

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

**Wednesday, May 18, 2016  
Montgomery Regional Office  
9:30 a.m. – 11:30 a.m.**

			<u>ACTION</u>	
			Motion	Second
1.	<b>Approval of Commission Agenda</b>	(+*) Page 1		
2.	<b>Approval of Commission Minutes</b>			
	a) Conference Call Open Session – April 14, 2016	(+*) Page 3		
	b) Conference Call Closed Session – April 14, 2016	(+*)		
	c) Conference Call Open Session – April 28, 2016	(+*) Page		
	d) Conference Call Closed Session – April 28, 2016	(+*)		
	e) Open Session – April 20, 2016	(+*) Page		
	f) Closed Session – April 20, 2016	(+*)		
3.	<b>General Announcements</b>			
	a) National Fitness Month/Fitness Days			
	b) Asian-Pacific American Heritage Month			
	c) National Prevention Week (Mental and/or Substance Use Disorders) May 15 – May 21			
	d) Upcoming Lesbian, Gay, Bisexual and Transgender Pride (LGBT) Month (June)			
	e) Upcoming National Caribbean American Heritage Month (June)			
4.	<b>Committee/Board Reports (For Information Only):</b>			
	a) Minutes – Executive Committee Meeting – May 4, 2016	(+) Page		
	b) Minutes – Regular Board of Trustees Meeting – April 5, 2016	(+) Page		
	c) Minutes 115 Trust (OPEB) – December 16, 2015	(+) Page		
5.	<b>Closed Session</b>			
	Select an Umpire for an Unfair Labor Practice Charge from Fraternal Order of Police Sergeants – Pursuant to Sections 3-305(b)(1)(ii), 3-305(b)(7), 3-305(b)(8) and 3-305(b)(9) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to discuss personnel matters that affect one or more specific individuals, consult with counsel to obtain legal advice, consult with staff or other individuals about pending or potential litigation and consider matters that relate to collective bargaining.	(*)		
6.	<b>Action and Presentation Items</b>			
	a) Employees’ Retirement System FY2017 Operating Budget (A. Rose)	(+*) Page		
	b) Request to Use Salary Lapse (CAS Departments)	(+*) Page		
	1) Budget Transfer for the Department of Human Resources and Management (Barney)	(+*) Page		
	2) Request to Spend FY 2016 Personnel Services Savings (Zimmerman)	(+*) Page		
	3) Request to Spend Bi-County Salary Lapse – FY16 (Gardner)	(+*) Page		
	c) Resolution #16-05, Disposal of 20± Acres to the City of Bowie with the Recommendation that the City Reimburse M-NCPPC \$210,000 for Conveyance of the Land. (Asan)	(+*) Page		
	d) Defined Benefit vs. Defined Contribution Retirement Plan Comparison (Barney/Boomershine)	(+*) Page		
	e) Legislative Report (Gardner)	(SD)		

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

- a) **Executive Director** – (For Information Only)  
Employee Evaluations Not Completed by Due Date (April 2016) (+) Page
  
- b) **Secretary-Treasurer** – (For Information Only)
  - 1) Enterprise Resource Planning (ERP) Briefing
  - 2) Investment Report (March 2016) (+) Page
  
- c) **General Counsel** – (For Information Only)  
Litigation Report (April 2016) (+) Page

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
April 14, 2016

The Maryland-National Capital Park and Planning Commission met via conference call on April 14, 2016, in the 3<sup>rd</sup> floor conference room of the Montgomery Regional Office in Silver Spring, Maryland, and the first floor hearing room Executive Conference Room of the County Administration Building in Upper Marlboro, Maryland.

PRESENT

Montgomery County Commissioners

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

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair  
Dorothy Bailey  
John Shoaff  
A. Shuanise Washington

ABSENT

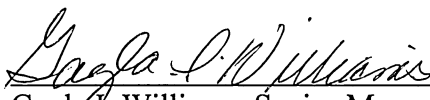
Manual Geraldo

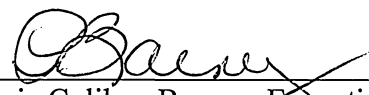
The meeting convened at 9:08 a.m., and Vice-Chair Hewlett requested a motion to move to closed session.

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.

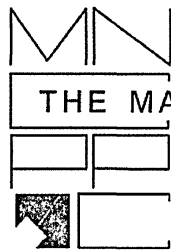
ACTION: MOVE TO CLOSED SESSION

ACTION: Motion of Bailey  
Seconded by Washington  
9 approved the motion

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

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





Commission Meeting  
Open Session Minutes  
April 28, 2016

The Maryland-National Capital Park and Planning Commission met via conference call on April 28, 2016, in the 3<sup>rd</sup> floor conference room of the Montgomery Regional Office in Silver Spring, Maryland, and the first floor hearing room Executive Conference Room of the County Administration Building in Upper Marlboro, Maryland.

PRESENT

Montgomery County Commissioners

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

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair  
Dorothy Bailey  
John Shoaff  
A. Shuanise Washington

ABSENT

Manual Geraldo

The meeting convened at 9:34 a.m., and Vice-Chair Hewlett requested a motion to move to closed session. 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.

ACTION: Motion of Presley to move to closed session

Seconded by Dreyfuss

9 approved the motion


At 9:48 a.m., the open session reconvened to adopt Resolution 16-06, Agreement on Wages and Health Insurance with Fraternal Order Police, Lodge No. 30. Executive Director Barney presented Resolution 16-06, Agreement on Wages and Health Insurance with Fraternal Order Police, Lodge No. 30, for the M-NCPPC's reopener for the Collective Bargaining Agreement. The agreement states the M-NCPPC will provide one (1) Merit step on the anniversary date if officers receive the appropriate performance rating at a cost of \$159,000 in FY17, a one-half percent (0.5%) Cost of Living Adjustment (COLA) effective the first full pay period following July 1, 2016, at a cost of \$89,000, and a one (1) year deferral from increasing contributions from twenty percent (20%) to twenty-two (22%) for all officers who participate in the Medical Plan, Prescription Plans, and or the Dental Plan until January 1, 2018.


ACTION: Motion of Hewlett to approve Resolution 16-06

Seconded by Washington

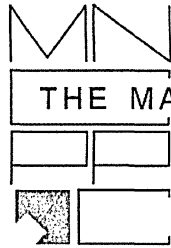
9 approved the motion

There being no further business to discuss, the open session adjourned at 9:59 a.m.

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

  
Patricia Colihan Barney, Executive Director





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
April 20, 2016

The Maryland-National Capital Park and Planning Commission met on April 20, 2016, in the Parks and Recreation Auditorium.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair  
Norman Dreyfuss  
Amy Presley (arrived at 10:00 am; left 11:00 am)

Prince George’s County Commissioners

Elizabeth M. Hewlett, Vice-Chair  
Dorothy Bailey  
A. Shuanise Washington (left at 10:57 a.m.)

ABSENT

Marye Wells-Harley  
Natali Fani-Gonzalez

Manuel Geraldo  
John Shoaff

Chair Anderson convened the meeting at 9:36 a.m. As the Montgomery County side of the Commission did not have a quorum, agenda items that did not require a vote were heard first. Agenda items requiring a vote were ratified upon Commissioner Presley’s arrival.

ITEM 1 APPROVAL OF COMMISSION AGENDA

A motion was made to accept the Commission Agenda with amendments identified by the Executive Director to add “vote” for items 5a and 5b.

ACTION: Motion Washington  
Seconded by Hewlett  
6 approved the motion (as ratified by Commissioner Presley upon her arrival)

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open and Closed Session – March 16, 2016

ACTION: Motion of Hewlett  
Seconded Washington  
6 approved the motion (as ratified by Commissioner Presley upon her arrival)

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Anderson made the following announcements:

- a) Upcoming National Fitness Month/Days. The days will be communicated to employees through the usual channels.
- b) Upcoming Asian-Pacific American Heritage Month (May)

- c) Upcoming National Mental and Substance Use Disorders Prevention Week (May) – Chair Anderson stressed the importance of substance abuse awareness and support for families and in the workplace.
- d) The Commissioners wished Executive Director Barney a Happy Birthday.

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

- a) Minutes – Executive Committee Meeting – April 6, 2016
- b) Minutes – Regular Board of Trustees Meeting – March 1, 2016

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Appointment of Sheila Morgan-Johnson as the Prince George’s County Public Member to the Board of Trustees for the term ending June 30, 2017 (A. Rose)

ACTION: Motion of Hewlett

Second by Washington

6 approved the motion (as ratified by Commissioner Presley upon her arrival)

- b) Acknowledge Alicia Hart as the Prince George’s County Open Trust to the Board of Trustees for the term ending June 30, 2018 (A. Rose)

ACTION: Motion of Hewlett

Second by Washington

6 approved the motion (as ratified by Commissioner Presley upon her arrival)

- c) Consumer Driven Health Plan Presentation (CDHP) (AON/Spencer/McDonald)

Health and Benefits Manager Jennifer McDonald, explained that many employers, public and private, are looking at CDHP, also known as “high deductible” health plans as an option for employers to achieve cost savings. She indicated that the option was being presented as the agency attempts to mitigate the impending Cadillac Tax. This tax is scheduled to go into effect in June 2020. Ms. McDonald stated employers are looking for strategies that will allow them to continue to offer a comprehensive and affordable benefits package, while mitigating the effect of the tax. Ms. McDonald introduced AON Hewitt Consulting Vice-President Kathleen McAuliffe, and Assistant Vice-President Meggan Ballard, who reviewed the CDHP presentation as contained in item 5c of the packet.

Ms. McAuliffe provided an overview of CDHP, and reviewed an example of a CDHP design, which utilized employer and employee contributions that could then be used to cover deductibles and other costs. Ms. McAuliffe explained that the plan design encourages employees to be more conscious about making choices that will reduce health care expenses. She explained that the design encourages employees to become more actively involved in managing health care by giving employees a financial stake in lowering their health care costs through the use of a high deductible plan coupled with an account based medical plan.

The Commissioners communicated the presentation did not provide sufficient information on the need to move to the CDHP, or the impact of the Cadillac Tax, its structure and triggers. The Commissioners specifically requested more data on employers who have used CDHPs versus other incentives used to reduce costs.

Chair Anderson and Vice-Chair Hewlett indicated they did not find the presentation persuasive in explaining cost savings from the new design versus savings that can be achieved in current plans. Chair Anderson suggested that consideration be given on cost savings measures within existing plans and that AON provide data from this review.



He suggested consideration including changes in co-pays, greater distinction in benefits for in-network and out-of-network doctors, and other managed care approaches. Vice-Chair Hewlett stated she was concerned with the high deductible plan design as this may be challenging for many employees.

Executive Director Barney helped clarify the Cadillac Tax which will be implemented in 2020 under the mandates of the Affordable Care Act. She explained businesses will have to reduce costs on medical programs, because if the programs are too generous, they will be subject to the Tax. The CDHP is one cost savings option that is being considered by employers. Based on the Commissioners' input, staff will continue to look into other cost savings measures. Neither Montgomery County nor Prince George's County governments have implemented the CDHP at this time.

The Commissioners asked that in future presentations, information be provided on industry trends (public and private sector), and the types of options companies are moving towards. The Commissioners' questions and comments will be considered as the time approaches to make design changes. Ms. McDonald has a meeting next week with AON to discuss designing options so the M-NCPPC will have a basic option, a modern option, and a high option.

ACTION: Motion of Washington to move to closed section at 10:36 a.m. to discuss collective bargaining.  
Second by Bailey  
6 approved the motion

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.

At 10:50 a.m., the open session reconvened to ratify the votes, hear the Personnel Management Review (PMR), and the Literacy and Language Proficiency Program Briefing.

#### RATIFICATION OF VOTES

- Item 1: Approval of Commission Agenda
- Items 2a/2b: Approval of Commission Open and Closed Session Minutes – March 16, 2016
- Item 5a: Appointment of Sheila Morgan-Johnson as the Prince George's County Public Member to the Board of Trustees for the term ending June 30, 2017
- Item 5b: Acknowledge Alicia Hart as the Prince George's County Open Trustee to the Board of Trustees for the term ending June 30, 2018

ACTION: Vice-Chair Hewlett motioned to ratify the votes  
Seconded by Washington  
6 approved the motion

- 5d) Personnel Management Review (PMR) FY15 Summary Report (Spencer/King/Peoples)  
Human Resources Director William Spencer introduced Classification and Compensation Manager Boni King and Senior Human Resources Specialist Derrick Peoples, who prepared the annual Personnel Management Review (PMR) Summary for FY2015. Mr. Peoples presented the report stating that the PMR provides selected trends and highlights regarding the Commission's workforce to include employee demographics, turnover, recruitment fill times, hires and promotions, as well as pay grade and salary information, among other related items.

Commissioners stated that use of the term "disparity" may be perceived as implying discrimination when that was not the intended use in the report. The report was presenting improvement related to differences in average salaries.

- e) Literacy and Language Proficiency Program Briefing (Bennett)

Corporate Policy and Management Operations Chief Anju Bennett introduced Literacy Program Manager Shelley Gaylord and Senior Management Analyst Lisa Dupree, and thanked them for their contributions to the research and design of the Literacy and Language Proficiency Program.

Chief Anju Bennett provided background on the development of the program crediting support from the Commissioners and Department Heads. Ms. Bennett explained the Program builds upon the success of earlier literacy instruction, with enhancements for a sustainable program that meets operational and employee needs. The M-NCPPC partnered with the Montgomery County Literacy Council as it specializes in workforce training and meets all operational concerns identified by the agency. The Program which was launched in fall, offers four courses for native English speakers and individuals who speak English as a second language.

The program has been very well received, with higher than expected interest. Ms. Bennett credited the support from supervisors, and the robust marketing of the program. She thanked Commissioners, Directors, CPMO staff, and field managers who spoke at the forums to share information and encourage participation. Thirty-nine students are presently enrolled in the program.

The Program will be assessed at the conclusion of the fall/spring term to ensure that it remains successful. A midpoint survey and classroom observations have already taken place to ensure instruction is effective for current participants. Ms. Bennett reviewed feedback provided by employees, indicating that employees are pleased with the program and are highly motivated. Some feedback resulted in positive changes to the program.

A graduation ceremony will be held after the Commission meeting in June.

Commissioners thanked the team for implementing the program. The Executive Director Barney thanked the team for an excellent job.

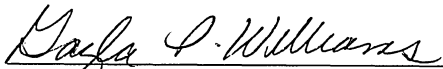
## ITEM 6 OPEN SESSION – OFFICERS' REPORTS

- a) Executive Director

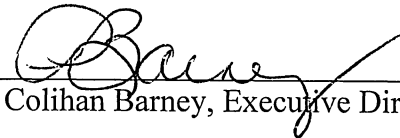
Employees' Evaluations Not Completed by Due Date – (March 2016) (For Information Only)

- b) Secretary-Treasurer
  - 1) Enterprise Resource Planning (ERP) Briefing (For Information Only)
  - 2) Investment Report (March 2016)
- c) General Counsel
  - 1) Litigation Report – (March 2016) (For Information Only)
  - 2) Legislative Update

There being no further business to discuss, the meeting adjourned at 11:35 a.m.



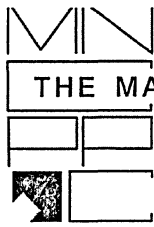
Gayla A. Williams, Senior Management Analyst/  
Senior Technical Writer



Patricia Colihan Barney, Executive Director







**EXECUTIVE COMMITTEE MEETING MINUTES**

**May 4, 2016**

The Maryland-National Capital Park and Planning Commission’s Executive Committee met in the Executive Director’s Conference Room, at the Executive Office Building in Riverdale, Maryland. Present were Chair Casey Anderson, Vice-Chair Elizabeth M. Hewlett, and Executive Director Patricia C. Barney. Also present were:

Department Heads/Deputies/Presenters/Staff

- Adrian Gardner, General Counsel
- Joe Zimmerman, Secretary-Treasurer
- Fern Piret, Director, Prince George’s County Planning
- Mike Riley, Director, Montgomery County Parks
- Gwen Wright, Director, Montgomery County Planning
- Anju Bennett, Division Chief, Corporate Policy and Management Operations
- William Spencer, Human Resources Director
- Lisa Dupree, Senior Management Analyst

Absent

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

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

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

Discussion	<p><b><u>Chief Information Officer Interviews (Not listed on agenda)</u></b></p> <p>Executive Director Barney informed the Executive Committee that interviews are being held to fill the Chief Information Officer’s position. The second level interview will be held with Chair Anderson, Vice-Chair Hewlett, and Executive Director Barney on Tuesday, May 17<sup>th</sup>. The two highest scoring candidates will give a thirty-minute presentation to the Executive Committee, Department Heads and Chief Technology Officers to demonstrate their presentation skills. The candidates will be interviewed for one hour each. Interviews will be scheduled from 2:00 p.m. to 5:00 p.m.</p>
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**ITEM 1b - APPROVAL OF COMMISSION MEETING AGENDA (Executive Director Patricia Barney)**

Discussion	<p>The May 4th Commission meeting agenda was reviewed. Following are comments from the Executive Director:</p> <ul style="list-style-type: none"> <li>• <u>Item 5c – Defined Benefit vs. Defined Contribution Retirement Plan Comparison</u>: An informational presentation will be provided on Defined Contribution Plans and how they compare to our present Defined Benefit Plan model. Boomershine Consulting will conduct the presentation and explain the difference between, and pros and cons of, the plans. Chair Anderson requested information also be provided, for comparison purposes, on the plan being offered by Montgomery County government. Executive Director Barney will ensure that information is clarified in the presentation.</li> <li>• <u>Item 6c – Legislative Report</u> – The report will be listed under Item 5 Action and Presentation Items on the May Commission meeting</li> </ul>
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	<p>agenda. The report will be sent to Commissioners as a Separate Delivery (SD) item. Chair Anderson emphasized that agenda materials should be included in the meeting packet to provide ample time for the Commissioners to read the information before the meeting.</p> <p>CPMO Chief Bennett requested clarification as to the level of detail that should be included in the policy presentations to the Commissioners. Chair Anderson suggested a summary page containing a short narrative or a chart would be sufficient. The summary should include the salient points, indicate substantive changes, explain what the policy says, highlight the main points, indicate areas that survived the changes, and describe the material changes.</p>
<p><b>ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS</b> (Executive Director Patricia Barney)</p>	
<p>Discussion</p>	<p>The following items were modified on the Rolling Agenda:</p> <p><u>June Agenda</u></p> <ul style="list-style-type: none"> <li>• Executive Director Barney requested that this week, LaTonya Reynolds prepare draft Resolutions for the pay adjustments. Mr. Gardner will ensure that Ms. Reynolds circulate the drafts to Executive Director Barney, Human Resources Director Spencer, and CPMO Chief Bennett for review.</li> <li>• Montgomery Planning Director Wright requested that Resolution for Adoption of the Westbard Sector Plan be added to the agenda.</li> </ul> <p><u>July Agenda</u></p> <ul style="list-style-type: none"> <li>• Benefit changes will be presented in closed session under Item 5 – Action and Presentation Items, and adopted in open session.</li> <li>• The Literacy Program graduation will be held after the Commission meeting. The location will be announced.</li> </ul> <p><u>September Agenda</u></p> <ul style="list-style-type: none"> <li>• No changes</li> </ul> <p><u>October Agenda</u></p> <ul style="list-style-type: none"> <li>• No changes</li> </ul>
<p><b>ITEM 2 – MINUTES</b></p>	
<p>Provided for Information</p>	<p>April 6, 2015 Executive Committee Conference Call Minutes - open session</p>

**ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS**

Discussion

**a. Enterprise Resource Planning (ERP) Briefing (Zimmerman)**

Secretary-Treasurer Zimmerman stated that the ERP team is actively working on validating that all orphan records have been corrected. The team is working with consultant Infor. Finance Manager Barbara Walsh will be doing the clean-up and making the corrections in production this weekend. Better data will be available for the departments to work with going forward.

For the Human Capital Management modules, the agency is moving forward with the necessary software corrections to enable users to get more complete information on personnel actions. The agency may need assistance from the consultant to keep the process running until the team has knowledge of the tools.

**b. Investment Report – March 2016 (Zimmerman)**

Provided for information.

**c. Proposed Policy Amendments: (Bennett/Dupree)**

Corporate Policy and Management Operations Chief Bennett presented proposed amendments to two policies. She explained that the policy is being reviewed as part of a larger review of workplace ethics standards.

**1. Practice 2-14, Outside Employment & Non-Commission Business**

Ms. Bennett explained this policy protects the agency from conflicts of interest that may arise from an employee's participation in outside employment and in certain Non-Commission business activities. The policy defines conditions that must be met to avoid conflicts of interest, and establishes requirements to disclose and receive prior authorization to participate in certain activities.

Practice 2-14 has undergone several updates. In the last update, Commissioners asked that the policy be amended to require employees to disclose and receive approval for all outside employment situations, so management could determine if the outside employment posed any conflicts of interest. On the separate issue of Non-Commission business, the policy presently prohibits employees from performing (personal business or business involving a third party) during any period in which they were expected to carry out M-NCPPC duties. Ms. Bennett explained the policy applies to Department Heads and employees. The policy does not apply to Commissioners as they are covered by State ethics statutes. While most provisions of the policy apply to collective bargaining members, some areas are specifically addressed in the collective bargaining agreements, which prevail.

The recent policy proposals address operational and implementation challenges identified with Department Heads. Non-represented employees and Union representatives were provided an opportunity to comment. Some changes also stem from Audit Committee recommendations.



Ms. Bennett walked the Executive Committee through the more significant policy amendments contained in the meeting packet. Areas on which there were comments/suggestions by the Executive Committee, are noted below.

Use of Uniforms when performing outside jobs:

One proposed amendment addresses the use of uniforms. The change states employees are not to wear M-NCPPC uniforms or other M-NCPPC insignia while performing outside jobs, unless authorization is obtained by the M-NCPPC. A reference will be added for use of Uniforms as permitted under collective bargaining agreements.

I: Outside Employment: – this area pertains to participation in any business or non-profit entity involving fiduciary responsibilities in a position such as an officer, manager, or director. It was amended to:

- Recognize board member positions as well as other leadership positions.
- Clarify that positions may be compensated or uncompensated
- Exclude from disclosure requirements, military service and official activities in a union representing the M-NCPPC employee.

The Executive Committee discussed the disclosure of compensated and non-compensated outside employment. A decision was made to relook at whether outside employment should strictly refer to compensated work. There was agreement that the policy should continue to request disclosure of positions with fiduciary responsibilities. Chair Anderson stated that the expansion of outside employment to include “leadership” may be too ambiguous. General Counsel Gardner explained he had made the suggestion to add leadership roles, as fiduciary roles were limited in scope. However, this area would be reconsidered.

In response to Chair Anderson’s inquiry about disclosure of political activities, Ms. Bennett explained that participation in political activities are permitted and addressed in a separate policy. She will add language which informs employees that political activities should be handled in accordance with the referenced policy, rather than under Practice 2-14.

II. Non-Commission Business: Under the existing policy, Non Commission business is presently identified as activities of a personal nature, third party business, or work performed as a volunteer or representative of an association. The policy presently prohibits the performance of any Non-Commission business while an employee is carrying out his M-NCPPC duties. The policy does not address off duty participation.

The Audit Committee suggested:

- Expanding the definition of Non-Commission business to recognize being a volunteer and representative in external organizations such as foundations, non-profit or charitable entities, civic associations, etc.
- Requiring disclosure of outside business as it could result in a conflict of interest with the performance of M-NCPPC duties. The Audit Committee

also recognized there may be some instances in which participation is beneficial to the M-NCPPC.

Ms. Bennett explained that this area of the policy generated the greatest input from Department Heads, the General Counsel and Labor Counsel. There was support for incorporating the Audit Committee's recommendations. Management/Counsel also recommended limited disclosure of Non-Commission business, as requiring disclosure of all activities would be difficult and viewed as overly intrusive. Therefore policy proposals require disclosure and authorization of those activities which could pose conflicts-of-interest. The policy makes a distinction in Non-Commission business that is being performed as an extension of the employee's duties (on duty participation) versus Non-Commission business that is performed outside of work (off duty participation).

On duty participation—The proposed amendments require disclosure and authorization of participation in outside entities (e.g. foundations, associations, etc.) when this participation is related to the employee's M-NCPPC duties.

Vice Chair Hewlett inquired if it was necessary to require disclosure of Non-Commission business, which is clearly related to the employee's position and has already been assigned by Department Heads (for example, assigned to a foundation). Ms. Bennett explained required disclosure was recommended by Department Heads. General Counsel Gardner explained that disclosure triggers review of the assignment against conditions outlined in the Practice.

Off Duty Participation in Non-Commission Business:

The proposed amendments state off duty activities do not need to be disclosed, unless there is a potential for conflict. The policy provides examples of situations which necessitate disclosure. Once disclosed Department Heads review the activity against conditions established in the policy. These conditions describe conflicts that should be avoided.


The Executive Committee and Department Heads expressed support for required disclosure of activities which pose a potential conflict-of-interest. Montgomery County Planning Director Wright inquired whether the agency should be taking on the role of authorizing participation in outside business activities. Following discussion of this item, the Executive Committee suggested the policy be further amended to clarify that disclosure and review of the activities does not imply endorsement or authorization of activities.

CPMO Chief Bennett will review the policy with regard to recommendations made today. Ms. Bennett will work with General Counsel Gardner, who will follow up with Labor Counsel Ballew on any collective bargaining implications. Although she will try to get work completed by the upcoming week, the reviews from legal counsel may require additional time. Executive Director Barney stated that if the Practice is not ready for the May Commission meeting, it will be presented in June with Practice 3-10.

	<p>Chair Anderson suggested an explanatory chart/synopsis be included during the policy presentation. General Counsel complimented Ms. Bennett on her work with Department Heads in isolating issues that should be considered.</p> <p>2. <u>Practice 2-15, Employee use of Commission Property (Bennett/Dupree)</u>  CPMO Chief Bennett reviewed proposed amendments which authorize use of agency resources, and circumstances in which use was limited. She explained that the policy serves as the umbrella policy, while more specific or complementary guidance is needed on specific topics (e.g. vehicle use policy, use of facilities, etc). The policy includes updates to recognize intellectual property, natural resources, and newer technology.</p>
Follow-up	<ul style="list-style-type: none"> <li>• <b><u>Approval of Commission Meeting Agenda (Barney)</u></b> <ul style="list-style-type: none"> <li>▪ <u>Item 5c – Defined Benefit vs. Defined Contribution Retirement Plan Comparison</u> – Executive Director Barney to ensure that Boomershine provides an explanation on the functions of the Montgomery County GRIP.</li> <li>▪ <u>Item 6c – Legislative Report</u> – All presenters are to include their presentation materials in the Commission meeting packets to provide ample time for Commissioners to read the information before the meeting. Otherwise, the items will be moved to the next month’s agenda.</li> </ul> </li> <li>• <b><u>Item 3c – Discussion/Reports/Presentations</u></b> <ul style="list-style-type: none"> <li>▪ <u>Proposed Policy Amendments – Practice 2-14, Outside Employment &amp; Non-Commission Business</u> <ul style="list-style-type: none"> <li>○ Ms. Bennett will incorporate feedback from the Executive Committee and review changes with the General Counsel and Labor Counsel.</li> </ul> </li> </ul> </li> </ul>

The meeting adjourned at 11:10 a.m.

  
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, April 5, 2016; 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, April 5, 2016 at 10:00 a.m. Voting members present were: Khalid Afzal, Patricia Barney, CPA, Pamela F. Gogol, Amy Millar, Barbara Walsh, and Joseph C. Zimmerman, CPA. Elizabeth M. Hewlett arrived at 10:04 a.m. The Prince George's County Public Member and the Prince George's County Open Trustee seats are vacant. Howard Brown and Mary Wells-Harley were absent.

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

Presentation by Boomershine Consulting Group - Gregory M. Stump, FSA, EA, MAAA, FCA, Vice President and Senior Actuary; and, Sunita Bhatia, Senior Consultant and Actuary.

Also present via teleconference was - Wilshire Associates - Bradley A. Baker, Vice President.

In the absence of CHAIRMAN HEWLETT, MS. BARNEY opened the meeting.

**1. CONSENT AGENDA**

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

- A. Approval of the April 5, 2016 Board of Trustees Meeting Agenda, as revised
- B. Minutes of Regular Meeting, March 1, 2016
- C. Minutes of Closed Session, March 1, 2016
- D. Disbursements Granted Report – February 2016

The April 5, 2016 Board of Trustees Meeting Agenda was revised to add items 4.A.ii. Actuarial Assumption Review – Presentation Slides, 5.B. Memorandum dated April 4, 2016, and 6.A.ii. Updated Report of April 4, 2016.

MS. GOGOL made a motion, seconded by MR. AFZAL to approve the April 5, 2016 Board of Trustees Meeting Agenda, as revised. The motion PASSED unanimously (6-0). (Motion #16-16)

In the Minutes of Regular Meeting, March 1, 2016, MS. BARNEY recommended adding the changes to Alternative 1 and Alternative 3 as stated on page 31 of the Asset Liability Valuation Analysis to page 3, following the fourth paragraph down.

In the Minutes of Closed Session, March 1, 2016, MS. BARNEY changed the last sentence on page 3, third paragraph up from the bottom to read "MS. BARNEY further noted the employer contribution to the Montgomery County Government Defined Contribution Plan is 8% and the targeted cost of payroll for the Commission's new Plan E Defined Benefit Plan is 7%".

MS. WALSH made a motion, seconded by MR. AFZAL to approve Consent Agenda Items B and C, as revised and Item D. The motion PASSED unanimously 6-0). (Motion #16-17)

CHAIRMAN HEWLETT arrived at 10:04 a.m.

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

### A. Board of Trustees Conference Summary

Andrea Rose, Administrator, highly encouraged all trustees to register for the Mid-Atlantic Plan Sponsors Conference in Baltimore, Maryland from June 8-10, 2016. The conference is worth attending even if for one day.

## 3. **MISCELLANEOUS**

No miscellaneous reported.

## 4. **MANAGER REPORTS/PRESENTATIONS**

### A. Boomershine Consulting Group

Presentations by Gregory M. Stump, Vice President and Senior Actuary; and, Sunita Bhatia, Senior Consultant and Actuary

- i. Actuarial Assumption Review and Experience Study Covering July 1, 2011 through June 30, 2015
- ii. Actuarial Assumption Review – Presentation Slides

Gregory M. Stump and Sunita Bhatia presented the Actuarial Assumption Review and Experience Study (the "Study"). The Study reviewed the actual experience with the actuarial assumptions of the ERS' economic and demographic experience over a five-year period ending June 30, 2015. The economic assumptions include inflation, wage growth and salary increases, investment return and retiree cost-of-living adjustments. These assumptions are interconnected and based on long-term expectations. The national trend has been a decrease in each of these assumptions. The demographic assumptions include mortality/life expectancy, observed rates of retirement, withdrawal, termination, disability and death.

Boomershine Consulting Group is recommending the following assumption changes:

	<b>Current Assumptions</b>	<b>Recommended Assumptions (effective July 1, 2016)</b>
Investment Return	7.25% per year	7.0%
Inflation	2.75%	2.5%
Wage Growth	2.75%	2.5%
Career Salary Increases	Based on Years of Service	Police <sup>1</sup> : 6.5% grading down to 4.5% (includes 2.5% wage growth) Non-Police <sup>1</sup> : 5.0% grading down to 2.5% (includes 2.5% wage growth)
COLA	2.75% per year (2.5% post-2012)	2.4% per year (2.0% post-2012)
Retirement	Based on Years of Service	New Tables for Each Plan <sup>1</sup>
Mortality/Life Expectancy	RP-2000 Tables (Scale AA generational)	RP-2000 Tables (Scale BB generational)
Disability	Age Based Tables	Police: No change Non-Police <sup>1</sup> : Use current tables,

		but adjust downward for lower overall incidence, as well as for lower female non-police incidence
Withdrawal/Termination	Based on Years of Service	New Tables for Each Plan <sup>1</sup>
Asset Smoothing Method	5 year investment gain/loss smoothing	No change - 5 year investment gain/loss smoothing
Actuarial Cost Method	Entry Age Normal	No change - Entry Age Normal
Amortization	15 year layers, beginning 7/1/13	Open 15-Year Amortization

<sup>1</sup>Representative charts included in Experience Study and Actuarial Assumption Review of April 2016

The immediate impact on the funding and contributions are as follows:

- A decrease of 2.6% in the funding ratio associated with the increase in actuarial accrued liability of \$25.5 million.
- An increase in the normal cost of about \$2.1 million.
- An increase in the annual employer contribution of approximately \$3.6 million per year.

MS. BARNEY made a motion, seconded by MS. GOGOL to approve Boomershine Consulting Group's recommendations as outlined in their Actuarial Assumption Review and Experience Study dated April 2016. The motions PASSED unanimously (7-0). (Motion #16-18)

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

- A. Administrator's Report dated March 24, 2016  
Presentation by Administrator, Andrea L. Rose
  - i. Recommendation to Approve a 0.1% Cost-of-Living Adjustment Effective July 1, 2016 for Eligible Retirees and Beneficiaries in Accordance with Provisions of the Employees' Retirement System
- B. Memorandum dated April 4, 2016
  - i. Recommendation to Acknowledge Alicia Hart as the Prince George's County Open Trustee for the term ending June 30, 2018

Ms. Rose recommended the Board approve a 0.1% cost-of-living adjustment (COLA) for retirees and beneficiaries effective July 1, 2016. Staff calculated the COLA using data from Table 24 - All Urban Consumers (CPI U) - All Items Annual Average (at December 2014). All retirees and beneficiaries receiving annuities for at least six months are eligible for the COLA.

MS. BARNEY made a motion, seconded by MS. WALSH to approve a 0.1% Cost-of-Living Adjustment Effective July 1, 2016 for Eligible Retirees and Beneficiaries in Accordance with Provisions of the Employees' Retirement System. The motion PASSED unanimously (7-0). (Motion #16-19)

Ms. Rose reported the Employees' Retirement System was awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada (GFOA) for its Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2015. Sheila Joynes, Accounting Manager, was recognized for leading the CAFR team to another Award in Excellence.

Ms. Rose said the Call for Applications for the Prince George's County Open Trustee seat ended March 25, 2016 at 5:00 p.m. with one application. Alicia Hart, submitted an application for appointment for the Prince

George's County Open Trustee seat. No other applications were received. Ms. Hart is determined to have won by acclamation.

Alicia Hart has been the Administrative Manager (Budget Manager) for Prince George's County Department of Parks & Recreation since 2015. Ms. Hart has a Master's of Business Administration from Strayer University and a Doctor of Business Administration from Walden University. Ms. Hart has held positions in both the private and public sectors in the office administration arena as an Assistant Director, Facilities and Maintenance Coordinator and Account Manager.

MS. WALSH made a motion, seconded by MS. BARNEY to acknowledge Alicia Hart as the Prince George's County Open Trustee for the remainder of the term ending June 30, 2018. The motion PASSED unanimously (7-0). (Motion #16-20)

The Commission's ERP project continues to affect the ERS' work program. ERS Staff met with Executive Director, Patty Barney, this month to discuss problems encountered and how to best move forward.

As a follow-up to a question raised by MS. WALSH at the March 1, 2016 Board Meeting, Ms. Rose presented several graphs showing the geographical location of Commission Retirees, as of December 2015. Ms. Rose highlighted the following points:

- **Retirees Residing in Maryland** - 69.2% (942) of all retirees reside in Maryland and 30.8% (420) reside throughout the US and other countries. Seven (7) retirees reside outside the US in Chili, France, Germany, Hong Kong, Israel, South Africa and Spain. \$29.4 million in annual benefit payments remains in Maryland and \$12.0 million is paid outside of Maryland.
- **Retirees Residing in Prince George's and Montgomery Counties** - 39.3% (535) of all retirees reside in Prince George's and Montgomery counties. \$15.7 million in annual benefit payments remains in Prince George's and Montgomery counties.
- **Prince George's County vs. Montgomery County** – 535 retirees reside in Prince George's and Montgomery Counties. 51% (275) reside in Montgomery County and 49% (260) reside in Prince George's County. \$8.5 million in annual benefit payments remain in Montgomery County and \$7.2 million in annual benefit payments remain in Prince George's County.

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

### **A. Audit Committee**

Presentation by Committee Chairman, Barbara Walsh

- i. Regular Report of March 14, 2016
- ii. Updated Report of April 4, 2016
  - a. Recommendation to Award the Auditing Services Contract to SB & Company for three years with a two-year renewal option

MS. WALSH presented the regular and updated reports for the Audit Committee meeting of March 14, 2016.

The ERS and Commission issued a joint Request for Proposal (RFP) for Auditing Services with responses due March 1, 2016. Two responses to the RFP were received from incumbent CliftonLarsonAllen and SB & Company, LLC. The Audit Committee reviewed and evaluated the responses of both firms by key personnel, allocation of hours, qualifications and relevant experience, methodology and approach and fees. The SB & Company received marginally higher scores. MS. BARNEY noted they also had great references.

The Audit Committee recommends the Board award the Auditing Services Contract to SB & Company for three years with a two-year renewal option.

MS. BARNEY made a motion, seconded by MR. AFZAL to award the Auditing Services Contract to SB & Company for three years with a two-year renewal option. The motion PASSED unanimously (7-0). (Motion #16-21)

B. Investment Monitoring Group Committee

Presentation by Committee Chairman, Patricia Barney

- i. Regular Report of March 15, 2016
  - a. Recommendation to Maintain the Current Asset Allocation Policy (51% Equity, 29% Fixed Income and 20% Real Assets) as detailed in the Statement of Investment Policy Approved on February 3, 2015 by the Board of Trustees
- ii. Confidential Report of March 15, 2016

MS. BARNEY presented the regular report for the Investment Monitoring Group's (IMG) meeting of March 15, 2016.

The IMG met with Loomis Sayles' Todd Needham, CFA, Vice President and Client Portfolio Manager for a performance review of Loomis Sayles' High Yield fund and reviewed Wilshire Associates' Manager Review of the strategy which showed a slight underperformance since inception, June 30, 2006. Loomis is a relative value player making tactical decisions outside of the high yield bond market in investment grade bonds, non-dollar bonds, MBS, preferred bonds, and convertibles. Historically, Loomis does not perform well in down markets. Loomis is confident in outperformance over a market cycle (3-5 years), but admits there will be volatility and the portfolio may trail the index at times. Loomis expects to see slow and steady growth going forward.

The IMG reviewed Wilshire Associates Manager Review for Neuberger Berman High Yield strategy. In contrast to Loomis Sayles, Neuberger Berman is 100% focused on the high yield market and is considered an all-weather strategy with slightly less risk than the Loomis strategy.

Wilshire did not have any concerns about Loomis Sayles' or Neuberger Berman's performance.

As directed by the Board at its March 1, 2016 meeting, the IMG performed an in depth review of Wilshire Associates' Asset Liability Valuation (ALV) Analysis and Summary and discussed the current portfolio allocation, investment risks, 10-year and 30-year capital market assumptions, the recommended alternative portfolios, and the current portfolio's position on the efficient frontier. The IMG could not find a compelling reason to select an alternative portfolio.

The IMG recommends maintaining the current asset allocation policy (51% Equity, 29% Fixed Income and 20% Real Assets) as detailed in the Statement of Investment Policy approved February 3, 2015 by the Board of Trustees.

MS. BARNEY made a motion, seconded by MS. WALSH to approve maintaining the current asset allocation policy (51% Equity, 29% Fixed Income and 20% Real Assets) as detailed in the Statement of Investment Policy approved February 3, 2015 by the Board of Trustees. The motion PASSED unanimously (7-0). (Motion #16-22)

C. Administration & Personnel Oversight Committee



Presentation by Committee Chairman, Barbara Walsh

- i. Regular Report of March 15, 2016
  - a. Recommendation to Nominate Sheila Morgan-Johnson as the Prince George's County Public Member for the term Ending June 30, 2017
- ii. Confidential Report of March 15, 2016

MS. WALSH presented the regular report for the Administration & Personnel Oversight Committee (Personnel Committee) meeting of March 15, 2016.

A Notice to all Prince George's County residents was placed in the *Sentinel*, on the Commission's and ERS' websites, and was forwarded to the Washington Area Investment Forum for distribution inviting residents to apply for the Prince George's County Public Member seat on the ERS Board of Trustees. The call for applications ended at 5:00 p.m. on March 25, 2016 with four (4) applicants.

The Personnel Committee reviewed the four applications and determined one applicant was ineligible due to his current residency in Montgomery County. The Personnel Committee agreed one applicants operations and significant investment experience gave her a slight edge over the other applicants and recommended the Board nominate her as the Prince George's County Public Member for the term ending June 30, 2017 to the Commission, who makes the final appointment.

MS. MILLAR made a motion, seconded by MS. BARNEY to nominate Ms. Sheila Morgan-Johnson as the Prince George's County Public Member for the term ending June 30, 2017. The motion PASSED unanimously (7-0). (Motion #16-23)

## 7. CLOSED SESSION


The Board will meet in Closed Session, pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(1) to discuss personnel issues

MS. BARNEY made a motion, seconded by MS. MILLAR to go into Closed Session, pursuant to the General Provisions Article of the Annotated Code of Maryland Sections 3-305(b)(1) to discuss personnel issues. The motion PASSED unanimously (7-0). (Motion #16-24)

The Board of Trustees meeting of April 5, 2016 adjourned at 12:15 p.m.

Respectfully,

  
Heather D. Brown  
Senior Administrative Specialist

  
Andrea L. Rose  
Administrator

115 Trust (OPEB)  
Meeting Minutes  
PRA

Wednesday, December 16, 2015

Attending: Commissioner Manuel Geraldo, Chairman;  
Commissioner Casey Anderson, Trustee;  
Patricia Colihan Barney, Commission Executive Director, Trustee;  
Joseph Zimmerman, Commission Secretary-Treasurer, Trustee;  
William Dickerson, Internal Legal Counsel;  
Barbara Walsh, Commission Accounting Manager, Staff;  
Abbey Rodman, Commission Investment Manager, Administrator;  
Barry Bryant, Investment Consultant, Dahab Assoc.

Absent: William Spencer, Commission Human Resources Director, Trustee;  
Claudia Stalker, Commission Accountant, Staff

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

Minutes from the 9/16/15 meeting were approved. Mr. Bryant asked that the performance report be moved from the second agenda item to the fifth agenda item, and the committee concurred.

Mr. Zimmerman discussed the protocol for review of the investment results for the third quarter, and it was agreed to follow the same format as was used in the previous year.

Ms. Rodman presented the proposed real estate contract for Intercontinental, and the side letter prepared by external counsel Groom. She said that the contract was ready for signature. Mr. Bryant added that it would take two quarters to invest the money. Mr. Zimmerman noted that an anticipated July 1, 2016 cash inflow matched almost perfectly the amount needed to fund real estate. Mr. Bryant said that getting the contract signed before the end of the calendar year would provide the best chance of matching those two cash flows.

Mr. Bryant presented a proposal for constructing an investment policy for the fund after reviewing the investment policy for ERS. He said that he would like to present a policy to the board that contains three parts. The first part would outline process, responsibilities, and goals. The second part would provide the outcome of that process including the asset allocation and ranges, means of evaluating managers, and the actuarial assumption. The third part would include guidelines and expectations relative to each investment strategy. Mr. Bryant said he felt that such a structure would make the IPS most useful to all constituencies. After a brief discussion, the Board agreed to allow Mr. Bryant to prepare a draft IPS on that basis for presentation at the next meeting.

Mr. Bryant described the third quarter as being the third worst in six years. He also noted that the new asset allocation designed, as it was, to capture return in up markets performed particularly badly. The portfolio lost 9.6% in a quarter for which the average public fund portfolio lost 5.0%.

During the quarter, domestic stocks declined 7% and foreign stocks declined 12% while domestic fixed income increased 1.2% and foreign fixed income increased 0.5%. Private domestic real estate, as represented by the NCREIF ODCE, increased 3.7%.

The asset allocation did poorly in this environment because of high allocations to domestic mid/small cap equity, emerging market equity, and the low bond allocation. Not having the real estate allocation funded also hurt.

The managers also performed below benchmark. Mr. Bryant noted that all of the strategies had a value tilt and depended on growth to outperform. The third quarter represented a fear – largely unrealized – that the worldwide recovery was in danger of collapse due to slower growth in China. Mr. Bryant concluded the performance report by noting that, with the return of positive psychology in the fourth quarter, the portfolio had gained 4.7% through November.

Mr. Bryant indicated that with the fund's growing size it was time to diversify beyond the PIMCO strategies that are currently being used. He promised to bring options for that to the next meeting.

Mr. Zimmerman noted that the best time to buy assets was when they were shunned by the market and, therefore, cheaper, and that it was important to stick to the long-term plan. Commissioner Geraldo questioned whether now was the right time to commit to foreign equities. Mr. Bryant said that while there were many issues abroad, notably the slowdown in China and the strengthening of the dollar, foreign assets were generally cheap relative to domestic assets. He also said that with the finalization of an asset allocation it was important to stick with that plan and not make intermediate-term tactical changes.

Ms. Barney noted that index funds were an attractive alternative, and that her experience with MNCPPC's large fund demonstrated that making money with active management was extremely difficult.

Mr. Bryant concluded by saying that whatever alternatives the committee chose, the portfolio probably needed to remain simple and easy to administer.

The Trustees set 11:30 am on Wednesday, March 16, 2016 at MRO as the time for the next meeting.

The meeting was adjourned at 12:30 pm.

Respectfully Submitted,



Claudia Stalker



**MEMORANDUM**



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

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

*Andrea L. Rose*  
*Administrator*

**BOARD OF TRUSTEES**

Chairman Elizabeth M. Hewlett  
Vice Chairman Marye Wells-Harley

Khalid Afzal  
Howard Brown  
Alicia Hart  
Sheila Morgan-Johnson  
Joseph C. Zimmerman, CPA  
Patricia Colihan Barney, CPA  
Pamela F. Gogol  
Amy Millar  
Barbara Walsh

TO: The Commission

Date: May 3, 2016

VIA: Elizabeth M. Hewlett  
Chairman, Board of Trustees

FROM: Andrea L. Rose, Administrator  
Sheila S. Joynes, Accounting Manager

SUBJECT: FY2017 Operating Budget

**RECOMMENDATION**

The Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS") respectfully submits the FY2017 Operating Budget for approval. The budget totals \$1,838,238 which is a 1.8% decrease from the FY2016 Operating Budget.

**BACKGROUND**

The Commission established the ERS effective July 1, 1972, in accordance with the Trust Agreement between the Commission and the ERS' Board. The Board's primary responsibility is to administer the ERS for the sole benefit of the members in order to pay the promised benefits.

Annually, the Board prepares and presents an operating budget setting forth projected expenditures for the operation of the ERS for the Commission's review and approval. The Board also prepares certain projected expenses, including banking, investment consulting and investment manager fees for the Commission's information. The Board monitors closely the fees and expenses from consultants and professional advisors to ensure comparability to other public funds of the ERS' size and complexity.

Although there is no formal restriction or budget guideline imposed by parties outside the Board, the Board is sensitive to the limitations imposed on the Commission by the two counties. Historically, administrative expenses were equal to 1% of estimated covered payroll and the ERS consistently maintained its budget within this expense assumption. As the Commission payroll was reduced through management restructuring, the amount available for budget consideration using the 1% expense assumption decreased as work program requirements increased making it difficult to effectively manage the ERS' work program. After considerable analysis, at its February 5, 2013 meeting, the Board approved an operating budget each year based exclusively on the ERS' fiscal work program requirements which is consistent with other local retirement systems.

### **ANALYSIS**

The Board examined each expenditure category and its funding. The FY2017 Operating Budget (Attachment 1) proposes overall spending at \$1,838,238 based on the work program requirements reflected below. The FY2017 Operating Budget is a decrease of 1.8% in spending from FY2016.

#### **Personnel Services**

Personnel Services are expected to decrease 1.7% from FY2016 and include a placeholder for salary adjustments, pension, health and OPEB. The employer pension contribution decreased significantly from 18.5% in FY2016 to 13% in FY2017 for the defined benefit plan and remains flat at 8% in the ICMA 401(a) plan. Two employees will hit the top-of-grade this fiscal year and one employee has been at top-of-grade since 2003.

#### **Other Services & Charges**

This category nets to an overall decrease of 2.4% and includes professional services (actuarial, auditing, and legal); education and training; insurance (fiduciary, general liability and a fidelity bond); and miscellaneous services (printing, rent, copier and software maintenance fees).

Actuarial Services are estimated at \$64,170 (a decrease of 13.7% from FY2016) and includes funding for the annual actuarial valuation, data accommodations, actuarial deficiency calculations, an actuarial equivalence factor review, board and staff training, annual review of the investment assumption, and the GASB 67 & 68 report.

Auditing & Tax Consulting is projected at \$31,050 (a 15.7% decrease from FY2016) and includes the annual audit, review of the Comprehensive Annual Financial Report, tax advice related to the ERS' alternative investments and assistance in navigating the filing and disclosure requirements for the ERS' international investments, including the review of all K-1s. A decrease in fees resulted from selection of a new auditor following the issuance of a Request for Proposal.

Legal Services for outside pension counsel are projected at \$145,000 (the same amount proposed in FY2016) and includes issues related to the new and existing alternative investment structures, plan member issues, and maintenance of the ERS' tax qualified

status. The robust funding for outside counsel is required for the specialized services applicable to public pension plans.

Computer Consulting is projected at \$22,500 and includes a required Oracle upgrade and modifications to the interface between the ERS and the Commission.

Education & Training for the board and staff is important to maintain the highest standards of fiduciary accountability. Trustees are required to complete eight hours of investment and fiduciary training each year and to attend at least one educational conference every other year that will enable trustees to perform their fiduciary duties. Total training for staff and trustees is budgeted at \$34,500 which is a 9.5% increase from FY2016. The increase includes custom in-house training for the ERS staff on qualification and taxation issues for governmental retirement plans.

The ERS reimburses the Commission for rent which remains flat at the FY2016 level of \$96,015.

### **Chargebacks, Capital Outlay & Additional Information**

In July 2005, ERS technology operations were integrated with the CAS-IT Department in an effort to establish cross training, back up and enhanced services for the ERS and CAS-IT. The ERS reimburses Finance through a chargeback for these services in an amount of \$47,200. The Board continues to maintain Commission standards for hardware, software, security and access control provided funds are available.

The Commission's General Counsel's Office provides legal services to the ERS in the areas of contract review and negotiation, litigation oversight, employee issues and general plan advice. The chargeback is \$64,200 for these services.

The ERS maintains Commission standards for hardware; however, no Capital Outlay is anticipated for FY2017.

Staff delayed the search for a new pension software solution in FY2016 as a result of the challenges with the Commission's ERP project. Ideally, the RFP will be issued in FY2017 with project implementation in FY2018.

### **Investment Services**

Attachment 2 estimates fees for bank custodial services provided by The Northern Trust Company of Chicago, Illinois; investment consulting services provided by Wilshire Associates of Pittsburgh, Pennsylvania; and investment management services provided by investment managers investing in domestic equities, international equities, fixed income, alternatives, real estate and high yield income. Investment manager fees fluctuate based on the market value of the portfolio.

#### **Attachments**

1. FY2017 Operating Budget
2. FY2017 Investment Services

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

## FY 2017 Operating Budget

	FY2014	FY2015	Budget	FY 2016		FY 2017	Variance	
	Actual as of 30-Jun-14	Actual as of 30-Jun-15		Actual as of 31-Mar-16	Projected as of 6/30/16	Proposed	Amount	%
<b>PERSONNEL SERVICES:</b>								
SALARIES-FULL TIME	740,519	773,367	864,766	598,902	815,368	886,936	22,170	2.6%
SALARIES-PART TIME	0	0	0	0	0	0	0	0.0%
NON CAREER	0	0	0	13,776	29,198	0	0	0.0%
<b>TOTAL SALARIES</b>	<b>740,519</b>	<b>773,367</b>	<b>864,766</b>	<b>612,678</b>	<b>844,566</b>	<b>886,936</b>	<b>22,170</b>	<b>2.6%</b>
<b>EMPLOYEE BENEFITS</b>								
EMPEYEE BENEFITS	269,734	291,410	343,645	236,204	294,208	297,391	(46,254)	-13.5%
OPEB BENEFITS	27,200	11,934	11,934	11,934	11,934	13,749	1,815	15.2%
RETIREE BENEFITS	7,117	6,332	7,132	7,176	7,176	7,938	806	11.3%
<b>TOTAL BENEFITS</b>	<b>304,051</b>	<b>309,676</b>	<b>362,711</b>	<b>255,314</b>	<b>313,318</b>	<b>319,078</b>	<b>(43,633)</b>	<b>-12.0%</b>
ACCRUED LEAVE	7,149	9,543	18,218	0	18,218	17,923	(295)	-1.6%
<b>TOTAL PERSONNEL SERVICES</b>	<b>1,051,719</b>	<b>1,092,586</b>	<b>1,245,695</b>	<b>867,992</b>	<b>1,176,102</b>	<b>1,223,937</b>	<b>(21,757)</b>	<b>-1.7%</b>
<b>SUPPLIES &amp; MATERIALS:</b>								
OFFICE SUPPLIES & FURNITURE	8,874	4,488	6,500	5,111	6,500	6,500	0	0.0%
COMPUTER SUPPLIES	2,763	7,187	10,500	5,531	10,500	10,500	0	0.0%
<b>TOTAL SUPPLIES &amp; MATERIALS</b>	<b>11,636</b>	<b>11,675</b>	<b>17,000</b>	<b>10,642</b>	<b>17,000</b>	<b>17,000</b>	<b>0</b>	<b>0.0%</b>
<b>OTHER SERVICES &amp; CHARGES:</b>								
<b>PROFESSIONAL SERVICES:</b>								
Actuarial	39,440	42,360	74,370	48,810	74,370	64,170	(10,200)	-13.7%
Auditing & Tax Consulting	29,289	26,461	36,823	19,533	36,823	31,050	(5,773)	-15.7%
Legal	49,530	114,108	145,000	72,780	145,000	145,000	0	0.0%
Computer Consulting	14,975	0	22,500	695	22,500	22,500	0	0.0%
<b>EDUCATION AND TRAINING</b>								
MEMBERS	0	0	500	0	500	500	0	0.0%
STAFF	6,840	4,674	10,000	2,812	10,000	13,000	3,000	30.0%
TRUSTEES	7,929	7,100	21,000	6,003	12,000	21,000	0	0.0%
<b>SUBTOTAL EDUCATION AND TRAINING</b>	<b>14,769</b>	<b>11,774</b>	<b>31,500</b>	<b>8,815</b>	<b>22,500</b>	<b>34,500</b>	<b>3,000</b>	<b>9.5%</b>
ADVERTISING	1,970	0	3,500	478	3,500	3,500	0	0.0%
COMMUNICATIONS	684	2,251	1,500	0	1,500	1,500	0	0.0%
POSTAGE	322	5,754	4,900	2,653	4,900	5,000	100	2.0%
<b>INSURANCE</b>								
FIDUCIARY LIABILITY	31,971	33,900	35,087	34,630	34,630	35,669	582	1.7%
BUSINESS/GENERAL LIABILITY	1,269	272	1,314	1,204	1,204	1,248	(66)	-5.0%
FIDELITY BOND	2,013	1,756	2,084	0	2,084	1,863	(221)	-10.6%
<b>SUBTOTAL INSURANCE</b>	<b>35,253</b>	<b>35,928</b>	<b>38,485</b>	<b>35,834</b>	<b>37,918</b>	<b>38,780</b>	<b>295</b>	<b>0.8%</b>
MEMBERSHIPS AND SUBSCRIPTIONS	2,255	2,455	2,615	2,060	2,615	2,670	55	2.1%
<b>MISCELLANEOUS SERVICES:</b>								
Payroll Services	3,010	3,595	3,200	2,292	3,855	4,680	1,480	46.3%
PRINTING & BINDING	1,029	0	1,000	465	1,000	1,000	0	0.0%
<b>RENT:</b>								
Office	78,560	86,317	96,015	64,010	96,015	96,015	0	0.0%
Copier	0	4,142	5,000	0	5,000	5,000	0	0.0%
REPAIRS & MAINTENANCE	23,755	26,120	26,509	25,450	25,450	26,000	(509)	-1.9%
OTHER	5,944	3,442	4,760	2,509	4,760	4,535	(225)	-4.7%
<b>TOTAL OTHER SERVICES &amp; CHARGES</b>	<b>300,785</b>	<b>364,707</b>	<b>497,677</b>	<b>286,384</b>	<b>487,706</b>	<b>485,901</b>	<b>-11,776</b>	<b>-2.4%</b>
<b>CHARGEBACKS-M-NCPPC:</b>								
CHARGEBACKS-FINANCE	47,200	47,200	47,200	47,200	47,200	47,200	0	0.0%
CHARGEBACKS-LEGAL	64,200	64,200	64,200	64,200	64,200	64,200	0	0.0%
<b>TOTAL CHARGEBACKS</b>	<b>111,400</b>	<b>111,400</b>	<b>111,400</b>	<b>111,400</b>	<b>111,400</b>	<b>111,400</b>	<b>0</b>	<b>0.0%</b>
<b>CAPITAL OUTLAY:</b>								
<b>TOTAL CAPITAL OUTLAY</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>
<b>TOTAL</b>	<b>1,475,540</b>	<b>1,580,368</b>	<b>1,871,772</b>	<b>1,276,418</b>	<b>1,792,208</b>	<b>1,838,238</b>	<b>-33,533</b>	<b>-1.8%</b>



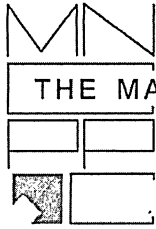
<u>FY 2017 Investment Services</u>					
	<u>Actual FY 2014</u>	<u>Actual FY 2015</u>	<u>Estimated FY 2016</u>	<u>Estimated FY 2017</u>	% Increase
Bank Custodial Services	\$ 300,402 <sup>(3)</sup>	\$ 286,571	\$ 278,798	\$ 287,162	3.00%
Investment Consulting Services	\$ 192,700	\$ 196,700	\$ 196,900	\$ 202,807 <sup>(2)</sup>	3.00%
Investment Management Services	\$ 2,382,261	\$ 2,371,074	\$ 2,849,993	\$ 3,049,493 <sup>(1)</sup>	
Total	<u>\$ 2,875,363</u>	<u>\$ 2,854,345</u>	<u>\$ 3,325,691</u>	<u>\$ 3,539,462</u>	

(1) Investment manager fees fluctuate based on the market value of the portfolio and are exclusive of alternative manager fees.

(2) Investment Consulting services include fees for the primary investment consultant, Wilshire Associates.

(3) Fee reduction negotiated 8/2013





## THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

PCB16-18

May 11, 2016

To: The Commission

Via: Patricia C. Barney, Executive Director

From: Anju Bennett, Corporate Policy and Management Operations Division Chief  
Shelley Gaylord, DHRM Budget Manager

Re: Budget Transfer for the Department of Human Resources and Management

**Action**

The Administration Fund for the Department of Human Resources and Management (DHRM) is projected to have some savings in personnel costs primarily from unanticipated salary lapse and benefits savings in FY16. We have approximately \$194,000 in savings. We are requesting approval of a budget transfer for a portion of these savings to enable us to address additional or ongoing critical needs which were not known during the FY16 budget process. The requested use of salary lapse is in the amount of \$160,000.

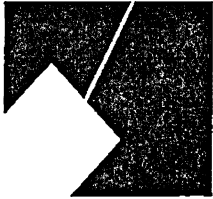
**Proposed Use of Lapse/Savings**

We are requesting to use funds as follows:

- New Utility Van for Archive Program \$25,000  
The program requires a daily use of the utility van to transport records to and from operating departments. The existing van is over 20 years old and in very poor mechanical condition. Fleet Management recommended replacing the vehicle. Fleet Management was asked about used replacement vehicles, however none are available.
- Enterprise Resource Program \$135,000  
We are requesting to use a portion of the salary lapse toward implementation of ERP modules through systems consulting services, programming enhancements, and training.

We appreciate your consideration of our request.





# MEMO

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION  
*Department of Finance, Office of Secretary-Treasurer*

TO: Maryland-National Capital Park and Planning Commission

FROM: Joseph C. Zimmerman, CPA, Secretary-Treasurer

SUBJECT: Request to spend FY 2016 Personnel Services savings.

DATE: May 11, 2016

ACTION REQUESTED: Board approval to spend salary lapse

The Department of Finance expects to realize savings of approximately \$560,000 in its Personnel Services budget due to delay in filling critical positions as a result of unusual turnover. Approval is requested to allocate savings in this budget category to fund needed ERP related enhancements that include:

- Legacy system data archiving
- Consulting specific to increasing functionality
- Purchase of training vouchers- ERP Analyst
- Continued enhancement of reporting functionality
- Upgrade/replacement of IT Hardware

Thank you for your consideration of this proposal. I look forward to discussing this with you next week.





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

*Reply To*

May 11, 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

SUBJECT: Request to Spend Bi-County Salary Lapse – FY16

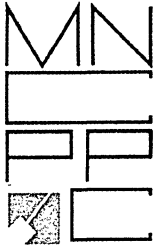
After reviewing our year-to-date spending, our Chief Departmental Administrator projects that the Office of the General Counsel (Legal Department) will save approximately \$145,000 from FY16 salary lapse. You may note that a portion of that amount is attributable to personnel vacancies that were back-filled using temporary agencies.

Accordingly, I respectfully request that the Commission authorize me to reallocate up to \$145,000 in the Legal Department's FY 2016 Personnel appropriation to support (1) Westlaw legal research and eCounsel case management database systems and (2) outside counsel and fees related to litigation matters.

cc: Tonya Miles, Chief Departmental Administrator







THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

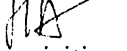
*Department of Parks and Recreation*

6600 Kenilworth Avenue Riverdale, Maryland 20737

May 2, 2016

SUBJECT: PGCPB Resolution No. 16-51 (M-NCPPC No. 16-05)

TO: The Maryland-National Capital Park and Planning Commission

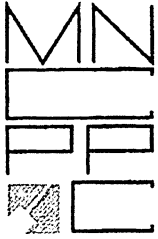
FROM: Helen Asan   
Acting Land Acquisition Supervisor

Attached, please find the above-referenced Resolution regarding the disposal of Commission property located on Church Road and known as Fairwood East Park to the City of Bowie. The City of Bowie plans to use the property in perpetuity for public recreation and has agreed to pay the Commission **\$210,000** for the purchase of the property.

It has been scheduled for Full Commission on May 18, 2016

Attachment

- M-NCPPC Resolution No. 16-05



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

PGCPB No. 16-51

MNCPPC No. 16-05

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission ("Commission") is authorized under the Annotated Code of Maryland, Land Use Article § 17-205 to sell, convey, transfer, lease or exchange any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

WHEREAS, The Commission owns ± 20 acres known as Fairwood East Park located on Church Road, more particularly described as Parcel 78, on Tax Map 54, Grid C-1 (the "Property"), and

WHEREAS, the City of Bowie ("the City") wishes to purchase said Property and has agreed to a restrictive covenant in the deed which limits the use of the Property in perpetuity for public recreation purposes by the residents of the City of Bowie and other members of the general public, and

WHEREAS, the City of Bowie has agreed to pay the Commission Two Hundred Ten Thousand Dollars (\$210,000) for the sale and conveyance of the Property to the City, and

WHEREAS, the Commission has determined that it is in the best interests of the residents of Prince Georges County to enter into land purchase agreement with the City that will facilitate the conveyance of the Property to the City; and

WHEREAS, on March 31, 2016, the Prince George's County Planning Board held a hearing to consider approval of the land purchase agreement and recommendation of conveyance of Commission Property to the Commission, subject to certain conditions

NOW, THEREFORE BE IT RESOLVED, that, the Board hereby recommends that Commission approve the conveyance of the Commission Property to the City, conditioned upon the City accepting title thereto; and

BE IT FURTHER RESOLVED, that in connection with the transactions contemplated herein, the Executive Director is authorized to execute and deliver, on behalf of the Commission, any and all such agreements, documents, and/or instruments, and to do or cause to be done, any and all such acts, as the Executive Director deems necessary or appropriate to make effective or to implement the intended purposes of the foregoing resolution, without limitation, and the taking of such actions shall be deemed conclusively to be authorized hereby.

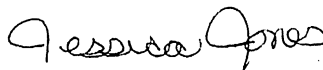
\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners, Washington, Bailey, Hewlett and Geraldo voting in favor of the motion, with Commissioner Shoaff absent, at its regular meeting on Thursday, March 31, 2016, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 28<sup>th</sup> day of April, 2016

Elizabeth Hewlett  
Chairman

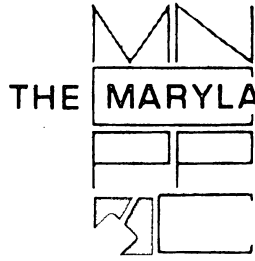


By: Jessica Jones  
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPCC Legal Department  
Date 4/29/16






THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

May 9, 2016

TO: Commissioners

FROM: Patricia Colihan Barney, Executive Director 

SUBJECT: Educational Briefing on Defined Contribution Plans – Presentation by Boomershine Consulting

**ACTION REQUESTED:**

No action is requested at this time. Boomershine Consulting will be making a presentation to the Commission in response to a Commissioner request to provide information regarding defined contribution plans.

**BACKGROUND:**

The Commission's actuary Boomershine Consulting will be providing an educational briefing on defined contribution plans per a request from one of our Commissioners. The presentation will include a comparison of three types of pension plans: defined benefit, defined contribution plan and hybrid.

As you may recall, during FY 12 as result of the difficult financial environment, the Commission evaluated various options to bend the cost curve related to our compensation and benefit plans. As part of that effort, a comprehensive study was performed regarding the three different types of pension plans. This major effort resulted in the Commission decision to offer new hires a lower cost defined benefit pension plan beginning in January of 2013. The cost of that new plan was to be approximately the same as the "GRIP" plan offered by Montgomery County Government which at that time was estimated to be 7% of payroll. To date, the cost of our new plan has been approximately 7% of payroll and about 15% of our employees are now in the new Plan E.

Boomershine Consulting's presentation will be provided at the Commission meeting.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
BY DEPARTMENT AS OF APRIL 2016

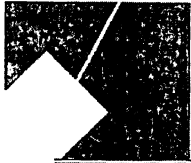
	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	03/16	04/16	03/16	04/16	03/16	04/16	03/16	04/16
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	1	1	1	1
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	0	0	1	0	0	0	1
LEGAL DEPARTMENT	0	1	1	1	1	1	2	3
FINANCE DEPARTMENT	1	3	2	1	0	1	3	5
PRINCE GEORGE'S PLANNING	0	2	0	3	0	0	0	5
PRINCE GEORGE'S PARKS & RECREATION	3	3	0	0	0	0	3	3
MONTGOMERY COUNTY PARKS	2	2	0	1	0	0	2	3
MONTGOMERY COUNTY PLANNING	3	2	0	0	0	0	3	2
**DEPARTMENT TOTAL BY DAYS LATE**	13	13	3	7	2	3	---	---
<b>COMMISSION WIDE TOTAL:</b>							<b>14</b>	<b>23</b>

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







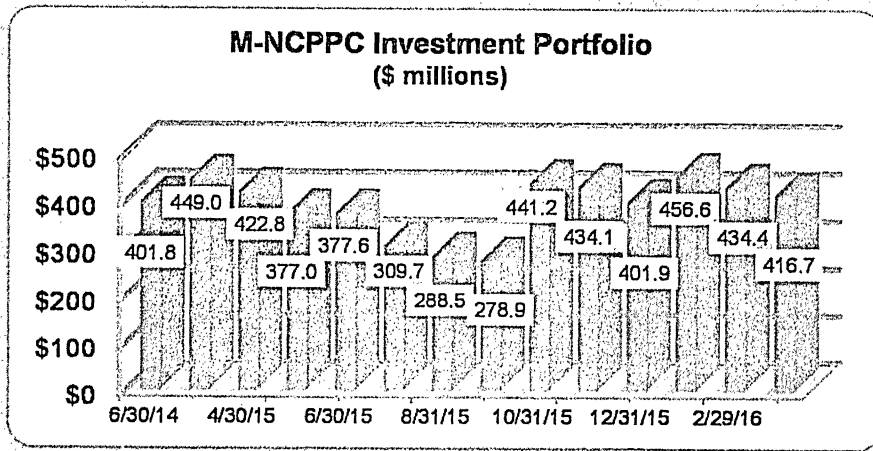


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**TREASURY OPERATIONS, FINANCE DEPARTMENT**  
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737  
 Telephone (301) 454-1541 / Fax (301) 209-0413

**MEMO**

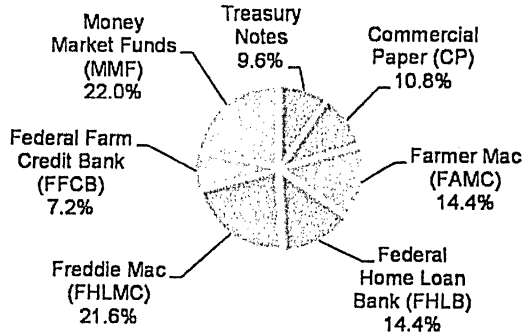
**TO:** Commissioners  
**VIA:** Joseph Zimmerman, Secretary-Treasurer  
**FROM:** Abbey Rodman, Investment & Treasury Operations Manager *AR*  
**DATE:** 4/7/2016  
**SUBJECT:** Investment Report – March 2016

The Commission’s pooled cash investment portfolio totaled \$416.7 million as of March 31, 2016, with a 3.88% decrease from February 29, 2016. Details are as follows:



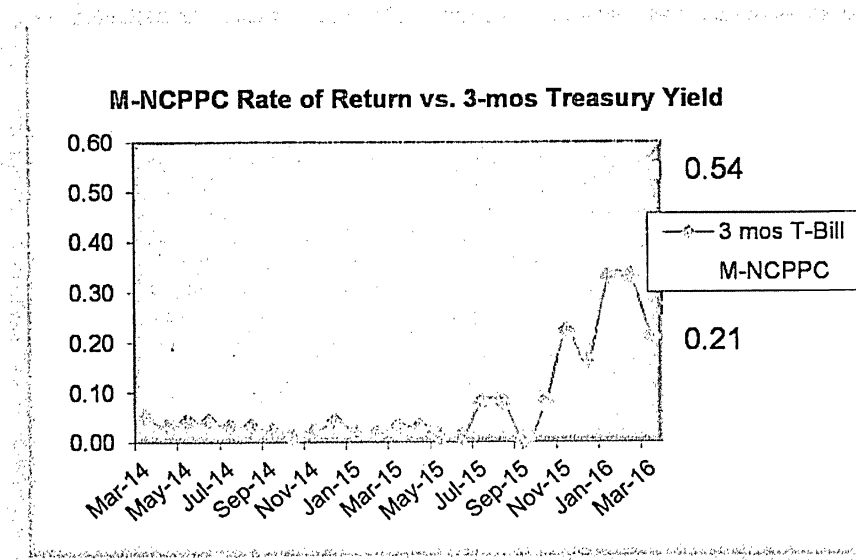
The composition of the pooled cash portfolio as of March 31, 2016 is summarized below:

**Portfolio Composition as of 03/31/16**

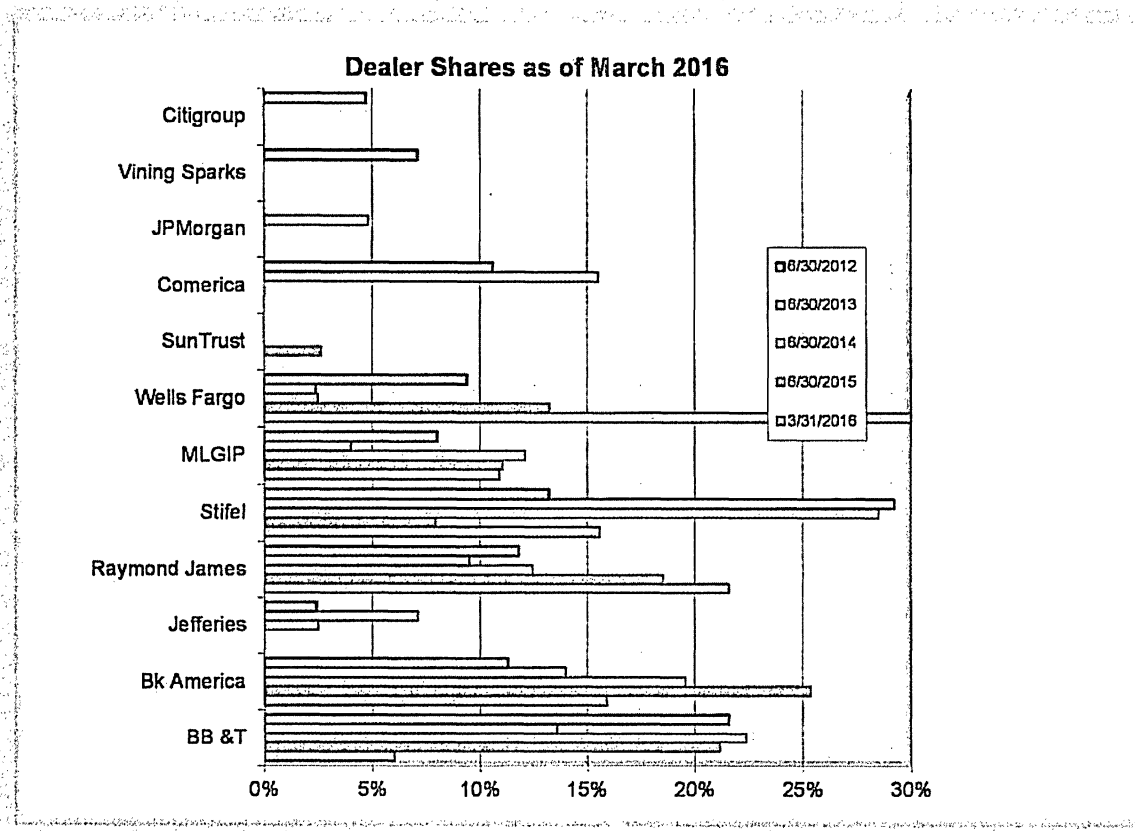


Current Investment Portfolio - March 2016				
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Money Funds	25%	22%	\$ 91,747,099	n/a
Freddie Mac	20%	22%	90,000,000	0.85%
Farmer Mac	20%	14%	60,000,000	0.54%
Federal Home Loan Banks	20%	14%	60,000,000	0.44%
Commercial Paper	10%	11%	45,000,000	0.66%
Treasury Notes	100%	10%	40,000,000	0.68%
Federal Farm Credit Bureau	20%	7%	30,000,000	0.45%
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			<b>\$ 416,747,099</b>	<b>0.63%</b>

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



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



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

<b>Market Value- 03/31/16</b>	
Prince George's County (PGC-2015A)	\$ 21,123,729
Prince George's County (PGC-2014A)	9,141,610
Montgomery County (MC-2014A)	1,542,540
	<b>\$ 31,807,879</b>

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of March 31, 2016 appear below:

<b>Debt Balances -March 2016</b>					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
<b>Bi-County</b>					
<b>Total Bi-County</b>	\$ -	\$ -	0%		
<b>Prince George's County</b>					
KK-2 (Refunded AA-2)	17,300,000	5,481,298	32%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	8,080,000	57%	Mar-10	May-21
EE-2	37,525,000	4,610,000	12%	Mar-04	Jan-17
PG-2012A	11,420,000	7,060,000	62%	Jun-12	Jun-24
JJ-2	8,900,000	355,000	4%	May-07	May-17
PGC-2014A	26,565,000	24,350,000	92%	May-14	Jan-34
PGC-2015A	24,820,000	24,820,000	100%	Oct-15	Jan-25
<b>Total Prince George's County</b>	\$ 140,610,000	\$ 74,756,298	53%		
<b>Montgomery County</b>					
LL-2	8,405,000	3,555,000	42%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,080,000	54%	Nov-04	Dec-24
FF-2	4,000,000	480,000	12%	Nov-04	Dec-24
II-2	4,700,000	3,220,000	69%	Mar-07	Apr-27
MM-2	5,250,000	3,780,000	72%	May-09	Nov-28
MC-2012A	12,505,000	10,900,000	87%	Apr-12	Dec-32
MC-2012B	3,000,000	2,630,000	88%	Apr-12	Dec-32
MC-2014A	14,000,000	13,005,000	93%	Jun-14	Jun-34
<b>Total Montgomery County</b>	\$ 53,860,000	\$ 38,650,000	72%		
<b>Total</b>	\$ 194,470,000	\$ 113,406,298	58%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012  
 FISCAL YEAR 2016 - March 31, 2016

OBJECTIVES			Met Objective	Within Limits	Comments
<b>Protection of principal</b>			<b>Yes</b>		
<b>Limiting types and amounts of securities</b>	Limit			<b>Yes</b>	
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:					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)					
<b>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</b>				<b>Yes</b>	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
<b>Ensure competition among participants</b>	30%			<b>Yes</b>	No dealer share exceeded 30%
<b>Competitive Bidding</b>				<b>Yes</b>	All purchases awarded competitively.
<b>Diversification of Maturities</b>					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.					
<b>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</b>				<b>Yes</b>	M&T Investments serves as custodian, monitoring compliance daily
<b>Maintain sufficient liquidity</b>			<b>Yes</b>		Sufficient funds available for all cash requirements during period
<b>Attain a market rate of return</b>			<b>Yes</b>		Exceeded by 33 basis points.
	The pro-rated rates of return for the portfolio and T-bills were 0.54% and 0.21%, respectively.				









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

*Reply To*

May 10, 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 April, 2016

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

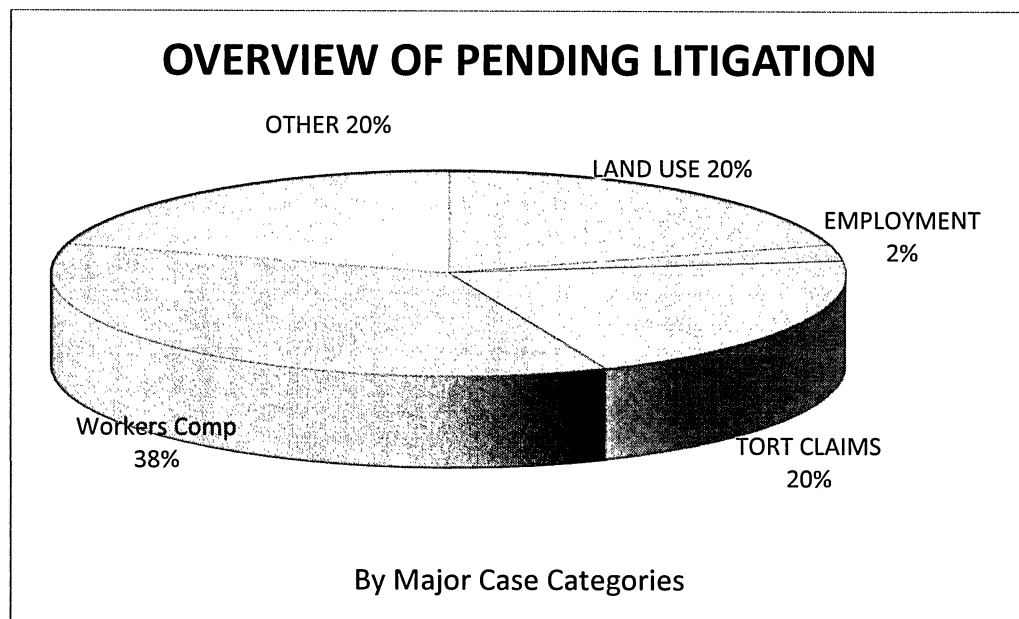
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## April 2016 Composition of Pending Litigation

(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	2	1					3
Tort Claim	7	1					8
Employment Dispute			1				1
Contract Dispute	1	1	1				3
Property Dispute	3						3
Civil Enforcement	1						1
Workers' Compensation	14						14
Debt Collection							0
Bankruptcy							0
Miscellaneous	2		1		1		4
<b>Per Forum Totals</b>	<b>31</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>39</b>



## April 2016 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2016			
	Pending In Mar/15	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
<b>Admin Appeal: Land Use (AALU)</b>	2			9	3	4	2
<b>Admin Appeal: Other (AAO)</b>	0			-			0
<b>Land Use Disputes (LD)</b>	3			1	3	1	3
<b>Tort Claims (T)</b>	8			10	9	12	8
<b>Employment Disputes (ED)</b>	1			1	1	3	1
<b>Contract Disputes (CD)</b>	3			4			3
<b>Property Disputes (PD)</b>	3			4	2	1	3
<b>Civil Enforcement (CE)</b>	1			1		1	1
<b>Workers' Compensation (WC)</b>	16		2	10	13	7	14
<b>Debt Collection (D)</b>	0			-			0
<b>Bankruptcy (B)</b>	0			-			0
<b>Miscellaneous (M)</b>	4			1	4	2	4
<b>Totals</b>	41	0	2	41	35	31	39

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

<b><u>A. New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
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	MCPP	Tort	Aug 2015
Keeler v. Commission	MC	WC	Aug 2015
Giuffrida 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
Watkins v. Commission	PG	WC	Dec 2015
Town of Riverdale Park, et al v. Commission	PGPB	AALU	Dec 2015
Commission v. Morgan	MC	WC	Jan 2016
Belt v. Commission	PG	WC	Jan 2016
Commission v. 2005 Toyota Camry	MC	Misc	Jan 2016
Commission v. Ford	PG	WC	Feb 2016
Commission v. Fulwood	PG	WC	Feb 2016
Commission v. DeReggi	MC	PD	Feb 2016
Richardson v. Arnett, et al	MC	Tort	Mar 2016
Prince George's County, Md v. Commission	PG	LD	Mar 2016
Trevar, et al v. Cannizzo, et al	MC	LD	Mar 2016
Parker v. Commission	PG	WC	Mar 2016
Watkins v. Commission	PG	WC	Mar 2016
Dixon v. Commission	MC	WC	Mar 2016
Dixon v. Commission	MC	WC	Mar 2016
Chase v. Perry, et al	PG	Tort	Mar 2016

<b><u>B. New Appellate Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Commission v. Hill	PG	ED	Sept 2015
Smith v. MCPB	MCPB	AALU	Sept 2015
American Humanists Association, et al v. Commission	PG	Misc	Dec 2015
Friends of Croom Civil Assoc., et al v. Commission	PGPB	AALU	Dec 2015
Town of Forest Heights v. Commission	PG	Misc	Feb 2016

**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
White v. Commission	PG	Tort	Dec 2015
American Humanist Association, et al v. Commission	PG	MISC	Dec 2015
Armstrong v. Commission	PG	ED	Dec 2015
L. Jackson v. Commission	PG	WCC	Jan 2016
L. Jackson v. Commission	PG	WCC	Jan 2016
Commission, et al v. Town of Forest Heights	PG	MISC	Feb 2016
Suggs v. Jones, et al	PG	Tort	Mar 2016
Glessner v. Surratt House	PGPR	Tort	Mar 2016
Pollard v. Commission	PG	WCC	Apr 2016
Keeler v. Commission	MC	WCC	Apr 2016

**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>		
Bell, et al v. Commission	Plaintiffs filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement (407517-V)	08/28/15- Plaintiffs filed Notice of Dismissal without Prejudice.
Bell, et al v. Commission	Plaintiffs filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement (401282-V)	09/04/15-Case dismissed.
Commission v. Pirtle	Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation	10/20/15- Complaint dismissed in open court.
Rounds v. Commission	Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.	Mandate from Court of Appeals affirming in part and reversing in part; remanding to Court of Special Appeals directing that they remand case to Montgomery County for further proceeding; Circuit Court enters Order dismissing remaining count against Commission on 06/25/15
<b>Montgomery County Department of Parks</b>		
Jang v. Commission, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	07/29/15: Trial-judgment entered in the amount of \$9,080 and \$88 costs
A. Jackson v. Commission	Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.	08/10/15: Jury Trial; verdict for Commission

Keeler v. Commission	Claimant/employee is appealing the WCC's decision regarding permanency	03/04/16- Dismissal without prejudice; Order remanding case back to Worker's Compensation.
<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>		
American Humanist Association, et al v. Commission	Defense of claim alleging violation of establishment clause of Constitution.	Motion for Summary Judgment filed by Commission granted on 11/30/15-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 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, filed in Prince George's County, Md.	06/26/15-Notice of Removal to U.S. District Court; case dismissed



Armstrong v. Commission	Defense of employment-related claim alleging discrimination	10/30/15-U. S. District Court grants Commission's Motion to Dismiss; order signed on 11/16/15.
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. 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-Barczy v. Commission	Claimant/employee is appealing the WCC's permanency award.	09/28/15 - Order of Court dismissing and remanding case back to WCC.
Glessner v. Surratt House	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.	01/29/16- Court grants Commission's Motion to Dismiss, case dismissed
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.
L. Jackson v. Commission	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.	12/01/15-Case dismissed pursuant to Court stay
L. Jackson v. Commission	Claimant/employee is appealing the WCC's decision regarding low back exclusion from claim arising from 5/27/14 accidental injury	12/01/15- Case dismissed pursuant to Court stay
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.
Pollard v. Commission	Claimant/employee is appealing the WCC's decision denying the left hip surgery is causally related to his workers' compensation claim	03/08/16- Trial-verdict in favor of Claimant; case remanded to WCC for findings consistent with verdict
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.
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.
<b>Prince George's County Planning Department</b>		
Commission, et al v. The Town of Forest Heights	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.	01/29/16- Court declares 6 <sup>th</sup> and 7 <sup>th</sup> annexation null and void.
Friends of Groom 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>		

**Prince George's Park Police**

Suggs v. Jones, et al

**Office of Internal Audit**

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

01/27/16-Case settled, line of dismissal filed.

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**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Commission v. DeReggi**  
No. 0601-0001203-2016 (PD)

Lead Counsel: Harvin/Adams  
Other Counsel:

Abstract: Complaint for tenant holding over on Commission property located in Montgomery County.

Status: Case dismissed

Docket:

01/29/16	Complaint filed
03/16/16	Case stayed pending bankruptcy
04/05/16	Case dismissed-tenant moving 5-4-16

**Richardson v. Arnett, et al**  
No. 0602-0001638-2016 (Tort)

Lead Counsel: Aleman  
Other Counsel: Harvin

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

Status: Complaint filed

Docket:

03/02/2016	Complaint filed
06/22/16	Trial

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

**Chase v. Perry, et al**

No. 0502-0006271-2016 (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: Case dismissed

Docket:

03/11/16	Complaint filed
04/21/16	Case settled and dismissed

**Prince George's County, MD v. Commission**

No. SP05-02-11465-16(LD)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for injunctive relief issued by Prince George's County for unlicensed dog kennel on Commission property which is actually owned by person in neighborhood encroaching on Commission property.

Status: Pending hearing.

Docket:

07/20/16	Show Cause hearing.
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**CIRCUIT COURT FOR ANNE ARUNDEL, MARYLAND**

**Belt v. Commission**

Case No. C-02-CV-16-000324 (WC- B75076)

Lead Counsel: Chagrin  
Other Counsel:

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

Status: Pending trial.

Docket:

01/26/16	Petition filed
02/05/16	Court grants Order Extending Time for Record Transmittal
02/23/16	Response to Petition filed by Commission
08/17/16	Settlement Conference
10/19/16	Pre-trial conference



**CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND**

**Shipe v. Louketis, et al**

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

Lead Counsel: Harvin  
Other Counsel: Dickerson

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

Status: In discovery.

Docket:

10/26/15	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 Louketis
01/22/16	Opposition to Motion to Dismiss & Request for Hearing filed
03/07/16	Court grants & denies portions of Commission Motion to Dismiss
09/30/16	Pre-trial conference
11/28/16	Trial

**Tugwell v. Louketis, et al**

Case No. 06-C-15-069996 (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:

10/21/15	Complaint filed
11/20/15	Commission served
12/16/15	Motion to Dismiss and supporting Memorandum, Motion for Protective Order filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Amended Complaint filed by Plaintiff
01/27/16	Second Amended Complaint filed by Plaintiff
02/17/16	Line filed by Commission responsive to Second Amended Complaint and renewing previous Motion to Dismiss
04/15/16	Motions hearing
09/30/16	Pre-trial hearing
11/28/16	Trial

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

**Burnette v. Commission**  
CAL15-18263 (WC #W050308)

Lead Counsel: Chagrin  
Other Counsel:

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

Status: 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 v. Ford**  
CAL16-02123 (WC W070371)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision for de novo judicial review regarding determination that injury occurred during course of employment.

Status: Petition filed.

Docket:

02/12/16	Petition for Judicial Review filed
02/29/16	Response to Petition for Judicial Review filed by Commission

**Commission v. Fulwood**  
CAL16-02193 (WC W070371)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Commission is appealing the WCC's finding that she had an occupational disease.

Status: Petition filed.

Docket:

02/26/16	Petition for Judicial Review filed
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**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: In discovery.

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.
12/30/15	Court grants Motion
05/03/16	Pre-trial Hearing
12/05/16	Trial

**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.
12/18/15	Opposition to Motion for Summary Judgment filed by Commission
06/27/16	Trial date

**Newell v. Commission**

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
06/07/16	Trial date

**Parker v. Commission**

CAL16-07506 (WC-formerly W071945)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision denying claim of exposure to mold and injury.

Status: Petition filed.

Docket:

03/11/16	Petition filed
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**Town of Riverdale Park, et al. v. M-NCPPC**

CAL-15-32787 (AALU)

Lead Counsel: Mills  
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-150003 in 7-Eleven, Inc.

Status: Awaiting oral argument.

Docket:

11/05/15	Petition for Judicial Review Filed
11/17/15	Commission filed Response to Petition, Certificate of Compliance and Notice of Appeal
12/22/15	Record and Transcript Filed
06/10/16	Oral Argument

**Watkins v. Commission**

CAL15-40296 (WC W050003)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status: Petition filed.

Docket:

12/30/15	Petition for Judicial Review filed
06/08/16	Pretrial conference

**Watkins v. Commission**  
CAL16-07583 (WC W050003)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status: Pending trial.  
Docket:

03/16/16	Petition for Judicial Review filed
08/18/16	Pre-trial conference.

**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Berry v. Lopez, et al**

Case No. 414115-V (Tort)

NOTE-Case Venue Transferred from Prince George's County

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: Amended complaint filed.

Docket:

01/21/16	Original Record from Prince George's County-CAL15-25864 transferred to Montgomery County
02/11/16	Commission files Motion to Dismiss and Memorandum
03/30/16	Court grants Commission's motion to dismiss on counts #1,#2,#3,#5, and #6 with prejudice. Court dismisses counts #4 without prejudice with leave to amend within 15 days.
04/21/16	Amended Complaint filed by Plaintiff
04/29/16	Defendant files Motion to Strike Amended Complaint

**Cohn, et al v. Commission**

Case No. 409148-V (M)

Lead Counsel: Dickerson  
Other Counsel: Harvin

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

Status: Pending trial.

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.
04/18/16	Defendant file Motion for Summary Judgment & Memorandum
04/29/16	Plaintiffs file Motion for Summary Judgment and Memorandum
05/25/16	Trial

**Commission v. 2005 Toyota Camry**

Case No. 412626-V (M)

Lead Counsel: Adams  
Other Counsel:

Abstract: Commission filed motor vehicle forfeiture incident to drug related arrest.

Status: Pending hearing.

Docket:

12/14/15	Petition filed.
02/23/16	Court grants Commission's Motion to Dismiss Co-Defendant, Tsalta Financial Co, LLC with prejudice; reissue of service for Defendant Ashford
03/17/16	Defendant Ashford served via private process service
06/14/16	Show Cause hearing

**Commission v. Guzman**

Case No. 411685-V (WC #B764267)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Commission appealed WCC order authorizing medical treatment.

Status: Case dismissed.

Docket:

11/17/15	Petition filed.
04/15/16	Joint Stipulation of Dismissal filed.

**Commission v. Johnson**

Case No. 366677-V (CE)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Further collection action and attempts to seek compliance by foreclosing bank.

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued
01/22/14	Order-Defendant must respond to Plaintiff's Interrogatories by 2/17/14

**Commission v. Morgan**

Case No. 414111-V (WC #W069759)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Commission appealed WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.

Status: Pending trial.

Docket:

01/21/16	Petition filed.
06/30/16	Status/Pre-trial hearing.

**Dixon v. Commission**

Case No. 417969-V (WC #069068)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing WCC Order denying that employee sustained an accidental injury arising out of and in the course of employment.

Status: Petition hearing.

Docket:

03/28/16	Petition filed.
04/27/16	Order of Court consolidating Case #417969V with 417970V and to follow scheduling in Case #417969.
09/08/16	Status/pre-trial hearing.

**Dixon v. Commission**

Case No. 417970-V (WC #043782)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing WCC Order denying that further medical treatment and total temporary disability.



Status: Pending hearing.

Docket:

03/28/16	Petition filed.
04/27/16	Order of Court consolidating Case #417969V with 417970V and to follow scheduling in Case #417969.
09/08/16	Status/pre-trial hearing.

**Fort Myer Construction Corporation v. Commission**

Case No. 399804-V (CD)

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

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

Status: Case stayed.

Docket:

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

**Giuffrida v. Commission**

Case No. 408754-V (WC #060681)

Lead Counsel: Chagrin  
Other Counsel:

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

Status: Pending trial.

Docket:

09/08/15	Petition filed.
05/18/16	Trial

**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: Case dismissed as to Commission.

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
12/28/15	Motion to Stay Discovery filed by Commission
01/15/16	Commission's Motion to Stay denied
01/29/16	Status Hearing held
02/17/16	Motion to Compel Discovery filed
02/19/16	Motions Hearing held; Court takes matters under advisement
03/24/16	Court grants Commission's motion to supplement record
04/19/16	Order of Court dismissing Plaintiff's Counts VI, VII and IX with prejudice for failure to join all necessary parties

**Smith v. Commission**  
Case No. 411259-V (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.
08/08/16	Trial

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

**Trevan, et al v. Cannizzo, et al**  
Case No. 415094-V (LD)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claim related to transferable rights associated with private party transaction relating to a parcel of land in Montgomery County.

Status: Pending Trial.

Docket:

02/19/16	Complaint filed.
03/10/16	Commission served with complaint
04/07/16	Motion to Dismiss filed by Commission
12/01/16	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: Adams

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
09/2016	Argument

**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: Court of Special Appeals affirms in part and reverses in part decision of Circuit Court.

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
03/02/16	Oral Argument held
04/01/16	Court of Special Appeals dismisses appeal of URS Corporation affirming judgment in favor of Commission against Defendant URS Corporation in the amount of \$352,355.68 and establishment of its duty to defend the Commission. The Court reversed the Circuit Court's award of sanctions against Ft. Myers Construction Co.
04/28/16	Court issues Amended Opinion instead dismissing appeal of URS Corporation as premature.

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

Case No. 02177, September Term 2015 (AALU)  
(Originally filed under CAL14-32333)

Lead Counsel: Mills  
Other Counsel: Borden

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
05/27/16	Commission Brief due
12/2016	Oral Argument

**The Town of Forest Heights v. Commission**

Case #02711, September Term 2015 (M)  
(Originally filed under CAL 15-04255)

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. Appellant files appeal after Circuit Court declares 6<sup>th</sup> and 7<sup>th</sup> annexation null and void.

Status: Appeal Filed.

Docket:

02/22/16	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. 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: In discovery.

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
12/29/15	Court denies Commission Motion for Reconsideration of Denial of Motion to Dismiss
01/07/16	Chambers Conference Call
02/19/16	E-Discovery Conference
04/01/16	E-Discovery Conference
05/10/16	Finalizing ESI protocol and search terms; Motion for Protective Order pending

**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: In discovery.

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
05/16/16	Motions deadline

**U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT**

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

No. 15-2597 Case #8:14-cv550-DKC (M)

Lead Counsel: Dickerson  
Other Counsel: Gardner  
Adams

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

Status: Appeal filed

Docket:

12/30/15	Notice of Appeal filed
02/29/16	Appellant's brief filed
04/04/16	Response brief by Appellees filed
03/07/16	Brief Amici Curiae filed by Freedom from Religion Foundation and Center for Inquiry in Support of Appellants
04/11/16	Brief Amici Curiae of The Becket Fund for Religious Liberty in Support of Appellees
04/11/16	Brief Amici Curiae Senator Joe Machin and Representatives Doug Collins, Vicky Hartzler, Jody Hice, Evan Jenkins, Jim Jordan, Mark Meadows and Alex Mooney in Support of Appellees
04/11/16	Brief Amici Curiae State of West Virginia and 24 Other States supporting Appellees
04/18/16	Appellant's Reply brief filed

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