

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**MEETING**  
*Wednesday, July 20, 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) Open Session – June 15, 2016	(+*) Page 3	_____	_____
	b) Closed Session – June 15, 2016	(++*)	_____	_____
3.	<b>General Announcements</b>			
	a) Upcoming Hispanic Heritage Celebration (Hispanic Heritage Month – September 15 <sup>th</sup> to October 15 <sup>th</sup> )			
	b) Reschedule of Literacy Program Graduation Ceremony following the Commission meeting on September 21 <sup>st</sup> , College Park Aviation Museum – Auditorium 1985 Corporal Frank Scott Drive, College Park, MD 20740			
4.	<b>Committee/Board Reports (For Information Only):</b>			
	a) Minutes – Executive Committee Meeting – July 6, 2016	(+)	Page	
	b) Minutes – Board of Trustees – June 7, 2016	(+)	Page	
	c) Minutes – 115 Trust (OPEB) – March 16, 2016	(+)	Page	
5.	<b>Action and Presentation Items</b>			
	a) Resolution #16-08 [ <b>Amended</b> ] – Fiscal Year 2017 Anniversary (Merit) Pay Increment Adjustment and Administrative Leave for Certain Non-Represented Merit System Employees	(+*)	Page	_____
	b) Resolution #16-16, Approval of Exchange of Commission Real Estate with Montgomery County, Maryland for Platt Ridge Drive Extended (Gries)	(+*)	Page	_____
	c) Resolution #16-17, Approval of Conveyance of Commission Real Estate for Bridge Construction Services of the Maryland State Highway Administration of the Maryland Department of Transportation (Gries)	(+*)	Page	_____
	d) Appointment of Grosvenor Capital Management, L.P. as the new Private Real Assets Manager for the Maryland-National Capital Park and Planning Commission Employees' Retirement System (A. Rose)	(+*)	Page	_____
	e) Recommendations for Benefit Changes for Calendar Year 2017 (Spencer/McDonald)	(+*)	Page	_____
6.	<b>Closed Session – Subject - Health Benefits (Spencer/McDonald)</b>			
	a) 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, to conduct collective bargaining negotiations, or consider matters that relate to the negotiations.	(++*)		
	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.	(++*)		
7.	<b>Ratify Closed Session Actions</b>	(*)		

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

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

(+) Attachment

(++) Commissioners Only

(\* ) Vote

(H) Handout

(LD) Late Delivery



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
June 15, 2016

The Maryland-National Capital Park and Planning Commission met on June 15, 2016, in the Prince George’s County Parks and Recreation Auditorium.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair (arrived at 9:46)  
Norman Dreyfuss  
Natali Fani-Gonzalez  
Marye Wells-Harley

Prince George’s County Commissioners

Elizabeth M. Hewlett, Vice-Chair  
Dorothy Bailey  
Manuel Geraldo

ABSENT

Amy Presley

John Shoaff  
A. Shuanise Washington

At 9:34 a.m., Vice-Chair Hewlett convened the meeting pending Chair Anderson’s arrival.

Vice-Chair Hewlett requested a moment of silence to commemorate the lives lost and the families and loved ones of the victims who were killed in the tragic acts of violence in Orlando, Florida.

ITEM 1 APPROVAL OF COMMISSION AGENDA

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

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – May 18, 2016  
Closed Session –May 18, 2016

Vice-Chair Hewlett requested and received confirmation from Commissioners that the motions for the votes taken at the May 18<sup>th</sup> Commission meeting (pertaining to approval of the April 14<sup>th</sup> and April 28<sup>th</sup> open and closed session minutes) were accurately reported. Commissioners indicated their agreement.

ACTION: Motion of Geraldo to approve the May 18<sup>th</sup> open and closed session minutes  
Seconded by Fani-Gonzalez  
6 approved the motion

ITEM 3

GENERAL ANNOUNCEMENTS

Vice-Chair Hewlett made the following announcements:

- a) The M-NCPPC is very proud to acknowledge Lesbian, Gay, Bisexual and Transgender (LGBT) Pride Month (June). Given the incident that happened at a night club in Orlando, Florida, it is imperative that M-NCPPC take a stand against violence and discrimination. She reiterated the agency will never tolerate or accept acts of violence against anyone.

Executive Director Barney noted that the LGBT panel discussion from last June was well received. The link to the new discussion will be shared with employees via email.

- b) M-NCPPC is proud to celebrate National Caribbean American Heritage Month (June).

Vice-Chair Hewlett made the following announcements that were not listed on the agenda:

- Commissioner Norman Dreyfuss' wife, Debra Dreyfuss is participating in the 40<sup>th</sup> Annual Women's Air Race Classic, held June 21<sup>st</sup> through the 24<sup>th</sup>. This will be Ms. Dreyfuss' team's 7<sup>th</sup> participation in this event. The M-NCPPC wishes her the best.
- Commissioner Geraldo was elected Treasurer of the Prince George's County Bar Association.
- Happy birthday to General Counsel Gardner.
- Happy Father's Day to everyone who fulfills this role.

Executive Director Barney announced that the Literacy Graduation will be scheduled.

Corporate Policy and Management Operations Chief Anju Bennett stated the graduation ceremony is being planned. The Commissioners and Department Heads are invited and will receive more information on the event. Vice-Chair Hewlett thanked everyone who worked so hard to execute the Literacy Program. She expressed appreciation for the regular reports provided at the Executive Committee and Commission meetings. The program will benefit the participants and the agency.

ITEM 4

COMMITTEE/BOARD REPORTS – (For Information Only)

- a) Minutes – Executive Committee Meeting – June 1, 2016
- b) Minutes – Regular Board of Trustees Meeting – May 3, 2016

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) JP MORGAN REBATE CHECK PRESENTATION (Secretary-Treasurer Zimmerman)  
Secretary-Treasurer Zimmerman announced that JP Morgan is issuing a rebate check in the amount of \$240,179 generated by the M-NCPPC's Purchase Card (P-Card) Program. The rebate is returned to the operating departments that use the Program. He introduced the Finance Department team that administers the Program: Purchasing Manager Stacey Pearson, Principal Administrative Specialists Michelle Myers, and Stephanie Akerley. Mr. Zimmerman explained the Purchasing Division administers the P-Card program and assists operating departments to purchase goods/services, and expedite other needs.

J.P. Morgan Executive Director Bill Zuck introduced J.P. Morgan team Vice President Robin Daley and Vice President Donna Janeczko, who support this Program. In addition to the cost savings, Mr. Zuck stated the Program supported 31,700 transactions through use of a credit card, saving time that would have been spent on processing the purchase through a check or purchase order. Mr. Zuck stated that the M-NCPPC's Program was fraud free and the rebate was largest received by M-NCPPC to date.



b) RESOLUTION #16-07, ADOPTION OF THE WESTBARD SECTOR PLAN (BROWN)

Chair Anderson requested a vote on the Resolution.

ACTION: Motion of Hewlett

Seconded by Geraldo

7 approved the motion

c) MEMORANDUM EXPLAINING PROPOSED RESOLUTIONS (Executive Director Barney)

Executive Director Barney introduced Human Resources Director William Spencer and presented a memorandum contained in the meeting packet, which described compensation changes for Fiscal Year 2017 as outlined in the listed Resolutions. The wage adjustments fit within the Fiscal Year 2017 Adopted Budget. Executive Director Barney noted the Executive Committee and the Department Directors support approval of these actions.

1) RESOLUTION #16-08, FY 17 ANNIVERSARY (MERIT) PAY INCREMENT ADJUSTMENT AND ADMINISTRATIVE LEAVE FOR CERTAIN NON-REPRESENTED MERIT SYSTEM EMPLOYEES (BARNEY/SPENCER)

2) RESOLUTION #16-09, FY 17 COST OF LIVING ADJUSTMENTS FOR CERTAIN NON-REPRESENTED MERIT SYTEM AND CERTAIN CONTRACT EMPLOYEES (BARNEY/SPENCER)

3) RESOLUTION #16-10, FY 17 PAY INCREMENT ADJUSTMENTS FOR SEASONAL/INTERMITTENT AND TERM CONTRACT EMPLOYEES (BARNEY/SPENCER)

4) RESOLUTION #16-11, FY 17 MERIT INCREASE AND COST OF LIVING ADJUSTMENTS FOR PARK POLICE COMMAND AND STAFF CANDIDATES (BARNEY/SPENCER)

ACTION: Motion of Hewlett to approve Items c)1, c)2, c)3, and c)4

Seconded by Geraldo

7 approved the motion

d) RESOLUTION #16-13, APPROVAL OF FISCAL YEAR 2017 EMPLOYER CONTRIBUTION FOR RETIREE GROUP HEALTH INSURANCE (BARNEY)

Executive Director Barney summarized the Resolution as contained in the meeting packet and requested approval.

ACTION: Motion of Hewlett

Seconded by Wells-Harley

7 approved the motion

e) RESOLUTION #16-12, ADOPTION OF THE FY 17 COMMISSION OPERATING BUDGET AND CAPITAL BUDGET

Corporate Budget Manager John Kroll reviewed the Summary of FY 17 Adopted Budget Expenditures for each county as contained in the meeting packet. Executive Director Barney and the Commissioners thanked Mr. Kroll and the departmental budget teams for a smooth budget process this year. Executive Director Barney thanked the Commissioners for their support.

ACTION: Motion of Hewlett  
Seconded by Dreyfuss  
7 approved the motion

f) APPROVAL OF PRINCE GEORGE'S COUNTY COMMISSIONER EMPLOYEES' RETIREMENT SYSTEM (ERS) TRUSTEE FOR TERM 7/1/16 – 6/30/19 (A. ROSE)

ACTION: Motion of Wells-Harley  
Seconded by Bailey  
7 approved the motion

g) ACKNOWLEDGE FOP REPRESENTED ERS TRUSTEE FOR TERM 7/1/16 – 6/30/19 (A. ROSE)

ACTION: Motion of Hewlett  
Seconded by Wells-Harley  
7 approved the motion

h) ACKNOWLEDGE MCGEO REPRESENTED ERS TRUSTEE FOR TERM 7/1/16 – 6/30/19 (A. ROSE)

ACTION: Motion of Hewlett  
Seconded by Wells-Harley  
7 approved the motion

At 9:54 a.m., Chair Anderson requested a motion to move to closed session.

ACTION: Motion of Geraldo  
Seconded by Bailey  
7 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, to conduct collective bargaining negotiations, or consider matters that relate to the negotiations.

Open session reconvened at 9:59 a.m.

i) ADOPTION OF RESOLUTION #16-15 - TO PROHIBIT SMOKING GENERALLY, AUTHORIZE EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES, AND REGULATE OTHER SPECIFIED ACTIVITIES ON COMMISSION PROPERTY (GARDNER)

General Counsel Gardner explained that this Resolution implements updated smoking provisions in the Park Rules. He stated the Commission will be meeting on July 7, 2016, at

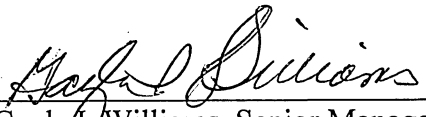
7:00 p.m., to collect public input regarding the other areas drafted in Park Rules and Regulations. This Resolution references implementation of the No Smoking law and does not repeal any of the other Park Rules.


ACTION: Motion of Wells-Harley  
Seconded by Bailey  
7 approved the motion

ITEM 6 OPEN SESSION – OFFICERS’ REPORTS

- a) Executive Director – (For Information Only)  
Employee Evaluations Not Completed by Due Date (May 2016)  
Executive Director Barney continues to work with departments to complete the employee evaluations.
- b) Secretary-Treasurer – (For Information Only)
  - 1) Enterprise Resource Planning (ERP) Briefing
  - 2) Investment Report (May 2016)
- c) General Counsel – (For Information Only)  
Litigation Report (May 2016)

There being no further business to discuss, the meeting adjourned at 10:01 a.m.

  
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Gayla Williams, Senior Management  
Analyst/Senior Technical Writer

  
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Patricia Colihan Barney, Executive Director







THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE  
OPEN SESSION  
July 6, 2016

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

Department Directors/Deputies/Presenters/Staff

- Adrian Gardner, General Counsel
- Joe Zimmerman, Secretary-Treasurer
- Ronnie Gathers, Director, Prince George’s County Parks and Recreation
- Fern Piret, Director, Prince George’s County Planning
- Mike Riley, Director, Montgomery County Parks
- Gwen Wright, Director, Montgomery County Planning
- Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief
- Donna Calcote, Principal Counsel, Office of the General Counsel (OGC)
- William Dickerson, Principal Counsel, OGC
- Jennifer McDonald, Benefits Manager, Department of Human Resources and Management

The meeting convened at 9:30 a.m.

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

Discussion	<p>The following comments/amendments were made:</p> <ul style="list-style-type: none"> <li>• A revised agenda was distributed, which added a closed session item to review benefit changes for calendar year 2017. The topic was to be taken out of order, to be heard before the open session benefits discussion.</li> <li>• A revised Commission meeting agenda was distributed.</li> </ul>
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**ITEM 1b - APPROVAL OF COMMISSION MEETING (Executive Director Patricia Barney)**

Discussion	<p>Executive Director Barney reviewed the July 20, 2016, Commission meeting agenda. The following comments/amendments were made:</p> <ul style="list-style-type: none"> <li>• Executive Director Barney will not attend the July 20<sup>th</sup> Commission meeting. CPMO Chief Bennett will assume the Acting Executive Director’s role.</li> <li>• Commissioner Presley’s last Commission meeting will be July 20<sup>th</sup>. A farewell party is scheduled on July 21<sup>st</sup>, from 2:00 p.m. to 5:00 p.m., at the Holiday Inn (Georgia Avenue, Silver Spring, MD). CPMO Chief Bennett announced that the Literacy Program Graduation was moved to September 21<sup>st</sup>, as a significant number of graduates could not attend the ceremony previously scheduled July 20<sup>th</sup>. The graduation ceremony will be held at the College Park Aviation Museum’s auditorium. An announcement about this change will be added to the Commission meeting agenda.</li> </ul>
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<b>ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS (Executive Director Patricia Barney)</b>	
Discussion	<p>Executive Director Barney reviewed the Rolling Commission Agenda for the upcoming four months. The following comments/amendments were made:</p> <p><u>September</u></p> <ul style="list-style-type: none"> <li>• The FY2015 CAFR Award presentation was moved from October to September.</li> <li>• Change Annual Legislative Update to Annual Legislation Preview of Bills.</li> </ul> <p><u>October</u></p> <ul style="list-style-type: none"> <li>• No changes recommended</li> </ul> <p><u>November</u></p> <ul style="list-style-type: none"> <li>• Add date (November 21, 2016) to the announcement for Prince George's County Department of Parks and Recreation Festival of Lights.</li> <li>• Add date (November 25, 2016) to announcement for Montgomery County Parks Department Garden of Lights Show.</li> </ul> <p><u>December</u></p> <ul style="list-style-type: none"> <li>• No changes recommended</li> </ul> <p>Executive Director Barney indicated that a number of policy reviews are taking place with Department Heads. CPMO Chief Bennett stated the Department Heads' work session on Practice 2-16, Contract Employment Regulation, will be moved from July 8th to the morning of July 15th.</p>
<b>ITEM 2 – MINUTES</b>	
Provided for Information Only	<p>June 1, 2016 Executive Committee Minutes</p> <p>a) Open Session</p> <p>b) Closed Session</p>
<b>ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS</b>	
Discussion	<p><b>a) Enterprise Resource Planning (ERP) Briefing (Zimmerman)</b></p> <p>Secretary-Treasurer Zimmerman stated the fix to address the orphan commitment data problem appears functional. Fifty percent of the payment to Consultant Infor is being released, and the remaining fifty percent will be held for another 30 days, at which time the project should be completed. Efforts continue to enable the document attachment function which will assist with the procurement requisition approval process. Kronos migration is ongoing. Testing was conducted last week, and the process has improved. A trainer was brought in to discuss the technical aspects of Absence Management module (lodged in payroll). Incidents of leave discrepancies are beginning to decline.</p> <p>Executive Director Barney explained that the Human Capital Module is continuing to progress. Online data was being rolled out to subject matter experts. Supervisors will be trained in July on how to use the online data and how to generate their own reports. The team is still working on the online personnel action approval process to satisfy the needs of the operating departments.</p>

<p>Discussion</p>	<p>Executive Director Barney mentioned a park police issue in which 16 overpayments occurred. The Union will be made aware of the incident, with an explanation that salaries will be adjusted (lowered) for the employees who received the overpayments. This particular group of employees will not receive the 2% cost of living adjustment to prevent additional overpayments. Human Resources Director William Spencer will speak with Fraternal Order of Police President Mike Young from Lodge 30 regarding the issue and letters will be sent to the affected employees explaining the matter.</p> <p>Executive Director Barney emphasized the need to hire staff for quality control review. Efforts will be made during this budget cycle to provide resources for staffing.</p> <p><b><u>b) Informational Session: Smoking Cessation Program</u></b></p> <p>Benefits Manager Jennifer McDonald noted that Department Heads agreed to the recommendation to allow Seasonal employees' participation in the smoking cessation programs. Seasonal employees are not entitled to Administrative Leave; therefore, participation must take place on their own time. Employees will be instructed to work with their respective supervisors to schedule participation in the programs.</p> <p><b><u>d) Benefit Changes for Calendar Year 2017 (McDonald) – (taken out of order)</u></b></p> <p>Benefits Manager Jennifer McDonald presented a memorandum explaining proposed changes to the Benefits Program for 2017. She stated all recommendations were supported by the Department Heads. Ms. McDonald reviewed the recommended changes to the Benefit Plan Design as outlined in the packet memo:</p> <ul style="list-style-type: none"> <li>• Replace the current CIGNA EPO plan with Kaiser staff model HMO for the reasons noted in the meeting memo.</li> <li>• Virtual Visits (telemedicine) – Allows members to connect with physicians via mobile phone or computer for the same \$10 copay as regular office visits.</li> <li>• Health and Wellness Incentives – An online employee wellness platform will be implemented to help improve the overall wellbeing of employees. For 2017, the Health &amp; Benefits office recommends that eligible employees receive a financial incentive of \$100 upon completing both a health risk assessment (HRA) and getting their annual well exam and screenings.</li> <li>• Infertility Services – Coverage for infertility services rendered following a voluntary sterilization will be excluded. This will correct an oversight that occurred when UHC replaced CareFirst.</li> <li>• Sick Leave Bank –The bank balance is growing at an accelerated rate, and it is unlikely that it will be in jeopardy of getting too low. Staff recommended reducing the waiting period to 14 days, and waiving the required 2017 contributions for current members of the bank.</li> <li>• Supplemental Long Term Disability (LTD) – Increase the salary cap under the supplemental LTD plan to \$216,000. The rate for coverage will remain at \$2.15 for each \$100 of benefit.</li> </ul>
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	<p>The Executive Committee supported all recommendations.</p> <p>c). This item on Health Benefits was taken in Closed Session.</p>
<p>Follow Up/Action Items</p>	<p>Amend upcoming Commission Agendas as indicated in the minutes.</p>

There being no further business to discuss in open session, the meeting adjourned to closed session at 10:24 a.m.

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

  
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 Patricia Colihan Barney  
 Executive Director



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

**REGULAR BOARD OF TRUSTEES MEETING  
MINUTES**

**Tuesday, June 7, 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, June 7, 2016 at 10:00 a.m. Voting members present in-person were: Khalid Afzal, Howard Brown, Pamela F. Gogol, Alicia Hart, Barbara Walsh and Joseph C. Zimmerman, CPA. Voting members present via teleconference were: Elizabeth M. Hewlett and Amy Millar. Sheila Morgan-Johnson arrived at 10:22 a.m. Marye Wells-Harley was absent. Patricia Barney, CPA was absent due to attending the Annual Aberdeen Advisory Board Meeting in New York.

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

Presentations by Wilshire Associates - Bradley A. Baker, Vice President; M-NCPPC Legal Department - LaTonya Reynolds, Senior Counsel; and, Groom Law Group, Alexander P. Ryan, Counsel.

**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 June 7, 2016 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, May 3, 2016
- C. Minutes of Closed Session, May 3, 2016
- D. Disbursements Granted Report – April 2016
- E. Transfer of \$13,050,000 to Cover Administration Expenses and Benefit Payments for June – August 2016

MR. AFZAL made a motion, seconded by MS. GOGOL to approve the Consent Agenda. The motion PASSED unanimously (8-0). (Motion #16-35)

**2. CHAIRMAN'S ITEMS**

- A. Board of Trustees Conference Summary
- B. Acknowledge the Reappointment of Elizabeth M. Hewlett as the Prince George's County Commissioner Trustee for term ending June 30, 2019
- C. Acknowledge the Reappointment of Amy Millar as the Municipal and County Government Employees Organization Representative for the term ending June 30, 2019
- D. Acknowledge the Reappointment of Howard Brown as the Fraternal Order of Police Representative Trustee for term ending June 30, 2019

Andrea Rose reported the Prince George's County Planning Board, at its June 2, 2016 meeting, approved the re-appointment of Elizabeth M. Hewlett as the Prince George's County Commissioner Trustee to the ERS Board of Trustees for the term ending June 30, 2019.

MS. WALSH made a motion, seconded by MS. HART to acknowledge the reappointment of Elizabeth M. Hewlett as the Prince George's County Commissioner Trustee for the term ending June 30, 2019. The motion PASSED unanimously (8-0). (Motion #16-36)

In accordance with Section 2.1.5(d) of the Plan Document, Municipal and County Government Employees Organization (MCGEO) President, Gino Renne reappointed Amy Millar to represent MCGEO on the ERS Board.

MR. AFZAL made a motion, seconded by MS. GOGOL to acknowledge the reappointment of Amy Millar as the Municipal and County Government Employees Organization Representative for the term ending June 30, 2019. The motion PASSED unanimously (8-0). (Motion #16-37)

In accordance with Section 2.1.5(b) of the Plan Document, Howard Brown was selected by the Fraternal Order of Police, Lodge #30 (FOP) to represent the FOP on the ERS Board.

MR. AFZAL made a motion, seconded by MS. GOGOL to acknowledge the reappointment of Howard Brown as the Fraternal Order of Police Representative Trustee for term ending June 30, 2019. The motion PASSED unanimously (8-0). (Motion #16-38)

### **3. MISCELLANEOUS**

#### **4. 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)(5) and 3-305(b)(7), for investment of public funds and to consult with legal counsel

MS. WALSH made a motion, seconded by MS. HART to go in to Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) to discuss investment of public funds and to consult with legal counsel. The motion PASSED unanimously (8-0). (Motion #16-39)

MS. MORGAN-JOHNSON arrived at 10:22 a.m.

CHAIRMAN HEWLETT made a motion, seconded by MS. MILLAR to ratify the actions taken in Closed Session. The motion PASSED unanimously (9-0). (Motion #16-40)

LaTonya Reynolds, Senior Counsel and Alexander P. Ryan, Counsel left the meeting at 11:07 a.m.

### **5. MANAGER REPORTS/PRESENTATIONS**

#### **A. Wilshire Associates**

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

- i. Executive Summary of Investment Performance; as of March 31, 2016
- ii. Manager Comparison - 3yr and 5yr Rolling Returns; as of March 31, 2016

Mr. Baker reported on the market economy and Wilshire's 2016 State Funding Study that compared the actuarial values of 98 state retirement systems on or after June 30, 2015. The results of the Study showed a decline in funding ratios fueled by an increase in interest rates during 2Q2015 and weak non-U.S. dollar investments. Ninety-two percent (92%) of the 98 plans were underfunded based on

**MINUTES, AS APPROVED, AT THE JULY 12, 2016 REGULAR BOARD OF TRUSTEES MEETING**

market values and a majority of the 98 plans are less than or equal to 80% funded. Using Wilshire consulting's assumptions to calculate return forecasts for the plans in the study, the median expected return is 6.2% per year. None of the plans are expected to meet or exceed the medium actuarial rate of 7.5%.

Bradley Baker reported on the fund's performance for the quarter ending March 31, 2016. The ERS' total return was 1.34% (net of fees) for the one-year ending March 31, 2016. The total fund underperformed the target policy index return of 1.87%. The ERS fund return was 3.84% for the three-years ended March 31, 2016 and 5.45% for the five-years ended March 31, 2016 versus the target policy index which returned 4.52% and 5.87%, respectively. The total market value through March 31, 2016 was \$769.1 million. Individual manager performance was discussed relative to the current market environment.

Mr. Baker highlighted the Rebalancing Update as of May 4, 2016. Andrea Rose reported the ERS will be receiving an employer contribution from the Commission on July 1, 2016 in the amount of \$20,268,189, as recommended by Boomershine Consulting Group in the July 1, 2015 Actuarial Valuation. Mr. Baker recommended approximately \$10-\$15M of the funds be placed in international equity.

#### **6. REPORT OF THE ADMINISTRATOR**

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated May 26, 2016

B. Memo dated May 26, 2016 re: Recommendation for Renewal of Fiduciary Liability Insurance & Waiver of Recourse Endorsement

C. NCPERS 2016 Annual Conference Report

Andrea Rose presented the Administrator's Report dated May 26, 2016.

ERS staff met with the ERS' new auditors, SB & Company, LLC, for initial discussions. The auditors will meet with the Audit Committee for a pre-audit meeting on June 21, 2016.

The Government Accounting Standards Board (GASB) issued Statement 72 Fair Value Measurement and Application. Statement 72 generally requires investments to be measured at fair value and requires disclosures to be made about fair value measurements, the level of fair value hierarchy and valuation techniques. Northern Trust offered three tiers of service to assist staff with these requirements. After discussing the levels with Northern Trust, consulting with the auditors and having legal counsel review the terms, the ERS entered into a Level Determination Reporting Service Agreement ("Agreement") for Tier 2 services in the amount of \$3,000 - \$5,500 annually. In accordance with Board Resolution 2005-05, Board approval of the Agreement is not required on amendments or modifications to the original contract if the changes are less than 5% of the original contract or less than \$10,000.

The Administrator recommended the Board approve renewal of a Fiduciary Liability Insurance Policy with Chubb with a limit of liability of \$7,500,000 and a Waiver of Recourse Endorsement for trustees and select staff for the July 1, 2016 – July 1, 2017 term. This recommendation was made after careful analysis of other local retirement systems and after consultation with the ERS' broker, Scott Armstrong, Vice President of B.F. Saul who confirmed that the limit of liability was reasonable and in line with peers.

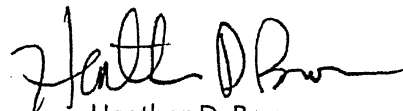
**MINUTES, AS APPROVED, AT THE JULY 12, 2016 REGULAR BOARD OF TRUSTEES MEETING**

CHAIRMAN HEWLETT made a motion, seconded by MS. HART to approve the renewal of a Fiduciary Liability Insurance Policy with Chubb with a limit of liability of \$7,500,000 and a Waiver of Recourse Endorsement for trustees and select staff for the July 1, 2016 – July 1, 2017 term. The motion PASSED unanimously (9-0). (Motion #16-41)

Andrea Rose presented her report on the National Conference on Public Employee Retirement Systems' 2016 Annual Conference highlighting tax recovery from non-U.S. securities; recent legal developments; federal regulatory updates; and, investment and public pension policy issues.

The Board of Trustees meeting of June 7, 2016 adjourned at 12:04 p.m.

Respectfully,

  
Heather D. Brown  
Senior Administrative Specialist

  
Andrea L. Rose  
Administrator

## ITEM 4c

### 115 Trust (OPEB) Meeting Minutes MRO

Wednesday, March 16, 2016

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

Absent: Commissioner Casey Anderson, Trustee

The meeting was called to order at 11:35 a.m.

Minutes from the 12/16/15 meeting were motioned by Ms. Barney to be approved, seconded by Mr. Spencer, and then unanimously approved.

Mr. Bryant from Dahab Associates characterized the fourth quarter ended 12/31/15 as a risk-on environment, one in which risk assets outperformed. Domestic stocks were up about 6% while returns for domestic core bonds were slightly negative. This occurred in an environment of moderate GDP growth. GDP, originally estimated to be 2%, came in at less than 1%. Although not included in this report, Mr. Bryant noted that the market plummeted in January before a recovery began in mid-February that was continuing.

Against this backdrop, Mr. Bryant reported that the fund returned 2.3% and ranked in the 81<sup>st</sup> percentile, with 1<sup>st</sup> being the best and 99<sup>th</sup> being the worst. He stated that the below average return resulted from the fund's manager performance, not the asset allocation.

The shadow index – a measure of how the asset allocation performed without active management – returned 3.5% and ranked in the bottom of the top quartile. This very positive return was due mainly to the large percentage of equity relative to fixed income in the portfolio, about 70%/20% with the remaining 10% allocated to the Pimco All-Asset Fund.

Offsetting the asset allocation were manager returns. The All-Asset Fund returned -1.1%, which was below both domestic stocks and bonds. The Schwab RAFI large cap, developed market, and emerging market strategies were all below their respective benchmarks. Only the Pimco Unconstrained Bond Fund, at 1.1%, exceeded its benchmark.

Mr. Bryant stated that the Pimco All-Asset Fund emphasized foreign stocks and bonds, particularly those in emerging markets, and that these sectors had been out of favor for

quite some time. He said he believed the best values in both the equity and fixed income sectors were in these areas, but it would be unpredictable to determine when that value would be recognized.

The Schwab RAFI funds emphasize small cap stocks and value stocks. According to Mr. Bryant, both sectors of the market have been out of favor for many years, with value stocks being off and on since 2008. The fund is under represented in domestic large cap growth stocks, which have outperformed for most of the seven years. Mr. Bryant said he believed the best values in the market were in value stocks and foreign stocks, especially emerging market stocks. He noted that over long periods of time, value stocks tended to outperform growth stocks by 1 to 2 percentage points, and that the fund would benefit when that turn came about.

The committee reviewed the asset allocation and discussed whether the fund was committed to the correct strategy. Mr. Bryant reminded them that the very low bond allocation of 20% (10% when the 10% real estate allocation was funded) was passed because of the belief that bond returns would be poor in a rising rate environment.

Mr. Zimmerman expressed the belief that underperforming strategies would turn and outperform, and that patience was required to reap the benefit of these strategies. Ms. Barney expressed concern that the fund had performed in the bottom percentile for every period in the last five years. The committee agreed to a presentation on the RAFI equity strategies at the next meeting and a review of that commitment. Mr. Bryant noted that the fund had only Pimco strategies and that while he felt these were useful in keeping the fund simple when it was small, further diversification was required now that the fund had grown.

The committee also reviewed the real estate commitment. Ms. Rodman said progress had been made on the contract. The committee agreed that it had been so long since the strategy had been approved it needed an update. Mr. Bryant agreed to obtain books from Intercontinental and review the strategy in anticipation of funding.

Mr. Zimmerman noted that index funds sometimes provided better or worse than average returns, and asked if universe rankings could be provided for them. Mr. Bryant said he would see if that information could be incorporated into future reports.

Mr. Bryant noted he was still working on the investment policy statement and that he needed citations from the legal department regarding the fund's enabling legislation. Mr. William Dickerson said that he had assigned Ms. LaTonya Reynolds to work with Mr. Bryant on the IPS. Mr. Bryant said he hoped to have a final draft for the committee to review at the next meeting.

Ms. Rodman received feedback from Tracey Harvin in the legal department regarding the Trust obtaining its own EIN. She stated, "The Commission may continue to utilize its EIN; however, a separate EIN is preferred. As these funds are being allocated for a particular purpose and in conjunction with a highly specific provision of the IRS Code, a separate EIN promotes good financial hygiene and is considered a best practice in the industry."

The Trustees set 11:00 am on Wednesday, June 15, 2016 at PRA for the next meeting.

The meeting was adjourned at 12:56 pm.

Respectfully Submitted,

*Claudia Stalker*  
Claudia Stalker









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

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

July 20, 2016

TO: Commissioners

VIA: Patricia C. Barney, Executive Director

FROM: William Spencer, Human Resources Director

SUBJECT: Amended Resolution No. 16-08, Fiscal Year 2017 Anniversary (Merit)  
Pay Increment Adjustment and Administrative Leave for Certain Non-  
Represented Merit System Employees.

The attached Amended Resolution #16-08, corrects an administrative error. The original resolution granted twelve (12) hours of administrative leave for all non-represented merit system employees, but prorated it for those who worked part-time (roughly 23 part-time employees).

Consistent with the MCGEO Bargaining Agreement, it was the intent to pass through the same benefit. The benefit provided 12 hours of administrative leave regardless of full/part-time status. We wish to do the same for these limited number of non-represented part-time merit employees.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 16-08 [AMENDED]

FISCAL YEAR 2017 ANNIVERSARY (MERIT) PAY INCREMENT ADJUSTMENT  
AND ADMINISTRATIVE LEAVE FOR  
CERTAIN NON-REPRESENTED MERIT SYSTEM EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2017 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 12, 2016 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission"); and

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

WHEREAS, the Commission approved Resolution 15-06, *Adoption Of The Collective Bargaining Agreement for Service/Labor, Office And Trade Units*, which includes a Fiscal Year 2017 1.75% Anniversary (merit) Pay Increment and a .5% (one-half of one percent) lump sum payment for employees at top-of-grade who are not eligible to receive a longevity increase in FY 2017;

WHEREAS, the Commission approved Resolution 15-13, *Fiscal Years 2016 and 2017 Administrative Leave for MCGEO Represented Employees*, which granted twelve (12) hours of administrative leave for employees represented by MCGEO for Fiscal Year 2017; and

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

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a reduction of the FY 2017 maximum anniversary (merit) pay increment from 3.5% to 1.75% for all non-represented Merit System employees, except for Park Police Command Staff and Candidates; and

BE IT FURTHER RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a FY 2017 lump sum payment of .5% to all non-represented Merit System employees, except for Park Police Command Staff and Candidates, who have reached top-of-grade and are therefore, not eligible for an anniversary (merit) pay increment; and

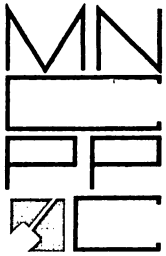
BE IT FURTHER RESOLVED that the Maryland-National Capital Park and Planning Commission hereby approves the grant of twelve (12) hours of administrative leave to all non-represented Merit System employees including part-time Merit System employees but, excluding Park Police Command Staff and Candidates, to be effective the first full pay period following September 1, 2016 and expiring June 30, 2017; and

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

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 7/7/2016



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB 16-075

M-NCPPC 16-16

Approval of Exchange of Commission Real Estate with Montgomery County, Maryland  
for Platt Ridge Drive Extended

Date of Commission Hearing: July 20, 2016

**RESOLUTION**

WHEREAS, The Maryland-National Capital Park and Planning Commission ("Commission") is authorized under the Maryland Code Ann., Land Use Article, §17-206(b) ("Land Use Article") to exchange recreational land held by it for any other land held by other public body or agency, which the Commission determines to be more suitable for its statutory purposes; and

WHEREAS, the Montgomery County Department of Transportation ("MCDOT") proposes to construct a road improvement project known as Platt Ridge Drive Extended ("Project") to alleviate traffic congestion in the vicinity of Chevy Chase Valley expected from the U.S. Department of Defense's Base Realignment and Closure Plan ("BRAC");

WHEREAS, the Commission holds certain real property interests in parkland known as North Chevy Chase Local Park ("Park") which is recorded among the Land Records of Montgomery County, Maryland in Liber 3388 at folio 604, and;

WHEREAS, MCDOT has communicated to the Commission's Montgomery County Departments of Parks of MCDOT's need for 1.50 acres, more or less, of the Park property to complete the Project; and

WHEREAS, on July 10, 2014 the Montgomery County Planning Board approved, with comments, MCDOT's Mandatory Referral for the Project (Mandatory Referral No. MR2014012) which included the requirement that the County convey to the Commission acceptable replacement land for any parkland needed for the Project; and

WHEREAS, staff of the Montgomery Department of Parks on June 16, 2016 presented a report to the Montgomery County Planning Board describing the various properties MCDOT investigated for meeting the acceptable replacement requirement for the parkland needed for the Project; and

WHEREAS, the staff report contained a recommendation that the Montgomery County Planning Board accept as the replacement parkland, 4.55 acres, more or less, of land owned by the Montgomery County, Maryland, behind the Germantown Library as set forth in the staff report; and

WHEREAS, the Montgomery County Planning Board at its public meeting held on June 16, 2016 reviewed and approved the analysis concerning the exchange of Commission property with Montgomery County to accommodate MCDOT's Platt Ridge Extended Project, subject to the Commission's approval of the said exchange of Commission property.

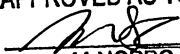
NOW, THEREFORE, BE IT RESOLVED that, the Commission hereby adopts the findings of the Montgomery County Planning Board; accepts the Montgomery County Planning Board's recommendation; and hereby approves the exchange of the Commission property interests with Montgomery County, conditioned on the Commission not providing title to the North Chevy Chase Local Park Property needed for the Project until the Commission has received from the County the fee simple deed to the exchange property.

BE IT FURTHER RESOLVED that, in connection with the transaction contemplated herein, the Executive Director is authorized to execute and deliver, on behalf of the Commission, any and all such agreements, certificates, 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 all such actions deemed conclusively to be authorized hereby.

\* \* \* \* \*

CERTIFICATION

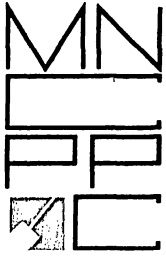
This is to certify the forgoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Fani-Gonzalez, with Commissioners Dreyfuss, Fani-Gonzales, Presley, and Wells-Harley, voting in favor of the motion, with Commissioner Anderson being absent, at its regular meeting held on Thursday, June 16, 2016 in Silver Spring, Maryland.

APPROVED AS TO LEGAL SUFFICIENCY  
  
\_\_\_\_\_  
M-NCPPC Legal Department  
Date 6/21/2016

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

\* \* \* \* \*





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB 16-076

M-NCPPC 16-17

Approval of Conveyance of Commission Real Estate for Bridge Construction Services of the Maryland State Highway Administration of the Maryland Department of Transportation

Date of Commission Hearing: July 20, 2016

**RESOLUTION**

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

WHEREAS, the Maryland State Highway Administration of the Maryland Department of Transportation ("SHA") proposes to make certain intersection improvements in Montgomery County, Maryland, to mitigate transportation impacts of the U.S Department of Defense's Base Realignment and Closure Act (BRAC) which required the move of Walter Reed Hospital to the National Medical Center campus in Bethesda (the "Intersection Improvements"); and

WHEREAS, the Commission holds certain real property interests in parkland known as Elmhirst Parkway Neighborhood Conservation Area ("Elmhirst") and North Chevy Chase Local Park ("North Chevy Chase") which are recorded among the Land Records of Montgomery County, Maryland in Liber 718 at folio 295 and Liber 3388 at folio 604, respectively, and;

WHEREAS, SHA has communicated to the Commission's Montgomery County Departments of Parks of SHA's need for a total of 32,716 square feet, more or less, or 0.7511 of an acre of parkland, in fee simple, at Elmhirst to implement the intersection improvements; and

WHEREAS, SHA has also communicated to the Commission's Montgomery County Departments of Parks of SHA's need for a total of 3,354 square feet, more or less, or 0.077 of an acre of parkland, in fee simple, and 964 square feet, more or less, or 0.022 of an acre of parkland, in temporary easement area, at North Chevy Chase to implement the Intersection Improvements; and

WHEREAS, on July 22, 2010, the Montgomery County Planning Board (the "Planning Board") approved, with comments, SHA's Mandatory Referrals for the Intersection Improvements (Mandatory Referral No's. MR2010805 through MR2010807) which included the condition that SHA design, permit and construct, at no cost to the Commission, a new trail bridge over Sligo Creek, downstream from MD Rte. 320 (Piney Branch Road) in Silver Spring ("Bridge Construction Services"), as mitigation for the parkland needed by the Intersection Improvements; and

WHEREAS, the Commission and SHA have entered in a Memorandum of Understanding dated September 12, 2012, that memorializes the terms and conditions for the conveyance of parkland by the Commission to SHA for the Intersection Improvements, in exchange for Bridge Construction Services by SHA; and

WHEREAS, staff of the Commission's Montgomery Department of Parks, on June 16, 2016, reported to the Planning Board that the disposition of land in exchange for Bridge Construction Services as described herein is consistent with the Planning Board's Mandatory Referral approval of SHA's Intersection Improvements projects and the Memorandum of Understanding between the Commission and SHA dated September 12, 2012; and

WHEREAS, the staff report contained a recommendation that the Planning Board accept the Bridge Construction Services from SHA as mitigation for the parkland needed by SHA at Elmhirst and North Chevy Chase for the Intersection Improvements; and

WHEREAS, the Planning Board, at its public meeting held on June 16, 2016, reviewed and approved the analysis concerning this disposition of Commission property with SHA to accommodate SHA's intersection improvements in consideration for SHA's mitigation work via the Bridge Construction Services, subject to the Commission's approval of the said disposition of Commission property.

NOW, THEREFORE, BE IT RESOLVED that, the Commission hereby adopts the findings of the Montgomery County Planning Board; accepts the Montgomery County Planning Board's recommendation; and hereby approves the conveyance of the Commission property interests in Elmhirst and North Chevy Chase, as described above, to SHA.


BE IT FURTHER RESOLVED that, in connection with the transaction contemplated herein, the Executive Director is authorized to execute and deliver, on behalf of the Commission, any and all such agreements, certificates, 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 resolutions, without limitation, and the taking of all such actions deemed conclusively to be authorized hereby.

\* \* \* \* \*

CERTIFICATION

This is to certify the forgoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-Gonzales, seconded by Commissioner Presley, with Commissioners Dreyfuss, Fani-Gonzales, Presley, and Wells-Harley, voting in favor of the motion, with Commissioner Anderson being absent, at its regular meeting held on Thursday, June 16, 2016 in Silver Spring, Maryland.

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 6/24/2016

  
Casey Anderson, Chair  
Montgomery County Planning Board

\* \* \* \* \*



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

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

**Andrea L. Rose**  
 Administrator

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

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

To: The Commission Date: July 12, 2016

Via: Elizabeth M. Hewlett  
 Chairman, Board of Trustees

From: Andrea L. Rose  
 ERS Administrator

**SUBJECT: Appointment of Grosvenor Capital Management, L.P. as the new Private Real Assets Manager for the Maryland-National Capital Park and Planning Commission Employees' Retirement System**

#### **RECOMMENDATION**

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

#### **BACKGROUND AND EVALUATION**

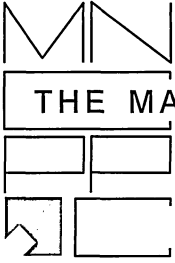
The Board has been exploring investment firms that manage custom strategies as a result of the ERS' increased target allocation (5% in 2007 to 15% in 2016) to private real assets. Under a custom strategy, the investment manager diversifies between private real estate and private real assets (energy, natural resources, infrastructure, timber, and agriculture) and has the added flexibility of diversifying based on the ERS' current lineup of real assets managers. A custom strategy allows for continued commitments after the initial 3-year commitment, providing for implementation efficiencies, monitoring and ongoing due diligence.

The Board interviewed two top-tier investment firms providing custom strategies – The Carlyle Group ("Carlyle") and Grosvenor Capital Management, L.P. ("Grosvenor"). The Board approved the selection of Carlyle at its October 6, 2015 meeting and subsequently received approval from the Commission. Following several months of negotiation, the ERS and Carlyle were unable to reach an agreement regarding the terms of the Limited Partnership Agreement.

At its May 3, 2016 meeting, the Board invited Grosvenor in for a second presentation. Grosvenor is one of the largest independent alternative management firms with \$47.3 billion in assets under management as of March 31, 2016 with 54% of public fund clients. Grosvenor has offered comprehensive investment solutions for private markets since 1999.

Following additional due diligence by the ERS' investment consultant, Wilshire Associates, and discussions with counsel regarding preliminary terms, at its June 7, 2016 meeting, the Board approved Grosvenor Capital Management, L.P. as a new private real assets manager to the ERS, subject to successful negotiation of the Limited Partnership Agreement.







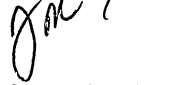
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

July 20, 2016

TO: The Maryland-National Capital Park and Planning Commission

VIA: Patti Barney, Executive Director   
William Spencer, Human Resources Director 

FROM: Jennifer McDonald, Benefits Manager 

SUBJECT: Recommendations for Benefit Changes for Calendar Year 2017

**Action Requested**

Adopt recommendations for benefit plan changes for calendar year 2017. These recommendations were discussed with and supported by the Executive Committee and the Department Heads.

**SUMMARY OF RECOMMENDATIONS:**

Chart # 1: Medical Plan Providers

Plan	Enrollment	Recommendation
Cigna Exclusive Provider Organization (EPO)	12% (346)	Replace Cigna with Kaiser Permanente
UnitedHealthcare (UHC) Point Of Service (POS) and Medicare Complement plans	56% (1591)	Keep UHC POS and Medicare Complement
UHC Exclusive Provider Organization (EPO)	32% (905)	Keep UHC EPO

Chart # 2: Benefit Plan Design

Plan Design Change	Cost Impact or Rationale
Add coverage for virtual visits (telemedicine) with same \$10 copay.	Compare \$40 - \$45 for a virtual visit versus \$85 for a PCP, \$125 for Urgent Care and \$840 for an Emergency Room visit.
Implement an employee wellness platform and offer incentives for certain wellness activities.	\$200,000
Exclude coverage for infertility services following reversal of prior sterilization procedure.	This is to correct an oversight.
Waive the 8/4 hours contributions for Sick Leave Bank in 2017 for current members and reduce the waiting period from 28 days to 14 days.	Reduce the growing bank balance

## **BACKGROUND AND DETAILS OF RECOMMENDATIONS:**

### **Request for Proposal Summary**

Montgomery County Public Schools, Montgomery County Government, Montgomery County College, Washington Suburban Sanitation Commission and the Maryland-National Capital Park and Planning Commission conducted a joint RFP for medical plan providers using the consulting services of Aon Hewitt.

### **Analysis of the Medical RFP Bidders**

There were four bidders, CareFirst BCBS, Cigna, Kaiser and UnitedHealthcare. They were rated on several technical variables and criteria as well as financial and administrative considerations. The responses provided in the bidders' proposals were considered representative of actual capabilities and were used as the basis for ratings. The following selection criteria were the basis for evaluating the proposals:

- Responses to Questionnaire – 30%
- Benefit Provisions – 10%
- Disruption – 20%
- Geo Access – 10%
- Implementation and Administrative Considerations - 5%
- Financial Analysis – 25%

CareFirst BCBS, Cigna and UHC provided proposals for our current self-insured plans. Kaiser Permanente does not offer self-insured products, but instead, provided a proposal for a fully insured plan that closely mirrors our EPO plans. The self-insured proposals were evaluated and scores were assigned based on the above criteria. The recommendation is to retain the UnitedHealthcare POS and EPO plans. Kaiser was evaluated separately due to their unique care delivery model and fully insured plan proposal.

### **Kaiser Permanente HMO**

Kaiser Permanente HMO (Kaiser) is a staff model HMO where most services are rendered at one location. The doctors and providers are employees of Kaiser. Kaiser provided a fully insured quote to replace either the UHC EPO or Cigna EPO as well as a quote for a less rich plan design. The financial quote provides greater savings if Cigna EPO were replaced versus UHC EPO. Further savings can be achieved by offering a less rich plan with higher copays. The following chart compares the current UHC and Cigna single rates to the Kaiser rates for their two proposed plans. For comparison, the rate for Caremark prescription plan was added to the UHC and Cigna rates because Kaiser bundles their medical and prescription coverage under one rate.

Chart # 3: Comparison of Single Rates

	UHC EPO	UHC POS	Cigna EPO	Kaiser Match	Kaiser Alternate
Bundled Rate	\$636	\$780	\$808	\$503.93	\$487.95
Medical Rate	\$434	\$578	\$606	\$428.34	\$414.76
RX Rate	\$202	\$202	\$202	\$75.59	\$73.19

Kaiser was once offered as a choice to employees until 2002 when they proposed a significant rate increase. During this RFP, Kaiser first agreed to cap only the administrative portion (10% or \$50) of their premium to no more than 3% for the second and third year of the contract, but no cap on the claims portion. They reported that the average annual full rate increases over the last 6 years for the other Montgomery County agencies have been under 5%. While this is a great result we asked for a cap on the full rate instead of just the administrative portion. They quoted a cap of 8% for 2018 and 12% for 2019. While these caps seem high, the trend increase for the last 6 years has been under 5%. Please note that under the self-insured plans, there is no guarantee on the claims, only on the administrative fee. Kaiser, understandably, does not want to assume more risk than the third party administrators assume for the self-insured plans.

Aon Hewitt advised if we were to replace Cigna with Kaiser, about 20% would move to Kaiser and the others would move to one of the UHC plans. **If Kaiser is offered, it will be the lowest cost plan with a cost share of 85/15 and the UHC EPO cost share will shift to 80/20.** See Attachment A for premiums changes if employees move to Kaiser or stay in the UHC EPO plan. Kaiser will not be a grandfathered plan under the Affordable Care Act (ACA) therefore all preventive care will be paid at 100%, including breast pumps and contraceptives.

Both UHC and Kaiser offer a “Transition of Care” (TOC) program. The TOC program allows new members to continue receiving treatment or services from non-network providers. The approved time frame for transition of care will be reviewed on a case by case basis, but is usually no longer than 90 days. Conditions typically eligible for TOC are pregnancy, chemotherapy, radiation therapy, organ transplant, or End Stage Renal Disease. Members may apply for TOC for other serious health conditions for review.

### Options to Consider

Chart # 4: Plan Offerings

OPTION	PROS	CONS
Keep the three current plans and don't offer Kaiser	<ul style="list-style-type: none"> <li>No employee disruption</li> <li>No administrative burden of adding, communicating and maintaining a new plan</li> </ul>	<ul style="list-style-type: none"> <li>No variation in plan designs offered</li> <li>Highest Cost Plan (Cigna) may exceed the Cadillac tax threshold in 2020</li> </ul>
Add Kaiser to current offerings	<ul style="list-style-type: none"> <li>Offer variety in plan designs</li> <li>Offer a lower cost plan</li> <li>MCGEO has asked for it</li> <li>Some employees have asked for it</li> <li>Receive \$30k in wellness funds</li> </ul>	<ul style="list-style-type: none"> <li>Administrative burden of administering a 4<sup>th</sup> plan whereby two plans are very similar and one a higher cost.</li> <li>Cost share increases for UHC EPO members to 20%</li> </ul>
Replace Cigna with Kaiser	<ul style="list-style-type: none"> <li>Offer variety in plan designs</li> <li>Offer a lower cost plan</li> <li>Fewer plans to administer</li> </ul>	<ul style="list-style-type: none"> <li>Employee disruption for Cigna members (should be minor as UHC has 97% same providers)</li> <li>Cost share increases for UHC EPO members to 20%</li> </ul>

### Reasons to replace Cigna with Kaiser:

- Adding Kaiser supports our strategy of offering different types of plans. The current Cigna EPO and UHC EPO are almost identical in terms of design and benefits offered, with some exceptions. There will be some gain/loss in benefits for Cigna members whether they move to Kaiser or one of the UHC plans;
- Cigna is our highest cost plan with the lowest enrollment;
- Removing our highest cost plan will help mitigate the excise tax scheduled to go into effect in 2020. Employers must pay a 40% tax on premiums exceeding a specific dollar threshold, currently at \$10,200 for single coverage. The current Cigna Cost is \$9,696 and is projected to exceed the \$10,200 by 2020;
- Offer a lower cost plan to employees;
- The Municipal and County Government Employees Organization (MCGEO) has been asking that we offer Kaiser, as well as some employees;
- All other local government agencies with whom we usually compare our benefits package offer Kaiser, such as Prince George's and Montgomery County governments, Montgomery County Public Schools, WSSC and Montgomery College;
  - Enrollment is as follows:
    - Prince George's County Government – 1,550
    - Montgomery County Public Schools – 4,291
    - Montgomery County Government – 1,932
    - Montgomery College – 631
    - WSSC – 476
- Kaiser will give M-NCPPC \$30,000 each year toward our wellness initiatives;
- There is significant overlap between the Cigna and UHC provider networks, with 97% of providers matched, so disruption should be minimal;
- If a Cigna member does not want to transition to Kaiser, and his/her providers are not in the UHC network, he/she could move to the UHC POS and receive coverage under the out-of network benefit, while paying a lower premium than the current Cigna plan;
- Other agencies of similar size offer only 3 plans which includes Kaiser Permanente:
  - Prince George's County Government offers 3 plans
  - Montgomery College offers 3 plans
  - WSSC offers 3 plans

### **Virtual Visits (Telemedicine)**

Virtual visits allow members to connect with their physicians via a mobile phone or computer. The benefits follow the existing office visit/PCP plan design and cost share. There is no additional administrative or other client fees to access the virtual visits model. Total claim rate for a virtual visit will be within an approximate range of \$40-\$50 versus \$85 plus for a standard PCP office visit, \$125 for an urgent care visit, and \$840 for an emergency room visit. Virtual visit claim rates may vary from clinic to clinic, but they are less expensive than other traditional delivery of care methods. Because our office visit copay is already quite low, the recommendation is to apply the same \$10 copay for virtual visits.



### **Health and Wellness Incentives**

The Commission conducted a Request for Proposals from providers of an online employee wellness platform. Implementation of the platform is the next major initiative of our wellness program to help improve the overall well-being of employees. The platform will encourage a healthier lifestyle and will incorporate the following well-being components; career, financial, social, physical activity, and community. Briefly, the platform will provide a portal where employees can enter certain health related data and then receive action plans and information that will help them address their specific health issues or maintain their current healthy lifestyle. Employees can challenge themselves, peers or participate in Commission-wide challenges. Employees will be able to earn incentives and rewards for participation.

The cost of the platform is approximately \$100,000 per year to implement and maintain each year. In addition, for 2017, the Health & Benefits office recommends that employees receive a financial incentive of \$100 to each eligible employee who completes a health risk assessment (HRA) and gets their annual well exam and screenings. They must do both to get the \$100.

### **Infertility Services**

When our health plans were administered by Aetna and CareFirst BCBS, coverage for infertility services rendered due to prior voluntary sterilization, were excluded. Cigna implemented that exclusion when they replaced Aetna, but UHC did not when they replaced CareFirst. This is a standard exclusion under most self-insured plans.

### **Sick Leave Bank**

The balance of Sick Leave Bank (SLB) hours has grown to 15,005 hours as of the end of 2015. For the past 5 years, annual usage averaged 2,353 hours per year and annual contributions averaged 6,819 hours. (We waived contributions in 2012 and 2015.) In 2016, the rules were revised to allow use of the SLB to care for a seriously ill family member. To date, no one has requested such use of the SLB. At this rate the bank balance is growing at an accelerated rate and it is unlikely that it will be in jeopardy of getting too low.

### **Supplemental Long Term Disability (LTD)**

The basic long term disability plan covers an annual salary up to \$108,000. Employees whose annual salary exceeds this amount are eligible to participate in the supplemental long term disability plan. The supplemental plan currently covers the portion of salary above the \$108,000, but only up to \$150,000. Cigna has agreed to increase the salary cap under the supplemental LTD plan to \$216,000 with no increase in the current rate of \$2.15 for each \$100 of benefit. Although the base rate is not increasing, if the salary cap is increased anyone currently enrolled in the plan with an annual salary of more than \$150,000 will see an increase in their premiums due to the higher volume of coverage. There are nine (9) employees who will see a biweekly premium increase ranging from \$0.98 to \$31.20.

#### **Options:**

- Keep salary cap at the current \$150,000;
- Increase the salary cap to the maximum allowed of \$216,000;
- Increase the salary cap to an amount in between \$150k and \$216k.

## Kaiser 2017 Rates vs. UHC and Cigna 2016 Rates and Change In Cost Share

SINGLE COVERAGE							
Plan	Cost Share %	Full Monthly Rate	Full Bi-Weekly Rates	Bi-Weekly Commission Contribution	Bi-Weekly Employee Contribution	\$\$ Increase for Employees Staying in the UHC EPO Plan	\$\$ Decrease for Employees Moving to Kaiser Match with RX
Caremark Prescription (RX)	85%/15%	\$202.00	\$93.24	\$79.26	\$13.98		
Cigna EPO	80%/20%	\$606.00	\$279.70	\$223.76	\$55.94		\$ (35.04)
KAISER MATCH	85%/15%	\$503.93	\$232.59	\$197.71	\$34.88		
KAISER ALTERNATE	85%/15%	\$487.95	\$225.21	\$191.43	\$33.78		
UnitedHealthcare Choice Plus POS	80%/20%	\$578.00	\$266.77	\$213.42	\$53.35		\$ (32.45)
UnitedHealthcare Select EPO	85%/15%	\$434.00	\$200.31	\$170.27	\$30.04	\$0.00	\$ (9.14)
UnitedHealthcare Select EPO	82.5%/17.5%	\$434.00	\$200.31	\$165.26	\$35.05	\$5.01	
UnitedHealthcare Select EPO	80%/20%	\$434.00	\$200.31	\$160.25	\$40.06	\$10.02	
TWO-MEMBER COVERAGE							
Caremark Prescription (RX)	85%/15%	\$404.00	\$186.47	\$158.50	\$27.97		
Cigna EPO	80%/20%	\$1,212.00	\$559.39	\$447.52	\$111.87		\$ (70.08)
KAISER MATCH	85%/15%	\$1,007.85	\$465.17	\$395.40	\$69.77		
KAISER ALTERNATE	85%/15%	\$975.90	\$450.42	\$382.86	\$67.56		
UnitedHealthcare Choice Plus	80%/20%	\$1,156.00	\$533.54	\$426.84	\$106.70		\$ (64.90)
UnitedHealthcare Select EPO	85%/15%	\$868.00	\$400.62	\$340.53	\$60.09	\$0.00	\$ (18.28)
UnitedHealthcare Select EPO	82.5%/17.5%	\$868.00	\$400.62	\$330.52	\$70.10	\$10.02	
UnitedHealthcare Select EPO	80%/20%	\$868.00	\$400.62	\$320.50	\$80.12	\$20.04	
FAMILY COVERAGE							
Caremark Prescription (RX)	85%/15%	\$606.00	\$279.70	\$237.75	\$41.95		
Cigna EPO	80%/20%	\$1,818.00	\$839.08	\$671.27	\$167.81		\$ (105.12)
KAISER MATCH	85%/15%	\$1,511.78	\$697.75	\$593.09	\$104.66		
KAISER ALTERNATE	85%/15%	\$1,463.85	\$675.63	\$574.29	\$101.34		
UnitedHealthcare Choice Plus	80%/20%	\$1,734.00	\$800.31	\$640.25	\$160.06		\$ (97.35)
UnitedHealthcare Select EPO	85%/15%	\$1,302.00	\$600.93	\$510.80	\$90.13	\$0.00	\$ (27.42)
UnitedHealthcare Select EPO	82.5%/17.5%	\$1,302.00	\$600.93	\$495.77	\$105.16	\$15.03	
UnitedHealthcare Select EPO	80%/20%	\$1,302.00	\$600.93	\$480.75	\$120.18	\$30.06	

## Notes:

1. Medical and RX coverage are bundled into one rate under Kaiser.
2. The increase in cost for the UHC EPO plan is calculated by subtracting the current medical and RX premium from the new rates based on the higher cost share.
3. The decrease in cost, if moving to Kaiser, is calculated by subtracting the current medical and RX premium from the Kaiser bundled premium.
4. The rates for the UHC and RX plans may increase for 2017, potentially increasing the savings by switching to Kaiser.
5. Greater savings can be realized if we offer the Kaiser Alternate, but the plan is not as rich as the Kaiser Match.



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

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	05/16	06/16	05/16	06/16	05/16	06/16	05/16	06/16
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	0	0	0	0	0
LEGAL DEPARTMENT	1	2	2	3	1	3	4	8
FINANCE DEPARTMENT	1	2	1	0	0	0	2	2
PRINCE GEORGE'S PLANNING	1	1	2	1	1	0	4	2
PRINCE GEORGE'S PARKS & RECREATION	2	1	0	1	0	0	2	2
MONTGOMERY COUNTY PARKS	3	1	0	0	0	0	3	1
MONTGOMERY COUNTY PLANNING	3	2	0	2	0	0	3	4
**DEPARTMENT TOTAL BY DAYS LATE**	11	9	5	7	3	4	19	20
<b>COMMISSION WIDE TOTAL:</b>							<b>19</b>	<b>20</b>

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





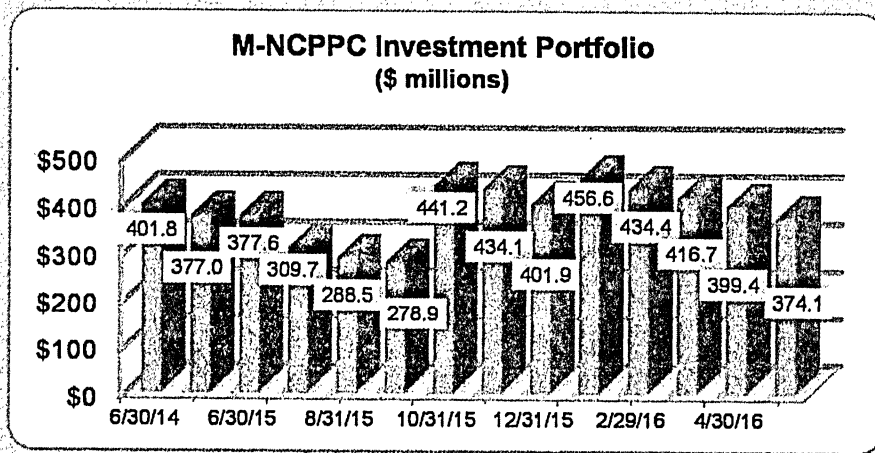


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**TREASURY OPERATIONS, FINANCE DEPARTMENT**  
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737  
 Telephone (301) 454-1541 / Fax (301) 209-0413

**MEMO**

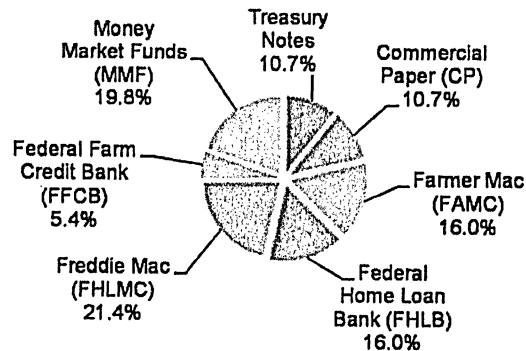
**TO:** Commissioners  
**VIA:** Joseph Zimmerman, Secretary-Treasurer  
**FROM:** Abbey Rodman, Investment & Treasury Operations Manager *AR*  
**DATE:** 7/7/2016  
**SUBJECT:** Investment Report – May 2016

The Commission’s pooled cash investment portfolio totaled \$374.1 million as of May 31, 2016, with a 6.33% decrease from April 30, 2016. Details are as follows:



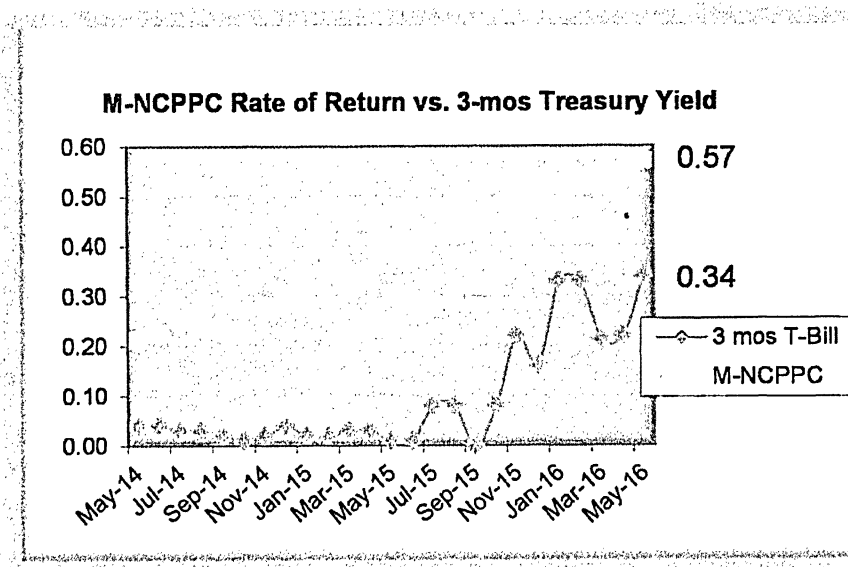
The composition of the pooled cash portfolio as of May 31, 2016 is summarized below:

**Portfolio Composition as of 05/31/16**



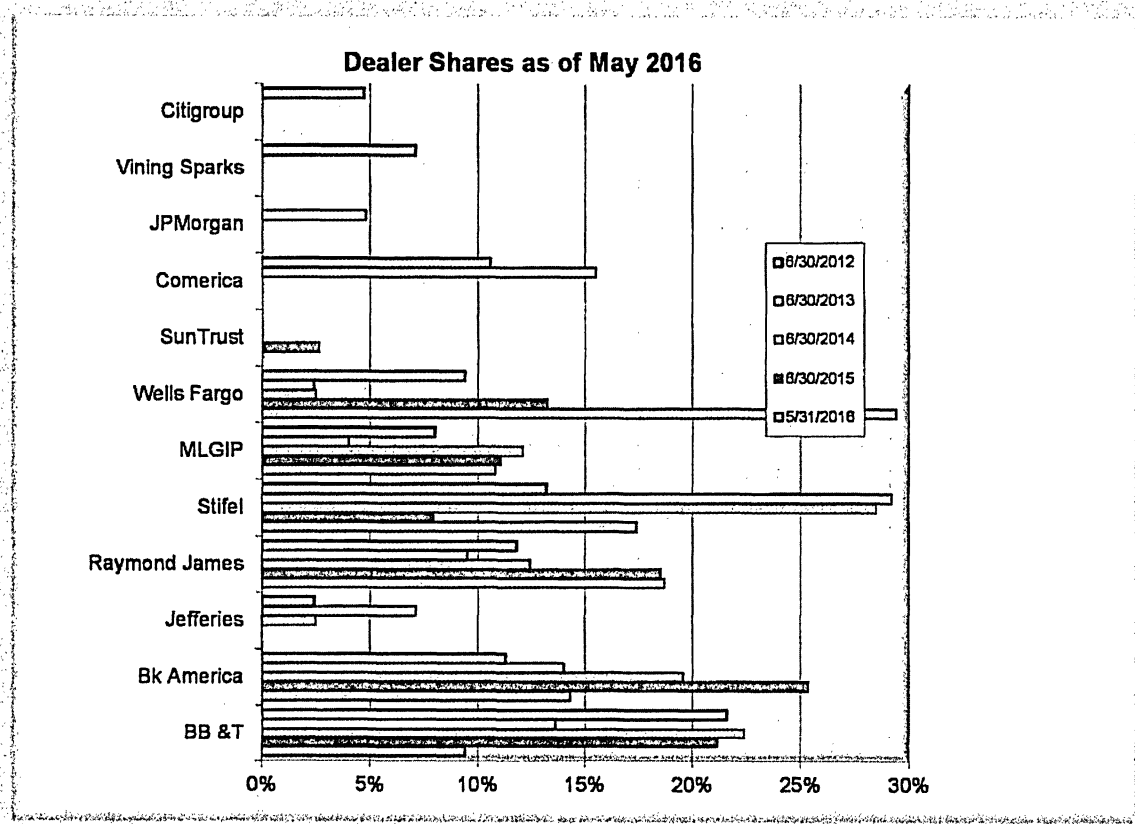
Current Investment Portfolio - May 2016				
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Freddie Mac	20%	21%	\$ 80,000,000	0.90%
Money Funds	25%	20%	74,082,547	n/a
Farmer Mac	20%	16%	60,000,000	0.54%
Federal Home Loan Banks	20%	16%	60,000,000	0.44%
Commercial Paper	10%	11%	40,000,000	0.67%
Treasury Notes	100%	11%	40,000,000	0.68%
Federal Farm Credit Bureau	20%	5%	20,000,000	0.48%
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			<b>\$ 374,082,547</b>	<b>0.64%</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:

Market Value- 05/31/16	
Prince George's County (PGC-2015A)	\$ 21,101,975
Montgomery County (MC-2016A)	12,668,404
Prince George's County (PGC-2014A)	2,370,468
Montgomery County (MC-2014A)	1,528,253
	<u>\$ 37,669,100</u>

The Commission had debt service payments during the month totaling \$3,672,446, of which \$3,368,171 was principal and \$304,275 was interest.

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

<b>Debt Balances -May 2016</b>					
	<b>Initial Par</b>	<b>Amount Outstanding</b>	<b>% Outstanding</b>	<b>Issue Date</b>	<b>Maturity Date</b>
<b>Bi-County</b>					
<b>Total Bi-County</b>	\$ -	\$ -	0%		
<b>Prince George's County</b>					
KK-2 (Refunded AA-2)	17,300,000	3,683,126	21%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	6,865,000	49%	Mar-10	May-21
EE-2	12,235,000	2,305,000	19%	Mar-04	Jan-17
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	7,060,000	62%	Jun-12	Jun-24
<b>PAID</b> JJ-2*	8,900,000	-	0%	May-07	May-17
PGC-2014A	26,565,000	24,350,000	92%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	24,820,000	100%	Oct-15	Jan-25
<b>Total Prince George's County</b>	\$ 115,320,000	\$ 69,083,126	60%		
<b>Montgomery County</b>					
LL-2	8,405,000	3,555,000	42%	May-09	Nov-20
MM-2	5,250,000	945,000	18%	Nov-16	Nov-19
MC-2012A (Refunded CC-2, FF-2)	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
MC-2016A	12,000,000	12,000,000	100%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	6,120,000	100%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	1,075,000	100%	Apr-16	Nov-24
<b>Total Montgomery County</b>	\$ 62,355,000	\$ 50,230,000	81%		
<b>Total</b>	\$ 177,675,000	\$ 119,313,126	67%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012  
 FISCAL YEAR 2016 - May 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 23 basis points.
	The pro-rated rates of return for the portfolio and T-bills were 0.57% and 0.34%, respectively.				







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

*Reply To*

July 8, 2016

**Adrian R. Gardner**  
**General Counsel**  
**6611 Kenilworth Avenue, Suite 200**  
**Riverdale, Maryland 20737**  
**(301) 454-1670 • (301) 454-1674 fax**

**MEMORANDUM**

**TO:** The Maryland-National Capital Park and Planning Commission  
**FROM:** Adrian R. Gardner  
General Counsel  
**RE:** Litigation Report for the Month of June, 2016

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Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, July 20, 2016. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

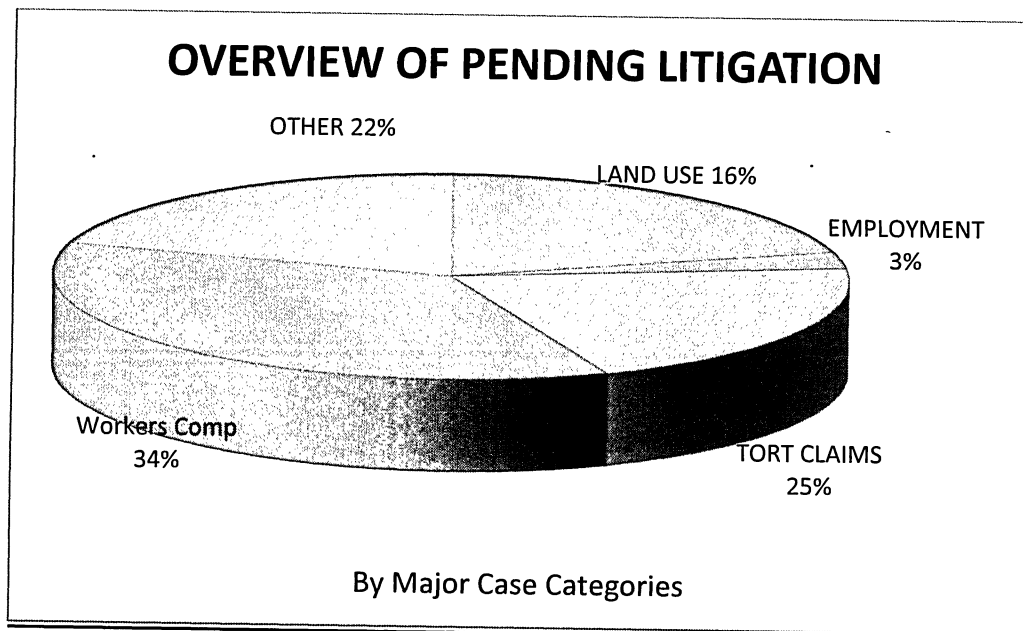
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## June 2016 Composition of Pending Litigation

(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	9	1					10
Employment Dispute			1				1
Contract Dispute	1	1	1				3
Property Dispute	1						1
Civil Enforcement	1						1
Workers' Compensation	12						12
Debt Collection							0
Bankruptcy							0
Miscellaneous	2		1		1		4
Per Forum Totals	29	3	4	0	1	0	37



## June 2016 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2016			
	Pending In May/16	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>	9	1		10	12	13	10
<b>Employment Disputes (ED)</b>	1			1	1	3	1
<b>Contract Disputes (CD)</b>	3			4			3
<b>Property Disputes (PD)</b>	1			4	2	3	1
<b>Civil Enforcement (CE)</b>	1			1		1	1
<b>Workers' Compensation (WC)</b>	13	1	2	10	14	10	12
<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>	37	2	2	41	39	37	37



**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	MCPB	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
Beatty, et al v. Commission	PG	Tort	May 2016
Progressive Specialty Insur.Co. v. Davis	MC	Tort	May 2016
Commission v. Atwell	MC	WC	June 2016
Merlos-Montoya v. Commission	MC	Tort	June 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
Commission v. DeReggi	MC	PD	May 2016
Chase v. Perry, et al	PG	Tort	May 2016
Commission v. Guzman	MC	WCC	May 2016
Rounds v. Commission	MC	PD	May 2016
Guiffrida v. Commission	MC	WCC	June 2016
Parker v. Commission	PGRP	WCC	June 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 & Management		
Montgomery County Department of Planning 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
Rounds v. Commission	Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.	04/19/16- Order of Court dismissing Plaintiff's Counts VI, VII and IX with prejudice for failure to join all necessary parties which concludes all counts against Commission.

<b>Montgomery County Department of Parks</b>			
Commission v. DeReggi	Complaint for tenant holding over on Commission property located in Montgomery County.	04/05/16-Case dismissed; tenant moved from Commission property	
Giuffrida v. Commission	Claimant/employee is appealing the WCC's decision	05/18/16 - Trial; judgment for Plaintiff at the rate of 7% permanent partial disability.	
Commission v. Guzman	Commission appealed WCC order authorizing medical treatment.	04/15/16- Joint Stipulation of Dismissal filed.	
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- Stipulation of 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	

Prince George's County Department of Parks and Recreation		
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-Barczyk v. Commission	Claimant/employee is appealing the WCC's permanency award.	09/28/15 - Order of Court dismissing and remanding case back to WCC.
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. Commission appealed.
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.
Parker v. Commission	Claimant/employee is appealing the WCC's decision denying claim of exposure to mold and injury	04/25/16-Case dismissed.
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 Croom Civic Association, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.	10/26/15- Judgment of Prince George's County Planning Board affirmed.
<b>Prince George's County Planning Board</b>		
<b>Prince George's Park Police</b>		
Chase v. Perry, et al	Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.	04/21/16-Case settled and dismissed.
Suggs v. Jones, et al	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.
<b>Office of Internal Audit</b>		

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**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Merlos-Montoya v. Commission**

No. 0602-0005996-2016 (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: Complaint filed

Docket:

05/20/16	Complaint filed
09/07/16	Trial Date

**Progressive Specialty Insurance Company v. Davis, et al**

No. 0602-0011070-2010 (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: Case dismissed and referred to arbitration.

Docket:

04/26/10	Complaint filed
11/18/10	Complaint dismissed under Rule 3-506
05/12/16	Plaintiff's Motion to Strike Rule 3-506 and Vacate Order of Dismissal filed
07/08/16	Subrogation case will be dismissed and submitted to arbitration.

**Richardson v. Arnett, et al**

No. 0602-0001638-2016 (Tort)

Lead Counsel: Outside Counsel  
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
09/21/16	Trial

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

**Beatty, et al v. Commission**  
No. 0502-0009528-2016 (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: Pending trial

Docket:

04/14/16	Complaint filed
05/20/16	Commission filed Notice of Intention to Defend
09/30/16	Trial date

**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
10/12/16	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
06/20/16	Counter-claim filed by Defendant Louketis
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
05/31/16	Motion to Dismiss denied. Court orders Commission to produce documents with 30 days for in-camera inspection.
06/09/16	Court order modifying scheduling order for discovery and expert identification
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 regarding determination that injury occurred during course of employment.

Status: In discovery.

Docket:

02/12/16	Petition for Judicial Review filed
02/29/16	Response to Petition for Judicial Review filed by Commission
09/21/16	Pre-trial conference

**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: Pending trial.

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: Remanded to WCC.

Docket:

05/06/15	Petition for Judicial Review filed
05/21/15	Answer filed.
09/30/15	Pre-trial conference.
11/30/15	Motion for Summary Judgment filed by Mayor and City of Baltimore
12/18/15	Opposition to Motion for Summary Judgment filed by Commission
01/08/16	Motion for Partial Summary Judgment denied by Court
06/27/16	Case remanded to WCC

**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: Case settled.

Docket:

03/11/15	Complaint filed
12/16/15	Pre-trial conference
06/07/16	Case settled and dismissed

**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 decision.

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 Arguments Held

**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: Pending trial.

Docket:

12/30/15	Petition for Judicial Review filed
01/21/16	Response to Petition filed
06/08/16	Pretrial conference
04/03/17	Trial date

**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
04/05/16	Response to Petition 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
07/06/16	Motion to Strike was denied

**Cohhn, et al v. Commission**

Case No. 409148-V (M)

Lead Counsel: Dickerson  
Other Counsel: Harvin

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

Status: 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	Hearing on Motion for Summary Judgment; taken under advisement
07/25/16	Status Hearing

**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: Complaint withdrawn.

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 withdraws Complaint

**Commission v. Atwell**  
Case No. 422131-V (WC #W072421)

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: Petition filed.

Docket:

06/03/16	Petition filed.
11/17/16	Pretrial hearing

**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: Case dismissed and remanded.

Docket:

01/21/16	Petition filed.
06/28/16	Stipulation of Dismissal filed with Court; to be remanded back to Workers' Compensation Commission

**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.
04/13/16	Response to 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.
04/13/16	Response to 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.

**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.
11/13/15	Response to 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
09/27/16	Trial

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

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claim related to transferable development 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
04/20/16	Amended Complaint filed; Motion in Opposition to Commission's Motion to Dismiss filed by Plaintiff
04/26/16	Answer to Amended Complaint and Response to Commission's Motion to Dismiss filed by Montgomery County
05/04/16	Court denies Commission's Motion to Dismiss
06/07/16	Answer to Amended Complaint filed by Commission

06/20/16	Second Amended Complaint filed by Plaintiff
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.
05/26/16	Petition for Writ of Certiorari filed by URS Corporation
06/07/16	Petition for Writ of Certiorari filed by Commission

**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: Stayed for settlement negotiations.

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.
05/27/16	County's Motion for Protective Order filed
05/27/16	Commission's Motion for Protective Order filed
06/16/16	Protective Order Motions denied without prejudice
05/14/17	Dispositive pretrial motions

**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
10/31/16	Motions deadline

