



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

July 15, 2020
10:00 a.m. to 12 noon

**The Commission will be meeting by teleconference
and live-streamed from:**

Montgomery Regional Office

Auditorium

8787 Georgia Avenue

Silver Spring, Maryland 20910

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, July 15, 2020**

Via videoconference, and live-streamed from

**Montgomery Regional Office Auditorium
8787 Georgia Avenue
Silver Spring, Maryland 20790**

10:00 a.m. – 12 noon

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(+*)	Page 1
2.	Approval of Commission Minutes (10:05 a.m.) a) Open Session – June 17, 2020	(+*)	Page 3
3.	General Announcements (10:05 a.m.) a) Bereaved Parents’ Month b) Upcoming Hispanic Heritage Month (September 15 – October 15) c) Acknowledgement of the 6 th anniversary of Eric Gardner’s death in New York City		
4.	Committee Minutes/Board Reports (For Information Only) (10:20 a.m.) a) Executive Committee Meeting – Open Session – July 1, 2020 b) Executive Committee Meeting – Closed Session – July 1, 2020 c) Employees’ Retirement System Board of Trustees Regular Meeting – June 2, 2020	(+) (++) (+)	Page 7 Page 11
5.	Action and Presentation Items (10:15 a.m.) a) COVID-19 Response Resolutions (Chiang-Smith/Bennett) b) Recommendation for Appointment of HarbourVest as a new Investment Manager for The Employees’ Retirement System (Rose) c) Recommendation for Benefit Changes for Calendar Year 2021 (Spencer/McDonald) d) I-495/I-270 Managed Lanes Update (Rubin/Borden)	(LD) (+*) (+*) (LD)	 Page 15 Page 17
6.	Officers’ Reports (11:40 a.m.) <u>Executive Director’s Report</u> a) Late Evaluation Report, June 2020 (For Information Only)	 (+)	 Page 21
	<u>Secretary Treasurer</u> No report scheduled		
	<u>General Counsel</u> b) Litigation Report (For Information Only)	 (+)	 Page 23
<i>Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice, conduct collective bargaining discussions and consider matters that relate to negotiation.</i>			
7.	Closed Session (11:40 a.m.) a) CIO Quarterly Report (Chilet) b) Union Negotiation Update (Chiang-Smith)	 (++)	

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

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
June 17, 2020

The Maryland-National Capital Park and Planning Commission met via videoconference, broadcast by the Parks and Recreation Department, Prince George’s County.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Tina Patterson
Natali Fani-Gonzalez

Prince George’s County Commissioners

Elizabeth M. Hewlett, Vice Chair
Dorothy Bailey
William Doerner
Manuel Geraldo

NOT PRESENT

Partap Verma

A. Shuanise Washington

Chair Anderson called meeting to order at 10:04 a.m. and called roll.

ITEM 1 APPROVAL OF COMMISSION AGENDA

Vice Chair Hewlett requested an amendment to the agenda to add item 5a which request authority for Central Administrative Services Department Heads to use FY20 salary lapse to assist with budget constraints.

ACTION: Motion of Vice Chair Hewlett to approve the amended agenda
Seconded by Commissioner Geraldo
8 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – May 20, 2020

ACTION: Motion of Vice Chair Hewlett to approve the minutes
Seconded by Commissioner Geraldo
8 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

- a) National Caribbean American Heritage Month
- b) Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month
- c) National Men’s Health Education Month
- d) “Juneteenth” – June 19. Vice Chair Hewlett noted the significance of Juneteenth, when the enslaved people in Galveston, Texas learned they were freed, two years after the Emancipation Proclamation. The Prince George’s County Parks and Recreation Department is having a Juneteenth virtual panel “I Can’t Breathe” on June 18 at 6 pm.

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

- a) Executive Committee – Open Session June 3, 2020
- b) Executive Committee – Closed Session June 3, 2020
- c) Employees’ Retirement System Board of Trustees Regular Meeting – May 5, 2020
- d) Employees’ Retirement System Board of Trustees Regular Meeting – May 19, 2020

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Resolution 20-09: Adoption of the FY21 Commission Operating and Capital Budgets, Budget Transfer Request (Kroll), and Salary Lapse Request (Zimmerman)

Secretary-Treasurer Zimmerman requested approval to allow bi-county (Central Administrative Services) Directors to transfer remaining FY20 salary lapse savings to help cover areas affected FY21 budget reductions. Chair Anderson agreed, saying there was need to provide as much flexibility as possible.

ACTION: Motion of Vice Chair Hewlett to approve use of Central Administrative Services Salary Lapse as necessary for FY21 Savings Plan Request.
Seconded by Commissioner Geraldo
8 approved the motion

Corporate Budget Director Kroll noted with the directive from the Montgomery County Executive’s savings plan, the budget will still require amendments to meet the savings plan goals. He also noted minor changes from the proposed fund balances to the adopted fund balances, citing a correction in the CIO/CWIT Fund budget that required a separate budget transfer to address the correction. He noted the attached resolution schedules match the action of the two councils.

ACTION: Motion of Vice Chair Hewlett to approve Resolution 20-09 and Budget Transfer
Seconded by Commissioner Geraldo
8 approved the motion

- b) Resolution 20-10: Approval of FY21 Employer Contribution for Retiree Group Health Insurance – OPEB/115 Trust (Zimmerman)

ACTION: Motion of Vice Chair Hewlett to approve Resolution 20-10
Seconded by Commissioner Geraldo
8 approved the motion

- c) Resolution 20-11: Extension of Standby Work Compensation Program for Critical Operations (Bennett/Coburn)

Corporate Policy and Management Operations Director Bennett presented background and recommendations for an extension of a pilot program that provides standby compensation to employees who are regularly required to remain on-call to cover evening and weekend needs for critical operations. Director Bennett explained the program is limited to certain IT positions and Trades supervisors, and compensation is only provided when an employee is assigned to cover the additional hours. The need for after-hours coverage has grown during the COVID-19 response due to high reliance on both groups. The Executive Committee supported a 1-year extension of the program. During the year, the agency will continue to

examine the program to consider giving authority to the Executive Committee to extend the program further.

ACTION: Motion of Vice Chair Hewlett to approve Resolution 20-11
Seconded by Commissioner Geraldo
8 approved the motion

- d) Resolution 20-12: Differential Pay and Social Distancing Leave for Term Contract Employees (Chiang-Smith)

In May, the Commission approved a Resolution to grant Differential Pay and Social Distancing Leave to Merit Employees. Executive Director Chiang-Smith presented Resolution 20-12, which extends the same benefit to the agency's 32 Term Contract employees.

ACTION: Motion of Commissioner Geraldo to approve Resolution 20-12
Seconded by Commissioner Bailey
8 approved the motion

- e) Resolution 20-13: In Solidarity with the Movement to Eliminate Racism and Injustice

General Counsel Gardner provided background on the Resolution, which communicates the agency's commitment to stand in solidarity with the peaceful principles and ideals of the current movement to end systemic racism, oppression, injustice and violence against African Americans. The Resolution was developed with input of Department Directors and Commissioners, to be part of the solution and support the communities we serve.

Chair Anderson stated his strong support, adding how gratified he was to see so many people at all levels of the agency providing input to draft a document that was eloquent and heartfelt. Vice Chair Hewlett added she has never been prouder of the agency, and this Resolution reflects its diverse jurisdictions and shows the organization can truly embrace diversity. She stressed the importance of speaking truth, speaking out against the abomination of discrimination, and emphasized many of the things the Black Lives Matter movement has helped articulate. She added the history detailed in the resolution is critical, and thanked the drafters, along with those who offered input and edits, saying this Resolution has reinforced her faith in this agency. Commissioners also shared their support.

ACTION: Motion of Vice Chair Hewlett to approve Resolution 20-13
Seconded by Commissioner Doerner
8 approved the motion

- f) Amendments to the Merit System Rules: Proposed amendments to the agency's employment policies to incorporate Maryland law on Organ Donation Leave (Bennett/Beckham)

Corporate Policy and Management Operations Director Bennett presented this item requesting the Commission's adoption of proposed amendments to the agency's personnel regulations. She explained that policy amendments incorporate the Maryland Organ Donation Leave mandates which permit employees to take an unpaid leave of absence to

make organ and bone marrow donations. Director Bennett explained the proposed amendments including coordination with the Family Leave Act, eligibility and job protection rights. She added that employees will have the ability to substitute the unpaid leave period with their own accrued paid leave. The proposed amendments are supported by the Merit System Board and the Executive Committee.

ACTION: Motion of Vice Chair Hewlett to approve amendments
Seconded by Commissioner Geraldo
8 approved the motion

- g) Request of use of Salary Savings: Corporate IT/Office of the Chief Information Officer

Item subsumed in approved action in item 5a.

ACTION: No action

- h) Acknowledge Elaine Stookey as Bi-County Open Trustee to the ERS Board of Directors for term ending June 30, 2023

ACTION: Motion of Vice Chair Hewlett to approve appointment
Seconded by Commissioner Patterson
8 approved the motion

- i) Personnel Management Review (PMR) for 2019 (Spencer/King)

Human Resources Director Spencer introduced Ms. Boni King, Classification and Compensation Manager who presented an overview of the report. Ms. King explained the report is produced annually and presents demographical data of the agency's work force, and other workforce data.

Ms. King said the PMR will be posted on the agency's internet and intranet and distributed to upper management. Additional hard copies will be available upon request.

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

- a) Employee Evaluations Not Completed by Due Date (June 2020) (For information only)


Secretary Treasurer Report

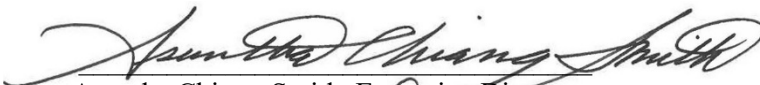
- b) 3rd Quarter MFD Purchasing Statistics (For Information only)

General Counsel Report

- c) Litigation Report (For information only)

There being no further business to discuss, the meeting ended at 10:33 a.m.


James F. Adams, Administrative Specialist II


Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES

July 1, 2020

On July 1, 2020, the Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Casey Anderson, Vice Chair Elizabeth M. Hewlett, and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

- Andree Checkley, Director, Prince George’s County Planning (PGPL)
- Steve Carter, Deputy Director, for Prince George’s County Parks and Recreation Director Bill Tyler (PGPR)
- Adrian Gardner, General Counsel
- John Nissel, Deputy Director, for Montgomery County Parks Director Mike Riley (MCPK)
- Gwen Wright, Director, Montgomery County Planning (MCPL)
- Joe Zimmerman, Secretary-Treasurer

Presenters/Staff

- Anju Bennett, Corporate Policy and Management Operations Director
- Mike Beckham, Policy Manager
- Mazen Chilet, Chief Information Officer
- Michael Doaks, Policy Analyst
- Jennifer McDonald, Human Resources Manager
- John Kroll, Corporate Budget Director
- William Spencer, Corporate Human Resource Director

Executive Director Chiang-Smith convened the meeting at 10:03 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	Executive Director Chiang-Smith Added item 4b Proposed Montgomery County and CAS Savings Plans for closed session.
ACTION	Motion of Vice Chair Hewlett, second by Chair Anderson. Amended agenda approved unanimously.

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for April 15, 2020

Discussion	Approved without modification
ACTION	Motion of Vice Chair Hewlett, second by Chair Anderson. Agenda approved unanimously.

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	Approved without modification
ACTION	Motion of Vice Chair Hewlett, second by Chair Anderson. Rolling agenda approved unanimously.

ITEM 2 – JANUARY 3, 2020 EXECUTIVE COMMITTEE MEETING MINUTES

Discussion	June 3, 2020 Open Session June 3, 2020 Closed Session
ACTION	Motion of Vice Chair Hewlett, second by Chair Anderson. Minutes approved unanimously.


ITEM 3 – DISCUSSION/PRESENTATION ITEMS	
Discussion	<p><u>Item 3a. Recommended Amendments to Budget Adjustments Policy – Practice 3-60 (Bennett/Beckham/Doaks)</u></p> <p>Corporate Policy and Management Operations Director Bennett and Policy Manager Beckham requested Executive Committee approval on amendments to Practice 3-60, the policy that governs Budget Amendments and Budget Transfers within the agency. CPMO Director Bennett explained that the current policy covers two types of adjustments – amendments and transfers -- some of which can be authorized by the agency, and others which require County Council approval.</p> <p>The proposed amendments were developed to address input from operating departments, and to raise the dollar limit of budget transfers that can be authorized by the Secretary-Treasurer. Mr. Beckham reviewed the existing policy parameters, and explained the proposed changes, based on Department Head recommendations, input of the Corporate Budget Director, and work sessions with departmental budget representatives.</p>
ACTION	Chair Anderson requested the Executive Committee revisit the proposed revisions to allow consideration of changes. All agreed.
DISCUSSION	<p><u>Item 3b. Recommendations for Benefits Changes for Calendar Year 2021 (Spencer/McDonald)</u></p> <p>Health and Benefits Manager McDonald reviewed the benefits currently available for employees and noted one recommended change for calendar year 2021. There were no changes recommended to health plans. The recommended change involved the employees’ Sick Leave Bank. She explained that she was recommending reducing the 14-day waiting period for use of the Sick Leave Bank to 7 days, and increasing the wage reimbursement benefit from 75% of salary to 80% of salary. With this change, new members would contribute 8 hours of Sick Leave to participate; contributions would be waived for returning/participating members. She noted the recommendations aligned closer to industry standards and that Department Heads supported.</p> <p>Ms. McDonald also reviewed requests for proposals (RFPs) that were completed in conjunction with other county agencies for certain benefit programs. Based on the responses to the RFPs, it was recommended that all current plan administrators continue with the exception of the legal resources plan administrators.</p> <p>She also described a pilot program which will allow pre-tax contributions to be set aside for commuter benefits. The pilot will be launched for employees moving to the new Wheaton Headquarters. If the plan is successful, it will be extended/expanded to other participants.</p>
ACTION	Motion of Vice Chair Hewlett to approve all recommendations for consideration by the Commission, second by Chair Anderson. Motion passed unanimously.

Discussion	<u>Item 3c. Investment Report May 2020 (information item only)</u>

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice, conduct collective bargaining discussions and consider matters that relate to negotiation.

Vice Chair Hewlett made a motion that the meeting move into Closed Session at 10:32 a.m. Chair Anderson seconded, motion approved unanimously. Open Session resumed at 11:20 a.m.

There being no further business to discuss, the meeting adjourned at 11:20 a.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director

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**BOARD OF TRUSTEES MEETING
MINUTES
Tuesday, June 2, 2020; 10:00 a.m.
via Microsoft Teams**

Due to COVID-19, the Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees ("Board") met virtually through Microsoft Teams with CHAIRMAN HEWLETT leading the call from the County Administration Building in Upper Marlboro, Maryland on Tuesday, June 2, 2020. The meeting was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present

- Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner
- Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
- Howard Brown, FOP Represented Trustee
- Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio
- Melissa D. Ford, Prince George's County Open Trustee
- Pamela F. Gogol, Montgomery County Public Member
- Caroline McCarthy, Montgomery County Open Trustee
- Amy Millar, MCGEO Represented Trustee
- Sheila Morgan-Johnson, Prince George's County Public Member
- Elaine A. Stookey, Bi-County Open Trustee
- Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

joined at 10:05 a.m.

ERS Staff Present

- Andrea L. Rose, Administrator
- Heather D. Van Wagner, Senior Administrative Specialist
- Sheila S. Joynes, ERS Accounting Manager

Presentations

- Wilshire Associates - Bradley A. Baker, Managing Director and Martell McDuffy, Senior Analyst
- Cherion - Janet H. Cranna, FSA, FCA, EA, MAAA, Principal Consulting Actuary and Patrick Nelson, FSA, CERA, MAAA, EA, Associate Actuary
- M-NCPPC Legal Department – William C. Dickerson, Principal Counsel

ITEM 1 APPROVAL OF THE JUNE 2, 2020 CONSENT AGENDA

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. CHIANG-SMITH to approve the Consent Agenda, including the Revised Agenda to add Item 3. The motion PASSED unanimously (10-0). (Motion #20-38)

ITEM 2 CHAIRMAN'S ITEMS
No items reported.

MS. MILLAR joined the meeting at 10:05 a.m.

ITEM 3 MISCELLANEOUS
Acknowledge Elaine A. Stookey as the Bi-County Open Trustee for the Term Ending June 30, 2023

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. GOGOL to acknowledge Elaine A. Stookey as the Bi-County Open Trustee for the term ending June 30, 2023. The motion PASSED unanimously (11-0). (Motion #20-39)

ITEM 4 **MANAGER PRESENTATIONS**

Cheiron

Presentations by Janet H. Cranna, FSA, FCA, EA, MAAA, Principal Consulting Actuary and Patrick Nelson, FSA, CERA, MAAA, EA, Associate Actuary

Janet Cranna and Patrick Nelson presented the Annual Economic Assumption Review which included the July 1, 2019 actuarial valuation results with projections to July 1, 2020 as a baseline.

Beginning in 2013, the Board has annually reviewed the investment return assumption prior to each actuarial valuation. The Board has gradually reduced the investment return assumption from 7.5% in 2013 to 6.85% effective July 1, 2019.

Mr. Nelson pointed out the investment return assumption is the single most powerful assumption discussed factors to consider in selecting the investment return assumption, such as industry trends, historical experience, expectations for the future, and the plan's tolerance for risk.

Following discussion of a reduction in the investment return assumption from 6.85% to 6.80%, including the probability of achieving a 6.85% return versus staying at 6.80% and reviewing Cheiron's projected outlook for each assumption, the Board agreed to reduce the investment return assumption to 6.80%.

ACTION: MR. ZIMMERMAN made a motion, seconded by MS. MORGAN-JOHNSON to reduce the investment return assumption from 6.85% to 6.80% effective with the July 1, 2020 actuarial valuation. The motion PASSED unanimously (11-0). (Motion #20-40)

Wilshire Associates

Presentations by Bradley A. Baker, Managing Director and Martell McDuffy, Senior Analyst

Bradley Baker presented Wilshire's Actuarial Interest Rate Assumption Report which can be used to support the investment return assumption decision. Based on Wilshire's 1Q2020 asset class assumptions, the 10- and 30-year expected returns are 7.49% and 8.28%, respectively, with expected risk of 10.65%.

The Board was provided with a Quarterly Investment Summary for the quarter ending March 31, 2020 and Mr. Baker reported on the fund's performance. The ERS' total fund return was -10.11% (net of fees) for the quarter, outperforming the target policy index return of -12.96%. For the FYTD, three, five, and ten-years ended March 31, 2020 the ERS fund return was -5.30%, 4.19%, 4.59%, and 6.70%, respectively, compared to the target policy return of -8.07%, 2.73%, 3.46%, and 5.84%, respectively. The total market value through March 31, 2020 was \$888.3 million.

The ERS employed Northern Trust to assist with the transition to combine Chicago Equity Partner's small cap value mandate and Northern Trust's small cap growth mandate into one passive index fund, the Northern Trust Collective Russell 2000 Index Fund. Mr. Baker said the transition was successful and reported on the Post Trade Summary provided by Northern Trust.

While timing for participation in TALF did not work out for the Board, Mr. Baker provided a high-level Opportunistic Fixed Income review to detail the many opportunities across several segments of the market, including specialized direct lending, opportunistic and distressed debt/special situations. Given the pandemic and continued write-downs, Mr. Baker believes it would be prudent for the Board to review

the opportunities, at a minimum. Ms. Rose recommended asking the Investment Monitoring Group to review and provide a recommendation at its next meeting in June.

ITEM 5

REPORT OF THE ADMINISTRATOR

Andrea Rose presented the Administrator's Report dated May 26, 2020

General Article 2.8 of the Plan Document provides for any member or beneficiary to appeal a decision of the Administrator on any matter regarding his/her rights under the ERS by filing an appeal, in writing, to the Board of Trustees. Given the Board and Staff work program challenges since the COVID-19 pandemic, Ms. Rose requested the Board delegate the two employee appeals to the Administration & Personnel Oversight Committee for review and recommendation to the Board.

ACTION: MS. MCCARTHY made a motion, seconded by VICE CHAIRMAN CICHY to approve the recommendation for delegation of two employee appeals to the Administration & Personnel Oversight Committee for review and recommendation. The motion PASSED unanimously (11-0). (Motion #20-41)

In accordance with the ERS' Recognition Program Policy, Administrative Leave may not be carried over from one year to the next and must be used within the fiscal period during which it was granted. The end of the fiscal year is fast approaching and due to COVID-19 employees have been unable to use Administrative Leave that was awarded in January 2020. Ms. Rose requested the Board approve a one-time extension of the deadline to December 31, 2020

ACTION: MR. ZIMMERMAN made a motion, seconded by MS. MCCARTHY to approve the recommendation for a one-time extension of the deadline (from June 30, 2020 to December 31, 2020) for the use of Administrative Leave awarded in accordance with the Recognition Program Policy. The motion PASSED unanimously (11-0). (Motion #20-42)

At its May 20, 2020 meeting, the Commission recognized Merit System employees for diligently carrying out their duties, some of which require onsite presence without the ability for telework, and approved COVID-19 differential pay provisions. As the ERS generally follows the Commission with respects to compensation decisions, the Administrator recommended the same for ERS employees who have been required to be onsite to perform critical tasks that could not be performed via telework.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. MILLAR to approve the recommendation for approval of the following differential pay provisions for ERS employees as follows:

For the period of May 17, 2020, through June 30, 2020, or until the earlier lifting of the Maryland State of Emergency, a COVID-19 differential will be paid to ERS employees, excluding the Administrator.

- \$2.75 per hour will be paid for each hour of required onsite work which is back-facing. Back-facing is onsite work that does not involve regular physical interaction with the public.
- The COVID differential is only applied to hours which MUST be worked on-site and does not apply to any period during which an employee is on leave, or for any work hours that can be performed by telework. The differential is not paid for onsite presence that is elected, but not required.
- The Board authorizes the Administrator to extend the period of COVID-19 differential compensation to comply with any modifications in relevant Federal/State or local directives or public health practices or mandates.
- The ERS recognizes the efforts of its employees and leadership, including the need for many to carry out additional responsibilities to assist the ERS in its response to COVID-19. Effective June 2,

2020, ERS employees, including the Administrator, shall be credited forty hours of social distancing leave which may be used until December 31, 2020. Part-time employees will receive a prorated amount.

The motion PASSED unanimously (11-0). (Motion #20-43)

ITEM 6 COMMITTEE REPORTS/RECOMMENDATIONS

Investment Monitoring Group (IMG) – Report of May 19, 2020 Meeting

Following a Request for Proposal in 2016, Wilshire was selected to continue as the Board of Trustees' investment consultant. The Investment Consulting Services Agreement ("Agreement") was effective July 1, 2017 for a period of three years with possible extension for two additional one-year periods. The IMG reviewed an annual review report prepared by Staff which detailed the Scope of Services outlined in the Agreement and the actual services provided by Wilshire for the period July 1, 2019 – June 30, 2020. Wilshire has fully met the Scope of Services outlined in the Agreement. The IMG agreed to recommend the approval of the two one-year periods for a two-year extension until June 30, 2022, if permitted following review by legal counsel

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. MCCARTHY to approve the recommendation for extension of the Investment Consulting Services Agreement with Wilshire Associates for two additional years through June 30, 2022. The motion PASSED unanimously (11-0). (Motion #20-44)

The Board meeting of June 2, 2020 adjourned at 12:18 p.m.

Respectfully,

Heather D. Van Wagner

Heather D. Van Wagner
Senior Administrative Specialist

Andrea L. Rose

Andrea L. Rose
Administrator

MEMORANDUM



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

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BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
 Vice Chairman Gerald R. Cichy


Andrea L. Rose
Administrator

Asuntha Chiang-Smith
 Melissa D. Ford
 Caroline McCarthy
 Sheila Morgan-Johnson
 Joseph C. Zimmerman, CPA

Howard Brown
 Pamela F. Gogol
 Amy Millar
 Elaine Stookey

To: The Commission

Date: July 8, 2020

Via: Elizabeth M. Hewlett 
 Chairman, Board of Trustees

From: Andrea L. Rose 
 ERS Administrator

Subject: **Recommendation for Appointment of HarbourVest as a new Investment Manager for the Employees' Retirement System**

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System (ERS), I recommend the Commission approve HarbourVest as a new investment manager for the ERS.

BACKGROUND AND EVALUATION

At its June 2, 2020 meeting, the Board agreed it would be prudent for the Investment Monitoring Group (IMG) to review and provide a recommendation regarding the opportunistic fixed income investment opportunities, resulting from the COVID-19 pandemic.

At its June 16, 2020 meeting, the Investment Consultant Wilshire Associates' Bradley Baker, presented an Opportunistic Fixed Income Overview and Strategy Analysis. The Analysis included the origin of the opportunity, phases of the cycle, and a private credit strategy overview. The private credit investment strategies included in the analysis were institutional quality managers with verifiable track records, dedicated risk management systems and tools, competitive terms and the ability to invest opportunistically across different underlying segments of private credit. The IMG discussed the commitment timing, performance, target fund size, target net return (13%-16%), ownership structure, geographic focus, fund structure and fees of each manager. In order to meet the commitment timing of each manager and conduct due diligence, the IMG concurred with Wilshire's recommendation to have three of the managers, HarbourVest, Highvista, and Wilshire Private Markets Group, present to the Board for consideration at its July 7, 2020 meeting.

At its July 7, 2020 meeting, the Board awarded a \$52.5 million private credit mandate to HarbourVest which will provide exposure to maintain the 7.5% strategic allocation to Opportunistic Fixed Income. The mandate is subject to successful negotiation of the contract terms.

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

July 1, 2020

TO: The Maryland-National Capital Park and Planning Commission

VIA: Asuntha Chiang-Smith, Executive Director

William Spencer, Human Resources Director

FROM: Jennifer McDonald, Benefits Manager

SUBJECT: Recommendations for Benefit Changes for Calendar Year 2021

Background

The Maryland-National Capital Park and Planning Commission offers a comprehensive suite of benefit plans to employees and retirees. Offerings include three medical plans, a stand-alone prescription plan, two dental plans, a vision plan with 3 levels of coverage, flexible spending accounts (FSA), life insurance, disability plans and legal services plan. We also provide support to active employees through our employee assistance program (EAP) and wellness programs.

Recommendations for Benefit Plan Changes for Plan Year 2021

Sick Leave Bank

The Employees' Sick Leave Bank, established in 1989, provides a paid leave benefit to cover a portion of a Bank member's lost time from work due to serious illness or injury. Bank benefits are available to eligible Merit System employees, who have enrolled in the program, when they have exhausted all accrued leave balances. A claim must be submitted to a third-party administrator, supported by medical documentation from a licensed medical practitioner certifying that the employee is unable to work. Bank members may also request Bank hours to care for an eligible seriously ill immediate family member. Enrollment averages about 850 employees each year.

Currently, the Bank will cover 75% of an employee's regularly scheduled hours, up to an annual maximum of 456 hours for a full-time employee and 228 for a part-time employee. There are two waiting periods that a Bank member must satisfy:

- Newly enrolled employees and previously enrolled employees who end participation in the Bank program and later re-enroll, must wait six (6) months after their membership begins before they can apply for Bank use.
- Employees who apply for Bank use, after the initial waiting period, and have been approved by the Third-Party Administrator must satisfy a 14-days waiting period before receiving Bank hours.

The balance of hours has increased to a healthy level because annual hours contributed far exceed hours used. In some previous years (2015, 2017 and 2019), the required annual contribution of hours for Bank membership have been waived because of the robust balance. The chart below shows the contributions and use of the Bank over the five-year period of 2015 through 2019.

Year	2015	2016	2017	2018	2019
Beginning balance	16,263	15,005	20,943	18,315	21,135
Total Hours Contributed	56	6,788	312	6,532	796
Total Hours donated (by terminating/retiring employees)	400	174	291	175	315
Total Hours Used	1,744	1,024	3,232	4,887	2,843
Number of Claims	18	16	24	22	17
Average Hours Used	97	64	135	222	167
Ending balance as of 12/31	15,005	20,943	18,315	20,135	18,403

The Health & Benefits office recommends:

- Reducing the 14-days waiting period to 7 days, which is more common (second to having no waiting period) according to our disability carrier, MetLife
- Increasing benefits from 75% to 80% of salary, and
- Waiving contributions for 2021 to current members
 - New members shall contribute the required 8 or 4 hours for membership

The Executive Committee supports these recommendations.

Requests for Proposals

Earlier this year, 2020, in collaboration with Montgomery County Public Schools (MCPS) and Washington Suburban Sanitary Commission (WSSC), the agency conducted RFPs for the prescription plan, the FSA plans, COBRA and Direct Pay administrator, EAP and the legal services plan. Aon Consulting coordinated the effort. The agency's purchasing division provided input as well.

Prescription Plan

- Proposals were received from four bidders, including the incumbent, CVS Health/Caremark
- Best and final offers were requested from CVS Health/Caremark and OptumRX, who ranked as the top two bidders
- CVS Health/Caremark offered a three-year projected savings of 25.4%, \$10,105,000

The Health & Benefits office recommends the retention of the incumbent, CVS Health/Caremark, as the agency's pharmacy benefits manager, effective 1/1/2021.

The Executive Committee supports this recommendation.

Flexible Spending, COBRA and Direct Billing

- Proposals were received from eight bidders, including the incumbent, Benefit Strategies
- A best and final offer was requested from Benefit Strategies who offered the best overall proposal
- A rate guarantee for five years was offered for a total projected savings of \$12,290

The Health & Benefits office recommends that the agency retains Benefit Strategies as the agency's administrator of the flexible spending accounts, COBRA and Direct Billing.

The Executive Committee supports this recommendation.

Employee Assistance Program

- Proposals were received from six bidders
- ComPsych, the incumbent offered the best overall proposal
- Rates are guaranteed for next five years

The Health & Benefits office recommends that the agency retains ComPsych as the agency's EAP provider.

The Executive Committee supports this recommendation.

Legal Services Plan

- Proposals were received from six bidders, of which two are incumbents
- Finalist interviews were conducted with the top three bidders
- Legal Resources, one of the incumbents offered the best overall package

The Health & Benefits office recommends that the agency retains Legal Resources as the only legal services plan offered. The contract with the other incumbent, U.S. Legal Services will terminate 12/31/2020.

The Executive Committee supports this recommendation.

Tax-Free Commuter Benefits

A pilot program is being conducted with Montgomery County Planning and Montgomery Parks offering employees relocating to the Wheaton Headquarters the opportunity to pay for transit and parking expenses on a tax-free basis, comparable to flexible spending accounts. There is an administrative fee of \$2.00 per participant per month. After three to six months, if the pilot is successful, a survey will be conducted to determine the level of interest to expand the program Commission-wide midyear in 2021 or January 1, 2022.

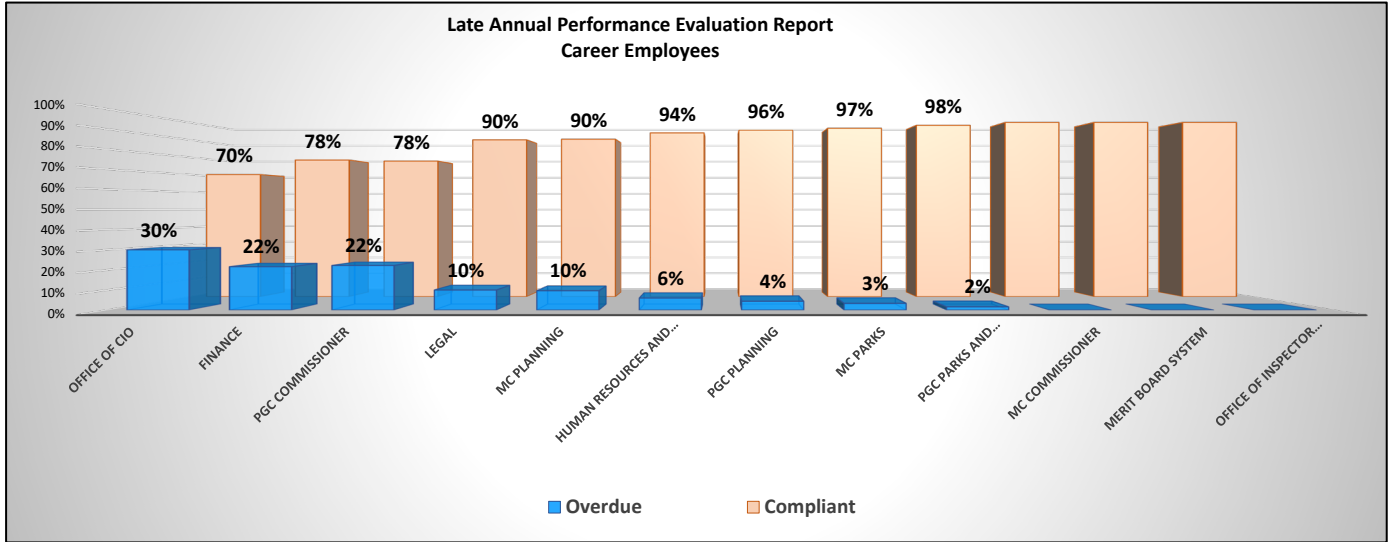
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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF JUNE 2020**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	May-20	Jun-20	May-20	Jun-20	May-20	Jun-20	May-20	Jun-20
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	1	1	0	1	0	0	1	2
OFFICE OF CIO	3	3	1	3	0	0	4	6
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	3	3	0	0	0	0	3	3
LEGAL DEPARTMENT	0	2	1	0	2	0	3	2
FINANCE DEPARTMENT	4	4	3	1	0	3	7	8
PRINCE GEORGE'S PLANNING	5	4	2	0	1	3	9	7
PRINCE GEORGE'S PARKS & RECREATION	16	15	0	1	1	1	17	17
MONTGOMERY COUNTY PARKS	20	16	6	3	0	5	26	24
MONTGOMERY COUNTY PLANNING	11	12	0	1	0	0	11	13
DEPARTMENT TOTAL BY DAYS LATE	63	60	13	10	4	12		
COMMISSION-WIDE TOTAL							81	82

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.

Item 6a



*Data As Of June 30, 2020

Employee Count	Evaluation Status		Total Employees
	Overdue	Compliant	
Department	Overdue	Compliant	Total Employees
Finance	8	29	37
Human Resources and Mgt	3	47	50
Legal	2	18	20
MC Commissioner		5	5
MC Parks	24	692	716
MC Planning	13	122	135
Merit Board System		1	1
Office of CIO	6	14	20
Office of Inspector General		4	4
PGC Commissioner	2	7	9
PGC Parks and Recreation	17	1,025	1,042
PGC Planning	7	152	159
Total Employees	82	2,116	2,198



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

Reply To

July 1, 2020

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 June 2020 – FY 2020

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, July 15, 2020. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

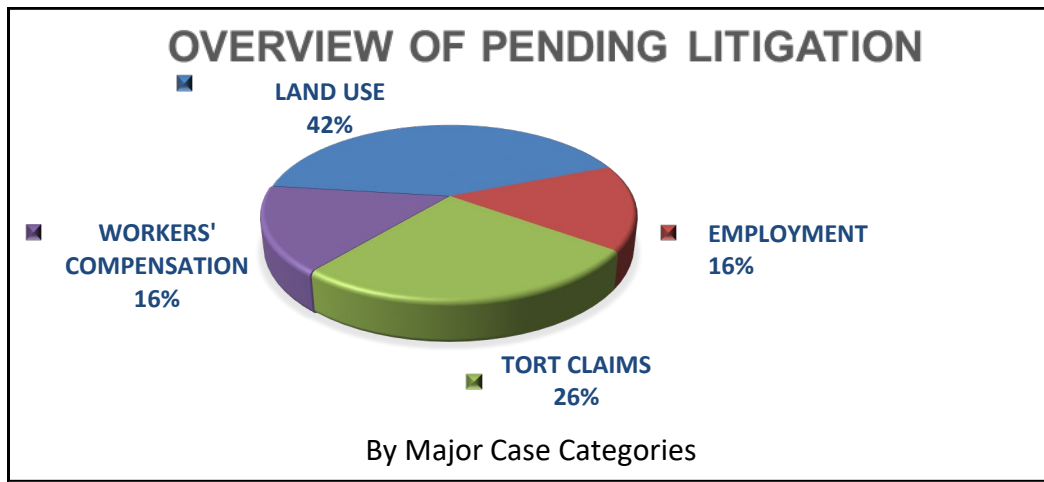
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June 2020 Composition of Pending Litigation

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	5	3					8
ADMIN APPEAL: OTHER							
LAND USE DISPUTE							
TORT CLAIM	5						5
EMPLOYMENT DISPUTE	2			1			3
CONTRACT DISPUTE							
PROPERTY DISPUTE							
CIVIL ENFORCEMENT							
WORKERS' COMPENSATION	3						3
DEBT COLLECTION							
BANKRUPTCY							
MISCELLANEOUS							
PER FORUM TOTALS	15	3		1			19



June 2020 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2020			
	Pending In May 2020	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	7	1		6	10	8	8
Admin Appeal: Other (AAO)							
Land Use Disputes (LD)							
Tort Claims (T)	4	1		1	5	1	5
Employment Disputes (ED)	4		1		4	1	3
Contract Disputes (CD)							
Property Disputes (PD)							
Civil Enforcement (CE)							
Workers' Compensation (WC)	3			5	3	7	3
Debt Collection (D)							
Bankruptcy (B)							
Miscellaneous (M)				2		2	
Totals	18	2	1	14	11	12	19

**INDEX OF YTD NEW CASES
(7/1/2019 TO 6/30/20)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Milbourne v. Commission	PG	WC	July 19
Commission v. Batson	PG	WC	July 19
Commission v. Sommer	PG	WC	Aug 19
McCourt v. Commission	PG	ED	Aug 19
Neighbors for an Improved Kensington, et al. v. Montgomery County Planning Board	MC	AALU	Aug 19
King v. Commission	PG	WC	Sept 19
Estreicher v. Montgomery County Planning Board	MC	AALU	Sept 19
Evans v. Commission	MC	ED	Sept 19
Pumphrey v. Wilson	PG	Tort	Sept 19
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Nov 19
Kosary v. Montgomery County Planning Board	MC	AALU	Dec 19
Brown v. City of Bowie	PG	Tort	Nov 19
Alexander v. Proctor	PG	Tort	Nov 19
Coe v. Commission	PG	ED	Dec 19
Jackson v. Commission	PG	Tort	Jan 20
Thompkins v. Commission	MC	ED	Jan 20
Jan A.J. Bove, et al. v. Montgomery County Planning Board	MC	AALU	Mar 20
Stewart v. Prince George's County Planning Board	PG	AALU	Apr 20
6525 Belcrest Road LLC v. Dewey, L.C., et al.	PG	AALU	Apr 20
In the Matter of Maryland-National Capital Park and Planning Commission	AA	WC	May 20
Montague v. Newton White Mansion	PG	Tort	June 20
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	June 20
B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Pletsch, et al v. Commission	MC	AALU	Sept 19
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Dec 19

**INDEX OF YTD RESOLVED CASES
(7/1/2019 TO 6/30/20)**

<u>A. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Ferrante	PG	WC	July 19
Commission v. Ferrante	PG	WC	July 19
Bradley Boulevard Citizens Association Inc. v. Montgomery County Planning Board	MC	AALU	July 19
Critical Area Commission v. MNCPPC	PG	AALU	Aug 19
Commission v. Sommer	PG	WC	Oct 19
Milbourne v. Commission	PG	WC	Nov 19
Neighbors for an Improved Kensington, v. Montgomery County Planning Board	MC	AALU	Feb 20
Thompkins v. Commission	MC	ED	May 20
<u>B. Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
The Town of Forest Heights v. Commission	PG	Misc.	June 19
Pletsch, et al. v. Commission	PG	AALU	July 19
Ross v. Commission	PG	WC	Oct 19
Bradley Blvd. Citizens Assn., Inc v. Montgomery County Planning Board	MC	AALU	Dec 19
Pletsch, et al. v. Commission	PG	AALU	Dec 19
Green v. Commission	PG	AALU	Dec 19

Disposition of FY20 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Thompkins v. Commission	Judicial Review of Merit Board Decision related to reclassification under the Administrative Series.	05/08/20 - Petition dismissed by Court.
Montgomery County Department of Planning		
Bradley Boulevard Citizens Association, Inc. v. Montgomery County Planning Board	Appeal of Planning Board approval of WMAL Site Plan 820170170.	07/17/19 – Joint Motion to Dismiss granted.
Bradley Boulevard Citizens Association, Inc. v. Montgomery County Planning Board	Appeal from Circuit Court affirming the Planning Board's approval of WMAL Preliminary Plan 120160290.	12/06/19 – Judgment of Circuit Court Affirmed
Montgomery County Department of Parks		
Montgomery County Park Police		
Montgomery County Planning Board		
Neighbors for an Improved Kensington, et al. v. Montgomery County Planning Board	Judicial Review of Montgomery County Planning Board's approval of Knowles Manor Site Plan 820190080.	02/19/20 – Court granted Petitioner's Motion to Withdraw Petition with prejudice to renewal and closed the matter.
Prince George's County Department of Parks and Recreation		
Commission v. Sommer	Claimant and Commission filed Joint Petitions for Judicial Review appealing the several denials of a proposed settlement agreement by the WCC.	10/30/19 – Court remanded back to WCC in line with settlement agreement between the parties. Commission to pay a lump sum payment.

Ferrante v. Commission (two separate cases)	Appeal from WCC Order requiring Commission to pay indemnity benefits corresponding to medical treatment.	07/25/19- Court affirmed the decision of the orders dated April 11, 2018 and October 19, 2018 issued by the Workers' Compensation Commission
Green v. Commission	Appeal from Circuit Court's Dismissal of Petition for Judicial Review. Underlying decision required Appellant to use Corvel's mail-in services for her prescription needs, effective 12/1/18. Commission filed a Motion to Dismiss arguing that the Claimant/Plaintiff was not aggrieved by the decision of the WCC because there was no change to her medications, only the delivery apparatus and thus she had no standing to appeal.	12/10/19 - Appeal voluntarily dismissed.
Milbourne v. Commission	Claimant alleged Commission owed him for amounts withheld from annual leave upon leaving employment	11/13/19 Settlement for overpayment of wage with Plaintiff paying Commission and case dismissed.
Ross v. Commission	Defense of appeal from order granting a credit for overpayment of temporary total disability from June 26, 2013 to March 23, 2016.	10/22/19 – Appeal dismissed by Ross.
Prince George's County Planning Department		
Critical Area Commission v. MNCPPC	Petition for Judicial Review regarding the Prince George's County Planning Board's approval of the Indian Queen Overlook Conservation Plan CP-16002.	08/19/19 - matter voluntarily dismissed.
Pletsch, et al. v. Commission	Two separate appeals filed. Citizens filed an appeal of order affirming the underlying decision and resolution. The developer filed an appeal of the denial of the motion to dismiss for lack of standing. The Commission did not join in the appeal of the denial of the motion to dismiss.	07/22/19 – Court vacated the judgment of the Circuit Court and remanded with direction to dismiss the Petition for Judicial Review.
Pletsch, et al. v. Commission	Petition for Writ of Certiorari filed regarding Court of Special Appeals remand to Circuit Court to Dismiss Petition for Judicial Review for lack of standing.	12/23/19 – Certiorari denied.
Prince George's County Planning Board		

Prince George's Park Police		
Office of Internal Audit		

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

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No Pending Cases

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

In the Matter of Maryland-National Capital Park and Planning Commission

Case No. C-02-CV-20-001143 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Judicial Review of WCC decision regarding mail order prescription medication.

Status: Appeal filed.

Docket:

05/01/2020	Petition for Judicial Review filed
05/27/2020	Response of Defendant filed
6/26/2020	Commission's Memorandum in Support of on the record Petition for Judicial Review
06/08/2020	Scheduling Order and Order for Mediation
06/29/2020	Order Vacating 6/8/2020 Order. Matter to proceed in normal course.

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Estreicher v. Montgomery County Planning Board

Case No. 472672-V (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of Sketch Plan 320190100 8015 Old Georgetown Road.

Status: Awaiting Decision.

Docket:

09/24/2019	Petition for Judicial Review filed
10/08/2019	Commission's Response filed
05/22/2020	Oral argument postponed due to pandemic
06/24/2020	Oral argument held. Court takes matter under advisement

Jan A.J. Bove, et al. v. Montgomery County Planning Board

Case No. 480775-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of 7025 Longwood Drive subdivision no. 620190100.

Status: Petition filed.

Docket:

03/09/2020	Petition for Judicial Review filed
03/18/2020	Commission's Response filed

Kosary v. Montgomery County Planning Board

Case No. 476283-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of Primrose School Preliminary Forest Conservation Plan CU-18-08.

Status: Case stayed.

Docket:

12/06/2019	Petition for Judicial Review filed
12/11/2019	Planning Board's Motion to Dismiss filed
12/12/2019	Response to Petition for Judicial Review filed
12/19/2019	Petitioner's Supplemental Petition for Judicial Review filed
12/23/2019	Petitioner's Response to Motion to Dismiss filed.
01/21/2020	Motion to Dismiss denied as moot.
01/22/2020	Plaintiff's Motion for Stay and Request for Hearing.
02/06/2020	Primrose School Opposition to Motion to Stay.
02/28/2020	Motion for Stay Granted
03/03/2020	Case stayed pending conclusion of OCH hearing
03/26/2020	Plaintiff's interim report on status of administrative proceedings

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

6525 Belcrest Road, LLC v. Dewey, L.C., et al.

Case No. CAE 20-11589 (AALU)

Lead Counsel: Dickerson
Other Counsel: Harvin

Abstract: Declaratory Action filed over a dispute involving a parking parcel. Plaintiff contends that Defendants have misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff seeks to enjoin the Planning Board from approving a Detailed Site Plan.

Status: Complaint filed.

Docket:

04/14/2020	Complaint filed
06/05/2020	Commission served

Alexander v. Proctor

Case No. CAL19-37187 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Alexander filed complaint against Park Police officer arising from arrest on Commission property.

Status: Complaint filed.

Docket:

11/20/2019	Complaint filed
12/06/2019	Proctor served
12/09/2019	Commission served
01/03/2020	Commission's Motion to Dismiss filed
01/23/2020	Motion to Dismiss denied. Plaintiff to file Amended Complaint on or before 02/07/2020.
02/08/2020	Amended Complaint filed
02/21/2020	Motion to Strike Amended Complaint or in the alternative to Dismiss
03/09/2020	Opposition to Motion to Strike
03/27/2020	Court orders matter to be set in for hearing on Motion
05/06/2020	Motion to Quash and for Protective Order
05/06/2020	Plaintiff's Opposition to Motion to Quash and for Protective Order

05/22/2020	Order of Court – Motion to Quash and for Protective Order held in abeyance
06/19/2020	Motions Hearing postponed due to COVID-19

Brown v. City of Bowie
Case No. CAL19-35931 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injuries resulting from an event at Trap and Skeet location owned by the Commission.

Status: Discovery pending.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie’s Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie’s Motion to Dismiss
02/26/2020	Defendant Daughtery’s answer filed
03/13/2020	Commission served
04/08/2020	Commission’s Answer filed
05/15/2020	Motions Hearing on City’s Motion to Dismiss – continued due to pandemic

Coe v. Commission
Case No. CAL19-39808 (ED)

Lead Counsel: Adams
Other Counsel:

Abstract: Coe filed for Judicial Review of decision to terminate employment following LEOBR police disciplinary hearing.

Status: Petition for Judicial Review filed.

Docket:

12/13/2019	Petition for Judicial Review filed
01/03/2020	Commission’s Response to Petition for Judicial Review
06/12/2020	Oral argument continued at Judge’s request
08/7/2020	Oral argument scheduled

Commission v. Batson
Case No. CAL19-24204 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: The Commission filed for Judicial Review on the record of WCC order regarding surgical authorization for leg causally related to accidental injury.

Status: In discovery.

Docket:

07/26/2019	Petition for Judicial Review filed
08/19/2019	Batson's Notice of Intent to Participate, Jury Demand
08/22/2019	Commission's Motion to Strike Request for De Novo Review and Request for Jury Demand
09/03/2019	Opposition to Motion to Strike filed
09/06/2019	Memo in Support of on the record Judicial Review filed
10/02/2019	Order of Court- Commission's Motion to Strike Request for De Novo Review and Request for Jury Trial denied. Case to proceed De Novo before a jury.
11/21/2019	Motion to Bifurcate filed by Commission in an attempt to litigate the dispositive legal issue preliminarily before any de novo trial.
12/16/2019	Motion to Bifurcate denied.
10/07/2020	Trial

Jackson v. Prince George's County Sports & Learning Complex
Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injury to a minor from use of equipment at the Sports & Learning Complex.

Status: Complaint filed.

Docket:

07/15/2019	Complaint filed
01/22/2020	Commission accepted service
01/27/2020	Complaint to be amended to reflect Commission as party.
02/04/2020	Amended Complaint filed
03/18/2020	Commission served
04/08/2020	Commission's answer filed.

King v. Commission
Case No. CAL 19-30096 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission denying authorization for neck surgery.

Status: In discovery.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed response to Petition.
06/30/2020	Trial continued due to COVID-19

McCourt v. Commission
Case No. CAL 19-27903 (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Appeal filed.

Status: Awaiting oral argument.

Docket:

08/23/2019	Petition for Judicial Review filed
09/04/2019	Commission notified of filing of Petition
09/24/2019	Response to Petition for Judicial Review
06/12/2020	Oral argument postponed due to COVID-19.

Montague v. Newton White Mansion
Case No. CAL 20-05753 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Slip and fall on ice at Newton White Mansion.

Status: Commission has yet to be served.

Docket:

02/13/2020	Complaint filed
06/19/2020	Amended Complaint filed.

Pumphrey v. Wilson
Case No. CAL 19-30161 (Tort)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Automobile accident with vehicle driven by deceased former Commission employee.

Status: Commission has yet to be served.

Docket:

09/16/2019	Complaint filed
------------	-----------------

Stewart v. P.G. Planning Board
Case No. CAL 20-11215 (AALU)

Lead Counsel: Goldsmith
Other Counsel:

Abstract: Judicial Review of Prince George's County Planning Board's approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No.4-19023

Status: Petition for Judicial Review filed.

Docket:

04/01/2020	Petition for Judicial Review filed
04/13/2020	Amended Petition for Judicial Review filed.
06/26/2020	Second Amended Petition filed.

MARYLAND COURT OF SPECIAL APPEALS

Benton v. Woodmore Overlook Commercial, LLC
September Term 2019, No. 2118 (AALU)
(Originally filed under CAL19-14488 in Prince George's County)

Lead Counsel: Borden
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board.

Status: Appeal filed.

Docket:

12/19/2019	Appeal filed
02/11/2020	Show Cause issued by Court regarding non-lawyer representing corporate entities
02/25/2020	Response to Show Cause filed

03/04/2020	Order of Court. Show Cause satisfied, appeal to proceed.
05/07/2020	Motion for Emergency Ex Parte Temporary Restraining Order Pending Appeal and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued
05/13/2020	Commission's Response to Motion filed.
05/18/2020	Appellant's Motion for Leave & Notice of Intent to Respond to Commission's Opposition to Temporary Restraining Order Pending Appeal
05/26/2020	Appellant's Motion for Leave of the Maryland Rules Regard the Page Limit, Word Count, Content or Form of Appellant's Motion for Temporary, Preliminary and Permanent Injunction.
06/03/2020	Woodmore Overlook's Motion to Join in Commission's Opposition and Response to Appellant's Motion for Temporary Restraining Order and Preliminary Injunction.
06/04/2020	Order of the Court. Appellant's Motion's denied.
06/05/2020	Entry of Appearance of Peter Z. Goldsmith
06/23/2020	Appellant Brief and Record Extract filed

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-0309-2020 (AALU)

(Originally filed under CAL19-29156 and CAL19-40088 in Prince George's County)

Lead Counsel: Borden
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board.

Status: Appeal filed.

Docket:

04/10/2020	Appeal filed
06/15/2020	Order to proceed

Gaspard v. Montgomery County Planning Board

September Term 2019 Case No. 0579 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial review of decision affirming Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833

Status: Awaiting decision.

Docket:

05/23/2019	Appeal filed
06/03/2020	Oral Argument

MARYLAND COURT OF APPEALS

No Cases Pending

U.S. DISTRICT COURT OF MARYLAND

Evans v. Commission, et al.

8:19-cv-02651 TDC (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.

Status: Complaint filed.

Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/19/2019	Case Management Conference held
11/20/2019	Order directing Plaintiff's Counsel to file Status Report by November 26, 2019
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.
12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
12/30/2019	Case Management conference held
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants
03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
03/25/2020	Order of Court directing Defendants to file Opposition no later than April 3, 2020.
04/03/2020	Opposition to Leave to file Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.

05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.