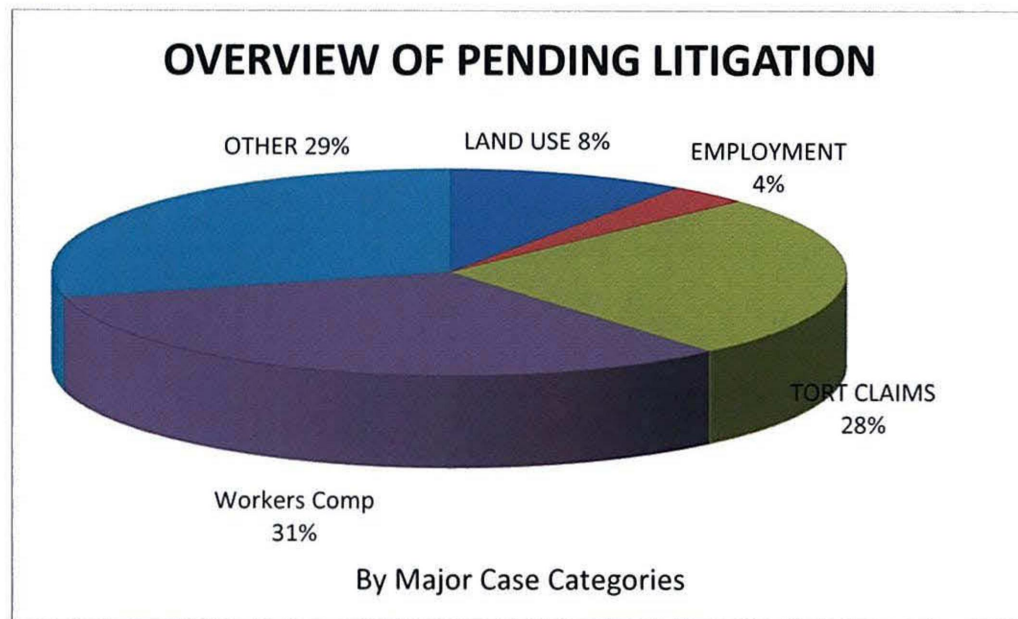
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December 2015 Composition of Pending Litigation

(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	7	1					8
Employment Dispute			1				1
Contract Dispute	1	1	1				3
Property Dispute	2						2
Civil Enforcement	1						1
Workers' Compensation	10						10
Debt Collection							0
Bankruptcy							0
Miscellaneous	2				1		3
Per Forum Totals	24	3	2	1	1	0	31



December 2015 Litigation Activity Summary

	COURT FOR MONTH			COURT FOR FISCAL YEAR 2015			
	Pending in Nov/15	New Cases	Resolved Cases	Pending Prior FY	New Cases FYTD**	Resolved Cases FYTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	0	2		9	3	4	2
Admin Appeal: Other (AOD)	0			-			0
Land Use Disputes (LD)	1			1	1	1	1
Tort Claims (T)	9		1	10	17	10	8
Employment Disputes (ED)	2		1	1	1	3	1
Contract Disputes (CD)	3			4			3
Property Disputes (PD)	2			4	1	1	3
Civil Enforcement (CE)	1			1		1	1
Workers' Compensation (WC)	9	1		10	5	3	10
Debt Collection (D)	0			-			0
Bankruptcy (B)	0			-			0
Miscellaneous (M)	3	1	1	1	2	1	3
Totals	30	4	3	41	20	24	31

*Please note correction---there were 4 new tort cases added on November Litigation Report and only 2 were added on the numerical count which totaled 14 instead of 18 for FYTD; it coincides with the listing of new cases from the November 2015 Litigation Report. With the addition of four new cases for the December Litigation Report, the total now stands at 20.

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

<u>A. New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Buggs v. Commission	PG	Tort	Aug 2015
Beil, et al v. Commission	MCPB	LD	Aug 2015
White v. Commission	PG	Tort	Aug 2015
Starks v. Nollan, et al	MCPB	Tort	Aug 2015
Kester v. Commission	MC	WC	Aug 2015
Goffredo v. Commission	MC	WC	Sept 2015
Cohn v. Commission	MC	Misc	Sept 2015
Commission v. Landover Park Street Property, L.L.C.	PG	PG	Sept 2015
Sultan v. Commission	PGPB	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. Lockett, et al	MC	Tort	Nov 2015
Tygod v. Louste, et al	MC	Tort	Nov 2015
Watkins v. Commission	PG	WC	Dec 2015
Town of Riverdale Park, et al v. Commission	PGPB	AALJ	Dec 2015
<u>B. New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. FIB	PG	ED	Sept 2015
Smith v. MCPB	MCPB	AALJ	Sept 2015
American Humorists Association, et al v. Commission	PG	Misc	Dec 2015
Friends of Crown Hill Assoc., et al v. Commission	PGPB	AALJ	Dec 2015

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

<u>C. Trial Court Cases Resolved</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Anderson v. Commission	PGPR	Tort	July 2015
Armstrong v. Commission	PS	ED	July 2015
Quick v. Getters	PGPR	Tort	July 2015
Quick v. Commission	PGPR	Tort	July 2015
Jarg v. Commission	MC	Tort	Sept 2015
A. Jackson v. Commission	MD	Tort	Sept 2015
Commission v. Fleming	PS	Tort	Sept 2015
Hill v. Commission	PS	ED	Sept 2015
Moore v. Perry, et al	PG	Tort	Sept 2015
Se8, et al v. Commission	MC	LG	Sept 2015
Consett-Barney v. Commission	PGPR	WCD	Oct 2015
Hawkins v. Commission	PGPR	Tort	Oct 2015
Jones v. Commission	PGPR	Tort	Oct 2015
Se8, et al v. Commission	MD	LD	Oct 2015
Commission v. McCannas	PS	WCD	Nov 2015
Friends of Coon Creek Assoc., et al v. Commission	PG	AAUJ	Nov 2015
Commission v. Pette	MC	CE	Nov 2015
White v. Commission	PS	Tort	Dec 2015
American Humaniat Association, et al v. Commission	PG	MISC	Dec 2015
Armstrong v. Commission	PS	ED	Dec 2015

D. Appellate Court Cases Resolved

Roarke v. Commission	MC	PD	Sept 2015
Smith v. MCPB (COGA)	MCPB	AAUJ	Oct 2015
Smith v. MCPB (COA)	MCPB	AAUJ	Oct 2015
Kessen v. Mont. County Planning Board	MCPB	AAUJ	Nov 2015

Disposition of FY16 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employee Retirement System		
Finance Department		
Department of Human Resources and Management Montgomery County Department of Planning		
Beil, et al v. Commission	Plaintiff's filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement (807517-V)	08/28/15: Plaintiff's filed Notice of Dismissal without Prejudice.
Beil, et al v. Commission	Plaintiff's filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement (807517-V)	08/04/15: Case dismissed.
Commission v. Pette	Commission filed Petition for judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation	11/20/15: Complaint dismissed in open court.
Reynolds v. Commission	Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.	Motions 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 processing. CCA enters Order dismissing remaining count against Commission on 06/25/15
Montgomery County Department of Parks Jeng v. Commission, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	07/20/15: Trial judgment entered in the amount of \$9,000 and \$22k 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.

Montgomery County Park Police		
Montgomery County Planning Board	Appeal filed from the Circuit Court ruling in the case of Montgomery County Planning Board's enforcement order in MOPS No. 13-118, regarding Case number EP000007	07/26/15-Court affirms judgment of the Circuit Court.
Smith v. Montgomery County Planning Board	Commissioner appealed Circuit Court ruling in forest conservation violations at 21827 Rippenwood Drive.	08/27/15-Court of Special Appeals affirms decision by Montgomery County Planning Board
Smith v. Montgomery County Planning Board	Commissioner appeals Circuit Court ruling for forest conservation violations at 21827 Rippenwood Drive.	08/27/15-Court of Appeals denies writ of Certiorari
Prince George's County Department of Parks and Recreation		
American Humaniest Association, et al v. Commission	Defense of claim alleging violation of establishment clause of Constitution.	Motion for Summary Judgment filed by Commission granted on 11/20/15-ownership, maintenance and display of monument does not violate establishment clause of the First Amendment
Anderson v. Commission	Defense of claim seeking damages for injuries to a Rattlesnake/Chilton Community Center Park	07/27/15-Case settled and complaint dismissed.
Armstrong v. Commission	Defense of employment-related claim alleging discrimination, filed in Prince George's County.	06/26/15-Motion of Removal to U. S. District Court case dismissed

Amstutz v. Commission	Defense of employment-related claim alleging discrimination.	10/28/15-11. 5. District Court grants Commission's Motion to Dismiss, order signed on 11/18/15.
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. McDowell	Former employer appealed WCC's decision to medical treatment to Chairman for her right shoulder injury.	10/15/15-Dismissed and remanded back to WCC.
Curtis-Gentry v. Commission	Commission employee is appealing the WCC's permanency award.	08/26/15 - Order of Court dismissing and remanding case back to WCC.
Hawkins v. Commission	Defenses of tort claim for claimed near drowning while taking swimming lessons at Prince George's Sports and Learning Center in Lanham, Maryland.	10/23/15-Motion for Summary Judgment granted, case dismissed.
Hill v. Commission	Employee is seeking judicial review of the Kent Board's dismissal of her appeal.	08/14/15- Oral Argument held, Court reversed and remanded to Kent System Board.
James v. Commission	Defense of claim for trip and fall on alleged broken concrete and loose gravel at Tucker Road Community Center.	10/07/15-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.
Quack v. Commission	Defense of claim for alleged violations of the Americans with Disabilities Act.	08/18/15-Complete dismissed by Court.
Quack v. Gathers	Defense of claim for alleged violations of the Americans with Disabilities Act.	08/18/15-Complete dismissed by Court.
White v. Commission	Defense of claim for personal injuries involving a vehicle owned by Commission and operated by Commission employee.	11/24/15-Case settled, Line of Dismissal filed.
Prince George's County Planning Department		
Friends of Croom Creek Association, et al. v. Commission	Defenses against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 8-1-1004 in Stephen's Crossing at Exandryane.	10/28/15- Judgment of Prince George's County Planning Board affirmed.

Police George's County Sheriff's Office

Police George's County Sheriff's Office

Office of Records Administration

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Summa v. Jones, et al
No. 0902-0018592-2018 (Tort)

Lead Counsel: Marvin
Other Counsel:

Abstract: Defenses 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
01/27/16	Trial date

CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND

Shipe v. Loukatis, et al
Case No. 08-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:

10/28/15	Complaint filed
11/20/15	Commission served
12/18/15	Motion to Dismiss and Memorandum filed by Commission
01/04/16	Partial Motion to Dismiss filed by Loukatis

Tugwell v. Loukatis, et al
Case No. 08-C-15-060006 (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
12/18/15	Motion to Dismiss and supporting Memorandum, Motion for Protective Order filed by Commission
01/04/16	Partial Motion to Dismiss filed by Loukatis

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Berry v. Lopez, et al
Case No. CA115-35883 (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, Motion to Transfer Venue filed by Commission
12/24/15	Plaintiff's Opposition to Motion to Dismiss filed.
01/06/16	Motion to Transfer granted and case to be transferred to Circuit Court for Montgomery County

Burnette v. Commission
CA115-18263 (WC)
(W050308)

Lead Counsel: Chargin
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 Elgarine County
11/06/15	Pre-trial conference.
05/06/16	Trial Date

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

Lead Counsel: Burien
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
08/08/15	Defendant's Renewed Motion to Dismiss and/or Motion for Summary Judgment filed.
08/25/15	Status Hearing
12/10/15	Motions Hearing held; under Court advisement

Commission v. Landover Park Street Property, LLC
CAL 15-25608 (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:

08/28/15	Complaint filed
11/03/15	Defendant served via private process.
11/16/15	Commissioner filed Motion to serve unknown Defendants.
11/30/15	Joint Motion to Extend Time to Answer Complaint filed.
12/30/15	Court grants Motion

Glessner v. Surratt House
CAL 14-17168 (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.
02/12/15	Court dismisses case without prejudice.
06/01/15	Court rescinds Order of Dismissal and finds service defective.
06/14/15	Status hearing; counsel enters appearance for Plaintiff.
10/05/15	Commission served with complaint.
10/09/15	Status conference.
10/30/15	Commission files Motion to Dismiss.
01/29/16	Motions hearing.
03/04/16	Pre-trial conference.

Leeta v. Commission
CAL 15-05048 (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:

05/08/15	Petition for Judicial Review filed.
05/21/15	Answer filed.
06/30/15	Pre-trial conference.
12/18/15	Opposition to Motion for Summary Judgment filed by Commission.
06/27/16	Trial date.

Newsell v. Commission
Case No. CAL-15-05366 (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
05/07/16	Trial date

Pollard v. Commission
CAL-15-00392 (WC-B629257)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WDC'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

Town of Riverdale Park, et al. v. MHCPPG
Case No. CAL-15-32787

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-160003 to 7-Eleven, Inc.

Status: Petition for Judicial Review Pending

Docket:

11/05/15	Petition for Judicial Review Filed
11/17/15	Commission filed Response to Petition, Certificate of Compliance and Notice of Appeal
12/21/15	Record and Transcript Filed
03/04/16	Oral Argument Scheduled

Watkins v. Commission
CAL 15-40298 (VC W050003)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the VCC's decision for *de novo* judicial review regarding need for B/E for consideration as to causal relationship.

Status: Complaint filed.
Docket:

12/30/15	Petition for Judicial Review filed
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CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Cohn, et al v. Commission

Case No. 408148-V (M)

Lead Counsel: Dickerson
Other Counsel: Marvin

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.
10/08/15	Answer filed by Commission

Commission v. Gorman

Case No. 411885-V (WC)

Lead Counsel: Chagnin
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. 366877-V (OE)

Lead Counsel: Sieman
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

East Myer Construction Corporation v. Commission
Case No. 399802V (CB)

Lead Counsel: MarcusBansib, 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
06/18/15	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.

Guffrida v. Commission
Case No. 408754-V (WC)

Lead Counsel: Chagnin
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 (WCC)

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	Prelim hearing
10/30/15	Order of Court staying case for 30 days
12/01/15	Case dismissed pursuant to Court stay

L. Jackson v. Commission
Case No. 401202-V (WCC)

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:

03/18/15	Petition filed
04/08/15	Court grants consolidation of 401201-V with Case # 401203-V; both cases should follow the scheduling order established under civil 401201; that all future pleadings shall be filed in civil 401201-V.
12/01/15	Case dismissed pursuant to Court stay

Keeler v. Commission
Case No. 408704-V (WC)

Lead Counsel: Chegrin
Other Counsel:

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

Status: Pending trial.

Docket:

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

Rounds v. Commission
Case #360954-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 Plaintiff's 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
12/25/15	Motion to Stay Discovery filed by Commission
02/19/16	Motions Hearing
06/28/16	Status Hearing

Smith v. Commission
Case No. 411258V (WC B717488)

Lead Counsel: Chagnin
Other Counsel:

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

Status: Pending trial.

Docket:

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

Starks v. Kellogg, et al
Case No. 407564V (Fort)

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.
11/08/15	Scheduling Hearing
05/18/16	Pre-trial/Settlement conference.

MARYLAND COURT OF SPECIAL APPEALS

Commission v. Hill
September Term 2015, No. 01618 (ED)
(Originally filed under CAJ 15-04057)

Lead Counsel: Dickerson
Other Counsel: Adams

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

Status: Appeal filed.

Docket:

09/17/15	Notice of Appeal filed
02/01/16	Commission Brief due

Fort Myer Construction Corporation v. Commission
Commission v. URS Corporation (Third Party claim by Commission)
2015 Term, No. 18 (CD)

Lead Counsel: MarcusBansib, 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: Awaiting oral argument.

Docket:

03/09/15	Notice of Appeal filed by Plaintiff.
03/19/15	Notice of Appeal filed by Commission
03/26/15	Notice of Appeal filed by URS Corporation
06/17/15	Mediation held
03/01/16	Oral Argument

Friends of Croom Civic Association, et al. v. Commission
Case No. B2177, September Term 2015 (AALLJ)
(Originally filed under CAJ14-32333)

Lead Counsel: Mills
Other Counsel: Bordien

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

Status: Appeal Filed.

Docket:

12/07/15	Notice of Appeal
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MARYLAND COURT OF APPEALS

No Current Pending Cases

U.S. DISTRICT COURT OF MARYLAND

Hartford Casualty Insurance Company v. Commission

Case No. B-13-cv-01766 (CD)

Lead Counsel: Ober, Kaler, Grimes & Shriver (Michael A. Schollast)
Other Counsel: Dickerson, Chagnin

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:

08/18/13	Complaint filed
09/27/14	Plaintiff filed Consent Motion to Stay
05/29/14	Court stays case
09/25/14	Joint Status Report filed
09/30/14	Court extends stay through 01/23/15.
01/26/15	Court extends stay for 120 days
05/11/15	Mediation
09/28/15	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. B-14-cv-03955 (J.D)

(Originally filed under Case No. 097601V-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
01/03/15	Commission files Motion to Dismiss or in the Alternative for Summary Judgment and Supporting Memorandum
01/09/15	Plaintiff's 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 P.ite'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	Plaintiff's Opposition to Commission's Motion for Reconsideration filed
08/24/15	Commission's Reply to Plaintiff's Opposition to Reconsideration of the Court's Denial of the Commission's Motion to Dismiss filed
12/29/15	Court denies Commission Motion for Reconsideration of Denial of Motion to Dismiss
01/07/16	Chambers Conference Call

Sutton v. Commission
Case No. 1:15-cv-01888-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.
12/18/15	Court grants dismissal of case against State of Maryland

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

American Humanist Association, et al v. Commission

No. 15-2587 Case #2:14-cv-0553-DKC (M)

Lead Counsel: Dickerson
Other Counsel: Gortner
Sciame

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

Status: Appeal filed

Docket:

12/30/15	Petition of Appeal filed
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