

COMMISSION MEETING

December 21, 2016

9:30 a.m. – 11:30 a.m.

***College Park Airport Operations Building,
1909 Corporal Frank Scott Drive, 2nd Floor
College Park, MD 20740***

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

Wednesday, December 21, 2016

College Park Airport Operations Building,

1909 Corporal Frank Scott Drive, College Park, MD 20740

9:30 a.m. – 11:30 a.m.

			<u>ACTION</u>	
			Motion	Second
1.	Approval of Commission Agenda (9:30)	(+*) Page 1	_____	_____
2.	Approval of Commission Minutes			
	a) Open Session – September 8, 2016 Conference Call	(+*) Page 3		
	b) Closed Session – September 8, 2016 Conference Call	(+*)		
	c) Open Session – November 10, 2016 Conference Call	(+*) Page 5	_____	_____
	d) Closed Session – November 10, 2016 Conference Call	(+*)		
3.	General Announcements (9:30)			
	a) Prince George’s Department of Parks and Recreation Winter Festival of Lights (Watkins Regional Park – November 25 – January 1)			
	b) Montgomery Parks Department Winter Garden Walk Through Holiday Light Display (Brookside Gardens – November 25 – January 1)			
4.	Committee Minutes/Board Reports (For Information Only): (9:40)			
	a) Executive Committee Meeting - Open Session – November 2, 2016 (for information, attachment to minutes: Practice 2-16 – Contract Employment)	(+) Page 7	_____	_____
	b) Executive Committee Meeting - Open Session – December 7, 2016	(+) Page 29	_____	_____
	c) Regular Board of Trustees Meeting – September 13, 2016	(+) Page 31	_____	_____
	d) Special Board of Trustees Meeting – September 23, 2016	(+) Page 35	_____	_____
	e) Regular Board of Trustees Meeting – November 1, 2016	(+) Page 37	_____	_____
5.	Action and Presentation Items (9:40)			
	a) Resolution #16-26 - Authorizing the conveyance of M-NCPPC owned property to Third Try, L.C., a Maryland Limited Liability Company, for the John Clark Memorial Cemetery (2391 square feet, more or less) at Kings Local Park in Clarksburg, MD (Gries).	(+*) Page 43	_____	_____
	b) Resolution #16-27 - Approve the conveyance of 0.3608 ± acres, along with 0.0362 ± acres for a storm drain easement, to the DPW&T to construct facilities on the Sandy Hill Creative Disposal Area (Weinrich)	(+*) Page 47	_____	_____
	c) Resolution #16-28 – Approve the conveyance of 5,910 ± square feet of Park Property to the DPW&T for widening of Church Road South by the developer of the Oak Creek project (Weinrich)	(+*) Page 49	_____	_____
	d) Approval of the Commission’s FY18 Proposed Budget and Resolution # 16-29 - FY 2018 Proposed Operating & Capital Budget (Kroll)	(+*) Page 51	_____	_____
	e) Boomershine Presentation: Actuarial Valuation and Recommendation to Approve Employer Contribution for Pension Plan in the Amount of \$24,822,301 (Boomershine Consulting Group, LLC, and A. Rose)	(+*) Page 69	_____	_____
	f) Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2016, and Photo Op (C. Lehman - SB and Company, LLC, and Walsh)	(+) Page 85		

6. **Officers' Reports**

- a) Executive Director
Employee Evaluations Not Completed by Due Date (October and November 2016) – For Information Only (+) Page 103

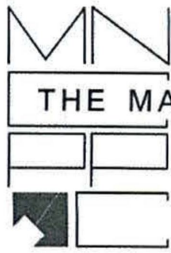
- b) Secretary-Treasurer
Investment Report (August, September, and October 2016) – For Information Only (+) Page 105

- c) General Counsel
 - 1) Litigation Report (October and November 2016) – For Information Only (+) Page 123

 - 2) Legislative Update (*10:40*)

- d) Chief Information Officer
ERP Update

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Conference Call
Open Session Minutes
September 8, 2016

The Maryland-National Capital Park and Planning Commission met by conference call on September 8, 2016, in the Prince George's County Administration Building and the Montgomery Regional Office.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Marye Wells-Harley
Charles Cichy

Prince George's County Commissioners

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

ABSENT

Norman Dreyfuss
Natali Fani-Gonzalez

Chair Anderson convened the meeting at 12:31 p.m., and requested a motion to move to closed session at 12:32 p.m., to discuss the Pulte Home Corporation, et al. v. Montgomery County Maryland and Maryland-National Capital Park and Planning Commission – Joint Defense Agreement.

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

At 12:37 p.m., Chair Anderson moved the meeting to open session. There being no further business to discuss, the meeting adjourned.

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

Adrian Gardner, General Counsel



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Conference Call

Minutes

November 10, 2016

The Maryland-National Capital Park and Planning Commission met by conference call on November 10, 2016, in the Prince George's County Administration Building and the Montgomery Regional Office.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Charles Cichy
Natali Fani-Gonzalez
Marye Wells-Harley

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair
Dorothy Bailey
William Doerner
Manuel Geraldo
A. Shuanise Washington

ABSENT

Norman Dreyfuss

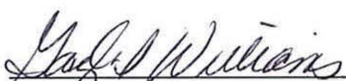
DIRECTORS/PRESENTERS/STAFF

Craig Ballew, Outside Counsel
Patricia C. Barney, Executive Director
Anju Bennett, Chief, Corporate Policy and Management Operations
Debra Borden, Acting Director, Prince George's County Planning
Adrian Gardner, General Counsel
Roslyn Johnson, Deputy Director, Prince George's County Parks and Recreation
Jessica Jones, Planning Board Administrator, Prince George's County
Leigh Kratka, Senior Technical Writer/Editor, Prince George's County Commissioner's Office
John Kroll, Corporate Budget Manager
Matthew Mills, Senior Counsel
Joe Parsons, Senior Technical Writer/Editor, Montgomery County Commissioner's Office
Mike Riley, Director, Montgomery County Parks
William Spencer, Human Resources Director
Debbie Tyner, Deputy Director, Prince George's County Parks and Recreation

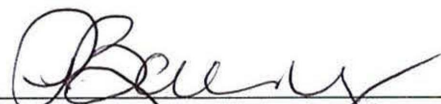
Chair Anderson convened the meeting at 12:55 p.m., and requested a motion to move to closed session. Vice Chair Hewlett stated that the meeting was being moved to closed session pursuant to Sections 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, to consult with counsel to obtain legal advice, and to conduct collective bargaining negotiations or consider matters that relate to the negotiations with the Municipal County Government Employees' Organization (MCGEO) and the Fraternal Order of Police (FOP).

ACTION: Motion of Commissioner Cichy
Seconded by Commissioner Fani-Gonzalez
9 approved the motion

Chair Anderson moved the meeting to open session at 1:05. There being no further business to discuss, the meeting adjourned.



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



Patricia Colihan Barney, Executive Director



EXECUTIVE COMMITTEE
 OPEN SESSION
 November 2, 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
- Chip Bennett, Chief, Finance Administration (for Secretary-Treasurer Joe Zimmerman)
- Debra Borden, Acting Director, Prince George’s County Planning
- Ronnie Gathers, Director, Prince George’s County Parks and Recreation
- Mike Riley, Director, Montgomery County Parks
- Gwen Wright, Director, Montgomery County Planning
- Anju Bennett, Chief, Corporate Policy and Management Operations Division (CPMO)
- Terri Berry, Acting HRIS Employee Records Manager
- Mazen Chilet, Chief Information Officer (CIO)
- Brian Coburn, Senior Management Analyst, CPMO
- Reggie Dixon, Project Manager, OCIO
- William Spencer, Corporate Human Resources Director

The meeting convened at 10:21 a.m.

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

Discussion	There were no changes to the Executive Committee meeting agenda.
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ITEM 1b - APPROVAL OF COMMISSION MEETING CONFERENCE CALL AGENDA (Executive Director Patricia Barney)

Discussion	There were no changes to the Commission meeting conference call agenda.
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ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS (Executive Director Patricia Barney)

Discussion	Executive Director Barney reviewed the Rolling Commission Agenda for the upcoming four months. There were no amendments.
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ITEM 2 – MINUTES

Provided for Information Only	Executive Committee Minutes Open Session – October 5, 2016
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ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS

	<p>a) <u>Investment Report (Zimmerman)</u> Executive Director Barney briefly reviewed the Investment Reports for August and September 2016.</p>
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c) The M-NCPPC's 90th Year Celebration (Barney)

Executive Director Barney shared that next year is the M-NCPPC's 90th year anniversary. She requested guidance from the Chairs as to what the agency should do to commemorate the occasion. Vice-Chair Hewlett commented that the celebration should be indicative of M-NCPPC's phenomenal contributions to the region as a way of acknowledging the employees. Chair Anderson suggested the event(s) be substantive, and they should focus on the future. The Executive Committee and Department Heads provided the following recommendations:

- A book signing event with former Montgomery County Commission Chair Royce Hanson.
- Winter Speaker Series (some of the speakers should focus on events that reflect the 90th anniversary).
- A night at the Bay Sox. Montgomery County Planning has budgeted \$10,000 for FY18 to cover the cost.
- Hold a series of events that consider major aspects of the agency's role, e.g., the M-NCPPC's accomplishments in protecting water quality in streams, and the future of storm water management.
- Hold a regional event/joint meeting that would connect with the National Capital Park and Planning Commission, e.g., an event that would highlight the future of the Maryland suburbs and the economic competitiveness of the region.
- For 2017, integrate the 90th Anniversary with the Montgomery Parks Department Winter Lights Display at Brookside Gardens and the Prince George's Department of Parks and Recreation Winter Festival of Lights at Watkins Regional Park and add the tagline.

The event(s) should remind the public why the M-NCPPC exists today, and why it is important that it exist in the future. They should be tied to a theme, e.g., "The Past and Future of the Maryland Suburbs". The Communications Team in Montgomery County will develop the tagline.

b) Enterprise Resource Planning (ERP), Enterprise Asset Management (EAM) and Kronos Briefing (Chilet/Dixon)

Chief Information Officer Mazen Chilet introduced OCIO Project Manager Reggie Dixon, who presented the report. The information was intended to provide a status on six Enterprise Resource Planning (ERP) Projects. The report encompassed:

- Summary of ERP Projects;
- List of ERP Projects;
- Upcoming Key Milestones;
- Schedule;
- Risks/Issues; and
- Next Steps.

CIO Chilet noted that the projects are expected to deliver software version upgrades, system integration, imaging capabilities, and process automation. The challenge for M-NCPPC is to prioritize the list of projects and meet critical business cycle deadlines as these projects are competing for the same functional resources in most cases. CIO Chilet stated that all of the modules in the ERP system are functioning; however, some of the functionalities have not been implemented. The M-NCPPC is endeavoring to get value from the investment.

During the discussion on Risks and Issues for the Version 10 Upgrade (RFP process), Executive Director Barney explained the RFP process has taken longer than anticipated because Consultant Infor's program did not serve the M-NCPPC well. The agency is terminating the relationship with Infor and searching for a third-party provider that can assist with moving the project forward. Infor will continue supporting the project until M-NCPPC hires another company. A new target date will be determined.

Chair Anderson stated the planning boards are interested in the return-on-investment. They would like to know how the system will provide better service, tangible results, and efficiencies that can be measured, while spending less money on back office functions. Chair Anderson stated both planning boards would better understand increasing the OCIO staff if the answer to the problem could be documented. CIO Chilet responded that he hopes to have a roadmap in January of specifics and value.

Executive Director Barney explained that next year, staff will not have to work extra hours to process paperwork, as Employee Self-Serve will be functioning. She noted that the system was never resourced with staff, and that that is what is needed now. Executive Director Barney will ask Secretary-Treasurer Zimmerman and the team to develop a model of what the resources should be. She will speak with CIO Chilet and the Information Technology (IT) Council to acquire information that can be presented.

d) Practice 2-16, Contract Employment Regulations (Bennett/Coburn)


Corporate Policy and Management Operations Division Chief Anju Bennett presented Amendments to Practice 2-16, Contract Employment Regulations, for approval. She noted that the amendments were prepared in the new streamlined chart format as requested by the Chairs.

Chief Bennett explained that this Practice establishes the umbrella policies on the general terms and conditions of Contract employment as contained in Attachment 1 of the packet. The Practice authorizes the Executive Director to issue the accompanying Administrative Procedures that provide detailed guidance on implementation of the policy. The amendments address operational concerns, federal/state mandates, and challenges affecting the hiring of Contract employees. Drafts of the revised policies were shared with the Department Heads for comments from their respective management teams. The Department Heads participated in work sessions to address concerns, to propose recommendations, and to support the proposed amendments.

Chief Bennett stated that the Policy team reviewed the agency's existing manual, of which part one (umbrella policies) was presented to the Executive Committee. The second part of the manual (how-to handbook) that is used by the field to implement actions and provides more detailed information was not presented to the Executive Committee. Ms. Bennett said the manual was difficult to complete, and had to be reorganized and consolidated in some parts for clarity. The Executive Committee was asked to review and approve the umbrella policies. The Executive Director will approve the processes after the Practice is adopted by the Executive Committee. Training will be given to first-line supervisors, as the implementation date is January 1, 2017.

	<p>Chief Bennett explained the three types of Contract employees (Term, Seasonal/Intermittent, and Temporary) and noted the differences in benefits for these Contract positions. She stated there were only a few changes in this section; however, Emergency Pay was one of the more significant modifications. Policy amendments would permit emergency pay to be granted to all categories of Contract employees. The Policy Team recommended a two-tiered emergency pay structure instead of the present three-tiered structure currently used for the term category. Department Heads would determine when the employee is needed to work.</p> <p>A copy of the revised Practice will be attached to the November 2nd, Executive Committee meeting minutes and included in the December 21st, Commission meeting packet for their information.</p> <p>Chair Anderson requested a motion to approve the proposed amendments. ACTION: Motion of Barney Seconded by Hewlett Motion approved</p>
Follow Up/Action Items	<p>c) <u>The M-NCPPC's 90th Year Celebration</u> The Communications Team in Montgomery County will develop a tagline.</p> <p>b) <u>Enterprise Resource Planning (ERP), Enterprise Asset Management (EAM) and Kronos Briefing</u></p> <ul style="list-style-type: none"> ▪ Executive Director Barney to speak with Secretary-Treasurer Zimmerman and team about developing a model to estimate required staff resources for the ERP system. ▪ CIO Chilet to develop a roadmap for enterprise-wide IT projects. <p>c) <u>Practice 2-16, Contract Employment Regulations</u> Senior Technical Writer Williams will attach a copy of the adopted Practice to the November 2nd Executive Committee meeting minutes and include both items in the December 21st Commission meeting packet.</p>

There being no further business to discuss, the meeting adjourned at 11:49 a.m.



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



Patricia Colihan Barney
Executive Director



PRACTICE

No. 2-16

Initially issued: 07/10/91
 Last amended: 10/2/2016
 Last reviewed: 10/2/2016

Contract Employment: Seasonal/Intermittent, Temporary, and Term Employment

AUTHORITY This Administrative Practice was approved by the Commission on July 10, 1991. The Practice was last amended by the Executive Committee on October 2, 2016.

Patricia C. Barney, Executive Director

APPLICATION This Practice applies to all Contract employees as defined in this Practice.

PURPOSE AND BACKGROUND This Practice establishes the terms and conditions for the employment of non-permanent employees who are hired on a seasonal/intermittent, temporary, or term basis as defined in this policy.

Subsequent to the initial adoption, the Practice has been amended as follows:

- February 17, 1999, and May 17, 2000: to adopt changes to the pay plans, clarify the maximum number of work hours which could be assigned for each of the Contractual categories, and introduce a new pay plan titled the *Seasonal/Intermittent Aquatic Plan*.
- October 15, 2003: to adopt policy changes to the Temporary contract employment category.
- December 7, 2014: to incorporate M-NCPPC Resolution #14-07 which updated the methodology used for calculation of overtime with the updated Enterprise Resources Planning system.
- November 18, 2015: to incorporate/clarify:
 - M-NCPPC Resolution #15-17, which established updates to the Family Medical Leave Act Program.
 - M-NCPPC Resolution #15-20, which incorporated three new pay plans for employees hired into the Seasonal/Intermittent category.
 - Existing overtime policies.
- October 2, 2016: to provide clearer guidance on compensation, leave, and dispute resolution procedures; consolidate and reorganize standards for ease of use; and incorporate updates in employment laws.

QUESTIONS The Corporate Human Resources Division is responsible for implementing and ensuring compliance with this policy and can be reached at 301-454-1700.

REFERENCES

Federal/State/Local Standards:

- Americans with Disabilities Act
- Patient Protection and Affordable Care Act
- Fair Labor Standards Act
- Title VII of the Civil Rights Act, as amended
- Division II, Land Use Article, Annotated Code of Maryland

M-NCPPC Administrative Practices/Procedures/Resolutions:

- Accompanying Administrative Procedures, 00-02, Seasonal/Intermittent, Temporary and Term Employment
- Merit System Rules and Regulations (as referenced within this Administrative Practice)
- M-NCPPC Resolution #15-16, Authorization to Establish Benefits Program
- M-NCPPC Resolution #15-17, Amendments to Family Medical Leave Act Policy
- M-NCPPC Resolution #15-20, Approval of New Pay Plan and Pay Schedules for Vendor Transition
- Notice 11-08, Preparation, Staffing and Compensation During Emergency Conditions

Commission-adopted Pay Plans/Schedules:

- Seasonal/Intermittent Classification Pay Plan
- Aquatics Seasonal/Intermittent Pay Plan
- General Service Classification Pay Plan
- Revenue Sharing Pay Plan
- Specialty Services Pay Plan
- Tennis Instructor Pay Plan

DEFINITIONS

The Commission: The governing body of the Maryland-National Capital Park and Planning Commission, which is comprised of five members from each of the agency's two Planning Boards for Montgomery County and Prince George's County.

Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA): A law that mandates an insurance program which gives certain employees the ability to continue health insurance coverage after leaving employment.

The Maryland-National Capital Park and Planning Commission: The organizational entity. For purposes of this Practice, the terms "M-NCPPC" or "agency" shall be used to reference the organizational entity.

Anniversary Date: For the purposes of the Performance Evaluation System, an anniversary date is one calendar year from the date (month and day) of the first day of employment. If an employment contract is not renewed, a new anniversary date shall be established if a Contract employee is subsequently re-employed.

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

Contract Year: This applies to any contracts that are established for a full twelve (12) month cycle.

POLICY

In order to perform its work program, the Maryland-National Capital Park and Planning Commission (M-NCPPC) finds it necessary to utilize short term, non-Merit System positions. These non-Merit positions are filled on a contractual employment basis into the categories of Seasonal/Intermittent, Temporary and Term employment. It is not intended that Contract employees be hired to fill positions that should otherwise be filled with a Merit System position.

The M-NCPPC strives to hire and promote the best-qualified individuals available. It is the policy of the M-NCPPC to treat Contract employees in a fair and equitable manner and to maintain a safe working environment.

Employment decisions shall adhere to the principles of equal employment opportunity and comply with all applicable federal/state/local employment regulations. The agency prohibits discrimination in any employment decision on the basis of race, color, religion, sex, age, national origin, marital status, disability, genetic information, gender identity, sexual orientation, pregnancy, or other unlawful factor prohibited by law.

The agency may extend limited benefits to certain categories of Contract employees, as described within this Practice. Contract employees are entitled to any benefit, including leave, for which they are eligible by law or relevant M-NCPPC policies including, but not limited to, the Family and Medical Leave Act (FMLA), Affordable Care Act (ACA), and Workers' Compensation.

All Contract employees are expected to comply with this Practice and all other relevant organizational policies and standards. A Contract employee who has a concern regarding compliance with the policies established by the Commission or an allegation of discrimination may report the concern in accordance with Section XII, "Dispute Resolution".

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Section I. Contract Employment Categories, Contract Renewals, and Amendments

A. Contract Employment Categories and Renewals

Non-Merit positions may be filled through in a Seasonal/Intermittent, Temporary, or Term employment category as defined below in subsections A.1 through A.3.

Contract positions perform, under supervision, specific duties and responsibilities as designated by their assigned classification(s).

Contract employees may not be employed under more than one employment contract during any one contract period.

- The specific hours and terms of each contract category are defined within the Practice
- The contract period is the length of a contract which may be either the maximum number of hours permitted in an employment category, or twelve (12) consecutive months effective the first day of employment, whichever comes first.

A contract may be amended as indicated in Section I.B, "Contract Amendments".

In the event that a Contract employee is required to work beyond their standard workweek, overtime compensation may apply. Overtime hours shall be administered in accordance with Section V, "Pay Plans and Compensation, Emergency Compensation, and Benefits for Contract Employees".

1. **Seasonal/Intermittent Employment Category:** A category under which a Contract employee may work up to 1560 hours within a twelve month contract period. During the contract period, this Contract employee works on programs or at facilities that are of a seasonal nature, e.g., athletic facilities, golf courses, swimming pools, ball fields, playgrounds and other seasonal programs, internships, instructor-led classes; or works on a sporadic/as-needed basis for special events, or for programs/facilities including those that operate year round. The Seasonal/Intermittent category also may be used to provide coverage for services/programs when a Merit System employee is on leave. Employees may be eligible for medical health benefits consistent with the Affordable Care Act. (See Section VI. C, "Health Benefits Coverage".)

Budgeting Authority for Seasonal/Intermittent Positions: Positions may be filled based on available funding as approved by the Department Head.

Contract Renewals for Seasonal/Intermittent Positions: Contracts may be considered for renewal after twelve (12) months have elapsed from the commencement of the contract.

2. **Temporary Employment Category:** A category under which a Contract employee works on projects or programs for a specified duration not to exceed 12 months. The maximum number of hours that can be worked cannot exceed 1365 hours within the specified period. This type of employment category is used for special projects, or other needs when extra assistance is needed for a specified time period indicated by a start and end date.

Budgeting Authority for Temporary Positions: Positions may be filled based on available funding as approved by the Department Head.

Contract Renewals for Temporary Positions: Contracts may not be renewed, but a Contract employee who is hired under a Temporary category is eligible for employment under a new contract after ninety (90) calendar days have elapsed from the end of the employee's contract period.

3. **Term Employment Category:** A category under which a Contract employee is regularly scheduled to work a minimum of thirty (30) hours, and a maximum of thirty-seven and one-half (37 ½) hours per week, on a consecutive weekly basis, for twelve (12) months. In all cases the contract cannot exceed 1950 regularly-scheduled hours in that contract year. All hours worked beyond the thirty-seven and one-half (37 ½) hour regularly scheduled workweek are considered overtime hours and must have prior Department Head approval.

Term Contract employees are eligible for a limited benefits and leave package (see Section V. B, "Leave and Benefits Limited to Term Contract Employees"). The Term employment category is applied to Contract employees who meet one of the following criteria:

- The position requires work hours that exceeds the limitations of other employment categories.
- The position cannot be covered by other contract employment categories such as jobs associated with grant funding or where the M-NCPPC implements programs or services for another agency.

Budgeting Authority for Term Positions: A Term position may be filled based on the following:

- Position funding has been approved by the Commission during the annual budget approval process;
- Position is being used to temporarily fill a vacant, funded Merit position;
- Position may be funded through salary lapse and/or seasonal dollars.

Contract Renewals for Term Positions: Contractual employment agreements of employees hired under the Term category are for one year. The contract may be renewed for an additional one (1) year period, bringing the total contracted period to two (2) years. Contract employees working under the auspices of a grant, in which the grant determines the limits of employment, are exempt from this provision. In exceptional cases, the contract may be renewed beyond the two (2) year maximum only with the consent of the Department Head. The Department Head determines that such employment is in compliance with the intent of this Practice. The Department Head shall inform the Executive Director of the determination and justify in writing, any extension of employment beyond the two (2) year limit.

B. Contract Amendments

A contract may be amended within a contract period to recognize pay adjustments, renewals, multiple positions within the same contract category (multiple positions only applicable to Seasonal / Intermittent and Temporary categories), and/or other authorized changes as described in the accompanying Administrative Procedures.

The category of employment for a Contract employee cannot be changed for the purpose of denying the benefit package or to avoid the contract period originally assigned to employment category.

1. At any time during the contract period, an employee hired under the Seasonal/Intermittent or Temporary category may be changed the category of Term employment. In such cases, a

new contract shall be established for the Term employment, and-the date of the change to the Term employment category shall become the effective date of the new contract and anniversary date.

2. In some cases, legitimate business reasons may necessitate other changes in employment categories, including but not limited to, moving an employee from the Term contract category. For any changes not covered in B. 1, the Department Head must submit a justification for consideration and approval by the Human Resources Director, prior to effectuating the change.

At the expiration of a contract period, an employment contract may be renewed with relevant amendments as permitted in accordance with the renewal requirements of the corresponding employment category (see Section I. A).

Section II. Hiring and Concurrent Requirements

A. Position Qualifications/Assessments

Contract employees must meet the minimum qualifications and be able to perform the assigned essential duties and responsibilities of his/her respective position, with or without reasonable accommodation. Contract position requirements may include qualification assessments, post-offer medical evaluations, and employment background/criminal history checks.

B. Concurrent Employment

An individual may be employed into one of the following contract categories: Seasonal/Intermittent, Term or Temporary. A Contract employee may not be employed under more than one contract category during any one-contract period. However, a Contract employee may be employed into multiple positions as long as the positions fall under the same contract category designation, which may be either the Seasonal/Intermittent or Temporary category.

A Contract employee may not be employed simultaneously in a Merit System position with the M-NCPPC.

C. Concurrent Outside Employment and Non-Commission Business

Contract employees must comply with M-NCPPC Administrative Practice 2-14, Outside Employment and Non-Commission Business and required disclosures. Department Heads must review activities to ensure they do not pose a conflict of interest with M-NCPPC duties.

D. Hiring of Retired M-NCPPC Employees

Employees receiving a service retirement benefit from the M-NCPPC Employees' Retirement System, are not eligible to be hired as Contract employees.

E. Nepotism

A Department Head, supervisor, or employee may not appoint, promote, reassign or participate in any employment action affecting a member of his/her family or any other individual living at the same residence as the decision maker. A Department Head also may not permit the employment of these individuals where it would result in one having direct or indirect supervisory responsibility over the other. For purposes of nepotism, "family" is defined as an individual related to the M-NCPPC employee by blood, marriage, or adoption. Examples include: parent or stepparent, spouse, brother, stepbrother,

sister, stepsister, child or stepchild, foster children, uncles, aunts, first cousins, spouse's parents, grandparents, or spouse's grandparents, legal guardian.

Section III. Work Schedules/ Work Locations, Pay Periods, and Meal Periods

A. Work Schedules and Work Locations

The terms and conditions of an employment contract will specify the work locations, the standard schedule and hours of work. For purposes of developing work schedules, the following standards shall be followed:

1. **Seasonal/Intermittent Employees:** Regularly scheduled workweek shall not exceed forty (40 hours).
2. **Temporary Employees:** Regularly scheduled workweek shall not exceed forty (40 hours).
3. **Term Contract Employees:** Regularly scheduled workweek shall not exceed thirty seven and one-half (37 ½) hours.

All work beyond the regularly scheduled hours shall be approved in advance by the Department Head and subject to overtime provisions as covered in Section VI.A.2, "Overtime Compensation".

Management must ensure that work schedules comply with State laws regarding work hours and scheduling limitations of minors (individuals ages 14-17).

B. Pay Periods

Employees are paid on a bi-weekly cycle.

C. Meal Periods

Due to the fluctuating and intermittent nature of contract employment hours, the scheduling of meal periods will be determined by the Department Head or his/her designee. A meal period shall be established when an employee is scheduled to work more than five (5) continuous hours.

1. Designated meal periods shall be a minimum of one-half (1/2) hour.
2. Meal periods during which an employee is not expected to perform any duties are not considered part of the workday. These meal periods may not be included in any computations used to determine the amount of regular pay, applicable leave calculations, overtime, and/or other forms of compensation.
3. In exceptional cases, an employee may be required by his/her supervisors to remain on duty during the time in which the meal is taken. In such cases, this time shall not be considered a meal break and the employee shall be paid for this time.

Consistent with State law, minors (ages 14-17) cannot work more than five (5) continuous hours before a 30-minute break, without any assigned duties, is provided.

Section IV. Federal and State Withholdings

All Contract employees will be subject to appropriate Federal and State deductions including, but not limited to, wage taxes, and Social Security and Medicare (FICA) deductions.

Section V. Pay Plans, Compensation, Emergency Compensation, and Benefits

The Commission shall approve pay plans and benefits programs that are available to employees. Salary schedules and benefits may be modified to comply with applicable federal/state regulations and available agency funding.

All Contract employees shall be entitled to any benefit, including leave for which they are eligible by law or relevant M-NCPPC policies, including, but not limited to, the Family and Medical Leave Act (FMLA) and workers' compensation. This paragraph does not confer any benefits not otherwise provided. Contract employees may also qualify for health benefits subject to requirements of the Affordable Care Act (ACA). Eligibility requirements for those benefits are described in Section VI.C, "Health and Benefits Coverage".

A. Pay Plans and Compensation

1. Pay Plans

Contract employees shall be classified in accordance with the assigned duties and responsibilities. Pay Plans shall be approved by the Commission and comply with federal/state/local wage and overtime requirements.

Contract employees will be compensated based on their qualifications and the pay plan to which they are assigned. The applicable pay plan is assigned depending on the type of contract employment and position to which the employee is hired.

- a) **Term Contract employees** may be assigned to either:
 - the General Service Classification Pay Plan or
 - the Seasonal/Intermittent Classification Pay Plan.

- b) **Temporary Contract employees** may be assigned to:
 - the General Service Classification Pay Plan,
 - the Seasonal/Intermittent Classification Pay Plan or
 - the Aquatics Seasonal/Intermittent Pay Plan.

- c) **Seasonal/Intermittent Contract employees** may be assigned to the:
 - Seasonal/Intermittent Classification Pay Plan;
 - Aquatics Seasonal/Intermittent Pay Plan;
 - Revenue Sharing Pay;
 - Specialty Services Pay Plan; or the
 - Tennis Instructor Pay Plan.

A contract employee's pay may not be adjusted to compensate for benefits that are otherwise not available to the Seasonal/Intermittent, Temporary, or Term category.

Compensation schedules and salary increments may be adjusted from time to time as recommended by the Human Resources Director and approved by the Commission.

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

2. Overtime Compensation

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

Contract employees shall be compensated consistent with the Fair Labor Standards Act (FLSA) which establishes requirements for the payment of overtime for work in excess of 40 hours per week. The M-NCPPC's Classification Plan shall identify by class specification, positions that are eligible to receive overtime, as defined by FLSA. Identification shall include designation of positions as either "non-exempt" or "exempt" from overtime mandates under the FLSA.

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

Hours worked by a Contract employee that exceed the regularly scheduled workweek hours will be compensated at straight time up to the fortieth (40th) hour, regardless of the employee's status as exempt or non-exempt under the FLSA.

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

- Non-exempt Positions: Pursuant to the FLSA, employees who hold positions classified as non-exempt from the FLSA, receive overtime compensation at a rate of one and one-half (1 ½) for each authorized hour worked beyond forty (40) hours in a seven-day workweek.

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

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

If the Seasonal/Intermittent or Temporary employee holds multiple positions, the rate of pay shall be consistent with the job being worked. Term Contract employees under an active contract with M-NCPPC are not permitted to hold multiple contract positions.

c) Limitations on the Authorization of Work beyond 40 Hours

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

- Revenue Sharing Pay Plan;
- Specialty Services Pay Plan; or
- Tennis Instructor Pay Plan.

3. Pay Adjustments: Anniversary Pay Increment

Only Seasonal/Intermittent and Term Contract employees assigned to the following pay plans are eligible for a pay increase of approximately up to three and one-half percent (3 ½%) to the base pay at the end of their contract year, if the Contract employee receives an overall satisfactory performance evaluation rating in accordance with the Performance Evaluation System for Contract Employees:

- General Service Classification ~~and~~ Pay Plan;
- Seasonal/Intermittent Classification ~~and~~ Pay Plan;
- Specialty Services Pay Plan; or the
- Tennis Instructor Pay Plan.

Employees assigned to the *Revenue Sharing Pay Plan* are not eligible for an anniversary pay increment.

Employees assigned to the Seasonal/Intermittent Aquatic Plan are not eligible for an anniversary pay increment.

The Administrative Procedures that accompany this Practice shall provide specific requirements for the administration of pay adjustments and the Performance Evaluation System for Contract employees. The Evaluation System is maintained by the Department of Human Resources and Management, Human Resources Division.

4. Pay Adjustments: Increase Due To Promotion

A promotion is the movement of an employee to a position of a higher-grade level during the same contract period. The Contract employee's assigned pay plan determines eligibility for a promotion and promotional adjustments. When a Contract employee is promoted, salary decisions shall comply with the following:

- a) Contract employees assigned to the following pay plans who are promoted to a higher grade, may be paid at any rate in the new grade which does not exceed a ten percent (10%) increase in base pay above the pay held in the former position.
- General Service Classification Pay Plan;
 - Seasonal/Intermittent Classification Pay Plan;
 - Specialty Services Pay Plan; or
 - Tennis Instructor Pay Plan.

The resulting salary shall not be less than the minimum nor exceed the maximum of the new position's salary range. The Human Resources Director has the authority to approve an increase that exceeds ten percent.

- b) Aquatics Seasonal/Intermittent Pay Plan: Contract employees assigned to this pay plan who are promoted at any time during the contract period will be paid at a rate within the level of the new position commensurate with relevant experience.
- c) Revenue Sharing Pay Plan: Contract employees assigned to this pay plan are not eligible for a promotional pay increment as they cannot be promoted under their existing contract.

5. Pay Adjustments: Temporary Assignments at a Higher Grade/Acting Pay

A Department Head may temporarily assign an employee to perform in an acting capacity to fulfill the full duties of a higher grade position when the position is anticipated to be vacant for a period of not less than sixty (60) calendar days. Temporary assignments at a higher grade position shall include an adjustment in salary. During the temporary assignment to a higher grade, an employee shall receive a temporary increase in their current base pay of up to five percent (5%) or such greater amount as may be necessary to reach the minimum of the higher grade. The resulting salary shall not exceed the maximum of the new pay grade. All actions must be approved by the Department Head and Human Resources Director.

Employees on the Revenue Sharing Pay Plan are not eligible for placement in a temporary assignment to a higher grade.

6. Emergency Work Compensation: Handling of Compensation During M-NCPPC Declared Emergency Closings/Liberal Leave

The M-NCPPC may utilize emergency closings of its facilities/operations and liberal leave status due to conditions such as emergency weather conditions, unhealthy or dangerous work conditions, civil disturbances, or other critical concerns/crises. The nature of the incident and the extent of closings will determine the appropriate level of emergency status that is declared by M-NCPPC.

Declaration of M-NCPPC Emergency Closings and Liberal Leave Status

For serious inclement weather conditions, the agency generally follows the decisions of Montgomery and Prince George's County governments in announcing closings and Liberal Leave status.

- If the County Government announces an all-day closing, the M-NCPPC offices in that County will be closed.
- Similarly, if Liberal Leave status is declared, employees working in that County may use their own accrued Leave or go on Leave-Without-Pay without prior supervisory approval.

Employees should refer to local broadcasts for information based on the County in which their office is physically located. At times, the M-NCPPC may announce modified decisions based on the severity of conditions affecting M-NCPPC facilities. In such cases, the employee's department will establish appropriate communication of the emergency status. For more detailed guidance on emergency procedures, please refer to *Notice 11-08, Preparation, Staffing and Compensation During Emergency Conditions*.

Designation of Essential Employees

Contract employees who are required to work in an emergency must be designated as "essential." These essential positions perform work needed for the continued operation of critical services and/or the reopening of closed facilities. Essential designations may be authorized by the Department Head or the Executive Director. Essential designations may be authorized on a "case by case" or continuing basis for the period of the employee's contract.

Essential employees must report for scheduled work hours during Liberal Leave status and M-NCPPC emergency closings unless otherwise released by his/her supervisor, or on previously approved leave.

a) Liberal Leave

Liberal Leave is declared to provide employees flexibility regarding reporting to work in inclement weather and other emergency conditions that do not require a closing of facilities. Liberal Leave allows employees, except those in positions designated as essential to remain home from work or to leave work early during declared Liberal Leave status.

1) Term contract employees may use their accrued generic leave to cover any scheduled hours in which the employee elected Liberal Leave.

2) Seasonal/Intermittent and Temporary employees may request Leave-Without-Pay for any scheduled hours in which they elected Liberal Leave.

b) Emergency Closings

In exceptional cases when a Contract employee is required to work during an emergency closing of his/her assigned facility/location, he/she shall be entitled to emergency pay as described in this section. Contract employees who are required to work in an emergency must be designated as "essential."

In such emergencies, compensation will be based on the rate of pay for the position held at the time of the emergency. The description of the rates of compensation that a Contract employee may earn are described below.

1) Local Area Emergency Closings

These emergencies may be declared when a Department Head authorizes a closure of a limited service or limited number of facilities within a department. Emergency closings that only affect a single facility such as the Executive Office Building, or departments with five (5) or less facilities, generally fall within a Local Area emergency.

In the event that a Local Emergency Closing is declared, an essential employee shall receive the following compensation during the emergency period:

(a) His/her regular assigned rate of pay for all regularly scheduled hours worked; and

(b) One and one-half (1½) times the assigned rate of pay for all hours worked that fall outside the employee's regularly scheduled workday.

Employees who are released from scheduled work should refer to Item V.A.6.4

2) **Area-Wide and General Emergencies**

These emergencies may be declared due to catastrophic events and/or extensive nature of closings. A rate of two (2) times the employee's assigned pay rate shall be paid for all hours worked during the following types of emergency closings:

- (a) Area-Wide Emergency Closing is declared for closures of one or more departments within the agency. The Executive Director shall coordinate the declaration of area-wide emergencies after consultation with respective Planning Board Chair(s) for the affected area(s).
- (b) General Emergencies are generally reserved for emergency closings of the M-NCPPC due to catastrophic conditions. Catastrophic conditions include but are not limited to: unusually extreme weather, epidemics, and civil disturbances. General Emergencies are declared by the Executive Director with the approval of the two Planning Board Chairs.

Employees who are released from scheduled work should refer to Section V.A.6.b, "Release from Regularly Scheduled Duties during an Emergency Closing."

3) **Emergency Work During M-NCPPC Holidays**

- (a) Term Employees: When a Term contract employee is required to work during a declared emergency that falls on a Commission holiday, he/she shall be paid at the rate of two and one-half (2 ½) times their regular rate of pay for all hours worked on that day. This rate is in lieu of any Holiday Leave pay that would have been granted had the employee been released from duty.
- (b) Seasonal/Intermittent and Temporary Employees: Employees who are required to work are eligible for compensation rates outlined in Subsection 1 and Subsection 2 (above) based on the type of emergency that is declared.

4) **Release from Regularly Scheduled Duties During an Emergency Closing**

The following provisions shall apply to employees who are released from regularly scheduled duty during a period of declared emergency.

- (a) Term Contract Employees who are released from duty shall receive Administrative Leave for all regularly scheduled work hours that could not be worked during the period of declared emergency.
- (b) Seasonal/Intermittent and Temporary Contract Employees are not compensated for time not worked.

Compensation for Work During a M-NCPPC Declared Emergency	
Local Emergency Work	Local Emergency
<i>During Normally Scheduled Hours</i>	Regular hourly Rate
<i>Outside Normally Scheduled Hours</i>	1.5x regular hourly rate
Area-wide Emergency Work	Area-wide Emergency
<i>During Normally Scheduled Hours</i>	2x regular hourly rate
<i>Outside Normally Scheduled Hours</i>	2x regular hourly rate
General Emergency Work	General Emergency
<i>During Normally Scheduled Hours</i>	2x regular hourly rate
<i>Outside Normally Scheduled Hours</i>	2x regular hourly rate
Emergency Work During Holidays	Seasonal/Intermittent and Temporary Employees are compensated at a rate based on the declared emergency status. Term Contract employees receive 2.5x regular for all hours worked

B. Leave and Benefits Limited to Term Contract Employees

In addition to benefits mandated by state/federal/local regulations and compensation provisions which apply to all Contract employee categories, Term Contract employees also are eligible for leave benefits and specific compensation areas listed below. Eligibility is based on the employee maintaining a work schedule as defined in the Term employment category.

1. Leave Benefits

- a. Paid (Generic) Leave: Up to two (2) workweeks (seventy-five [75] hours) of paid leave per annual contract period shall be granted to Term employees. Leave shall be earned on a pro-rata basis and in accordance with the number of hours worked in a week. Leave cannot be used in the same pay period that it is earned.

Unused leave accumulated during a contract year may be transferred from contract year to the next contract year. The amount transferred may not exceed seventy-five (75) hours.

Administrative Procedures 00-02 shall describe the handing of any excess leave hours beyond 75 hours which can be transferred. The Administrative Procedures shall also address the handling of unused, accrued leave balances which remain at the termination of contract.

- b. Paid Leave for Commission-Approved Holidays: Term employees shall be entitled to paid holiday leave when released from duty for Commission-approved holidays. Holiday leave will be granted at the rate of seven and one-half (7 ½) hours for Contract employees working at thirty-seven and one-half (37 ½) hours per week, and at the rate of five (5) hours for

employees scheduled to work less than thirty-seven and one-half (37 ½) hours. Holiday leave is granted provided the Contract employee is in pay status for all scheduled hours before and after a holiday. See Administrative Procedures for implementation requirements.

- c. Administrative Leave: Administrative leave is paid M-NCPPC leave that may be granted by the Executive Director or the Department Head to one or more employees without altering employees' accrued leave balances. Administrative leave may be granted as authorized by the Department Head or the Executive Director.

2. Compensation for Work Required on a Commission-Approved Holiday

Term Contract employees shall receive holiday pay for all authorized hours worked on a Commission-approved holiday. Compensation shall be at a rate of two and one-half (2 ½) times the highest assigned rate paid during the pay period.

C. Health Benefits Coverage

The Commission has authorized medical benefits for Term Contract employees. Also, Seasonal/Intermittent employees may be eligible for health benefits subject to the requirements of the Affordable Care Act and minimum service hours.

Election will be made at the time of execution or amendment of the employment Contract. If a Contract employee selects the benefit package, the Contract employee's costs will be paid through payroll deductions.

The Administrative Procedures shall describe health benefits eligibility, enrollment requirements, and handling of benefits at termination of Contract.

Section VI. Uniforms

Depending upon the assigned duties, the agency may furnish uniforms at no charge to Contract employees consistent with Commission policy and departmental directives. Supervisors shall notify employees of requirements on obtaining and maintaining uniforms. Charges may apply for items that are lost or damaged beyond reasonable wear.

As is the case with all M-NCPPC-issued property, uniforms must be returned to the employee's department upon termination of employment.

Section VII. Supervision

Contract employees may supervise other contract or Merit System employees. However, a Contract employee may be permitted to supervise a Merit System employee only with prior approval of the Department Head and the Executive Director.

Section VIII. Promotional Opportunity

Contract employees are eligible to apply for announced M-NCPPC vacancies through the Promotional Opportunity System.

Section IX. Termination of Contract

The contract automatically terminates at the end of the contract year unless renewed as described in Section I, Contract Employment Categories, Renewals, and Amendments.

Employment contracts may be terminated prior to the end of the contract period without cause upon thirty (30) calendar days' notice by the department. An employee wishing to terminate employment before the contract expires should give at least ten (10) working days written notice to the supervisor.

Contract employees may be dismissed for cause without notice.

For terminations resulting from a Reduction-in-Force, a thirty (30) day calendar notice shall be provided.

The Administrative Procedures shall describe the continuation of health benefits coverage and handling of accrued leave upon termination of Contract status.

Section X. Discipline

The severity of any disciplinary measure shall be in keeping with the seriousness of the breach of policy. The Department Head shall consider progressive disciplinary measures, beginning with verbal counseling and proceeding to written reprimand, suspension, and dismissal.

If the breach of policy is severe, and/or the employee's actions causes a dangerous or unsafe environment, immediate remedial action by the Department Head, including suspension or dismissal is authorized.

Section XI. Dispute Resolution

If a dispute arises during the duration of the contract over provisions of the contract, concerns related to employment discrimination, or other work-related issues, a Contract employee may file a complaint as described in the accompanying Administrative Procedures, 00-02, Contract Employment Procedures.

RESPONSIBILITIES

The Department of Human Resources and Management is responsible for:

- Developing and maintaining standardized Contractual employment agreements which must have the concurrence of the General Counsel and Secretary-Treasurer.
- Furnishing Department Heads with the cost of health benefit options (employer and employee share), and updated pay and classification plans.
- Maintaining the Performance Evaluation System for Contract Employees.
- Administering Health Benefits Program and ensuring that benefits meet the requirements of the Affordable Care Act.
- Ensuring consistent understanding and application of this Practice and its accompanying Administrative Procedures, and any changes in Federal, State and local employment regulations.

Department Heads are responsible for ensuring that supervisors and managers comply with the provisions of this Practice and its Administrative Procedures.

Supervisors are responsible for:

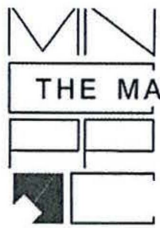
- Establishing performance expectations and conducting performance evaluations.
- Monitoring hours worked to ensure they do not exceed the term of the employment contract.

Employees are responsible for:

- Reviewing and following the terms of their employment contract.
- Complying with this Practice and all other applicable M-NCPPC policies defining workplace responsibilities.

PROCEDURES

The Executive Director shall issue Administrative Procedures for implementation of this Practice. These Procedures, which are issued as Administrative Procedures 00-02, Seasonal/Intermittent, Temporary, and Term Employment, shall be used in conjunction with this Practice.



**EXECUTIVE COMMITTEE
OPEN SESSION – CONFERENCE CALL**

December 7, 2016

On December 7, 2016, the Maryland-National Capital Park and Planning Commission’s Executive Committee convened via conference call. Present were Chair Casey Anderson and Vice-Chair Elizabeth M. Hewlett. Also present were:

Department Heads/Deputies/Presenters/Staff

- Williams Spencer, Human Resources Director and Acting Executive Director
- Joe Zimmerman, Secretary-Treasurer
- Debra Borden, Acting Director, Prince George’s County Planning
- Ronnie Gathers, Director, Prince George’s County Parks and Recreation
- Mike Riley, Director, Montgomery County Parks
- Gwen Wright, Director, Montgomery County Planning
- Mazen Chilet, Chief Information, CIO
- Renee Kenney, Chief, Audit Department
- Lisa Dupree, Senior Management Analyst, Corporate Policy and Management Operations

Absent

- Executive Director Patti Barney
- General Counsel Adrian Gardner

Human Resources Director William Spencer facilitated the meeting in the absence of Executive Director Barney. The meeting convened at 4:10 p.m.

ITEM 1a - APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	There were no changes to the Executive Committee agenda.
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ITEM 1b - APPROVAL OF COMMISSION MEETING AGENDA

Discussion	Human Resources Director Spencer reviewed the December 7, 2016, Commission meeting agenda. The following revisions were made: <ul style="list-style-type: none"> ▪ Item 5 a) – Resolution #16-26 - Change “Third Tray, LC.” to “Third Try, LLC”.
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ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	The Executive Committee reviewed the Rolling Agenda for the upcoming four months. No changes were recommended.
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ITEM 2 – MINUTES

Provided for Information	November 2, 2016, Executive Committee Open Session Minutes (with attachment, Practice 2-16 – Contract Employment for information)
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ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS

Discussion

a) Investment Report – August 2016 and September 2016 (Zimmerman)

Secretary-Treasurer Zimmerman presented the Investment Report, stating that M-NCPPC doubled its yield, and is now making .67% and .71%. Investments are doing better. The M-NCPPC is in compliance with practices and policies.

b) Enterprise Resource Planning (ERP) (Chilet)

Chief Information Officer Mazen Chilet gave an update on the Version 10 Upgrade project. He stated the due date is to be determined. Milestones are being completed, which include the RFP release to ensure it addresses the expected deliverables. This should take place in January 2017.

With regard to Employee Self Service (EES) and Manager Self Service (MSS), the MSS training was scheduled to begin on December 16th; however, the classes began on December 5th for MSS, with 180 participants in Montgomery and Prince George’s counties. Human Resources Coordinator training will resume after the holidays. The Project Management Office re-engaged GP Strategies to complete the training effort.

The Requisition Center (RQC) enhancement due date is December 9th. The go-live date for the project is January 30, 2017. Testing for the solution is to include Citrix environment testing. Montgomery County Parks Director Mike Riley’s team has been identified as the pilot group for the solution before the Commission-wide launch to production.

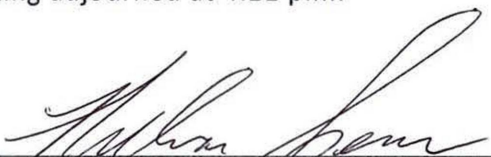
The KRONOS ERP Integration date has been changed to August 2017. The KRONOS Upgrade is dependent on the Version 10 Upgrade and cannot be moved into the Cloud until the Lawson Infor Version 10 Upgrade is completed.

The Personnel Action Automation (PAA) is undergoing a solution validation. The Project Management Office and the Human Resources Division are giving consideration to a potential technical solution presented by MHC, which was done in May 2016. The business process requires re-engineering in order to utilize any automated technical solutions. A senior business analyst resource is being on-boarded to assist with the project’s process re-engineering needs.

There being no further business to discuss, the meeting adjourned at 4:21 p.m.



Gayla Williams, Senior Management Analyst/
Senior Technical Writer



Human Resources Director William Spencer for
Executive Director Patti Barney



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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, September 13, 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, September 13, 2016 at 10:00 a.m. Voting members present were: Khalid Afzal, Patricia Barney, CPA, Howard Brown, Pamela F. Gogol, Elizabeth M. Hewlett, Amy Millar, Sheila Morgan-Johnson, Barbara Walsh and Joseph C. Zimmerman, CPA. Marye Wells-Harley arrived at 10:15 a.m. Alicia Hart was absent.

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 and Michael Rush, CFA, 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 September 13, 2016 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, July 12, 2016
- C. Minutes of Closed Session, July 12, 2016
- D. Disbursements Granted Report – June and July 2016
- E. Transfer of \$13,050,000 to Cover Administration Expenses and Benefit Payments for September – November 2016

MS. GOGOL made a motion, seconded by MS. BARNEY to approve the Consent Agenda. The motion PASSED unanimously (9-0). (Motion #16-50)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary
 - i. MAPS Conference Report by Khalid Afzal

MR. AFZAL presented his report on the Mid-Atlantic Plan Sponsors Annual Conference.

VICE CHAIRMAN WELLS-HARLEY arrived at 10:15 a.m.

3. MISCELLANEOUS

No miscellaneous items were reported.

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. BARNEY made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY 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 (10-0). (Motion #16-51)

MS. BARNEY a motion, seconded by MS. WALSH to ratify the actions taken in Closed Session. The motion PASSED unanimously (10-0). (Motion #16-57)

LaTonya Reynolds left the meeting at 11:19 a.m.

5. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated August 31, 2016

- i. Recommendation to Approve a Change to the Assumption for Pension Service Credit Based on Earned and Unused Sick Leave for an Active Participant to .03 Years for Every Year of Future Credit for Credited and Eligibility Service Effective with the July 1, 2016 Actuarial Valuation

Andrea Rose presented the Administrator's Report dated August 31, 2016.

Andrea Rose reminded the Board that during the Experience Study trustees questioned the sick leave assumption and Boomershine Consulting Group agreed to review the assumption. After reviewing the actuarial assumption for pension service credit on earned and unused sick leave for an active participant for the last several years with experience slightly higher than assumed, Boomershine Consulting Group recommended in Memorandum dated July 12, 2016, a change to the assumption from .02 years to .03 years for every year of future credited and eligibility service. The assumption change will have a minimal impact (approximately \$250,000) on the annual employer contribution.

MS. BARNEY made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY to approve a change to the assumption for pension service credit based on earned and unused sick leave for an active participant to .03 years for every year of future credit for credited and eligibility service effective with the July 1, 2016 Actuarial Valuation. The motion PASSED unanimously. (10-0). (Motion #16-58)

The Employees' Retirement System was given an Award for Outstanding Achievement in Popular Annual Financial Reporting ("Award") for its Popular Annual Financial Report (PAFR) for the fiscal year ended June 30, 2015 by the Government Finance Officers Association of the United States and Canada (GFOA). This is the sixth year the ERS applied for and received the award. In order to receive an award, a government unit must publish a PAFR, whose contents conform to program standards of creativity, presentation, understandability and reader appeal. Heather Brown, Senior Administrative Specialist and Sheila Joynes are recognized for their efforts on the annual report project.

The IRS issued Proposed Regulations on the definition of "normal retirement age" for qualified governmental retirement plans. Under the Proposed Regulations, governmental plans must have a normal retirement age that is not earlier than the earliest age that is "reasonably representative" of the typical retirement age of the industry in which the covered workforce is employed. Legal counsel confirmed the Proposed Regulations do not require any changes to the plan document at this time.

6. MANAGER REPORTS/PRESENTATIONS

A. Wilshire Associates

Presentations by Wilshire Associates - Bradley A. Baker, Vice President and Michael Rush, CFA, Vice President

MINUTES, AS APPROVED, AT THE NOVEMBER 1, 2016 REGULAR BOARD OF TRUSTEES MEETING

- i. Executive Summary of Investment Performance; as of March 31, 2016
- ii. Low Volatility Overview and Analysis
- iii. Manager Comparison - 3yr and 5yr Rolling Returns; as of March 31, 2016
- iv. Summary of Investment Performance; March 31, 2016

Bradley Baker reported on the fund's performance for the quarter ending June 30, 2016. The ERS' total return was -0.31% (net of fees) for the one-year ending June 30, 2016. The total fund underperformed the actual target policy index return of 0.62%. The ERS fund return was 4.91% for the three-years ended June 30, 2016 and 5.70% for the five-years ended June 30, 2016 versus the actual target policy index which returned 4.96% and 5.80%, respectively. The total market value through June 30, 2016 was \$777.3 million. Individual manager performance was discussed relative to the current market environment.

Mr. Baker and Mr. Rush presented a Low Volatility Overview & Analysis as requested by the Board of Trustees at its July meeting. There are many benefits of a low volatility equity portfolio including lower absolute risk, lower drawdown risk, historically higher compounded returns, low correlations with cap-weighted indices and additional diversification within the total portfolio. Wilshire modeled the ERS' current target allocation along with three scenarios (6%, 8%, 10%) providing different exposure levels to low volatility. Under each scenario, exposure to U.S., non-U.S., and global equities was also modeled. By allocating a portion of the public equity exposure to low volatility, the ERS could decrease total portfolio expected risk/volatility (standard deviation) anywhere from 0.20% - 0.55% (20-55 bps) depending on the target exposure and geographic focus of the strategy.

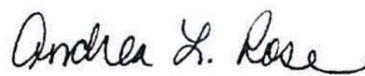
In order to move forward, Wilshire recommended identifying a target allocation level for low volatility within the total portfolio as well as an exposure focus (U.S. non-U.S., global); identifying a "best in class" asset manager; and identifying an appropriate rebalancing strategy to migrate the current public equity portfolio to one with low volatility exposure. Chairman Hewlett requested the Investment Monitoring Group (IMG) take an in-depth look at Wilshire's low volatility analysis and return to the Board with a recommendation. Mr. Baker agreed to provide additional information directly to the IMG for analysis.

The Board of Trustees meeting of September 13, 2016 adjourned at 1:04 p.m.

Respectfully,



Heather D. Brown
Senior Administrative Specialist



Andrea L. Rose
Administrator



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

**SPECIAL BOARD OF TRUSTEES MEETING
MINUTES**

Friday, September 23, 2016; 10:00 A.M.

ERS Conference Room

OR

Via Teleconference

A Special Meeting of the Board of Trustees was held on Friday, September 23, 2016 at 10:00 a.m. Voting members present in-person and via teleconference were: Khalid Afzal, Patricia Barney, CPA, Howard Brown, Pamela F. Gogol, Alicia Hart, Elizabeth M. Hewlett, Amy Millar, Sheila Morgan-Johnson, Barbara Walsh, Marye Wells-Harley and Joseph C. Zimmerman, CPA.

ERS staff present were Andrea L. Rose, Administrator and Heather D. Brown, Senior Administrative Specialist.

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

1. Special Board of Trustees Meeting Agenda

- A. Approval of the September 23, 2016 Special Board of Trustees Meeting Agenda

CHAIRMAN HEWLETT called to order a Special Meeting of the Board of Trustees and requested a Motion to Approve the Agenda and go into Closed Session pursuant to the General Provisions of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) to discuss the investment of public funds and consult with legal counsel.

MS. BARNEY made a motion, seconded by MS. WALSH to Approve the Agenda and go into Closed Session pursuant to the General Provisions of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) to discuss the investment of public funds and consult with legal counsel. The motion PASSED unanimously (11-0). (Motion #16-59)

2. Closed Session

The Board will meet in closed session, pursuant to the General Provisions of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) to discuss the investment of public funds and consult with legal counsel.

MS. BARNEY a motion, seconded by MS. WALSH to ratify the actions taken in Closed Session. The motion PASSED unanimously (11-0). (Motion #16-62)

The Special Board of Trustees meeting of September 23, 2016 adjourned at 10:28 a.m.

Respectfully,

Heather D. Brown
Senior Administrative Specialist

Andrea L. Rose
Administrator



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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, November 1, 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, November 1, 2016 at 10:00 a.m. Voting members present were: Patricia Barney, CPA, Howard Brown, Pamela F. Gogol, Sheila Morgan-Johnson, Barbara Walsh and Joseph C. Zimmerman, CPA. Alicia Hart joined the meeting via conference call from 10:00 a.m. – 10:30 a.m. Amy Millar joined the meeting via conference call at 10:07 a.m. and arrived at the meeting at 10:30 a.m. Khalid Afzal, Elizabeth M. Hewlett and Marye Wells-Harley were absent.

ERS staff present were: Andrea L. Rose, Administrator; Heather D. Brown, Senior Administrative Specialist; Sheila S. Joynes, Accounting Manager; Eleanor Dagirmanjian, Retirement Benefits Analyst; Lisa Butler, Senior Retirement Benefits Analyst; Antonia Lanier, Member Relations Manager; and, Ann McCosby, IT Systems Manager/Leader.

Others present included: M-NCPPC Staff – John Kroll, Corporate Budget Manager and Bill Spencer, Human Resources Manager.

Presentations by Boomershine Consulting Group's David S. Boomershine, Senior Consulting Actuary and President and Gregory M. Stump, Vice President and Senior Actuary.

In the absence of the Chairman and Vice Chairman, MS. BARNEY opened the meeting at 10:00 a.m. with a quorum.

1. CONSENT AGENDA

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

- A. Approval of the November 1, 2016 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, September 13, 2016
- C. Minutes of Closed Session, September 13, 2016
- D. Minutes of Special Board Meeting, September 23, 2016
- E. Minutes of Special Board Meeting Closed Session, September 23, 2016
- F. Disbursements Granted Reports – August and September 2016

MS. GOGOL made a motion, seconded by MS. WALSH to approve the Consent Agenda. The motion PASSED unanimously (7-0). (Motion #16-63)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary

MINUTES, AS APPROVED, AT THE DECEMBER 6, 2016 REGULAR BOARD OF TRUSTEES MEETING

- i. NCPERS Public Safety Employees' Pension & Benefits Conference Report by Howard Brown

MR. BROWN presented his report on the NCPERS Public Safety Employees' Pension & Benefits Conference.

MS. MILLAR joined the meeting via conference call at 10:07 a.m.

3. **MISCELLANEOUS**

No miscellaneous items were reported.

4. **MANAGER REPORTS/PRESENTATIONS**

- A. Presentations by Boomershine Consulting Group's David S. Boomershine, Senior Consulting Actuary and President and Gregory M. Stump, Vice President and Senior Actuary
 - i. Training - Pension Funding: Risks and the Role of the Trustee
 - ii. Actuarial Valuation Review as of July 1, 2016
 - a. Recommendation to Approve an Employer Contribution of \$24,822,301 Payable July 1, 2017
 - iii. Report - Annual Review and Actuarial Valuation as of July 1, 2016

Gregory M. Stump conducted an actuarial educational session covering the mechanics and risks of pension funding, the causes of gains and losses, and the role of the trustee.

MS. MILLAR arrived at the meeting at 10:30 a.m.

David S. Boomershine reviewed the results of the July 1, 2016 Actuarial Valuation which indicated the funded ratio of the actuarial value of assets to the actuarial accrued liability for benefits was 90.2%, which is down from 93.5% in 2015. As of July 1, 2016, the actuarial value of assets was \$856,279,531 and the actuarial accrued liability was \$949,298,226, which resulted in an unfunded actuarial accrued liability of \$93,018,695.

In order to meet the funding objectives, a recommended employer contribution of \$24,822,301 (17.3% of covered payroll) is payable July 1, 2017 for fiscal year 2018. The recommended employer contribution increased significantly from \$20,268,189 (14.3% of covered payroll) as of July 1, 2015 primarily due to actuarial asset value losses (from prior deferred losses) and assumption changes due to the experience study.

MS. HART left the meeting via conference call.

MS. WALSH made a motion, seconded by MS. GOGOL to approve an employer contribution of \$24,822,301 payable July 1, 2017 for fiscal year 2018. The motion PASSED unanimously (7-0). (Motion #16-64)

The ERS' Investment Consultant from Wilshire Associates, Bradley A. Baker, joined the meeting via conference call at 11:16 a.m.

5. COMMITTEE REPORTS/RECOMMENDATIONS

A. Audit Committee

Presentation by Committee Chairman, Barbara Walsh

- i. Regular Report of October 4, 2016

MS. WALSH presented the regular report for the Audit Committee meeting of October 4, 2016.

The Audit Committee met with the new audit firm SB & Company for the results of the June 30, 2016 audit. William Seymour, Engagement Partner, reported that as of June 30, 2016 and June 30, 2015, the ERS had a Fiduciary Net Position Restricted for Pensions of \$776,338,424 and \$791,995,626, respectively. During 2016 the Fiduciary Net Position Held in Trust for Pension Benefits decreased by (\$15.7) million due to investment losses and increased benefit payments. Mr. Seymour noted many plans across the country experienced similar losses on investments. An unmodified opinion on the financial statements was issued and there were no material weaknesses or instances of fraud identified. A copy of the Comprehensive Annual Financial Report for Fiscal Years Ended June 30, 2016 and June 30, 2015 was provided to all Trustees.

B. Investment Monitoring Group

Presentation by Committee Chairman, Patricia Barney, CPA

- i. Regular Report of September 20, 2016
- ii. Confidential Report of September 20, 2016 – ***Confidential – Trustees Only***
- iii. Regular Report of October 18, 2016
- iv. Confidential Report of October 18, 2016 – ***Confidential – Trustees Only***

MS. BARNEY moved the Confidential Reports, Items 5.B.ii and 5.B.iv., to Item 7 - Closed Session.

MS. BARNEY presented the regular report for the Investment Monitoring Group's (IMG) meeting of September 20, 2016.

Andrea Rose presented the regular report for the IMG meeting of October 18, 2016.

The IMG met with JP Morgan's Janet Yearwood, Executive Director, Client Portfolio Manager and Kate Morgenier, Vice President, Relationship Manager for a performance review of JP Morgan's 130/30 strategy to specifically address the strategy's performance over the last couple of quarters. Ms. Yearwood acknowledged the strategy achieved its index objective one year ago, but not in the last couple of quarters. The outperformance of low volatility/defensive stocks caused underperformance in the strategy's underweights and short positions. Ms. Yearwood believes the portfolio is well positioned in high quality growth names across all sectors. Wilshire's Brad Baker confirmed that J.P. Morgan's performance will continue to be monitored closely.

The IMG reviewed Eaton Vance's performance relative to the Manager Monitoring Policy. Mr. Baker confirmed the 3-year rolling returns showed mixed results trending on the downside but rolling returns were not below the benchmark for 4 consecutive quarters. Eaton Vance's strategy from a qualitative perspective has not changed. The strategy was up 30 bps in the third quarter through August which is a move in the right direction. Wilshire confirmed it has not lost confidence in Eaton Vance and will continue to monitor performance closely.

C. Administration & Personnel Oversight Committee

Presentation by Committee Chairman, Barbara Walsh

- i. Regular Report of September 20, 2016
- ii. Confidential Report of September 20, 2016 – **Confidential – Trustees Only**
- iii. Special Meeting Report of October 12, 2016
 - a. Recommendation for Approval of a \$1,000,000 Cyber Risk Policy with Travelers for an Annual Premium of \$3,944

MS. BARNEY moved Confidential Report, Item 5.C.ii, to Item 7 - Closed Session.

MS. WALSH presented the regular report for the Administration & Personnel Oversight Committee ("Personnel Committee") meeting of September 20, 2016 and the report for the Personnel Committee's special meeting of October 12, 2016.

The Personnel Committee reviewed cyber liability insurance quotes from four (4) insurance providers for \$1 million and \$3 million policies. The ERS' Insurance Agent, B.F. Saul's Scott Armstrong, confirmed the proposals all offer substantially the same in terms of coverage and recommended a \$1 million policy with Travelers since it was retroactive to 2013.

The Personnel Committee recommended the Board approve a \$1,000,000 Cyber Risk policy (retroactive to 2013) with Travelers for an annual premium of \$3,944.

MS. GOGOL made a motion, seconded by MS. MILLAR to approve a \$1,000,000 Cyber Risk policy (retroactive to 2013) with Travelers for an annual premium of \$3,944. The motion PASSED unanimously (7-0). (Motion #16-65)

6. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated October 20, 2016

- i. Recommendation to Approve a Resolution to Amend the Assumption for Calculation of an Actuarial Deficiency

Ms. Rose presented the Administrator's Report dated October 20, 2016.

Ms. Rose reported the actuarial assumption changes approved by the Board at its April 5, 2016 meeting, necessitated an update to a Board Resolution which sets forth relevant actuarial assumptions not specifically provided in the plan document. Ms. Rose presented the amended Resolution to Amend the Assumptions for Calculation of an Actuarial Deficiency.

MS. GOGOL made a motion, seconded by MS. WALSH to approve the amended Resolution to Amend the Assumption for Calculation of an Actuarial Deficiency. The motion PASSED unanimously (7-0). (Motion #16-66)

7. CLOSED SESSION

The Board will meet in Closed Session, pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(1) and 3-305(b)(5) for personnel issues and for investment of public funds.

MS. GOGOL made a motion, seconded by MS. MILLAR to go in to Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(1) and 3-305(b)(5) for personnel issues and for investment of public funds. The motion PASSED unanimously (7-0). (Motion #16-67)

The Board of Trustees meeting of November 1, 2016 adjourned at 11:43 a.m.

Respectfully,


Heather D. Brown
Senior Administrative Specialist


Andrea L. Rose
Administrator



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB 16-114

M-NCPPC 16-26

Approval of Disposition of Commission Real Estate at
Kings Local Park to Third Try, L.C.

Date of Hearing: December 21, 2016

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (“Commission”) is authorized by Md. Code Ann., Land Use §17-101 (formerly Article 28, Section 5-101), to acquire, develop, maintain and operate a public park system within the Maryland-Washington Metropolitan District; and

WHEREAS, the Commission holds certain real property interests in parkland known as Kings Local Park which includes a parcel of land containing 6.60 acres, more or less, unimproved, recorded among the Land Records of Montgomery County, Maryland in Liber 27841 at folio 508 (the “Park Parcel”); and

WHEREAS, the Park Parcel is adjacent to a development known as Clarksburg Town Center which is currently being developed by Third Try, L.C., a Maryland limited liability company (“Third Try”), and

WHEREAS, on September 21, 2015, the Montgomery County Planning Board (“Planning Board”) approved Third Try’s application to amend the Clarksburg Town Center Project Plan (Project Plan No. 91994004D), the Clarksburg Town Center Preliminary Plan (Preliminary Plan No. 11995042B), and the Clarksburg Town Center Site Plan (Site Plan No. 82007022D), and;

WHEREAS, the Planning Board’s approvals of the above described amendments contained conditions that resulted in various modifications to these plans including, but not limited to, locating on the Park Parcel: 1) the site of the John Clark Family Memorial Cemetery; and 2) the site of a required stormwater management facility; and

WHEREAS, Third Try has requested that the Commission transfer to it the two sites described above in order for Third Try to meet the conditions of the amendments to the Clarksburg Town Center Project, Preliminary and Site Plans as approved by the Planning Board, and;

WHEREAS, the staff report presented to the Planning Board at its public meeting on October 20, 2016 contained a recommendation that the Planning Board find that (1) it is in the public interest to convey, at “no cost”, 2,391 square feet (0.0549 acres), more or less, for the John Clark Family Memorial Cemetery and 65,413 square feet (1.5017 acres), more or less, for

the stormwater management facility from the Park Parcel; and (2) these lands are no longer needed for park purposes or other purposes under the Land Use Article; and

WHEREAS, the Planning Board, at its public meeting held on October 20, 2016, reviewed and approved the analysis concerning the disposition of the above-described Commission property from the Park Parcel to Third Try and recommended that the Commission approves the said disposition.

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 recommendations; and hereby approves the conveyance of the Commission property interests in the Park Parcel, as described above, to Third Try.

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 that the foregoing is a true and correct copy of Resolution No. 16-114, adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez with Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez and Wells-Harley voting in favor of the motion, at its regular meeting held on Thursday, October 20, 2016 in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

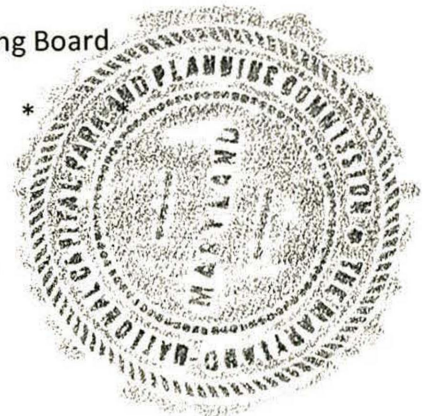
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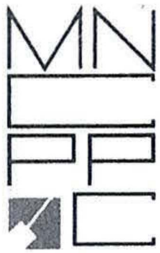
APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 10/24/2016





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

November 16, 2016

SUBJECT: PGCPB Resolution No. 16-112 (M-NCPPC No. 16-27)
PGCPB Resolution No. 16-113 (M-NCPPC No. 16-28)

TO: The Maryland-National Capital Park and Planning Commission

FROM: Helen Asan 
Acting Land Acquisition Supervisor
Park Planning & Development Division

Attached, please find the above-referenced two Resolutions for approval of land conveyance.

Adopted PGCPB Resolution No. 16-112 for the Sandy Hill Creative Disposal Area approved the conveyance of 0.3608 ± acres of land to Prince George's County Department of Public Works & Transportation (DPW&T) for future expansion of Old-Laurel Bowie Road, along with a 0.0362 ± acre storm drain easement as a requirement for approving the permit for the construction of Park facilities on the Sandy Hill Creative Disposal Area.

Adopted PGCPB Resolution No. 16-113 for Oak Creek East Park approved the conveyance of 5,910 ± square feet of the portion of the Subject Property to the Prince George's County Department of Public Works & Transportation (DPW&T) for the widening of Church Road South with improvements to the Park Property as proffered by the developer.

Attached for your review and approval are Resolutions Nos. 16-112 and 16-113 to adopt the disposal of the parkland.

The Resolutions have been scheduled for Full Commission on Wednesday, December 21, 2016.

Attachments

- M-NCPPC Resolution No. 16-27
- M-NCPPC Resolution No. 16-28



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

PGCPB No. 16-112
M-NCPPC No. 16-27

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission ("Commission") is authorized under the Annotated Code of Maryland, Land Use Article § 17-205, to 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 Commission owns property known as **Sandy Hill Creative Disposal Area**, located in Bowie, Maryland, having an address of 9306 Old Laurel Bowie Road, identified as Tax Map 29, Grid A, Parcels 1,2,3, and 4, Election District 14, Tax Account Numbers 1580133, 1618875, 1580581 and 1580166, at Liber 29118, folio 490; Tax Account 1679158, liber 04672, folio 914, and Liber 05209, folio 417 containing 245.05 ± total acres, hereinafter collectively referred to as Sandy Hill Creative Disposal Area, and

WHEREAS, The Prince George's County Department of Parks and Recreation ("DP&R") has applied for a permit to construct facilities on the Sandy Hill Creative Disposal Area and,

WHEREAS, the Prince George's County Department of Public Works and Transportation ("DPW&T") has required the Commission dedicate 0.3608 ± acres of land from Parcel 2 (Tax Account #1618875) for the future expansion of Old-Laurel Bowie Road along with a 0.0362 ± acre storm drain easement on Parcel 4 (Tax Account #1580166) as a requirement of approving a permit for the construction of Park facilities on Sandy Hill Creative Disposal Area, and

WHEREAS, DP&R desires to convey the above-referenced interest in 0.3608 ± acres along with 0.0362 ± acres for a storm drain easement.

NOW, THEREFORE BE IT RESOLVED, that the Prince Georges County Planning Boards at its meeting on Thursday, September 29, 2016, approved the conveyance of 0.3608 ± acres, along with 0.0362 ± acres for a storm drain easement to DPW&T for no consideration subject to the approval of the Full Commission.

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

* * * * *

PGCPB No. 16-112
M-NCPPC No. 16-27
Page 2

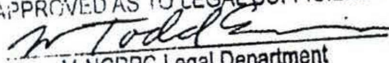
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Washington, with Commissioners Geraldo, Washington, Hewlett and Bailey voting in favor of the motion, at its meeting on Thursday, September 29, 2016, in Upper Marlboro, Maryland.

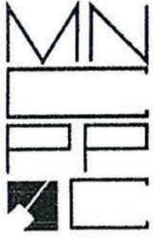
Adopted by the Prince George's County Planning Board this 3rd day of November, 2016.

Elizabeth Hewlett



By: Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 11/9/16



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

PGCPB No. 16-113
M-NCPPC No. 16-28

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission (“Commission”) is authorized under the Annotated Code of Maryland, Land Use Article § 17-205, to 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 Commission owns 10.17 ± acres consisting of Part of Parcel 18 of Oak Creek East Park (the “Park Property”) located in Upper Marlboro, Maryland, and further identified as Tax Map 69, Grid E-4; and

WHEREAS, the Commission proposes to convey 5,910 ± square feet of the portion of the Park Property (“Subject Property”) to the Prince George’s County Department of Public Works & Transportation (“DPW&T”) for the widening of Church Road South by the developer of Oak Creek Development; and

WHEREAS, the developer of Oak Creek Development proffered construction of road improvements, including a 30-foot-wide commercial entrance to the Park Property, a gravel driveway, and a 5-foot-wide asphalt trail/sidewalk along Church Road in lieu of payment; and

WHEREAS, the Commission’s conveyance of the Subject Property is contingent upon the Commission and the developer of Oak Creek Development entering into an agreement for the proffered improvements along Park Property; and

WHEREAS, the Planning Board agreed to dispose of the Subject Property and to accept proffered improvements along Park Property; and

WHEREAS, the Commission desires to convey the Subject Property to the Prince George’s County DPW&T for the widening of Church Road South, construction of road improvements, and construction of the commercial entrance.

NOW, THEREFORE BE IT RESOLVED, that the Board hereby recommends that the Commission approve the conveyance of the Subject Property to the Prince George’s County DPW&T; and

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

* * * * *

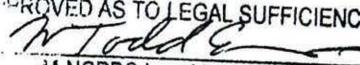
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Hewlett and Geraldo voting in favor of the motion, at its meeting on Thursday, September 29, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of November, 2016.

Elizabeth Hewlett



By: Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 11/9/16



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

M-NCPPC No. 16-29
December 21, 2016

To: The Maryland-National Capital Park and Planning Commission
 From: John Kroll, Corporate Budget Manager *JK*
 Via: Patricia C. Barney, Executive Director *PCB*
 Subject: **Approval of the Commission's FY18 Proposed Budget**

Recommendation:

Approve Resolution No. 16-29, "Approval of the 2018 Fiscal Year Proposed Operating and Capital Budget of the Maryland-National Capital Park and Planning Commission."

Summary:

The Proposed Budget Resolution for FY18 reflects the Proposed Budgets approved by each Planning Board, as modified by a decrease in OPEB costs (noted below) and other non-substantial adjustments. The Proposed Budget totals \$469.8 million in funding excluding reserves, ALARF, Capital Projects and Internal Service Funds. Compared to the FY17 Adopted Budget, the FY18 Proposed Budget is \$23.3 million greater, for an increase of 5.2%. Exhibit 1 provides a comparative summary of the proposed budget for each county.

Exhibit 1:

**Summary of FY18 Proposed Operating Budget Expenditures
(net reserves, ALARF, Internal Service Funds, and Capital Projects Funds)**

	FY17 Adopted	FY18 Proposed	\$ Change	% Change
Prince George's Funds				
Administration (1)	\$ 48,815,896	\$ 49,734,434	\$ 918,538	1.9%
Park (2)	135,162,782	141,295,731	6,132,949	4.5%
Recreation (3)	71,795,500	78,348,118	6,552,618	9.1%
ALA Debt	-	-	-	-
Subtotal Tax Supported	255,774,178	269,378,283	13,604,105	5.3%
Enterprise	19,391,147	19,829,221	438,074	2.3%
Special Revenue (4)	9,167,644	9,144,545	(23,099)	-0.3%
Park Debt	11,539,571	11,053,742	(485,829)	-4.2%
Total Prince George's	\$ 295,872,540	\$ 309,405,791	\$ 13,533,251	4.6%
Montgomery Funds				
Administration (5)	\$ 30,464,202	\$ 31,643,571	\$ 1,179,369	3.9%
Park (2)	96,367,494	104,023,649	7,656,155	7.9%
ALA Debt	1,865,573	1,950,000	84,427	4.5%
Subtotal Tax Supported	128,697,269	137,617,220	8,919,951	6.9%
Enterprise (4)	10,012,147	10,347,797	335,650	3.4%
Property Management	1,319,000	1,311,100	(7,900)	-0.6%
Special Revenue	5,751,622	5,634,625	(116,997)	-2.0%
Park Debt	4,846,969	5,511,210	664,241	13.7%
Total Montgomery	\$ 150,627,007	\$ 160,421,952	\$ 9,794,945	6.5%
Combined Total	\$ 446,499,547	\$ 469,827,743	\$ 23,328,196	5.2%

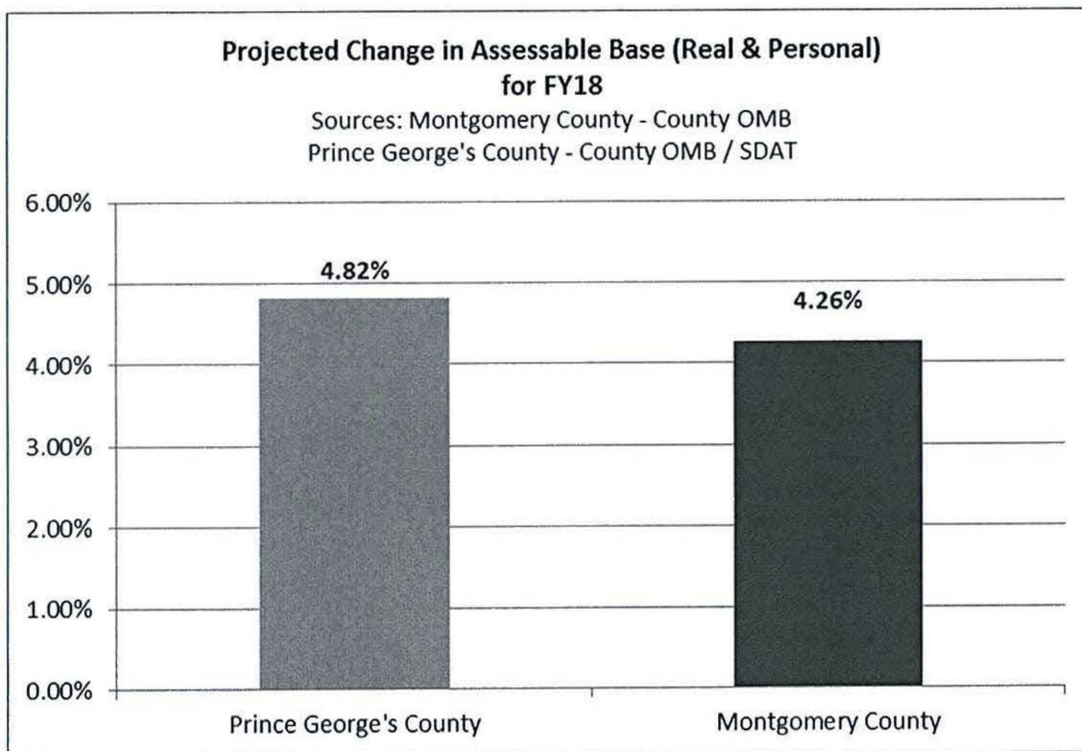
(1) Includes transfer to Special Revenue Fund in FY17 and to Capital Projects in FY18
 (2) Includes transfer to Park Debt Service and Capital Projects
 (3) Includes transfer to Enterprise Fund
 (4) Includes transfer to Capital Projects
 (5) Includes transfer to Special Revenue

Each of the sections below addresses the changes in the major components of the budget.

Assessable Base and Property Tax Revenues

Property tax revenue makes up more than 86 percent of the Commission's operating budget revenue. The outlook for FY18 continues to show improvement from previous years. For FY18, growth of 4.26 percent is estimated for Montgomery County and Prince George's County's assessable base is projected to grow at a 4.82 percent pace. These estimates will continue to be monitored and updated as necessary in the Adopted Budget.

Exhibit 2:



Summary of Major Known Commitments for FY18 Personnel Costs

The Proposed Budget for the General Fund includes the following major known commitments for personnel costs in FY18:

- ✓ Medical insurance and benefit costs are increasing by \$266,000;
- ✓ OPEB (PayGo and Prefunding) is decreasing by \$283,000;
- ✓ Pension funding is increasing by \$4.6 million; and
- ✓ The Commission's FY18 Proposed Budget includes \$6.46 million for a compensation adjustment marker and a reclassification adjustment marker in the General Fund.

Exhibit 3 summarizes the changes for major personnel costs in the General Fund.

Exhibit 3:

Summary of Changes in Major Employee Benefit Costs FY18 Proposed Budget (General Fund)				
	FY17 Adopted	FY18 Proposed	\$ Change	% Change
OPEB				
OPEB Paygo & Prefunding	15,373,829	15,091,122	(282,707)	-1.8%
Pension (ERS)				
Pension (ERS)	19,415,094	24,019,389	4,604,295	23.7%
Health and Benefits(1)				
Employee Health Benefits	31,610,058	31,876,298	266,240	0.8%
Employee Compensation				
Marker for Changes to Employee Comp.	3,624,799	4,564,257	939,458	25.9%
Marker for Possible Reclasifications	-	1,895,865	1,895,865	-
Total Change in Major Personnel Costs	\$ 70,023,780	\$ 77,446,931	\$ 7,423,151	10.6%

(1) Health and Benefits includes medical insurances (health, dental, vision, prescription), long-term disability, accidental death and dismemberment, and life insurance.

OPEB

OPEB costs for FY18 have been determined by the actuary. Presentation of the actuarial valuation is scheduled to occur on December 21st. The net change for total OPEB costs is a decrease of \$283 thousand or 1.8 percent less than the FY17 Adopted Budget.

Pension (ERS)

As determined by the actuary, pension costs are projected to increase by 23.7 percent in FY18, representing a cost of \$4.6 million over the FY17 Adopted Budget. Having decreased by a similar percentage in FY17, this increase is due to an updated actuarial assumption review from this past spring.

Health Insurance and Benefits

On average, health insurance and benefit costs are projected to increase by 0.8 percent in FY18, representing an increased cost of \$266 thousand.

Employee Compensation

The Commission's FY18 budget includes a \$4.6 million compensation adjustment marker in the General Fund (\$4.8 million all funds). We are in full contract negotiations with the FOP and are in a wage reopener with MCGEO for FY18. Also included is \$1.9 million (\$2.0 million all funds) for possible reclassification adjustments based on the multi-year classification study that is under way.

Summary of the FY18 Proposed Budgets for General Fund Departments

Exhibit 4 provides a comparative summary of the FY18 Proposed Budget to the FY17 Adopted Budget for the General Fund.

Exhibit 4:

M-NCPPC				
Summary of FY18 Proposed Budget General Fund Accounts				
By Fund by Department (excludes reserves)				
	FY17 Adopted	FY18 Proposed	\$ Change	% Change
Prince George's				
Administration Fund				
Commissioners' Office	\$ 1,987,921	\$ 2,013,584	\$ 25,663	1.3%
Planning Department Operating	28,612,140	29,241,390	629,250	2.2%
Project Charges	7,695,800	6,762,466	(933,334)	-12.1%
CAS	8,687,188	9,032,827	345,639	4.0%
Transfer to Special Revenue	30,000	-	(30,000)	-100.0%
Transfer to Capital Projects	-	30,000	30,000	-
Non-Departmental (1)	1,802,847	2,654,167	851,320	47.2%
Subtotal Admin Fund	48,815,896	49,734,434	918,538	1.9%
Park Fund				
Park Fund Operating	110,586,984	115,436,587	4,849,603	4.4%
Project Charges	952,800	512,800	(440,000)	-46.2%
Transfer to Capital Projects	6,661,000	7,000,000	339,000	5.1%
Transfer to Debt Service	11,539,571	11,053,742	(485,829)	-4.2%
Non-Departmental (1)	5,422,427	7,292,602	1,870,175	34.5%
Subtotal Park Fund	135,162,782	141,295,731	6,132,949	4.5%
Recreation Fund				
Recreation Fund Operating	55,434,948	61,880,470	6,445,522	11.6%
Project Charges	4,556,170	4,251,300	(304,870)	-6.7%
Transfer to Enterprise	9,070,347	8,748,421	(321,926)	-3.5%
Non-Departmental (1)	2,734,035	3,467,927	733,892	26.8%
Subtotal Recreation Fund	71,795,500	78,348,118	6,552,618	9.1%
Prince George's Total General Fund	\$ 255,774,178	\$ 269,378,283	\$ 13,604,105	5.3%
Montgomery				
Administration Fund				
Commissioners' Office	\$ 1,193,633	\$ 1,176,198	\$ (17,435)	-1.5%
Planning Department Operating	19,555,706	19,628,945	73,239	0.4%
CAS	7,556,907	7,925,370	368,463	4.9%
Transfer to Development Review	500,000	500,000	-	0.0%
Grants	150,000	150,000	-	0.0%
Non-Departmental (1)	1,507,956	2,263,058	755,102	50.1%
Subtotal Admin Fund	30,464,202	31,643,571	1,179,369	3.9%
Park Fund				
Park Department Operating	85,776,435	90,839,427	5,062,992	5.9%
Transfer to Debt Service	4,846,969	5,511,210	664,241	13.7%
Transfer to Capital Projects	350,000	350,000	-	0.0%
Grants	400,000	400,000	-	0.0%
Non-Departmental (1)	4,994,090	6,923,012	1,928,922	38.6%
Subtotal Park Operating	96,367,494	104,023,649	7,656,155	7.9%
Montgomery Operating Subtotal	126,831,696	135,667,220	8,835,524	7.0%
Property Management	1,319,000	1,311,100	(7,900)	-0.6%
Montgomery General Fund Total	\$ 128,150,696	\$ 136,978,320	\$ 8,827,624	6.9%

(1) Non-Departmental for FY17 Adopted includes OPEB prefunding and OPEB paygo. For FY18 Non-Departmental includes OPEB prefunding and OPEB paygo, and a budget marker for compensation adjustments.

PRINCE GEORGE'S COUNTY OPERATING BUDGET HIGHLIGHTS

The FY18 Proposed Budget for Prince George's County funded operations is consistent with the Prince George's County Planning Board direction.

The FY18 Proposed Budget reflects the operating reductions contemplated in the six-year fiscal plan adopted last year, and continues to utilize fund balances to offset insufficient property tax revenue.

- ✓ The Parks and Recreation Department's budget represents funding for core services and functions. The budget includes:
 - Increases for operating budget impacts and start-up costs for projects scheduled for completion in FY18 (24 career positions);
 - Nine career positions (including conversion of one part-time) to "right-size" the workforce for existing operations;
 - Increased funding for capital equipment and Commission-wide IT;
 - Funding for minimum wage increase impact;
 - Funding for health insurance coverage for eligible seasonal employees.
- ✓ The Planning Department's budget includes:
 - Continuing to freeze 4 career positions;
 - Decreased professional consulting services due to no new work programs that require such services;
 - Funding for two countywide mailings related to the Zoning Ordinance Re-write and the Countywide Map Amendment Project;
 - Increased support for the Historic Preservation Grant program;
 - Increased funding for Department training needs;
 - Numerous adjustments related to the timing and cost of the expected office move from Upper Marlboro to Largo;
 - Increasing capital outlay for equipment and furnishing, mostly related to the aforementioned office relocation.
- ✓ The CAS budget, for both counties, includes:
 - For DHRM
 - One career position to lead mandatory training and leadership training;
 - One term position in HR to address the seasonal workforce workload
 - Restoration of one workyear in the HR Director's Office.
 - For the Finance Department - increased funding for ERP Support consulting; and to move the ERP to Cloud Services.
 - For the Legal Department restoration of funding for a Case Coordinator.
 - For the Office of Internal Audit - a part-time seasonal administrative position.

The FY18 Proposed Budget also continues the reduction in project charges paid to the County as part of the Six Year Plan to lower these charges. Payments for project charges are reduced an additional \$1.7 million in FY18. Staff will continue to work with the County in this area.

Lastly, FY18 budget projections were presented to the Spending Affordability Committee as part of the full Six Year Plan. We believe the FY18 Proposed Budget will fall within the spending guidelines to be established as well as meet the 5 percent reserve requirement.

Assessable Base and Tax Rates

- ✓ The real property assessable base is projected to increase by 4.82 percent in FY18, based upon last spring's County OMB estimates. We reviewed the recently released November SDAT estimates and decided to wait to re-evaluate the proposed assessable base when the final estimates are released in March.
- ✓ The total and individual tax rates in the Proposed Budget remain the same as FY17. The total rate is 29.40 cents for real property and 73.50 cents for personal property. The individual rates are as follows:
 - Administration Fund - 5.66 cents real and 14.15 cents personal;
 - Park Fund – 15.94 cents real and 39.85 cents personal; and
 - Recreation Fund – 7.80 cents real and 19.50 cents personal.

MONTGOMERY COUNTY OPERATING BUDGET HIGHLIGHTS

The FY18 Proposed Budget for Montgomery County funded operations is consistent with the Montgomery County Planning Board direction. Budget requests include funding to maintain current service levels including changes for major known commitments. The request also includes funding for specific new critical needs. Based on current assessable base estimates, the Proposed Budget will require an increase in both the Administration Fund and Park Fund tax rates for FY18 in order to both fund the requests and meet the 3 percent reserve requirement.

Assessable Base and Tax Rates

- ✓ The real property assessable base is projected to increase about 4.26 percent in FY18 based on the most recent Montgomery County Government staff estimates. These projections will be updated by the County as SDAT's estimates are released.
- ✓ The total tax rate for property tax supported funds in the FY18 Proposed Budget is 7.45 cents real property and 18.63 cents personal property. The breakdown by fund is:
 - Administration Fund 1.72 cents real and 4.30 cents personal, an increase of .02 and .05, respectively;
 - Park Fund 5.63 cents real and 14.08 cents personal, an increase of .15 and .38, respectively; and
 - Advanced Land Acquisition Fund 0.10 cents real and 0.25 cents personal.

Other Revenue and Expenditure Highlights

- ✓ Major known commitments include:
 - Operating budget impact of opening new facilities;
 - Increases associated with legislative mandates;
 - Increased debt service for capital projects;
 - Increased capital equipment and IT charges;
 - Contractual increases, utilities, and supplies and materials;
 - Conversion of a part-time career position to full-time, a conversion of term contract position to a career position.
- ✓ The Parks budget also includes:

- An additional \$549,349 in NPDES expenses (including 3 career and 1 term positions) offset by an expected increase in funding from the County's Water Quality Protection Fund.
- ✓ Funding for new initiatives in the following areas within the Parks Department is included in the Proposed Budget:
 - Activating Urban Parks;
 - Cultivating the Next Generation of Park Leaders and Workers;
 - Enhancing and Expanding the Trail System (3 career positions, eliminate 1 term);
 - Improving Quality and Playability of Ballfields (4 career positions);
 - Maximizing Operational Efficiency and Reliability (3 career positions);
 - Meeting Legislative Mandates (1 career position);
 - Enterprise Operations (3 career positions, eliminate 1 term).
- ✓ The Planning Department's budget includes funding for the following new critical needs:
 - One-Time projects:
 - Assessment/research for a Future General Plan Update
 - The Missing Middle – Design and Economics Study
 - New Roadway Functional Classification System
 - Integrated Multi-Modal GIS Network
 - Agri-Tourism Study
 - University of Maryland's National Center for Smart Growth partnership for assistance for the assessment/research for a future General Plan Update, Bikeways Plan Update/Monitoring, and Makeover Montgomery 4 Conference
 - M-NCPPC 90th Anniversary Celebration
 - Transportation and Design Studies – Gaithersburg East Master Plan
 - Traffic Generation from Mixed-Use Development Projects Study
 - Tools and Analyses for Increased Biennial Transportation Monitoring
 - Transportation Analysis Supporting Bicycling Planning (every two years)
 - On-going project:
 - Placemaking Initiatives
 - Continuing an operating transfer to the Development Review Special Revenue Fund, at the same level as FY17.
- ✓ The CAS budget, for both counties, includes:
 - For DHRM
 - One career position to lead mandatory training and leadership training;
 - One term position in HR to address the seasonal workforce workload
 - Restoration of one workyear in the HR Director's Office.
 - For the Finance Department - increased funding for ERP Support consulting; and to move the ERP to Cloud Services.
 - For the Legal Department restoration of funding for a Case Coordinator.
 - For the Office of Internal Audit - a part-time seasonal administrative position.

Commission-wide Funds

The Commission's Group Insurance Fund accounts for the costs associated with providing health insurance benefits to active and retired employees. As an internal service fund, the Fund covers all

active employees with health and other insurance coverage in the operating departments, and retirees eligible for health benefits. The fund is treated as a commission-wide fund because its costs are not specifically generated by either county. Rather, the costs represent the total health insurance pool cost. In addition, OPEB PayGo costs are paid through the Group Insurance Fund.

The Proposed FY17 expenditure budget is \$60.04 million, which is a 4.9 percent increase from the FY17 Adopted Budget. This request includes the conversion of a term contract position to career.

The FY18 Proposed Budget contains a designated reserve of \$5.40 million, which is sufficient to meet the reserve policy of 9.0 percent of total operating expenses.

The second Commission-wide budget is the Executive Office Building Fund which accounts for expenses related to the daily operations and maintenance of the Executive Office Building in Riverdale. It is funded by occupancy cost charged to the departments occupying the building. Should this building continue to house the Central Administrative offices, funds are proposed to begin replacing the curtain windows, and upgrading the electrical and HVAC systems. The proposed FY18 expenditure budget of \$1.58 million, reflects an increase of 32 percent from the FY17 Adopted Budget. The increased level of expenditures is funded from the fund balance of the EOB fund.

The third Commission-wide budget funds the Office of the Chief Information Officer (CIO) and the Commission-wide IT Initiatives (CWIT). Funding is proposed at \$1,087,133 for the Office of the CIO and at \$1,590,400 for CWIT, reflecting a 12.6 percent combined decrease from FY17. The CIO's budget includes two new positions – an IT Security Officer and a Business Systems Analyst – as well as the conversion of a part-time position to full-time.

Capital Project Funds

Montgomery County's capital budget (the County adopts the full Capital Improvements Plan every two years, this is the second year of the six year CIP) is proposed at \$26,932,000 for FY18. Prince George's County's capital budget is proposed at \$19,782,701. Funding for both is consistent with the six year fiscal plan projections.

Attachments
M-NCPPC Resolution 16-29

cc:
Joe Zimmerman, Secretary-Treasurer
Adrian Gardner, General Counsel
Department Directors
Budget Coordinators



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

December 21, 2016

M-NCPPC 16-29

RESOLUTION

Approval of the Fiscal Year 2018 Proposed Operating and Capital Budgets of the Maryland-National Capital Park and Planning Commission

WHEREAS, Pursuant to the Land Use Article of the Annotated Code of Maryland, at Section 18-102, the Maryland-National Capital Park and Planning Commission (the “Commission”) is required to prepare an annual operating and an annual capital budget for the Fiscal Year beginning on July 1, 2017 and ending on June 30, 2018 (together, the “Proposed FY18 Budgets”), and to state its proposed expenditures and estimates of anticipated revenue separately for each county; and,

WHEREAS, The Montgomery County Planning Board and Prince George’s County Planning Board, respectively, have reviewed and approved the estimated revenue and expenditures proposed by each department, office and program of the Commission in such amounts as are enumerated in Exhibit A hereto; and,

WHEREAS, The Planning Boards have also considered and approved certain revisions to the Commission’s allocation of funds, including such funds allocable jointly to both counties, as incorporated and reflected in the proposed expenditures enumerated in Exhibit A; and,

WHEREAS, The Planning Boards have also considered appropriate operating fund reserves for the Commission, and have thereupon determined to include, recommend, and request funding within the Proposed FY18 Budgets adequate to maintain such reserves within a range of 3 percent and 5 percent, in accordance with Commission policy; and,

WHEREAS, The Commission undertakes and expressly intends by adopting this resolution to ratify, approve and adopt Exhibit A hereto as the Commission’s Proposed FY18 Budgets in full accordance with the determinations made separately by each Planning Board relating to the reallocation of certain funds, and the appropriate level of operating fund reserves, each as described above.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the Land Use Article at Section 18-104, the Commission hereby approves Exhibit A for transmittal to the County Executives of Montgomery and Prince George's Counties as the Commission's Proposed FY18 Budgets, and directs appropriate staff to prepare such supporting schedules and narratives for Commission departments, offices and programs as may be necessary or appropriate for explanatory purposes; and,

BE IT FURTHER RESOLVED, that the Montgomery County Planning Board and Prince George's County Planning Board, each and respectively, are authorized to approve adjustments to the FY18 Proposed Budgets adopted as set forth in Exhibit A hereto; provided that either Planning Board seeking such an adjustment shall take formal action and enter notice of the action among the Commission records; and, provided further that any such adjustment made by either Planning Board shall not have any impact on a Commission fund maintained to support a work program within the exclusive administrative control and jurisdiction of the other Planning Board.

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date

12/6/2016

**MONTGOMERY COUNTY
 TAX RATES AND ASSESSABLE BASE**

		<u>FY 16</u> <u>Actual</u>	<u>FY 17</u> <u>Adopted</u>	<u>FY 18</u> <u>Proposed</u>	<u>Rate</u> <u>Change</u>
<u>Tax Rates:</u>					
(Cents per \$100 of assessed value)					
Administration					
	Real	1.80	1.70	1.72	0.02
	Personal	4.50	4.25	4.30	0.05
Park					
	Real	5.52	5.48	5.63	0.15
	Personal	13.80	13.70	14.08	0.38
Adv. Land Acquisition					
	Real	0.10	0.10	0.10	-
	Personal	0.25	0.25	0.25	-
Total Tax Rates (Cents)					
	Real	<u>7.42</u>	<u>7.28</u>	<u>7.45</u>	<u>0.17</u>
	Personal	<u>18.55</u>	<u>18.20</u>	<u>18.63</u>	<u>0.43</u>

		<u>FY 16</u> <u>Actual</u>	<u>FY 17</u> <u>Adopted</u>	<u>FY 18</u> <u>Proposed</u>	<u>%</u> <u>Change</u>
<u>Assessable Base):</u>					
(in billions \$)					
Administration Fund*					
	Real	148.955	155.997	162.663	4.27%
	Personal	2.913	3.084	3.063	-0.68%
Park Fund*					
	Real	148.955	155.997	162.663	4.27%
	Personal	2.913	3.084	3.063	-0.68%
Adv. Land Acquisition (Entire County)					
	Real	171.470	179.260	187.089	4.37%
	Personal	3.590	3.803	3.771	-0.84%

* The assessable base for both the Administration Fund and the Park Fund covers all of Montgomery County except the municipalities of Rockville, Gaithersburg, Washington Grove, Barnesville, Brookeville, Poolesville, and Laytonsville.

PRINCE GEORGE'S COUNTY FY18 PROPOSED BUDGET SUMMARY
FUND SUMMARY BY DEPARTMENT AND BY DIVISION

Sources:	Administration Fund	Park Fund	Recreation Fund	Park Debt Service Fund	ALA Debt Service Fund	ALA Revolving Fund	Capital Projects Fund	Special Revenue Fund	Enterprise Fund	Risk Management Internal Service Fund	Capital Equipment Internal Service Fund	Commission-wide CIO & IT Initiatives Internal Service Fund	Total
Property Taxes	\$ 49,259,600	\$ 133,990,300	\$ 70,214,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 253,464,500
Intergovernmental	202,500	-	-	-	-	-	3,350,000	950,000	-	-	-	-	4,502,500
Sales	50,000	-	62,500	-	-	-	-	423,100	2,451,000	-	-	-	2,986,600
Charges for Services	573,000	148,500	8,310,275	-	-	-	-	5,896,571	5,649,000	3,752,200	1,937,627	1,698,175	27,955,348
Rentals and Concessions	-	2,627,600	1,083,700	-	-	-	-	951,822	2,940,800	-	-	-	7,603,922
Interest	160,000	325,000	160,000	-	-	-	250,000	30,000	40,000	75,000	3,000	-	1,043,000
Miscellaneous	-	656,000	-	-	-	82,800	4,375,000	157,722	-	-	-	-	5,271,522
Total Revenues	\$ 50,245,100	\$ 137,747,400	\$ 79,913,875	\$ -	\$ -	\$ 79,913,875	\$ 4,375,000	\$ 8,399,215	\$ 11,080,800	\$ 3,827,200	\$ 1,940,627	\$ 1,698,175	\$ 302,827,392
Transfers In	-	250,000	-	11,053,742	-	-	7,032,701	-	8,748,421	-	1,783,300	-	27,084,864
Debt Proceeds	-	-	-	-	-	226,791	4,775,000	745,330	-	1,171,344	-	-	6,558,300
Use of Fund Balance/Net Assets	1,974,534	9,460,431	2,351,643	-	-	-	-	-	-	-	-	-	15,930,073
Total Available Funds	\$ 52,219,634	\$ 147,457,831	\$ 82,265,518	\$ 11,053,742	\$ -	\$ 226,791	\$ 19,782,701	\$ 9,144,545	\$ 19,829,221	\$ 4,998,544	\$ 3,723,927	\$ 1,698,175	\$ 352,400,629
Uses:													
Commissioners' Office	3,150,884	-	-	-	-	-	-	-	-	-	-	-	3,150,884
Planning Department:													
Director's Office	4,302,379	-	-	-	-	-	-	-	-	-	-	-	4,302,379
Development Review	6,150,807	-	-	-	-	-	-	-	-	-	-	-	6,150,807
Community Planning	3,711,528	-	-	-	-	-	-	-	-	-	-	-	3,711,528
Information Management	5,263,149	-	-	-	-	-	-	-	-	-	-	-	5,263,149
Countywide Planning	6,683,172	-	-	-	-	-	-	-	-	-	-	-	6,683,172
Support Services	8,608,021	-	-	-	-	-	-	-	-	-	-	-	8,608,021
Grants	147,500	-	-	-	-	-	-	-	-	-	-	-	147,500
Planning Operations Total	34,866,556	-	-	-	-	-	-	-	-	-	-	-	34,866,556
Central Administrative Services (CAS):													
Dept of Human Resources and Mgmt	2,795,510	-	-	-	-	-	-	-	-	-	-	-	2,795,510
Department of Finance	3,805,531	-	-	-	-	-	-	-	-	-	-	-	3,805,531
Legal Department	1,172,266	-	-	-	-	-	-	-	-	-	-	-	1,172,266
Ment System Board	83,121	-	-	-	-	-	-	-	-	-	-	-	83,121
Office of Internal Audit	355,611	-	-	-	-	-	-	-	-	-	-	-	355,611
Support Services	820,788	-	-	-	-	-	-	-	-	-	-	-	820,788
CAS Total	9,032,827	-	-	-	-	-	-	-	-	-	-	-	9,032,827
Parks and Rec. Operating Divisions:													
Office of the Director	-	22,193,956	-	-	-	-	-	-	-	-	-	-	22,193,956
Administration and Development	-	34,374,226	9,733,107	-	-	-	-	-	-	-	-	-	44,107,333
Facility Operations	-	39,133,981	18,549,848	-	-	-	-	-	-	-	-	-	57,683,829
Area Operations	-	19,734,424	33,597,515	-	-	-	-	-	-	-	-	-	53,331,939
Special Revenue Operations	-	-	-	-	-	-	-	9,141,844	-	-	-	-	9,141,844
Enterprise Operations	-	-	-	-	-	-	-	-	19,829,221	-	-	-	19,829,221
Total Park and Rec. Operations	-	115,436,587	61,880,470	-	-	-	-	9,141,844	19,829,221	-	-	-	206,288,122
NonDepartmental	2,654,167	7,805,402	7,719,227	-	-	226,791	19,782,701	9,144,545	19,829,221	4,998,544	2,463,842	1,688,614	338,566,283
Advanced Land Acquisition	-	-	-	-	-	226,791	-	-	-	-	-	-	226,791
Debt Service	-	-	-	11,053,742	-	-	-	-	-	-	-	-	11,053,742
Capital Projects	-	-	-	-	-	-	19,532,701	-	-	-	-	-	19,532,701
Risk Management Operating	-	-	-	-	-	-	-	-	4,998,544	-	-	-	4,998,544
Capital Equipment Operating	-	-	-	-	-	-	-	-	-	-	2,463,842	-	2,463,842
Commission-wide CIO/IT Initiatives	-	-	-	-	-	-	-	-	-	-	-	1,688,614	1,688,614
Transfers Out	30,000	18,053,742	8,748,421	-	-	-	250,000	2,701	-	-	-	-	27,084,864
Total Uses	\$ 49,734,434	\$ 141,295,731	\$ 78,348,118	\$ 11,053,742	\$ -	\$ 226,791	\$ 19,782,701	\$ 9,144,545	\$ 19,829,221	\$ 4,998,544	\$ 2,463,842	\$ 1,688,614	\$ 338,566,283
Designated Expenditure Reserve @ 5%	2,485,200	6,162,100	3,917,400	-	-	-	-	-	-	-	-	-	12,564,700
Total Required Funds	\$ 52,219,634	\$ 147,457,831	\$ 82,265,518	\$ 11,053,742	\$ -	\$ 226,791	\$ 19,782,701	\$ 9,144,545	\$ 19,829,221	\$ 4,998,544	\$ 2,463,842	\$ 1,688,614	\$ 351,130,983
Excess of Sources over Uses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,561
Total Funded Career/Term Positions	261.90	769.00	285.00	-	-	-	-	-	68.00	3.00	-	-	1,389.90
Total Funded Workyears	253.35	944.45	920.13	-	-	-	-	283.50	204.00	3.40	-	-	2,591.83

**PRINCE GEORGE'S COUNTY
TAX RATES AND ASSESSABLE BASE**

		<u>FY 16 Actual</u>	<u>FY 17 Adopted</u>	<u>FY 18 Proposed</u>	<u>Rate Change</u>
<u>Tax Rates:</u>					
(Cents per \$100 of assessed value)					
Administration					
	Real	5.66	5.66	5.66	-
	Personal	14.15	14.15	14.15	-
Park					
	Real	15.94	15.94	15.94	-
	Personal	39.85	39.85	39.85	-
Recreation					
	Real	7.80	7.80	7.80	-
	Personal	19.50	19.50	19.50	-
Adv. Land Acquisition					
	Real	0.00	0.00	0.00	-
	Personal	0.00	0.00	0.00	-
Total Tax Rates (Cents)					
	Real	<u>29.40</u>	<u>29.40</u>	<u>29.40</u>	-
	Personal	<u>73.50</u>	<u>73.50</u>	<u>73.50</u>	-

		<u>FY 16 Actual</u>	<u>FY 17 Adopted</u>	<u>FY 18 Proposed</u>	<u>% Change</u>
<u>Assessable Base:</u>					
(in billions \$)					
Regional District (Administration Fund)					
	Real	71.840	77.196	81.055	5.00%
	Personal	2.588	2.769	2.760	-0.33%
Metropolitan District (Park Fund)					
	Real	69.259	74.536	78.263	5.00%
	Personal	2.495	2.673	2.665	-0.30%
Entire County (Recreation Fund and ALA Fund)					
	Real	74.384	79.863	83.856	5.00%
	Personal	2.680	2.864	2.856	-0.28%

*The **Regional District** consists of Prince George's County less the area enclosed by the corporate limits of the City of Laurel.*

*The **Metropolitan District** consists of all of Prince George's County, less the area of: The City of Greenbelt, City of District Heights, City of Laurel, most of Election District #10 (West of Laurel), the Aquasco area (Election District #8), and the Nottingham area (Election District #4).*

COMMISSION-WIDE FY18 PROPOSED BUDGET SUMMARY
FUND SUMMARY BY DEPARTMENT

	County Funds		Commission-wide Funds		Total
	Montgomery County Funds	Prince George's County Funds	Office Building Internal Service Fund	Group Insurance Fund	
Sources:					
Property Taxes	\$ 126,268,300	\$ 253,464,500	\$ -	\$ -	\$ 379,732,800
Intergovernmental	24,729,636	4,502,500	-	1,769,000	31,001,136
Sales	699,400	2,986,600	-	-	3,686,000
Charges for Services	17,026,160	27,955,348	1,352,000	57,549,006	103,882,514
Rentals and Concessions	5,488,395	7,603,922	-	-	13,092,317
Interest	249,000	1,043,000	5,000	60,000	1,357,000
Miscellaneous	3,414,836	5,271,522	-	-	8,686,358
Total Revenues	177,875,727	302,827,392	1,357,000	59,378,006	541,438,125
Transfers In	7,426,210	27,084,864	-	-	34,511,074
Bond Proceeds	11,747,000	6,558,300	-	-	18,305,300
Use of Fund Balance/Net Assets	10,620,222	15,930,073	220,000	657,921	27,428,216
Total Available Funds	\$ 207,669,159	\$ 352,400,629	\$ 1,577,000	\$ 60,035,927	\$ 621,682,715
Uses:					
Commissioners' Office	1,176,198	3,150,884	-	-	4,327,082
Planning Department	23,567,145	34,866,556	-	-	58,433,701
Parks Department	103,694,749	-	-	-	103,694,749
Parks and Recreation Department	-	206,288,122	-	-	206,288,122
Central Administrative Services (CAS)					
Dept. of Human Resources and Mgmt.	2,225,575	2,795,510	-	-	5,021,085
Department of Finance	3,334,279	3,805,531	-	-	7,139,810
Legal Department	1,368,467	1,172,266	-	-	2,540,733
Merit System Board	83,121	83,121	-	-	166,242
Office of Internal Audit	256,084	355,611	-	-	611,695
Support Services	657,844	820,788	-	-	1,478,632
NonDepartmental	9,186,070	18,178,796	-	-	27,364,866
Debt Service	5,666,760	11,053,742	-	-	16,720,502
Capital Projects	26,917,000	19,532,701	-	-	46,449,701
Advanced Land Acquisition	4,648,586	226,791	-	-	4,875,377
Risk Management	3,359,940	4,998,544	-	-	8,358,484
Capital Equipment	8,100,151	2,463,842	-	-	10,563,993
CIO/Commission-wide IT	988,919	1,688,614	-	-	2,677,533
Executive Office Building	-	-	1,577,000	-	1,577,000
Group Insurance	-	-	-	60,035,927	60,035,927
Transfers Out	7,426,210	27,084,864	-	-	34,511,074
Total Uses	\$ 202,657,098	\$ 338,566,283	\$ 1,577,000	\$ 60,035,927	\$ 602,836,308
Designated Expenditure Reserve	3,879,200	12,564,700	<i>not applicable</i>	<i>not applicable</i>	16,443,900
Total Required Funds	\$ 206,536,298	\$ 351,130,983	\$ 1,577,000	\$ 60,035,927	\$ 619,280,208
Excess of Sources over Uses	\$ 1,132,861	\$ 1,269,646	\$ -	\$ -	\$ 2,402,507
Total Funded Career/Term Positions	1,018.10	1,389.90	2.00	6.00	2,416.00
Total Funded Workyears	1,087.04	2,591.83	2.00	6.20	3,687.07

MEMORANDUM



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

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

Andrea L. Rose
Administrator

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
Vice Chairman Marye Wells-Harley

Khalid Afzal
Howard Brown
Alicia Hart
Sheila Morgan-Johnson
Joseph C. Zimmerman, CPA

Patricia Colihan Barney, CPA
Pamela F. Gogol
Amy Millar
Barbara Walsh

TO: The Commission

DATE: November 2, 2016

VIA: Elizabeth M. Hewlett
Chairman, Board of Trustees

FROM: Andrea L. Rose
ERS Administrator

Subject: ***Recommendation to Approve an Employer Contribution in the Amount of \$24,822,301 for Fiscal Year 2018***

RECOMMENDATION

At its November 1, 2016 meeting, the Employees' Retirement System (ERS) Board of Trustees ("Board") accepted the July 1, 2016 Actuarial Valuation presented by Boomershine Consulting Group. As a result, the Board recommends the Commission approve an employer contribution in the amount of \$24,822,301 (17.3% of covered payroll) for fiscal year 2018.

BACKGROUND

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

A pension plan is well funded when it has enough money in reserve to meet all expected future obligations to participants. The ERS' funding objective is to meet long-term benefit promises through employee and employer contributions that remain approximately level as a percent of member payroll. The July 1, 2016 actuarial valuation indicated a funded ratio (based on the actuarial value of assets) of 90.2%, which is down from 93.5% in 2015.

The July 1, 2016 actuarial valuation includes changes in assumptions for the investment return, salary scale, consumer price index, cost-of-living adjustment, mortality scale, rates of retirement, withdrawal, disability and sick leave which were approved earlier this year following an experience study by Boomershine Consulting Group. The valuation also includes a change in the amortization method from a layered approach to a 15 year open amortization and changes in employee contributions for Plans C and D.

In order to meet the ERS' funding objectives, the recommended employer contribution of \$24,822,301 (17.3% of covered payroll) is payable July 1, 2017 for fiscal year 2018. The recommended employer contribution increased from \$20,268,189 (14.3% of covered payroll) as of July 1, 2015 primarily due to actuarial asset losses (from prior deferred losses) and assumption changes due to the experience study.

Boomershine Consulting Group's David S. Boomershine, Senior Consulting Actuary will present the attached presentation at the Commission's December 21, 2016 meeting.

Thank you in advance for your consideration.

Attachment



Employees' Retirement System
Actuarial Review as of July 1, 2016
Commissioners Meeting
December 2016



Demographic Highlights

	7/1/2015	7/1/2016	% Change
Number of Members			
Active	2,104	2,073	(1.5%)
Terminated Vested	260	263	1.2%
Retirees, Disableds and Beneficiaries	<u>1,324</u>	<u>1,396</u>	<u>5.4%</u>
Total	3,688	3,732	1.2%
Active Participants			
Annual Compensation	\$141,670,765	\$143,534,600	1.3%
Average Annual Compensation	\$68,341	\$70,257	2.8%
Average Age	47.62	47.91	0.6%
Average Service	12.60	12.73	1.0%

Market Value of Assets Changes

Market Value of Assets as of 7/1/2015		\$819,186,931
Employer Contributions for 2016-17 Plan Year	\$27,191,305	
Less Receivable for 2016 Plan Year	(27,191,305)	
Employee Contributions	6,418,154	
Net Investment Income	(4,851,526)	
Benefit Payments	(42,718,801)	
Administrative Expenses	<u>(1,696,334)</u>	
Market Value of Assets as of 6/30/2016		\$776,338,424
Receivable Contribution as of 7/1/2016		\$20,268,189
Market Value of Assets as of 7/1/2016		\$796,606,613

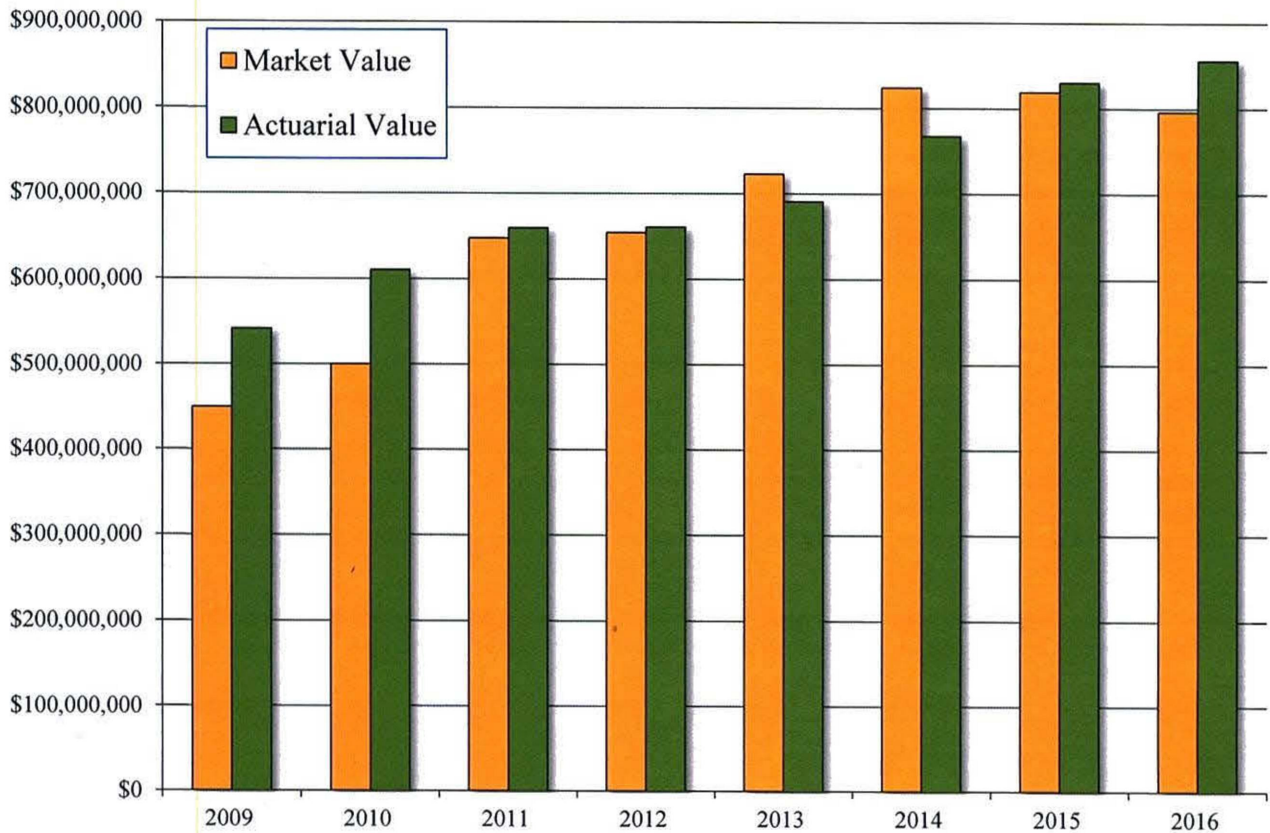
Plan Assets: Market Value and Actuarial Value

	7/1/2015	7/1/2016
Market Value	\$819,186,931	\$796,606,613
Investment Return	0.41%	(0.61%)
Actuarial Value	\$830,052,104	\$856,279,531
Investment Return	9.61%	5.42%

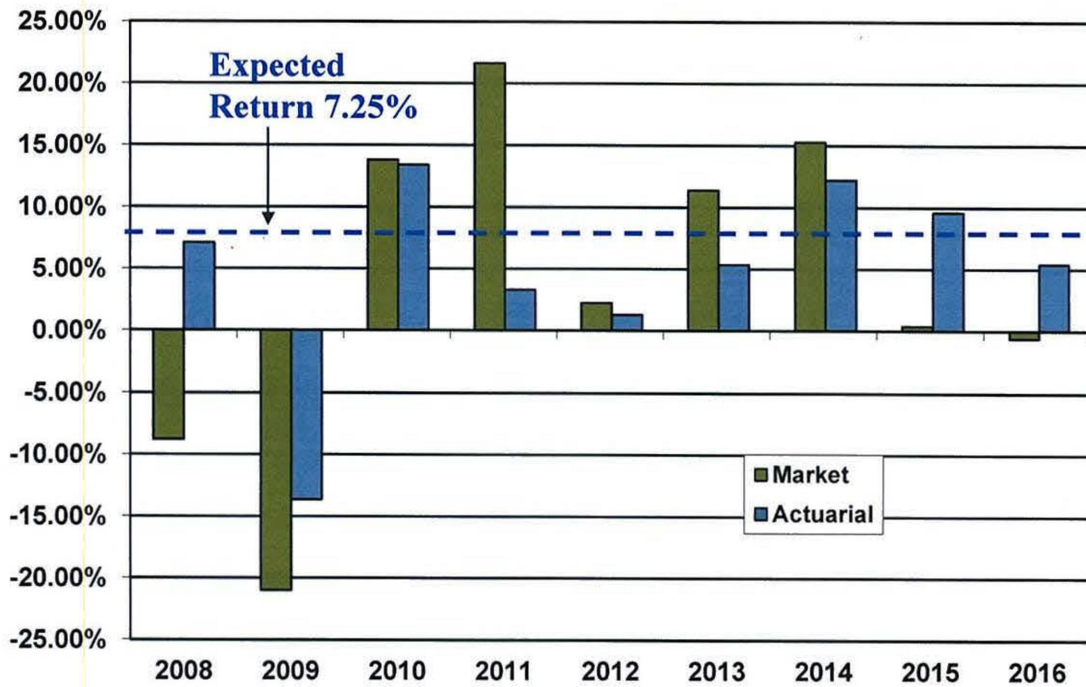
5-Year Average Return

	7/1/2015	7/1/2016
Market Value	9.91%	5.56%
Actuarial Value	6.27%	6.71%

8-Year History of Plan Asset Values



Rates of Return on Plan Asset Values



Year end June 30

2016 Valuation Assumptions

Note: Separate assumptions for Police and Non-Police: Change in Assumption based on Experience Study

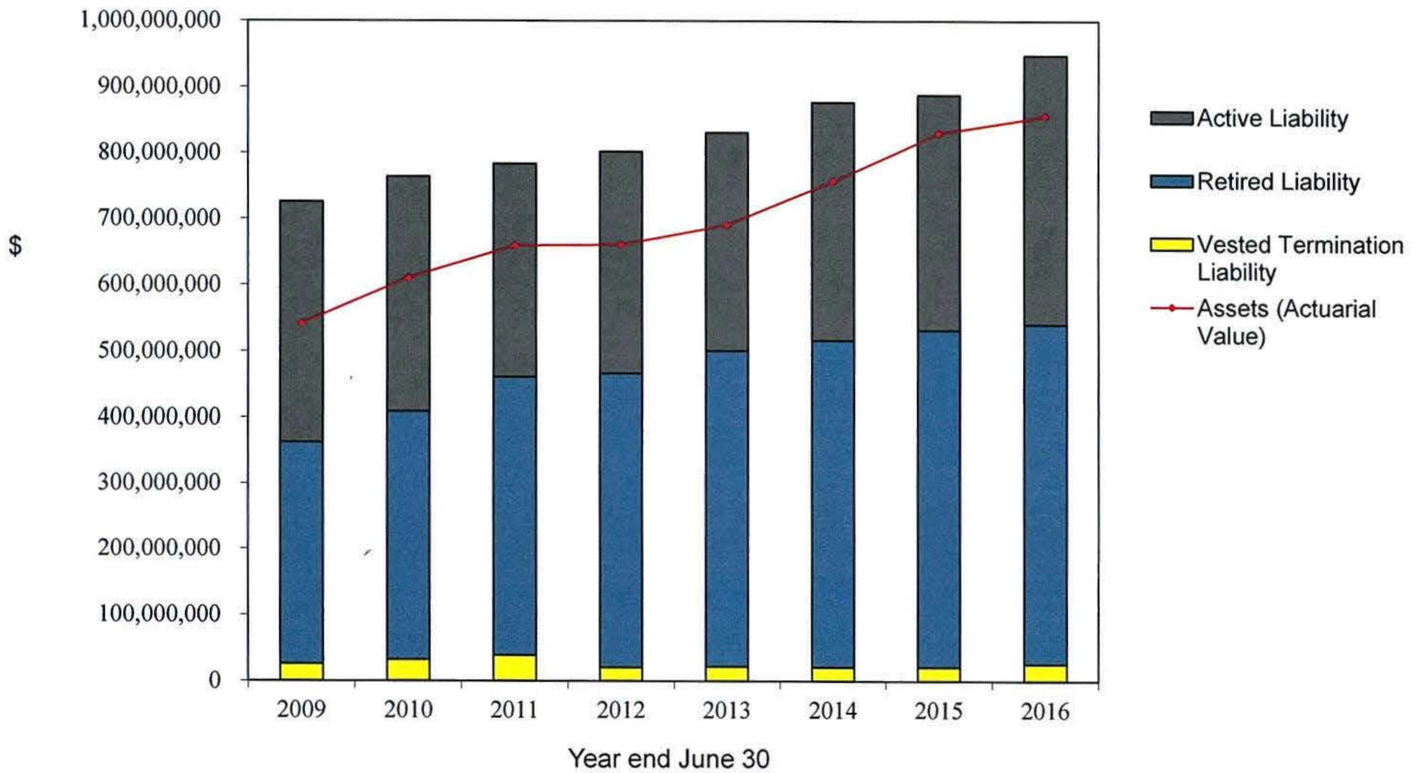
Investment Return	7.00% (Last Year – 7.25%)
Unused Sick Leave	0.03 (Last Year – 0.02) additional months per year of service
Salary Increases	2.50% (Last Year – 2.75%) per year plus additional merit increases for 2016 and later
Retirement Age	Rate of Retirement based on years of service
Mortality	RP 2000 (+1M, +2F) with Generational Scale BB factors
Disability	Table based on age
Withdrawal	Table based on years of service
Spouses	90% of males and 50% of females assumed married
Post Retirement Adjustment	2.40% (Last Year – 2.75%) compounded annually for benefits based on credited service accrued until July 1, 2012, and sick leave accrued until January 1, 2013, 2.0% compounded annually thereafter
Expenses	0.2% of total liability
Asset Valuation	5 year asset return smoothing method*

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

Total Funded Status

Ongoing Basis	7/1/2015	7/1/2016	
Actuarial Accrued Liability	\$887,487,374	<u>Before</u> \$914,935,655	<u>After</u> \$949,298,226
Actuarial Value of Assets	830,052,104	856,279,531	
Unfunded Actuarial Accrued Liability	57,435,270	58,656,124	93,018,695
Funded Ratio (AVA/AAL)	93.5%	93.6%	90.2%
Accrued Benefit Basis	7/1/2015	7/1/2016	
Present Value of Accumulated Benefits	\$822,059,468	\$846,335,026	\$ 838,846,606
Market Value of Assets	819,186,931	796,606,613	
Unfunded PV of Accumulated Benefits	2,872,537	49,728,413	42,239,993
Funded Ratio (MVA/PVAB)	99.7%	94.1%	95.0%

8-Year History of Funded Status



Total Recommended Commission Contribution

	2015	2016		Change 2015 --> 2016
		<u>Before</u>	<u>After</u>	
Normal Cost	\$11,740,964	11,593,198	13,653,596	\$1,912,632
Normal Cost as a % of Payroll	8.3%	8.1%	9.5%	1.2%
Amortization of Unfunded	7,157,114	7,649,302	9,544,816	\$2,387,702
Total Recommended Contribution Payable at the Beginning of the Year	18,898,078	19,242,500	23,198,412	\$4,300,334
As a % of Payroll	13.3%	13.4%	16.2%	2.9%
Total Recommended Contribution Payable at the End of the Year	\$20,268,189	20,637,581	24,822,301	\$4,554,112
As a % of Payroll	14.3%	14.4%	17.3%	3.0%

Commentary

↳ Funded Ratios

- Decrease on Funding Basis using Actuarial Value of Assets
 - 93.5 % to 90.2%
- Decrease on an Accrued Benefit Basis using Market Value of Assets
 - 99.7 % to 95.0%

↳ Recommended Contributions

- Percent of Pay cost increased from 14.3% to 17.3% (based on payment at end of year)
- Primarily due to actuarial asset value losses (from prior deferred losses) and assumption changes due to the experience study

5-Year Contribution Projection

Dollar amounts in millions

Payable July 1	Prior Year Participant Payroll	Employer Normal Cost	Amortization of Unfunded	Interest to End of Year	Total Employer Cost	Employer Cost as a % of Payroll
2017	\$143.53	\$13.65	\$9.54	\$1.62	\$24.82	17.3%
2018	\$147.12	\$14.09	\$10.50	\$1.72	\$26.31	17.9%
2019	\$150.80	\$14.35	\$11.84	\$1.83	\$28.02	18.6%
2020	\$154.57	\$14.62	\$14.13	\$2.01	\$30.77	19.9%
2021	\$158.40	\$14.89	\$13.82	\$2.09	\$31.97	20.2%
2022	\$162.40	\$15.16	\$13.27	\$2.07	\$31.62	19.5%

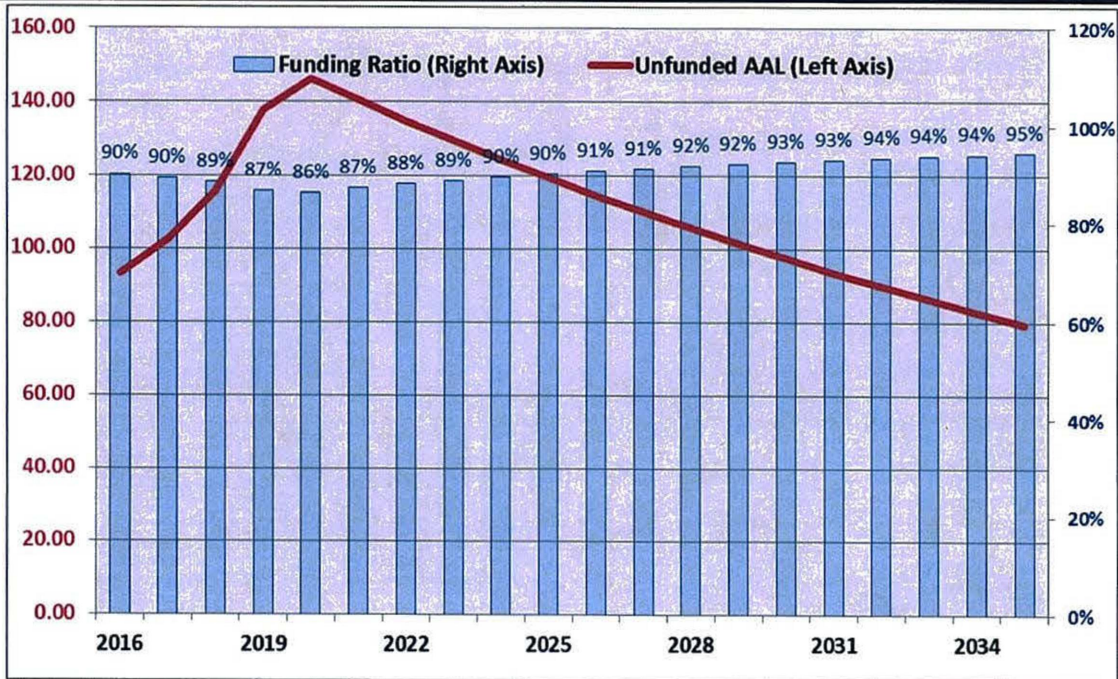
Assumptions

Future investment returns = 7.00%

Payroll increases = 2.50%

No future gains or losses

Funding Outlook - Baseline



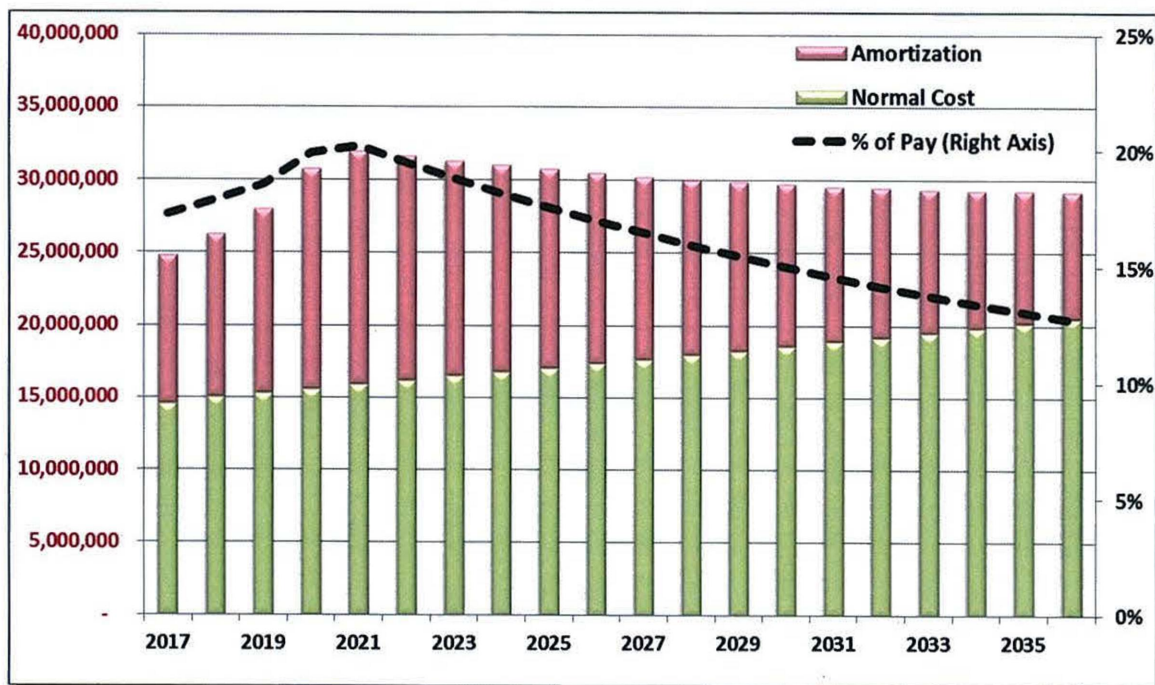
Assumptions

Future investment returns = 7.00%

Payroll increases = 2.50%

No future gains or losses

Baseline Contribution Projection



Total contribution =
Normal Cost +
Amortization

Assumptions

Future investment returns = 7.00%

Payroll increases = 2.50%

No future gains or losses

GASB 67: Net Pension Liability

↳ The Net Pension Liability (NPL) is a measure of unfunded liability

(\$ in millions)

	<u>6/30/2015</u>	<u>6/30/2016</u>
– Total Pension Liability*	\$922	\$924
– Plan Fiduciary Net Position (assets)	\$792	\$776
– System’s Net Pension Liability	\$130	\$148
– Funding ratio (for GASB)	86%	84%

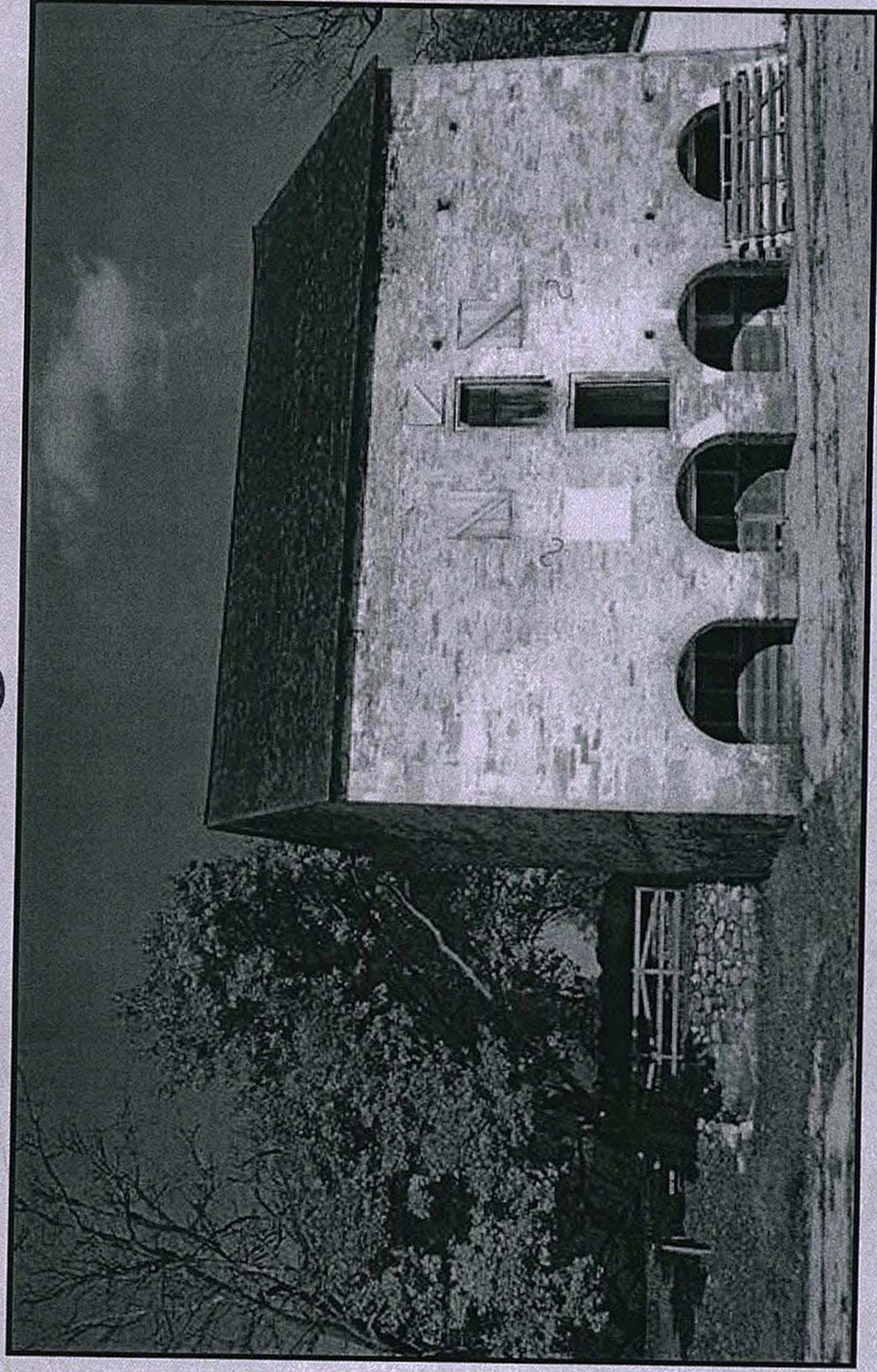
*Note: 6/30/2016 Liability based on prior year valuation (always a one year lag for non-investment experience).

GASB 68: Commission's Pension Expense

Item	Amount
Service Cost	18,125,110
Interest on Total Pension Liability	61,280,153
Changes in Benefit Terms	(4,863)
Difference between expected and actual experience	(2,870,061)
Changes in actuarial assumptions	(667,276)
Employee contributions	(6,418,154)
Projected Earnings on Plan investments	(57,963,907)
Difference between projected and actual earnings	23,657,408
Administrative Expense	1,696,334
Other changes in Fiduciary Net Position	0
Total Commission Pension Expense	36,834,744

For Informational purposes only, does not apply to funding or Retirement Board.

The Maryland-National Capital Park And Planning Commission



Comprehensive Annual Financial Report
for the Fiscal Year Ended June 30, 2016

Land Use Article Requirements

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

Auditor's Opinion

- Received an unqualified (clean) opinion from SB & Company, LLC

Commission Wide Activity (Millions)

	Governmental Activities	Business- type Activities	Total
Revenues	\$423.6	\$22.0	\$445.6
Expenses	(373.5)	(30.5)	(404.0)
Transfers	(9.1)	9.1	-
Change in Net Position	\$ 41.0	\$ 0.6	\$ 41.6

MONTGOMERY COUNTY ADMINISTRATION ACCOUNT- GENERAL FUND (Thousands)			
	Final Budget	Actual	Variance
Revenues:			
Total Revenues	\$ 28,624.5	\$ 28,807.4	\$ 182.9
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	30,023.5	27,939.0	2,084.5
Revenues over (under) Expenditures	(1,399.0)	868.4	2,267.4
Transfer to Park Fund	(700.0)	(700.0)	-
Change in Fund Balance	\$ (2,099.0)	168.4	\$ 2,267.4
Fund Balance - Budget Basis, Beginning		5,235.7	
Fund Balance - Budget Basis, Ending		\$ 5,404.1	

Fund balance, budget basis

Assigned (Designated for FY 2017 Budget)

\$ 2,093.8

Unassigned (Designated for Contingencies)

898.9

Unassigned (net of Contingency Designation)

2,411.4

Total Unassigned

3,310.3

Total fund balance, budget basis

\$5,404.1

MONTGOMERY COUNTY			
PARK ACCOUNT- GENERAL FUND (Thousands)			
	Final Budget	Actual	Variance with Variance
Revenues:			
Total Revenues	\$ 92,360.6	\$ 92,529.0	\$ 168.4
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	89,511.4	87,920.2	1,591.2
Revenues over (under) Expenditures	2,849.2	4,608.8	1,759.6
Transfers In (Out)			
Capital Project Funds	10.0	(16.9)	(26.9)
Administration Account	700.0	700.0	-
Capital Equipment Fund	805.6	805.6	-
Debt Service	(4,659.0)	(4,256.3)	402.7
Capital Project Funds - Development	(350.0)	(350.0)	-
Special Revenue	-	(62.3)	(62.3)
Total Transfers	(3,493.4)	(3,179.9)	313.5
Change in Fund Balance	\$ (644.2)	1,428.9	\$ 2,073.1
Fund Balance - Budget Basis, Beginning		6,799.8	
Fund Balance - Budget Basis, Ending		<u>\$ 8,228.7</u>	

Fund balance, budget basis

Assigned (Designated for FY 2017 Budget)

\$ 1,453.4

Unassigned (Designated for Contingencies)

2,735.1

Unassigned (net of Contingency Designation)

4,040.2

Total Unassigned

6,775.3

Total fund balance, budget basis

\$8,228.7

PRINCE GEORGE'S COUNTY

ADMINISTRATION ACCOUNT- GENERAL FUND (Thousands)

	<u>Final Budget</u>	<u>Actual</u>	<u>Variance with Variance</u>
Revenues:			
Total Revenues	\$ 44,974.9	\$ 46,822.1	\$ 1,847.2
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	48,741.9	43,618.2	5,123.7
Revenues over (under) Expenditures	<u>(3,767.0)</u>	<u>3,203.9</u>	<u>6,970.9</u>
Transfer to Special Revenue Fund	<u>(30.0)</u>	<u>(30.0)</u>	<u>-</u>
Change in Fund Balance	<u>(3,797.0)</u>	<u>3,173.9</u>	<u>\$ 6,970.9</u>
Fund Balance - Budget Basis, Beginning		20,353.7	
Fund Balance - Budget Basis, Ending		<u>\$ 23,527.6</u>	

Fund balance, budget basis

Assigned (Designated for FY 2017 Budget)

\$ 701.5

Unassigned (Designated for Contingencies)

2,439.3

Unassigned (net of Contingency Designation)

20,386.8

Total Unassigned

22,826.1

Total fund balance, budget basis

\$ 23,527.6

PRINCE GEORGE'S COUNTY PARK ACCOUNT- GENERAL FUND (Thousands)			
	Final Budget	Actual	Variance with Variance
Revenues:			
Total Revenues	122,891.0	128,996.0	6,105.0
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	117,019.8	114,027.9	2,991.9
Revenues over (under) Expenditures	5,871.2	14,968.1	9,096.9
Transfers In (Out)			
Capital Project Funds - Interest	215.0	258.2	43.2
Capital Project Funds	21,365.0	21,365.0	-
Special Revenue	-	7.5	7.5
Debt Service	(11,853.2)	(9,598.1)	2,255.1
Capital Project Funds - Development	(6,295.0)	(6,270.0)	25.0
Total Transfers	3,431.8	5,762.6	2,330.8
Change in Fund Balance	\$ 9,303.0	20,730.7	\$ 11,427.7
Fund Balance - Budget Basis, Beginning		98,066.2	
Fund Balance - Budget Basis, Ending		\$ 118,796.9	

Fund balance, budget basis

Assigned (Designated for FY 2017 Budget)	<u>\$3,368.9</u>
Unassigned (Designated for Contingencies)	5,848.1
Unassigned (net of Contingency Designation)	<u>109,579.9</u>
Total Unassigned	<u>115,428.0</u>
Total fund balance, budget basis	<u>\$ 118,796.9</u>

PRINCE GEORGE'S COUNTY
RECREATION ACCOUNT- GENERAL FUND (Thousands)

	Final Budget	Actual	Variance with Variance
Revenues:			
Total Revenues	\$ 71,870.5	\$ 74,475.4	\$ 2,604.9
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	63,804.1	61,053.3	2,750.8
Revenues over (under) Expenditures	8,066.4	13,422.1	5,355.7
Transfer Out - Enterprise	(9,071.3)	(9,071.3)	-
Change in Fund Balance	(1,004.9)	4,350.8	\$ 5,355.7
Fund Balance - Budget Basis, Beginning		20,707.7	
Fund Balance - Budget Basis, Ending		<u>\$ 25,058.5</u>	

Fund balance, budget basis

Assigned (Designated for FY 2016 Budget)

\$ 0.0

Unassigned (Designated for Contingencies)

3,589.7

Unassigned (net of Contingency Designation)

21,468.8

Total Unassigned

25,058.5

Total fund balance, budget basis

\$ 25,058.5

Enterprise Funds (Thousands)

	Montgomery County	Prince George's County
Operating revenues	\$ 10,411	\$ 9,607
Operating expenses, excluding depreciation	8,605	18,746
Operating income (loss), excluding depreciation	1,806	(9,139)
Depreciation	1,154	1,924
Operating Income (loss)	652	(11,063)
Nonoperating revenue (expense)	64	1,935
Transfers/Contributions	---	9,071
Changes in Net Position	\$ 716	\$ (57)

Montgomery County
Fund Balance Policy
General Fund Accounts

Goal: Fund Balance 3 - 5% of budgeted expenditures

Administration Fund:

Actual available Fund Balance \$3,310,332

11.03% of FY16 budgeted expenditures

Park Fund:

Actual available Fund Balance \$6,775,347

7.57% of FY16 budgeted expenditures

Prince George's County
Fund Balance Policy
General Fund Accounts

Goal: Fund Balance 3 - 5% of expenditures

Administration Fund:

Actual available Fund Balance \$22,826,089
46.83% of FY16 budgeted expenditures

Park Fund:

Actual available Fund Balance \$115,428,005
98.64% of FY16 budgeted expenditures

Recreation Fund:

Actual available Fund Balance \$25,058,533
39.27% of FY16 budgeted expenditures

Montgomery County Cash
Balance Policy
Enterprise Fund

Goal: Cash Balance equal to 10% of operating expenses

Minimum required cash	\$	975,917
Cash as of June 30, 2016		8,080,992
Cash as Percentage of operating expenses		82.80%

Prince George's County Cash
Balance Policy
Enterprise Fund

Goal: Cash Balance equal to 10% of operating expenses

Minimum required cash	\$ 2,066,991
Cash as of June 30, 2016	5,399,659
Cash as Percentage of operating expenses	26.12%

Montgomery County
Fund Balance Policy
Special Revenue Fund

Goal: Fund Balance 15% of expenditures

Actual ending Fund Balance \$5,451,538
96.37% of budgeted expenditures

Prince George's County
Fund Balance Policy
Special Revenue Fund

Goal: Fund Balance 10% of expenditures

Actual ending Fund Balance \$13,611,687
144.39% of budgeted expenditures

Fund Balance Policy –
Risk Management Fund

Goal – reserve net position equal to at least 2% of
prior year (2015) operating expenses

Montgomery County Fund Net Position:	\$5,684,312
Percentage of 2015 Operating Expenses:	3.92%
Prince George’s County Fund Net Position:	\$11,816,006
Percentage of 2015 Operating Expenses:	4.29%

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

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	09/16	10/16	09/16	10/16	09/16	10/16	09/16	10/16
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	0
INTERNAL AUDIT	1	0	0	0	0	0	1	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	0	0	0	0	0	1	0
LEGAL DEPARTMENT	2	1	0	0	0	0	2	1
FINANCE DEPARTMENT	0	1	0	0	0	0	0	1
PRINCE GEORGE'S PLANNING	1	2	0	1	0	0	1	3
PRINCE GEORGE'S PARKS & RECREATION	3	4	2	1	0	0	5	5
MONTGOMERY COUNTY PARKS	2	1	0	1	0	0	2	2
MONTGOMERY COUNTY PLANNING	3	1	2	1	0	0	5	2
DEPARTMENT TOTAL BY DAYS LATE	13	10	4	4	0	0	---	---
COMMISSION WIDE TOTAL:							17	14

ITEM 6a

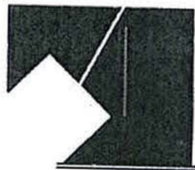
*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.

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

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	10/16	11/16	10/16	11/16	10/16	11/16	10/16	11/16
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	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	0	0	0	0	1	2
FINANCE DEPARTMENT	1	4	0	0	0	0	1	4
PRINCE GEORGE'S PLANNING	2	2	1	2	0	0	3	4
PRINCE GEORGE'S PARKS & RECREATION	4	3	1	0	0	0	5	3
MONTGOMERY COUNTY PARKS	1	1	1	0	0	0	2	1
MONTGOMERY COUNTY PLANNING	1	3	1	2	0	0	2	5
DEPARTMENT TOTAL BY DAYS LATE	10	15	4	4	0	0	14	19

COMMISSION WIDE TOTAL:

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

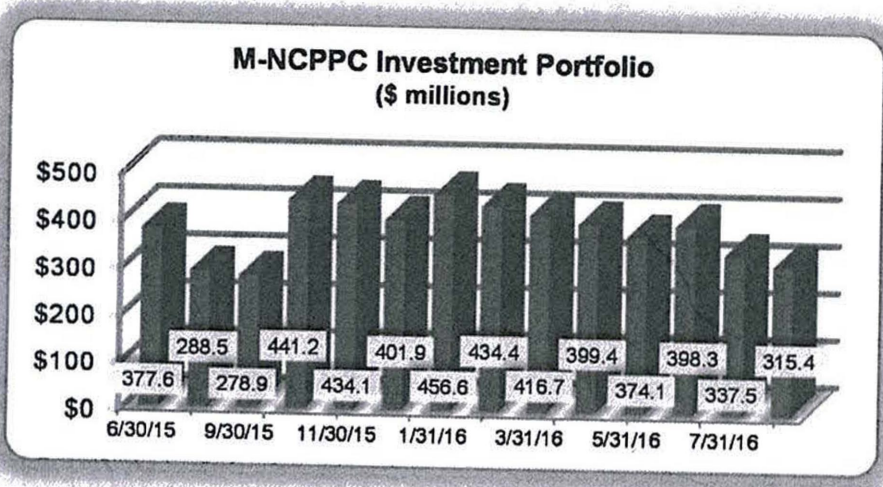


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

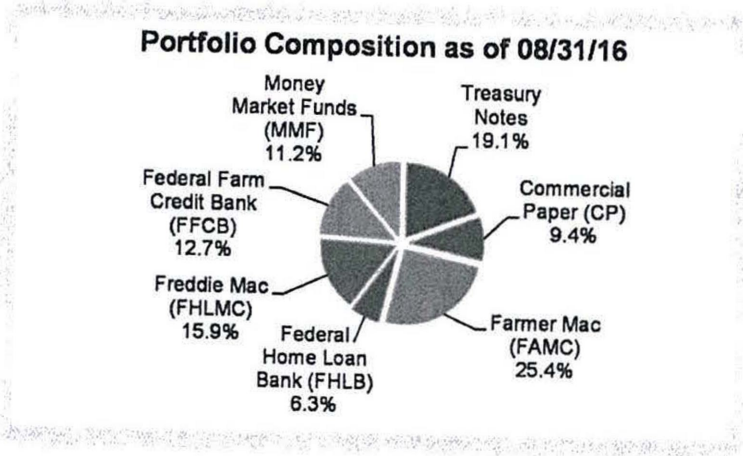
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager
DATE: 10/28/2016
SUBJECT: Investment Report – August 2016

The Commission’s pooled cash investment portfolio totaled \$315.4 million as of August 31, 2016, with a 6.5% decrease from July 31, 2016. Details are as follows:

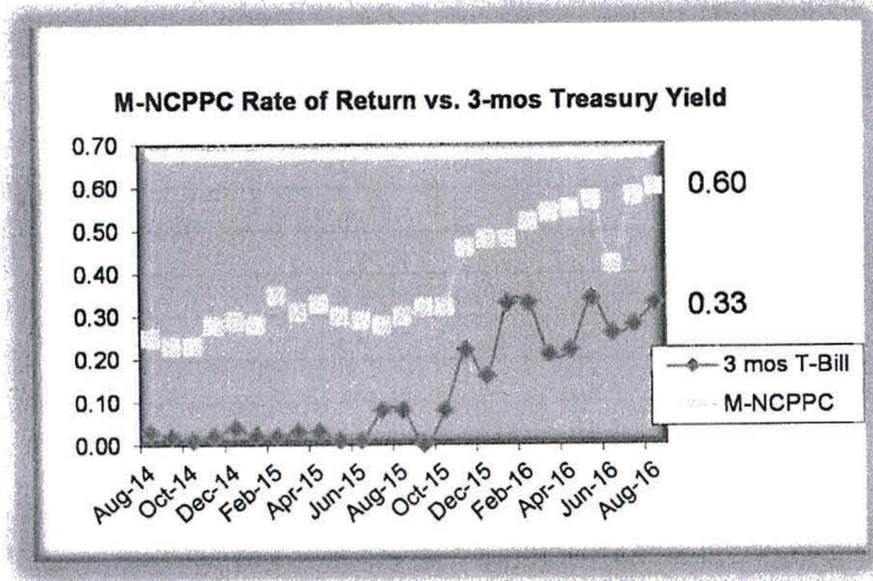


The composition of the pooled cash portfolio as of August 31, 2016 is summarized below:

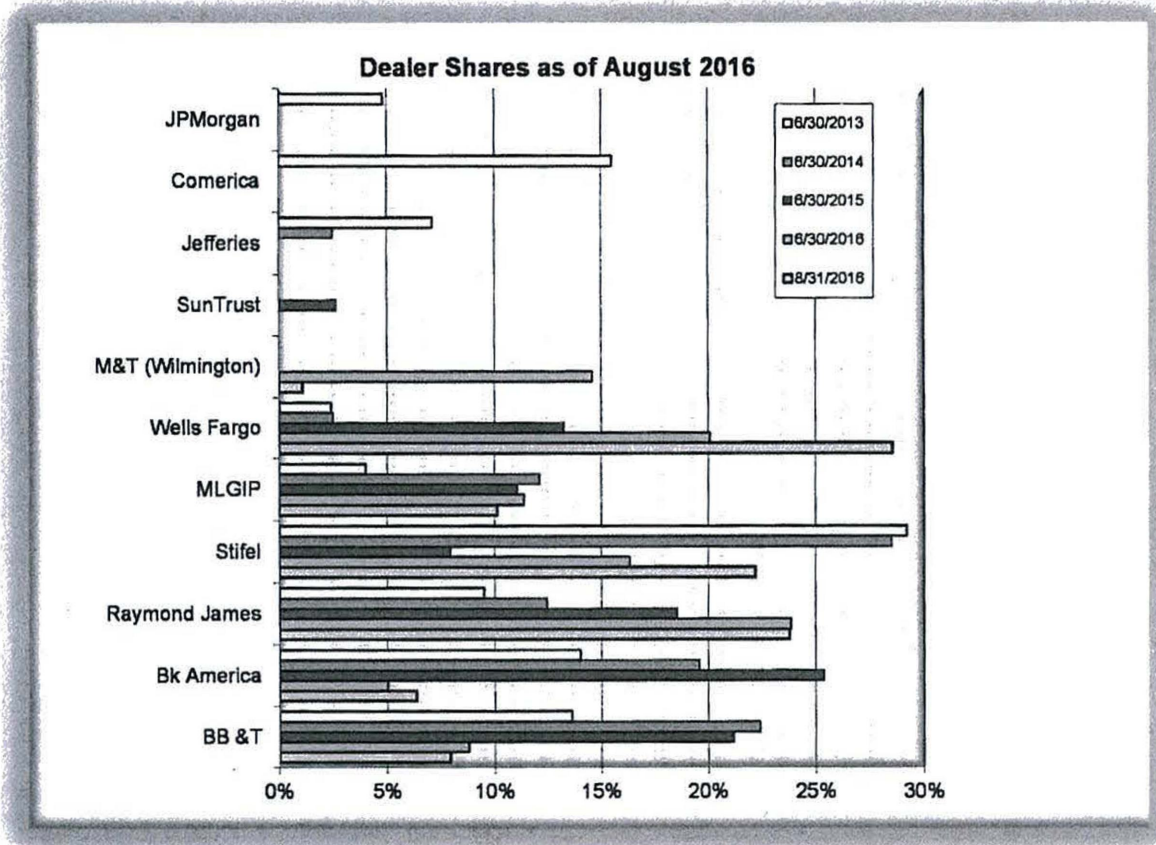


Current Investment Portfolio - August 2016				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Farmer Mac	20%	25%	\$ 80,000,000	0.55%
Treasury Notes	100%	19%	60,000,000	0.65%
Freddie Mac	20%	16%	50,000,000	0.72%
Federal Farm Credit Bureau	20%	13%	40,000,000	0.58%
Money Funds	25%	11%	35,389,903	n/a
Commercial Paper	10%	9%	30,000,000	1.20%
Federal Home Loan Banks	20%	6%	20,000,000	0.40%
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 315,389,903	0.67%

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- 08/31/16	
Prince George's County (PGC-2015A)	\$ 5,504,872
Montgomery County (MC-2016A)	3,633,838
Prince George's County (PGC-2014A)	2,359,912
	<u>\$ 11,498,622</u>

The Commission had no debt service payments during the month.

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

Debt Balances - August 2016					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	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
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
Total Prince George's County	\$ 106,420,000	\$ 69,083,126	65%		
Montgomery County					
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
Total Montgomery County	\$ 62,355,000	\$ 50,230,000	81%		
Total	\$ 168,775,000	\$ 119,313,126	71%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2017 - August 31, 2016

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
	US Government	100%			All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
	US Federal Agencies - combined	60%			
	US Federal Agencies - each	20%			
	Repurchase Agreements	60%			
	CD's and Time Deposits	50%			
	Commercial Paper	10%			
	Money Market Mutual Funds	25%			
	MD Local Gov't Investment Pool	25%			
	Investing Bond Proceeds:				
	State and local agency securities	100%			
	Money Market Mutual Funds	10%			
	Bond Proceeds:				Yes T. Rowe Price managed all funds within limits
	Highly-rated state / local agency securities				
	Highly-rated money market mutual funds (Max. 10% in lower-rated funds)				
	Pre-qualify financial institutions, broker/dealers, intermediaries and advisers			Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
	Ensure competition among participants	30%		Yes	No dealer share exceeded 30%
	Competitive Bidding			Yes	All purchases awarded competitively.
	Diversification of Maturities				Yes All maturities within limits
	Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.				
	Require third-party collateral and safekeeping, and delivery-versus-payment settlement			Yes	M&T Investments serves as custodian, monitoring compliance daily
	Maintain sufficient liquidity		Yes		Sufficient funds available for all cash requirements during period
	Attain a market rate of return		Yes		Exceeded by 27 basis points.
	The pro-rated rates of return for the portfolio and T-bills were 0.60% and 0.33%, respectively.				

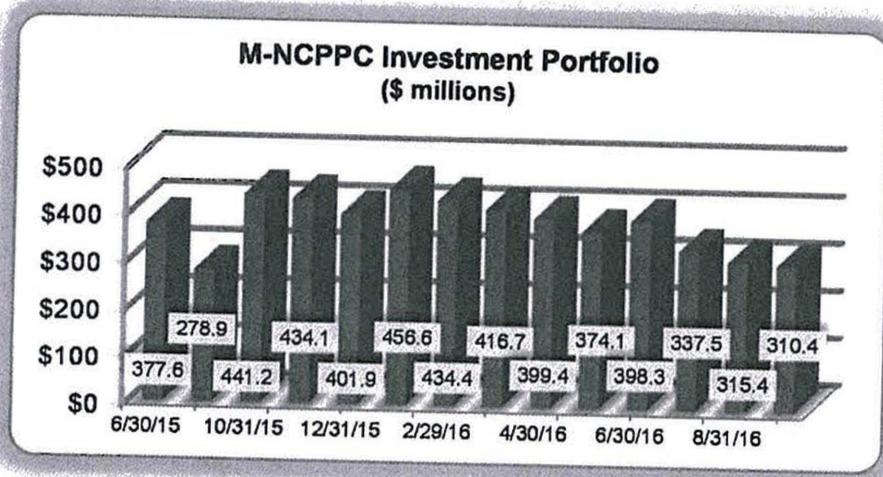


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

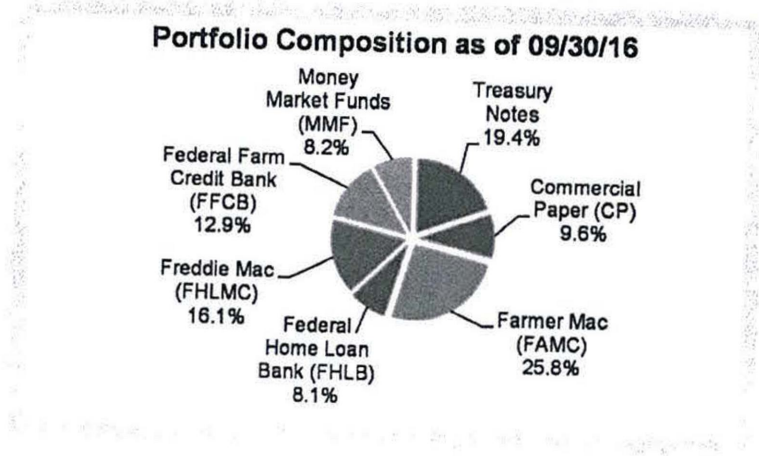
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager
DATE: 11/3/2016
SUBJECT: Investment Report – September 2016

The Commission’s pooled cash investment portfolio totaled \$310.4 million as of September 30, 2016, with a 1.6% decrease from August 31, 2016. Details are as follows:

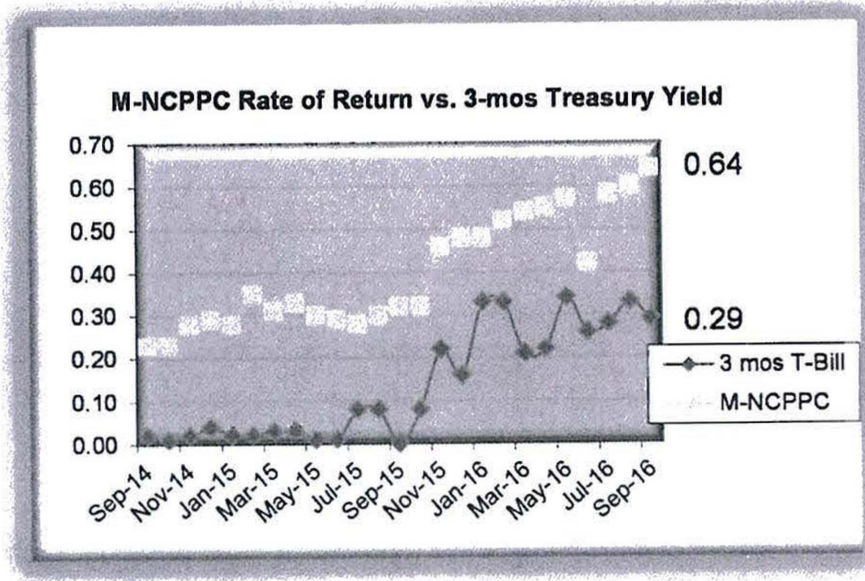


The composition of the pooled cash portfolio as of September 30, 2016 is summarized below:

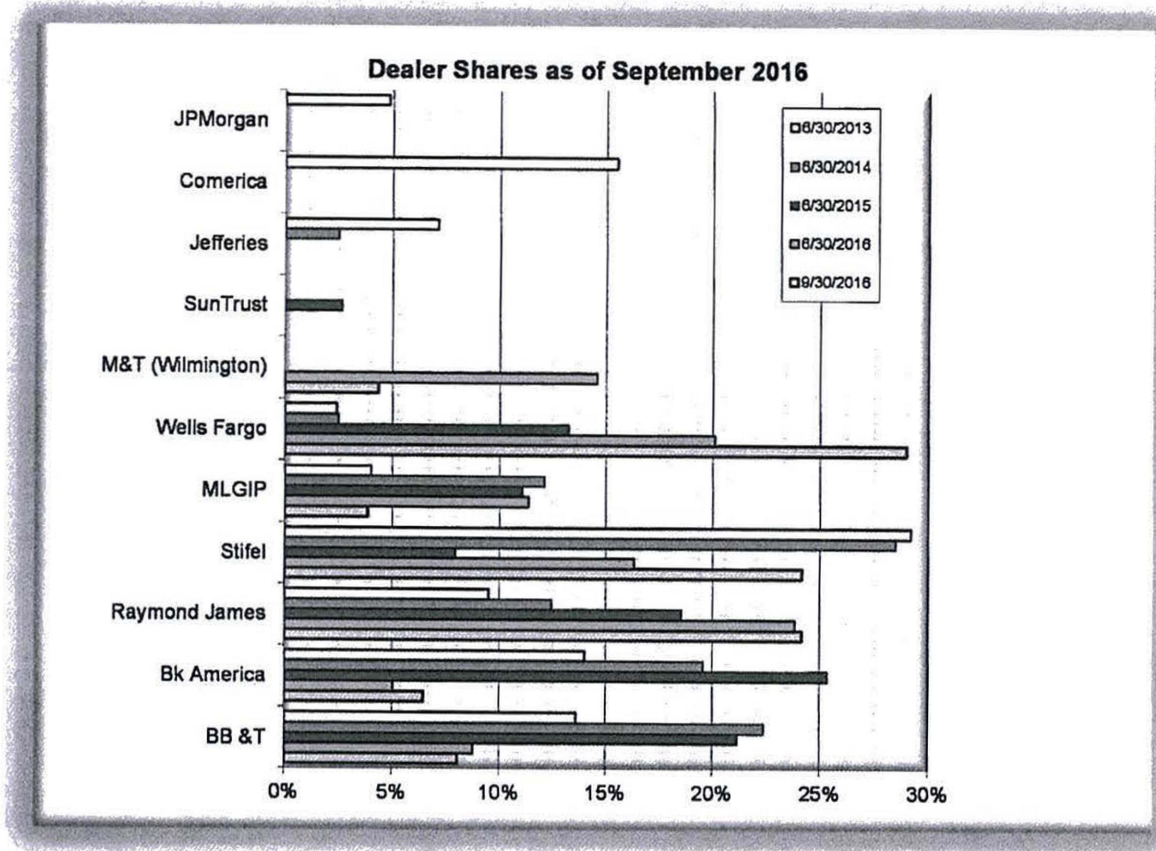


Current Investment Portfolio - September 2016				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Farmer Mac	20%	26%	\$ 80,000,000	0.55%
Treasury Notes	100%	19%	60,000,000	0.65%
Freddie Mac	20%	16%	50,000,000	0.72%
Federal Farm Credit Bureau	20%	13%	40,000,000	0.58%
Commercial Paper	10%	10%	30,000,000	1.37%
Money Funds	25%	8%	25,418,176	n/a
Federal Home Loan Banks	20%	8%	25,000,000	0.59%
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 310,418,176	0.71%

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



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



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

Market Value- 09/30/16	
Prince George's County (PGC-2015A)	\$ 5,504,472
Montgomery County (MC-2016A)	3,634,957
Prince George's County (PGC-2014A)	2,358,880
	<u>\$ 11,498,309</u>

The Commission had no debt service payments during the month.

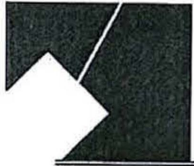
Details by issue of debt outstanding as of September 30, 2016 appear below:

Debt Balances - September 2016					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	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
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
Total Prince George's County	\$ 106,420,000	\$ 69,083,126	65%		
Montgomery County					
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
Total Montgomery County	\$ 62,355,000	\$ 50,230,000	81%		
Total	\$ 168,775,000	\$ 119,313,126	71%		


ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2017 - September 30, 2016

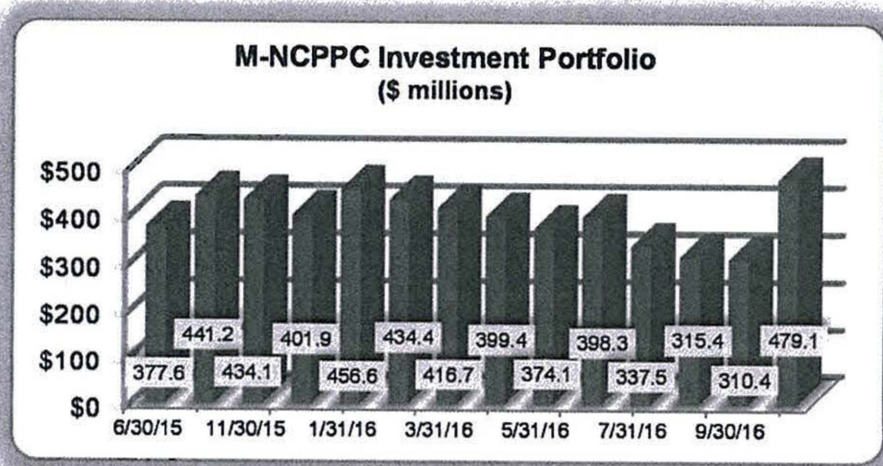
OBJECTIVES		Met Objective	Within Limits	Comments
Protection of principal		Yes		
Limiting types and amounts of securities	Limit		Yes	
US Government	100%			All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%			
US Federal Agencies - each	20%			
Repurchase Agreements	60%			
CD's and Time Deposits	50%			
Commercial Paper	10%			
Money Market Mutual Funds	25%			
MD Local Gov't Investment Pool	25%			
Investing Bond Proceeds:				
State and local agency securities	100%			
Money Market Mutual Funds	10%			
Bond Proceeds:			Yes	T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities				
Highly-rated money market mutual funds (Max. 10% in lower-rated funds)				
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers			Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants	30%		Yes	No dealer share exceeded 30%
Competitive Bidding			Yes	All purchases awarded competitively.
Diversification of Maturities			Yes	All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.				
Require third-party collateral and safekeeping, and delivery-versus-payment settlement			Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity		Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return		Yes		Exceeded by 35 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.64% and 0.29% , respectively.				



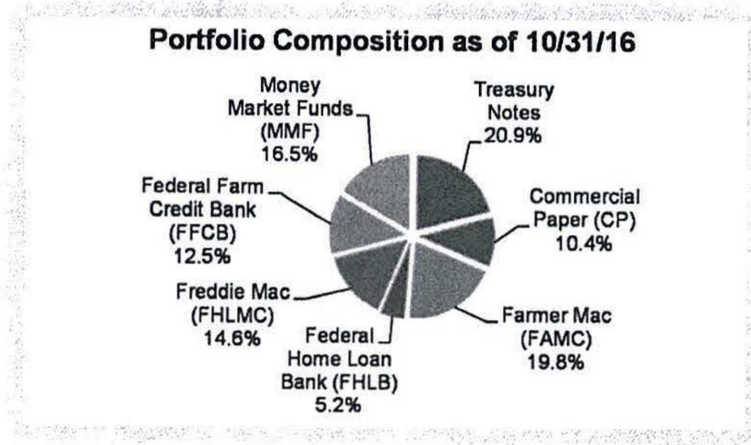
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager 
DATE: 12/2/2016
SUBJECT: Investment Report – October 2016

The Commission’s pooled cash investment portfolio totaled \$479.1 million as of October 31, 2016, with a 54.3% increase from September 30, 2016. Details are as follows:

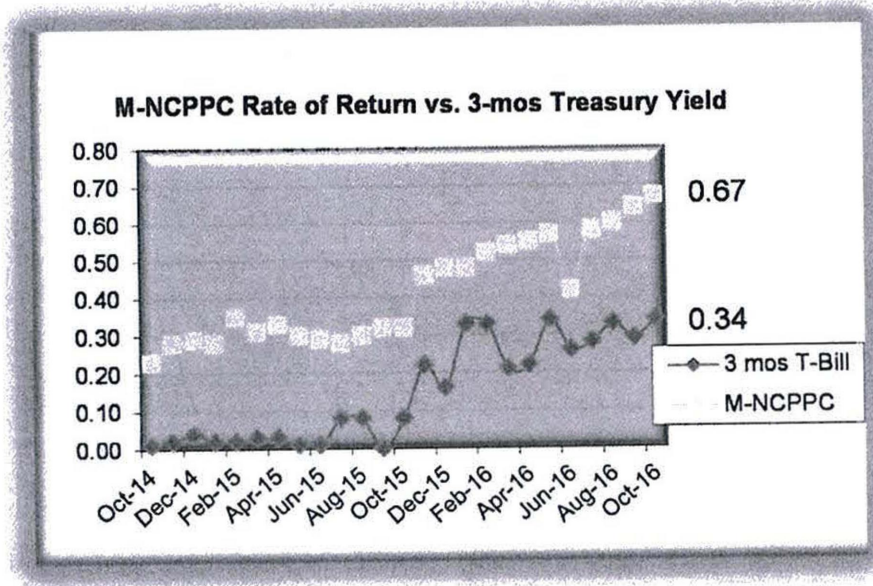


The composition of the pooled cash portfolio as of October 31, 2016 is summarized below:

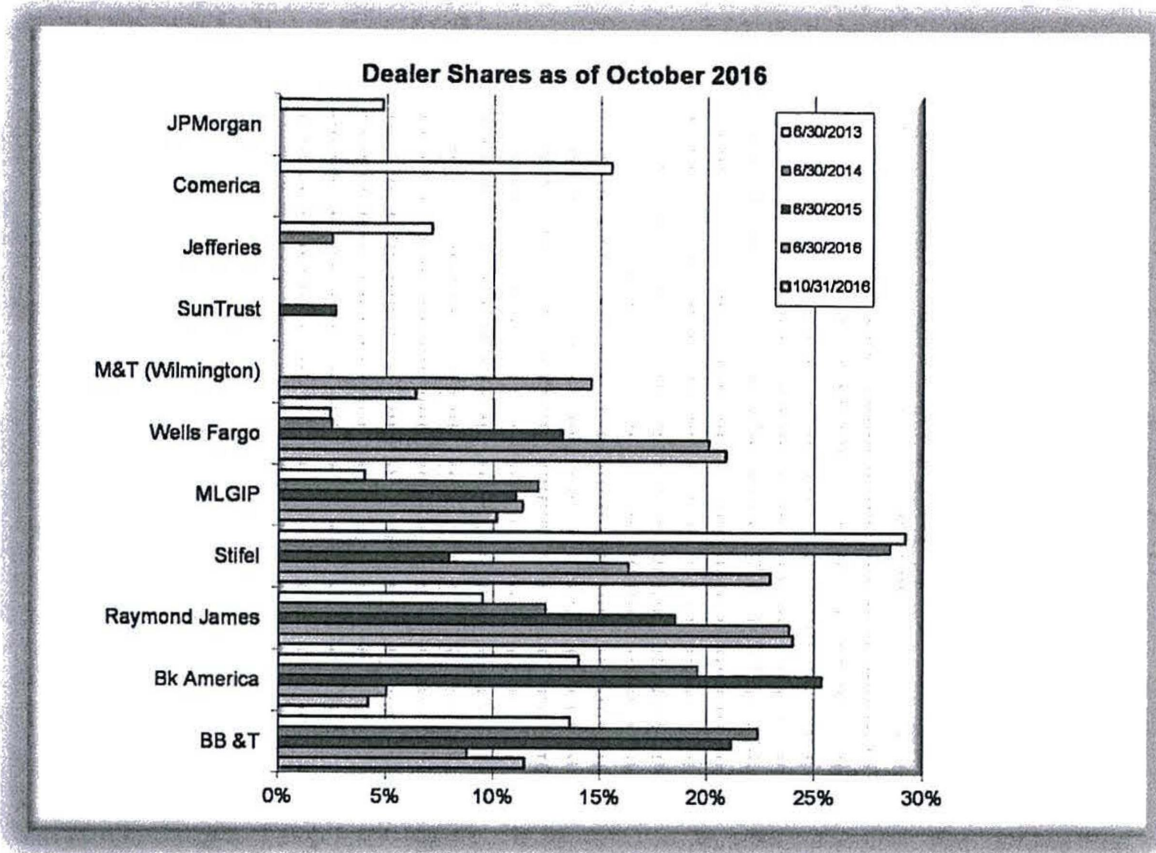


Current Investment Portfolio - October 2016				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Treasury Notes	100%	21%	\$ 100,000,000	0.61%
Farmer Mac	20%	20%	95,000,000	0.62%
Money Funds	25%	17%	79,108,634	n/a
Freddie Mac	20%	15%	70,000,000	0.80%
Federal Farm Credit Bureau	20%	13%	60,000,000	0.64%
Commercial Paper	10%	10%	50,000,000	1.33%
Federal Home Loan Banks	20%	5%	25,000,000	0.99%
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 479,108,634	0.79%

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- 10/31/16	
Prince George's County (PGC-2015A)	\$ 5,502,171
Montgomery County (MC-2016A)	3,627,874
Prince George's County (PGC-2014A)	2,359,305
	\$ 11,489,349

The Commission had no debt service payments during the month.

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

Debt Balances - October 2016					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	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
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
Total Prince George's County	\$ 106,420,000	\$ 69,083,126	65%		
Montgomery County					
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
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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
Total Montgomery County	\$ 62,355,000	\$ 50,230,000	81%		
Total	\$ 168,775,000	\$ 119,313,126	71%		



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

Reply To

November 7, 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 October, 2016

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, November 16, 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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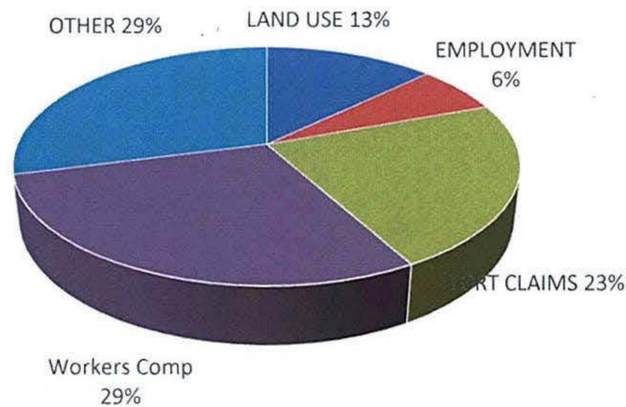
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Index of Resolved YTD Cases (FY17)	Page 04
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October 2016 Composition of Pending Litigation

(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
Admin Appeal: Other							0
Land Use Dispute	2	1					3
Tort Claim	6	1					7
Employment Dispute	1		1				2
Contract Dispute	1	1	1	1			4
Property Dispute							0
Civil Enforcement	1						1
Workers' Compensation	9						9
Debt Collection							0
Bankruptcy							0
Miscellaneous	2		2		1		5
Per Forum Totals	22	3	5	1	1	0	32

OVERVIEW OF PENDING LITIGATION



By Major Case Categories

October 2016 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2017			
	Pending In Sept/16	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	1			2		1	1
Admin Appeal: Other (AAO)	0			0			0
Land Use Disputes (LD)	3			3		1	3
Tort Claims (T)	10	2	4	10	5	6	7
Employment Disputes (ED)	2			1	1		2
Contract Disputes (CD)	4			3	1		4
Property Disputes (PD)	0			1		1	0
Civil Enforcement (CE)	1			1			1
Workers' Compensation (WC)	10		1	12	1	4	9
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	4			4	2	2	5
Totals	35	2	5	37	10	15	32

**INDEX OF YTD NEW CASES
(7/1/2016 TO 6/30/17)**

<u>A. New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Brooks v. PG County Planning Board, et al	PG	LD	July 16
Green v. Commission	PG	Tort	July 16
Commission v. Town of Forest Heights	PG	Misc	Sep 16
Commission v. Edwards	MC	WC	Sep 16
North Point Builders v. Commission	PG	Tort	Sep 16
Burnette v. Commission	PG	ED	Sep 16
Swain v. Seay, et al	PG	Tort	Oct 16
State Farm/Lee v. Commission	MC	Tort	Oct 16
<u>B. New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Fort Myer Construction Corp.	MC	CD	Aug 16
Cohn v. Commission	MC	Misc	Sep 16

**INDEX OF YTD RESOLVED CASES
(7/1/2016 TO 6/30/17)**

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Leeks v. Commission	PG	WCC	July, 2016
Newell v. Commission	PG	Tort	July, 2016
Commission v. 2005 Toyota Camry	MC	Misc	July, 2016
Commission v. Morgan	MC	WCC	July, 2016
Progressive Specialty Insurance Co. v. Davis, et al	MC	Tort	Sept 2016
Prince George's County, Md. v. Commission	PGPR	LD	Sept 2016
Commission v. Landover Polk Street Property, LLC	PGPR	PD	Sept 2016
Town of Riverdale Park, et al v. Commission	PGPB	AALU	Sept 2016
Cohhn, et al v. Commission	MCPR	Misc	Sept 2016
Smith v. Commission	MC	WCC	Sept 2016
Merlos-Montoya v. Commission	MC	Tort	Oct 2016
Richardson v. Arnette	MC	Tort	Oct 2016
Beatty v. Commission	PGPR	Tort	Oct 2016
Burnette v. Commission	PG	WCC	Oct 2016
Starks v. Kellogg, et al	MC	Tort	Oct 2016

D. Appellate Court Cases Resolved.

Disposition of FY17 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		

Montgomery County Department of Parks		
Cohhn, et al v. Commission	Plaintiff filed complaint attempting to restrain Commission from implementing Archery Managed Deer Hunting Program in Montgomery County.	08/25/16-Court grants Commission's Motion for Summary Judgment.
Commission v. 2005 Toyota Camry	Commission filed motor vehicle forfeiture incident to drug related arrest	06/14/16-Commission withdraws complaint.
Commission v. Morgan	Commission appealed WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.	06/28/16- Stipulation of Dismissal filed with Court; to be remanded back to Workers' Compensation Commission
Merlos-Montoya v. Commission	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	09/07/16-Case dismissed
Progressive Specialty Insurance Co. v. Davis, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	07/08/16-Case dismissed by Plaintiff.
Richardson v. Arnette	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	09/21/16-Case dismissed.

Smith v. Commission	Claimant/employee is appealing the WCC's award of permanent partial disability under "other cases".	08/09/16-Trial; verdict in favor of Plaintiff; remanded to Worker's Compensation.
Starks v. Kellogg, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	
Montgomery County Park Police		
Montgomery County Planning Board		
Prince George's County Department of Parks and Recreation		
Beatty v. Commission	Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.	9/30/16-Case settled and dismissed.
Burnette v. Commission	Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.	09/08/16-Case remanded to WCC.
Commission v. Landover Polk Street Property, LLC	Commission filed a condemnation action to acquire property for use by the Department of Parks and Recreation.	08/02/16-Stipulation of Dismissal filed.
Leeks v. Commission	Claimant/employee is appealing the WCC's decision denying occupational hypertension disease as causally related to his course of employment.	06/27/16-Case remanded to WCC.
Newell v. Commission	Defense of claim for trip and fall on alleged wire hanging from the light display at Watkins Regional Park	06/07/16-Case settled and dismissed.

<p>Prince George's County, Md. v. Commission</p>	<p>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.</p>	<p>08/11/16-Case dismissed.</p>
<p>Prince George's County Planning Department</p>		
<p>Prince George's County Planning Board Town of Riverdale Park, et al v. Commission</p>	<p>Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-150003 in 7-Eleven, Inc.</p>	<p>07/13/16-Court affirms decision by Planning Board.</p>
<p>Prince George's Park Police</p>		
<p>Office of Internal Audit</p>		

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DISTRICT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

State Farm & Lee v. Commission

Case No. 0602-001-652-2016 (Tort)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Defense of claim for property damage involving fallen tree on insured's property.

Status: Complaint filed.

Docket:

10/14/16	Complaint filed
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DISTRICT COURT FOR ANNE ARUNDEL COUNTY, 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: Remanded to WCC.

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
09/01/16	Mediation
10/12/16	Pre-trial conference
10/29/16	Remanded to WCC

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
06/20/16	Counter-claim filed by Defendant Louketis
08/30/16	Order consolidating case with 06-C-15-069996
12/02/16	Pre-trial conference
02/27/17	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
08/30/16	Order consolidating case with 06-C-15-070021
12/02/16	Pre-trial hearing
02/27/16	Trial

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Brooks v. Prince George's County Planning Board

CAE16-25941 (LD)

Lead Counsel: Mills
Other Counsel:

Abstract: Declaratory judgment action challenging Planning Board approval of an application pertaining to a parcel neighboring that of the Plaintiffs.

Status: Complaint filed.

Docket:

06/27/16	Complaint for Declaratory Judgment filed
07/25/16	Complaint served on Commission
08/17/16	Joint Motion to Dismiss for Failure to State Claim filed
09/06/16	Opposition to Motion to Dismiss filed by Plaintiff
12/02/16	Motions Hearing

Burnette v. Commission

CAL16-35180 (ED)

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Former employee seeks judicial review of termination.

Status: Petition filed.

Docket:

09/08/16	Petition filed
09/23/16	Response to Petition filed by Commission

Commission v. Ford

CAL16-02123 (WC W070371)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission 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
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02/29/16	Response to Petition for Judicial Review filed by Commission
09/21/16	Pre-trial conference
03/07/17	Trial date

Commission v. Fulwood
CAL16-02193 (WC W070371)

Lead Counsel: Chagrin
Other Counsel:

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

Status: Petition filed.
Docket:

02/26/16	Petition for Judicial Review filed
10/21/16	Motions hearing
01/19/17	Pretrial conference

Commission, et al v. The Town of Forest Heights
CAL 16-29110 (M)

Lead Counsel: Mills
Other Counsel:

Abstract: Commission filed a declaratory judgment action against the Town of Forest Heights.

Status: Complaint filed.

Docket:

07/20/16	Complaint filed
08/31/16	Defendant filed Answer
09/20/16	Court returns Defendant's Answer failure to pay filing fees
09/27/16	Defendant files Answer
02/08/17	Pretrial conference

Green, et al v. Commission
CAL16-26277 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving fall by minor child from playground equipment at Peppermill Recreation Center.

Status: Complaint filed.

Docket:

06/14/16	Complaint filed.
08/22/16	Commission files answer.
12/28/16	Pre-trial conference

North Point Builders v. Commission

CAL16-31910 (Tort)

Lead Counsel: Dickerson
Other Counsel:

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of College Park Airport Operations Building in College Park, Maryland.

Status: Complaint filed.

Docket:

09/14/16	Complaint filed
10/28/16	Motion to Dismiss, or in the Alternative, for Summary Judgment filed by Commission

Swain v. Seay, et al

CAEF16-10315 (M)

Lead Counsel: Dickerson
Other Counsel:

Abstract: Plaintiff files to foreclose a statutory attorney's lien on property with a Historic Agriculture Resource Preservation Program Deed of Easement.

Status: Complaint filed.

Docket:

04/01/16	Complaint filed.
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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; Court orders this case to be consolidated with case CAL15-40296 for hearing.
04/03/17	Trial date

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: Pending trial.

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
05/16/16	Plaintiff's Opposition to Defendant's Motion to Strike filed
07/06/16	Motion to Strike was denied
07/14/16	Defendant's Answer to Amended Complaint filed
11/03/16	Pre-trial conference held
12/12/16	Motion for Summary Judgment
02/06/17	Trial

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. Edwards
Case No. 425765-V (WC #W072408)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Employer is appealing WCC Order entitling Claimant to 25% loss of body use under other cases.

Status: Petition filed.

Docket:

09/30/16	Petition for Judicial Review filed by Commission.
10/11/16	Answer by Claimant
03/09/17	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

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: Pending trial.

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.
12/13/16	Jury trial.

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 trial.

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.
12/13/16	Jury trial.

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

10/28/16	Notice of 2-507 Letter issued
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Trevan, 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

Cohn v. Commisison

September Term 2016, No. 1577 (M)
(Originally filed under 409148-V in Montgomery County)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Plaintiff appealed Circuit Court ruling attempting to restrain Commission from implementing Archery Managed Deer Hunting Program in Montgomery County.

Status: Appeal filed.

Docket:

09/30/16	Notice of Appeal filed
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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: Awaiting oral argument.

Docket:

09/11/15	Notice of Appeal filed
11/09/16	Oral 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

Docket:

Court.

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
08/19/16	Court of Appeals grants Petition for Certiorari of Commission and URS

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

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

Lead Counsel:
Other Counsel:

Mills
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:
Docket:

Appeal Filed.

12/07/15	Notice of Appeal
05/27/16	Commission Brief due
12/06/16	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 6th and 7th annexation null and void.

Status: Appeal Filed.

Docket:

02/22/16	Notice of Appeal
08/08/16	Brief filed by Appellant
10/28/16	Commission brief is due
02/2017	Oral Argument-date to be determined

MARYLAND COURT OF APPEALS

URS Corporation, et al v. Fort Myer Construction Corporation

September Term, 2016, No. 31 (CD)

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

Abstract: Commission seeks review of reversal of award of sanctions against Fort Myers and other related procedural issues.

Status: Awaiting oral argument.
Docket:

06/07/16	Petition for Writ of Certiorari filed by Commission.
08/19/16	Court grants Certiorari petitions of Commission and URS.
12/02/16	Oral Argument.

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
09/09/16	Settlement Agreement executed

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: Outside Counsel-Whiteford Taylor and Preston
Other Counsel: Gardner/Dickerson/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
05/27/16	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
09/17/16	Joint Defense Agreement executed between Commission and Montgomery County, Maryland
09/29/16 & 10/3/16	Outside counsel enters appearance

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
08/26/16	Commission files Motion to Compel Discovery
10/18/16	Motion for Summary Judgment filed by Commission

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

American Humanist Association, et al v. Commission

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

Lead Counsel: Dickerson
Other Counsel: Gardner
Adams

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

Status: Argument pending.

Docket:

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

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

Reply To

December 1, 2016

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MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
General Counsel

RE: Litigation Report for November, 2016

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, December 8, 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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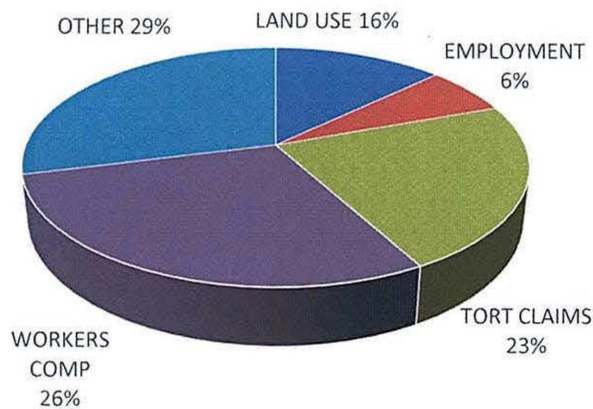
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November 2016 Composition of Pending Litigation

(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
Admin Appeal: Other							0
Land Use Dispute	2	1					3
Tort Claim	6	1					7
Employment Dispute	1		1				2
Contract Dispute	1		1	1			3
Property Dispute	1						1
Civil Enforcement	1						1
Workers' Compensation	8						8
Debt Collection							0
Bankruptcy							0
Miscellaneous	2		2		1		5
Per Forum Totals	22	2	5	1	1	0	31

OVERVIEW OF PENDING LITIGATION



By Major Case Categories

November 2016 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2017			
	Pending In Oct/16	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	1			2		1	1
Admin Appeal: Other (AAO)	0			0			0
Land Use Disputes (LD)	3			3		1	3
Tort Claims (T)	7			10	5	6	7
Employment Disputes (ED)	2			1	1		2
Contract Disputes (CD)	4		1	3	1	1	3
Property Disputes (PD)	0	1		1	1	1	1
Civil Enforcement (CE)	1			1			1
Workers' Compensation (WC)	9		1	12	1	5	8
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	5			4	2	2	5
Totals	32	1	2	37	11	17	31

**INDEX OF YTD NEW CASES
(7/1/2016 TO 6/30/17)**

A. New Trial Court Cases.

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Brooks v. PG County Planning Board, et al	PG	LD	July 16
Green v. Commission	PG	Tort	July 16
Commission v. Town of Forest Heights	PG	Misc	Sep 16
Commission v. Edwards	MC	WC	Sep 16
North Point Builders v. Commission	PG	Tort	Sep 16
Burnette v. Commission	PG	ED	Sep 16
Swain v. Seay, et al	PG	Tort	Oct 16
State Farm/Lee v. Commission	MC	Tort	Oct 16
Commission v. Ayoub	MC	PD	Nov 16

B. New Appellate Court Cases.

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Fort Myer Construction Corp.	MC	CD	Aug 16
Cohhn v. Commission	MC	Misc	Sep 16

**INDEX OF YTD RESOLVED CASES
(7/1/2016 TO 6/30/17)**

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Leeks v. Commission	PG	WCC	July 2016
Newell v. Commission	PG	Tort	July 2016
Commission v. 2005 Toyota Camry	MC	MISC	July 2016
Commission v. Morgan	MC	WCC	July 2016
Progressive Specialty Insurance Co. v. Davis, et al	MC	Tort	Sept 2016
Prince George's County, Md. v. Commission	PGPR	LD	Sept 2016
Commission v. Landover Polk Street Property, LLC	PGPR	PD	Sept 2016
Town of Riverdale Park, et al v. Commission	PGPB	AALU	Sept 2016
Cohn, et al v. Commission	MCPR	Misc	Sept 2016
Smith v. Commission	MC	WCC	Sept 2016
Merlos-Montoya v. Commission	MC	Tort	Oct 2016
Richardson v. Arnette	MC	Tort	Oct 2016
Beatty v. Commission	PGPR	Tort	Oct 2016
Burnette v. Commission	PG	WCC	Oct 2016
Starks v. Kellogg, et al	MC	Tort	Oct 2016
Belt v. Commission	MC	WCC	Nov 2016
Harford Casualty Insurance Co. v. Commission	PG	CD	Nov 2016

D. Appellate Court Cases Resolved.

Disposition of FY17 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		
Montgomery County Department of Parks		
Cohhn, et al v. Commission	Plaintiff filed complaint attempting to restrain Commission from implementing Archery Managed Deer Hunting Program in Montgomery County.	08/25/16-Court grants Commission's Motion for Summary Judgment.
Commission v. 2005 Toyota Camry	Commission filed motor vehicle forfeiture incident to drug related arrest	06/14/16-Commission withdraws complaint.
Commission v. Morgan	Commission appealed WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.	06/28/16- Stipulation of Dismissal filed with Court; to be remanded back to Workers' Compensation Commission
Merlos-Montoya v. Commission	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	09/07/16-Case dismissed
Progressive Specialty Insurance Co. v. Davis, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	07/08/16-Case dismissed by Plaintiff.
Richardson v. Arnette	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	09/21/16-Case dismissed.

Smith v. Commission	Claimant/employee is appealing the WCC's award of permanent partial disability under "other cases".	08/09/16-Trial; verdict in favor of Plaintiff; remanded to Worker's Compensation.
Starks v. Kellogg, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	
Montgomery County Park Police		
Montgomery County Planning Board		
Prince George's County Department of Parks and Recreation		
Beatty v. Commission	Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.	9/30/16-Case settled and dismissed.
Belt v. Commission	Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.	10/25/16-Case remanded to WCC
Burnette v. Commission	Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.	09/08/16-Case remanded to WCC.
Commission v. Landover Polk Street Property, LLC	Commission filed a condemnation action to acquire property for use by the Department of Parks and Recreation.	08/02/16-Stipulation of Dismissal filed.
Leeks v. Commission	Claimant/employee is appealing the WCC's decision denying occupational hypertension disease as causally related to his course of employment.	06/27/16-Case remanded to WCC.

Newell v. Commission	Defense of claim for trip and fall on alleged wire hanging from the light display at Watkins Regional Park	06/07/16-Case settled and dismissed.
Prince George's County, Md. v. Commission	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.	08/11/16-Case dismissed.
Prince George's County Planning Department		
Hartford Casualty Insurance Company v. Commission	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.	09/09/16 Case settled.
Prince George's County Planning Board		
Town of Riverdale Park, et al v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-150003 in 7-Eleven, Inc.	07/13/16-Court affirms decision by Planning Board.
Prince George's Park Police		
Office of Internal Audit		

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. Ayoub

No. 2016060100037660 (PD)

Lead Counsel: Harvin
Other Counsel:

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

Status: Complaint filed.

Docket:

11/10/16	Complaint filed
12/14/16	Trial date

State Farm & Lee v. Commission

Case No. 0602-00138102016(Tort)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Defense of claim for property damage involving fallen tree on insured's property.

Status: Complaint filed.

Docket:

10/14/16	Complaint filed
11/10/16	Notice of Intention to Defend filed by Commission
02/08/17	Trial date

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
06/20/16	Counter-claim filed by Defendant Louketis
08/30/16	Order consolidating case with 06-C-15-069996
12/02/16	Pre-trial conference
02/27/17	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: In discovery.

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
08/30/16	Order consolidating case with 06-C-15-070021
12/02/16	Pre-trial hearing
02/27/16	Trial

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Brooks v. Prince George's County Planning Board

CAE16-25941 (LD)

Lead Counsel: Mills
Other Counsel:

Abstract: Declaratory judgment action challenging Planning Board approval of an application pertaining to a parcel neighboring that of the Plaintiffs.

Status: Complaint filed.

Docket:

06/27/16	Complaint for Declaratory Judgment filed
07/25/16	Complaint served on Commission
08/17/16	Joint Motion to Dismiss for Failure to State Claim filed
09/06/16	Opposition to Motion to Dismiss filed by Plaintiff
11/17/16	Joint Reply to Opposition to Motion to Dismiss filed
12/02/16	Motions Hearing

Burnette v. Commission

CAL16-35180 (ED)

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Former park police officer seeks judicial review of termination.

Status: Petition filed.

Docket:

09/08/16	Petition filed
09/23/16	Response to Petition filed by Commission
02/07/17	Pre-trial conference

Commission v. Ford

CAL16-02123 (WC W070371)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission 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

03/07/17	Trial date
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Commission v. Fulwood
CAL16-02193 (WC W070371)

Lead Counsel: Chagrin
Other Counsel:

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

Status: Petition filed.
Docket:

02/26/16	Petition for Judicial Review filed
09/06/16	Motion to Exclude Claimant as Party filed by Commission
10/28/16	Court denied Commission's Motion to Exclude Claimant as Party
01/19/17	Pretrial conference

Commission, et al v. The Town of Forest Heights
CAL 16-29110 (M)

Lead Counsel: Mills
Other Counsel:

Abstract: Commission filed a declaratory judgment action against the Town of Forest Heights.

Status: Complaint filed.

Docket:

07/20/16	Complaint filed
08/31/16	Defendant filed Answer
09/20/16	Court returns Defendant's Answer failure to pay filing fees
09/27/16	Defendant files Answer
02/08/17	Pretrial conference

Green, et al v. Commission
CAL16-26277 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving fall by minor child from playground equipment at Peppermill Recreation Center.

Status: Complaint filed.

Docket:

06/14/16	Complaint filed.
08/22/16	Commission files answer.
12/28/16	Pre-trial conference

North Point Builders v. Commission

CAL16-31910 (Tort)

Lead Counsel: Dickerson

Other Counsel:

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of College Park Airport Operations Building in College Park, Maryland.

Status: Complaint filed.

Docket:

09/14/16	Complaint filed
10/28/16	Motion to Dismiss, or in the Alternative, for Summary Judgment filed by Commission
11/14/16	Consent Motion to Extend Time to Respond to Commission Motion for Summary Judgment

Swain v. Seay, et al

CAEF16-10315 (M)

Lead Counsel: Dickerson

Other Counsel:

Abstract: Plaintiff files to foreclose a statutory attorney's lien on property with a Historic Agriculture Resource Preservation Program Deed of Easement.

Status: Complaint filed.

Docket:

04/01/16	Complaint filed
09/23/16	Motion to Dismiss filed
10/06/16	Opposition to Motion to Dismiss filed
11/18/16	Answer to Petition filed by Commission

Watkins v. Commission
CAL15-40296 (WC W050003)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is 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 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; Court orders this case to be consolidated with case CAL15-40296 for hearing.
04/03/17	Trial date

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: Pending trial.

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
05/16/16	Plaintiff's Opposition to Defendant's Motion to Strike filed
07/06/16	Motion to Strike was denied
07/14/16	Defendant's Answer to Amended Complaint filed
10/17/16	Motion for Summary Judgment filed by Commission
11/03/16	Pre-trial conference held
12/12/16	Motions Hearing
02/06/17	Trial

Commission v. Atwell

Case No. 422131-V (WC #W072421)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission seeks judicial review of 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
02/28/17	Trial date

Commission v. Edwards
Case No. 425765-V (WC #W072408)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission seeks judicial review of WCC Order entitling Claimant to 25% loss of body use under other cases.

Status: Petition filed.

Docket:

09/30/16	Petition for Judicial Review filed by Commission.
10/11/16	Answer by Claimant
03/09/17	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

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: Pending trial.

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.
12/13/16	Jury trial.

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 trial.

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.
12/13/16	Jury trial.

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
10/28/16	Notice of 2-507 Letter issued

Trevan, 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
10/31/16	Montgomery County's Motion to Dismiss and/or Motion for Summary Judgment
11/09/16	Third Amended Complaint filed by Plaintiff
11/10/16	Commission filed Motion for Summary Judgment
11/14/16	Plaintiffs filed Motion for Summary Judgment
11/28/16	Plaintiff's Opposition to Commission's Motion for Summary Judgment filed
12/01/16	Pre-trial/Settlement Conference

MARYLAND COURT OF SPECIAL APPEALS

Cohn v. Commisison

September Term 2016, No. 1577 (M)
(Originally filed under 409148-V in Montgomery County)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Plaintiff appealed Circuit Court ruling granting the judgment in favor of the Commission and denying Plaintiff's request to restrain Commission's Archery Managed Deer Hunting Program in Montgomery County.

Status: Appeal filed.

Docket:

09/30/16	Notice of Appeal filed
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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: Awaiting decision.

Docket:

09/11/15	Notice of Appeal filed
11/09/16	Oral Argument held, pending decision

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

Docket:

Court.

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
08/19/16	Court of Appeals grants Petition for Certiorari of Commission and URS

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

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

Lead Counsel:
Other Counsel:

Mills
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:
Docket:

Appeal Filed.

12/07/15	Notice of Appeal
05/27/16	Commission Brief due
12/06/16	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 6th and 7th annexation null and void.

Status: Appeal Filed.

Docket:

02/22/16	Notice of Appeal
08/08/16	Brief filed by Appellant
10/28/16	Commission brief is due
02/2017	Oral Argument-date to be determined

MARYLAND COURT OF APPEALS

URS Corporation, et al v. Fort Myer Construction Corporation

September Term, 2016, No. 31 (CD)

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

Abstract: Commission seeks review of reversal of award of sanctions against Fort Myers and other related procedural issues.

Status: Awaiting oral argument.
Docket:

06/07/16	Petition for Writ of Certiorari filed by Commission.
08/19/16	Court grants Certiorari petitions of Commission and URS.
12/02/16	Oral Argument.

U.S. DISTRICT COURT OF MARYLAND

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: Outside Counsel-Whiteford Taylor and Preston
Other Counsel: Gardner/Dickerson/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
05/27/16	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
09/17/16	Joint Defense Agreement executed between Commission and Montgomery County, Maryland
09/29/16 & 10/3/16	Outside counsel enters appearance

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

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of police liability claim.

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
08/26/16	Commission files Motion to Compel Discovery
10/18/16	Motion for Summary Judgment filed by Commission
10/31/16	Plaintiff's Motion for Judgment on the Pleadings
11/17/16	Commission's Response to Plaintiff's Motion for Judgment on the Pleadings

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

American Humanist Association, et al v. Commission

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

Lead Counsel: Dickerson
Other Counsel: Gardner
Adams

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

Status: Argument pending.

Docket:

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

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