



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

March 18, 2020

10:00 a.m. – 12:00 p.m.

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, March 18, 2020**

**Montgomery Regional Office Auditorium
8787 Georgia Avenue
Silver Spring, Maryland 20910**

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 – February 19, 2020	(+*)	Page 3
	b) Closed Session – February 19, 2020	(++*)	
	c) Special Meeting of the Commission -- Open Session – February 27, 2020	(+*)	Page 7
3.	General Announcements (10:05 a.m.)		
	a) Financial Disclosure Filing Deadline Reminder		
	b) Women’s History Month – March 2020 – Diversity Council Event, Wednesday, March 25, from 9:30-11:30 at Laurel-Beltsville Senior Activity Center in Laurel.		
	c) National Colorectal Cancer Awareness Month		
	d) National Nutrition Month		
	e) Upcoming – Stress Awareness Month and Alcohol Awareness Month		
4.	Committee Minutes/Board Reports (For Information Only) (10:20 a.m.)		
	a) Executive Committee Meeting – Open Session – March 4, 2020	(+)	Page 11
	b) Executive Committee Meeting – Closed Session – March 4, 2020	(++)	
	c) Employees’ Retirement System Board of Trustees Regular Meeting – February 4, 2020	(+)	Page 13
5.	Action and Presentation Items (10:20 a.m.)		
	a) Acknowledge Caroline McCarthy as the Montgomery County Open Trustee of the Employees’ Retirement System Board of Trustees for the Term Ending June 30, 2021	(+*)	Page 15
	b) Employment Project (Spencer/Glover)	(+)	Page 17
	c) Commission for Accreditation of Parks and Recreation Agencies (CAPRA) Update and Timeline (Michel)	(H)	
6.	Officers’ Reports (11:40 a.m.)		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, February 2020	(+)	Page 21
	<u>Secretary Treasurer</u>		
	b) Quarterly Investment Report, December 2020 (For Information Only)	(+)	Page 23
	<u>General Counsel</u>		
	c) Litigation Report (For Information Only)	(+)	Page 29
<i>Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) and (9), a closed session is proposed to consult with counsel to obtain legal advice and for collective bargaining discussions and consider matters that relate to negotiation.</i>			
7.	Closed Session (11:50 a.m.)		
	a) Collective Bargaining Update – MCGEO and FOP Wage Reopeners (Chiang-Smith/Bennett/Spencer)	(++)	
	b) Cyber Security (Chilet)	(++)	
	c) Coronavirus (COVID-19) Response	(++)	
(+)		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
February 19, 2020

The Maryland-National Capital Park and Planning Commission met at the Prince George's Parks and Recreation Administration Building Auditorium in Riverdale, Maryland.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair (arrived 10:30 a.m.)
Natali Fani-Gonzalez
Tina Patterson

Prince George's County Commissioners

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

NOT PRESENT

Gerald Cichy
Partap Verma

Vice-Chair Hewlett convened the meeting at 10:09 a.m. to discuss non-voting items, skipping to Item 3, Item 4, and Items 5b and 5c.

ITEM 1

APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Vice-Chair Hewlett to approve the Commission agenda
Seconded by Commissioner Geraldo
The motion was approved unanimously by all 8 Commissioners in attendance
(Chair Anderson present for vote)

ITEM 2

APPROVAL OF COMMISSION MINUTES (vote taken after arrival of Chair Anderson)

Open Session – January 15, 2020
Closed Session – January 15, 2020
ACTION: Motion of Vice-Chair Hewlett to approve the minutes
Seconded by Commissioner Bailey
The motion was approved unanimously by all 8 Commissioners in attendance
(Chair Anderson present for vote)

ITEM 3

GENERAL ANNOUNCEMENTS

- a) Black History Month events as stated in the packet
- b) American/National Heart month
- c) February 14th National Organ Donor Day
- d) Upcoming Women's History Month, March 2020. Planned activities, including the One-Commission event hosted by the Diversity Council.
- e) Teen Dating Violence Awareness month. Vice-chair Hewlett stressed parents to be aware that teen dating violence is far more prevalent than many know and that 1 in 4 teens have been involved with violence or threats in dating situations. She asked everyone to be aware, remain cognizant of the signs, and encourage young people to get help.

- ITEM 4 COMMITTEE MINUTES/BOARD REPORTS (For Information Only)
a) Executive Committee – Open Session February 5, 2020
b) Employees’ Retirement System Board of Trustees Regular Meeting – January 7, 2020

ITEM 5 ACTION AND PRESENTATION ITEMS (taken out of order)

- a) Recommendation for appointment of PGIM as a new Investment Manager for the Employees’ Retirement System (Rose)

No discussion.

ACTION: Motion of Vice-Chair Hewlett

Seconded by Commissioner Bailey

The motion was unanimously approved by all 8 Commissioners in attendance
(Chair Anderson present for vote)

- b) Briefing on Preliminary FY21 Spending Affordability Guidelines for Montgomery County (Kroll)

Corporate Budget Director Kroll briefed the Commission on the Montgomery County Council’s action of February 11, wherein it approved the Spending Affordability Guidelines for Fiscal Year 2021 (FY21). Guidelines reflect a 7.5% reduction in the proposed budget or \$11.3M, which includes the Montgomery County-funded departments and its portion of the bi-county functions. This is a substantially greater reduction from FY20’s SAG reduction of \$6.5M. This figure may change with the release of the County Executive’s budget on March 15.

Vice-Chair Hewlett noted if the reductions affect the bi-county offices, it will impact the whole agency and will impact the services the agency provides to Prince George’s supported operations as well. Corporate Budget Director Kroll agreed, noting this is a substantially higher level of cuts which go beyond any additional requested funding, and will affect our current level of service.

Commissioner Doerner asked if the agency is currently under or over-budget in any areas, and to identify places that can be cut or re-examined. Corporate Budget Director Kroll said any unspent funds in the Montgomery County Departments’ fund balances will likely be used to backstop their budgets. The County Executive will set a flat dollar amount for the budgets, and the M-NCPPC will be expected to meet it. Some of those fund savings may be used to pre-pay certain programs for the next fiscal year, but compensation and benefit increases cannot be pre-paid.

- c) Quarterly CIO Report (Chilet)

Chief Information Officer Chilet presented his quarterly report which was included in the Commission meeting packet.

Commissioner Washington asked about the status of receiving paystubs electronically, as opposed to paper. Secretary-Treasurer Zimmerman explained that the Document Self-Service module is up and running. Employees and Commissioners may sign up with their personal email.

Commissioner Washington asked if the online Digital Personnel Actions included the Performance Management forms as well. CIO Chilet said while it is a priority, it is a massive project. In order to ease the backlog of late evaluations, IT will set up the system to send out

reminder alerts to supervisors responsible for providing evaluations. In the meantime, the evaluations will continue to be paper based. CIO Chilet will return with a timeline to describe how soon the online option can be launched. Commissioner Washington thanked the Executive Director for making it a priority, noting an employee's electronic records can more easily travel from assignment to assignment, through promotions or transfers to provide a continuity for different supervisors.

Commissioner Doerner raised concerns the agency is 10-15 years behind technologically. He requested an update in the March meeting with a technology and electronic security update, including lessons learned and plans for the immediate future. He stressed the importance of identifying internal security issues and training employees in the skills to identify spam, phishing attacks and other security issues. CIO Chilet replied that the agency has enabled an email feature that allows people to report spam to take action accordingly and indicated cyber-security is a scheduled topic of discussion in his March report to the Commission.

Executive Director Chiang-Smith said she has been working with the CIO on next month's closed-session item on cyber security addressing many of these issues, including ensuring staff completes their cyber-security training. She added they will bring the security training issue to the next Department Heads' meeting.

Commissioner Patterson said the March closed session discussion needs to address security gaps, insider threats, outsider threats, and how to neutralize them. She asked to examine internal threats in particular to strengthen the agency's security posture.

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

- a) Employee Evaluations Not Completed by Due Date (January 2020) (For information only)
Vice Chair Hewlett stressed that there remain too many late employee evaluations and stressed the need for departments and supervisors to take the responsibility to complete them in a timely fashion. Commissioner Washington asked if Human Resources could expand the current report beyond the raw number of late evaluations, to include the percent of a department's late evaluations for a more comprehensive picture. Executive Director Chiang-Smith replied Human Resources and IT staff were working on automating reminders and trend analysis. She will bring an update to Department Heads and Executive Committee. Commissioner Washington asked staff consider moving to an annual calendar review for all employees.

Secretary Treasurer Report

- b) MFD 1st Quarter Purchasing Statistics (For information only)

General Counsel Report

- c) Litigation Report (For information only)
General Counsel Gardner distributed a report on pending State legislation and M-NCPPC recommended amendments. He covered House Bills (HB), specifically HB1249 and HB1424 which have significant delegate support and impact the I95/I495 project. The General Counsel requested the Commissioners support of the bills with amendments that will address some of the issues the agency has had with the State Highway Administration such as creating an environment where the M-NCPPC can be part of the discussion of Public-Private Partnerships, and addressing the question of minimizing the need for parkland.

The General Counsel explained hearings are scheduled in Annapolis the second week of March. Staff would like to report to the Planning Boards before then with the recommended

amendments to the bills. Commissioner Patterson suggested having a telephone meeting with the full Commission to discuss this. General Counsel Gardner agreed and indicated his staff would issue an invitation for a telephone conference call.


Commissioner Doerner asked if there could be more analysis around HB 1220. General Counsel Gardner replied he was not looking for Commissioners to take a position on any of the other bills. Commissioner Doerner said if a position is taken, he would like more context, as with HB 1406.

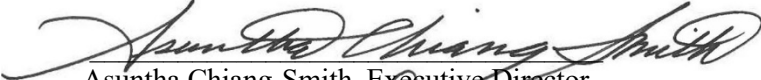
ACTION: Motion of Commissioner Washington to support HB 1249 and HB 1424 with amendments to be presented to the Commission prior to the hearing.
Seconded by Commissioner Geraldo
The motion was unanimously approved by all 8 Commissioners in attendance
(Chair Anderson present for vote)

Chair Anderson asked for a motion to enter closed session at 10:50 a.m. Vice-Chair Hewlett moved, Commissioner Bailey seconded. The motion was approved unanimously.

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 and conduct collective bargaining discussions.

Open session resumed at 11:38 a.m. There being no further business to discuss, the meeting ended at 11:38 a.m.


James F. Adams, Administrative Specialist II


Asuntha Chiang-Smith, Executive Director



Special Commission Meeting
Open Session Minutes
February 27, 2020

The Maryland-National Capital Park and Planning Commission met via teleconference from the Prince George's County Administration Building (CAB) Auditorium in Upper Marlboro, Maryland and the Montgomery Regional Office (MRO) Auditorium in Silver Spring, Maryland.

PRESENT

Montgomery County Commissioners

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

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair
Dorothy Bailey
William Doerner

NOT PRESENT

A. Shuanise Washington
Manuel Geraldo

Chair Anderson convened the meeting at 9:35 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Hewlett to approve the amended Commission agenda
Seconded by Bailey
8 approved the motion

ITEM 2 ACTION AND PRESENTATION ITEMS

- a) Follow-up Discussion on Proposed Amendments to HB 1249: I-495 and I-270 P3 Agreement Requirements (MDOT Promises Act of 2020); and HB 1424: P3 Process and Oversight (Rubin/Borden)

At the Commission's request following its "support with amendments to two bills that are pending in the Maryland State legislature that will impact the I-495 and I-270 Managed Lanes Study, Special Project Manager Carol Rubin and Deputy General Counsel Debra Borden discussed the specific amendments staff were recommending. Ms. Rubin noted the Montgomery County Council has agreed to support HB 1249 as written. The proposed amendments fell into three categories: i) directly within the M-NCPPC's purview; ii) outside the agency's purview but would improve both bills for the residents of Prince George's and Montgomery counties. The third category, technical non-substantive amendments, was not presented for discussion. If approved, M-NCPPC would work with the bills' sponsors to add the amendments.

After reviewing recommended amendments (included with the packet), Ms. Rubin and Ms. Borden took questions and comments from Commissioners.

Commissioner Doerner asked how the cultural value of land would be determined when the State Highway Administration (SHA) decides it needs a certain amount of park land and whether a qualitative disagreement go to litigation. Ms. Borden said the amendments will reinforce existing legislation that says the M-NCPPC cannot give up land unless it is replaced by a resource of equal or greater natural, cultural or recreational value. Commissioner Doerner asked that any land be replaced, and mitigation occur within the same watershed.

Commissioner Doerner asked if the SHA might simply take watershed land from the M-NCPPC and asked if they had the legal authority to do so. Deputy General Counsel Borden indicated the State must follow the process, statutes and regulations for the transfer of public land. Chair Anderson suggested a closed session might be scheduled later to discuss the legal position of the State acquiring public land. Commissioner Doerner agreed.

Commissioner Doerner asked about the amendments on data sharing, and whether the clause should be eliminated. He cautioned if the clause were struck, the SHA may simply not cooperate in sharing its data.

Deputy General Counsel Borden answered there was a concern that the clause did not include a comprehensive list and that the agency must follow the Maryland Public Information Act (MPIA) process. Ms. Rubin suggested a clarification that the two agencies would enter a non-disclosure agreement (NDA) to allow the release of confidential information would close a possible loophole. Commissioner Doerner supported the suggestion of an NDA but suggested leaving the specified provisions in the bill and adding the NDA process. Vice-Chair Hewlett suggested stating that any listed items were not all-inclusive. Ms. Rubin said they will keep that suggestion as a language alternative with the sponsor.

Commissioner Cichy spoke in support of having the SHA engage with Virginia to identify provisions for alternative transit along both the American Legion Bridge and the Woodrow Wilson Bridge, suggested examining the Federal Highway 3C Plan, and identifying the study area as a “region”. He explained that the United States Department of Transportation / Federal Highway program dictates a comprehensive regional plan that may have provisions for State and local jurisdictions. He noted adding rail to the two bridges would engender a measure of community support, as it makes the project more acceptable to the public. He approved of the plan to include pedestrian bridges and walkways in the bridge plans, linking the trail systems in the bridge plans.

Commissioner Cichy also suggested exploring an agreement which would provide additional compensation to property owners in the event that some property was critically needed to be acquired for the project.

Commissioner Fani-Gonzalez asked why there was no mention of CSX, MARC or other heavy rail. Ms. Rubin replied there is other legislation pending that requires the Maryland Department of Transportation (MDOT) talk to CSX about extending its service beyond Union Station into VA, noting one of the staff comments was to require MDOT to engage in those discussions and add negotiations for expanded service in Montgomery County. Commissioner Fani-Gonzalez noted if the project is serious about reducing traffic flow in the

study area, serious rail investment is required, and asked that the M-NCPPC explore including it in this legislation. Ms. Rubin indicated she would share the Commissioner's comments with the General Counsel to consider combining the legislation.

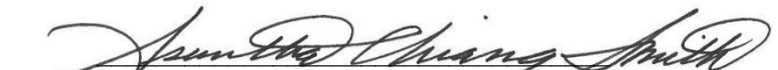
ACTION: Vice-Chair Hewlett moved to support the amendments.
Commissioner Fani-Gonzalez seconded.
The motion was supported unanimously

There being no further business to discuss, Chair Anderson adjourned the meeting.

The meeting ended at 10:10 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES
March 4, 2020

On March 4, 2020, the Maryland-National Capital Park and Planning Commission's Executive Committee met in the Executive Director's conference room, 4th Floor, at 6611 Kenilworth Avenue, Riverdale, Maryland 20737. 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)
 Bill Tyler, Director, Prince George's County Parks and Recreation (PGPR)
 Adrian Gardner, General Counsel
 John Nissel, Deputy Director, Montgomery County Parks (for 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
 Debra Borden, Deputy General Counsel
 Robert Kronenberg, Deputy Director, Montgomery County Planning
 William Spencer, Corporate Human Resource Director
 Debbie Tyner, Assistant to the Director, Prince George's County Parks and Recreation

Chair Anderson convened the meeting at 10:06 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	No modifications.
ACTION	Motion of Hewlett, second by Anderson. Agenda approved unanimously.

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for March 18, 2020

Discussion	No modifications.
ACTION	Motion of Anderson, second by Hewlett. Commission agenda approved unanimously.

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	Items to modify the Rolling Agenda: <ul style="list-style-type: none"> • Add Annual Legislative Update for May
ACTION	Motion of Anderson, second by Hewlett. Amended Rolling agenda approved unanimously.

ITEM 2 – JANUARY 3, 2020 EXECUTIVE COMMITTEE MEETING MINUTES

Discussion	February 5, 2020 Open Session.
ACTION	Minutes approved.

ITEM 3 – DISCUSSION/PRESENTATION ITEMS

Discussion	<u>Item 3a. Financial Disclosure Deadline Reminder (Chiang-Smith)</u>
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	Executive Director Chiang-Smith reminded Directors that the deadline to file is in April, noting many individuals have not yet filed. Department Heads requested a report of staff who have and have not yet filed, by department.
ACTION	Technical Writer James Adams will transmit requested information.
Discussion	<p><u>Item 3b. Women’s Centennial Summit in Annapolis Sponsorship Opportunities (Borden)</u></p> <p>Deputy Director Borden noted the 100-year anniversary of the passing of the 19th amendment and asked if the executive committee to consider sponsoring the Women’s Centennial Summit, hosted by the Maryland commission for Women and the Foundation for the Maryland Commission for Women, Inc. on Wednesday, August 26. She also suggested considering partnering with the Montgomery or Prince George’s County Bar Association for the event.</p> <p>Vice-Chair Hewlett noted she and Commissioner Dorothy Bailey were working on planning a 19th Amendment event in conjunction with the State of Maryland the first or second Monday of June. She suggested they might coordinate with legal staff to sponsor the August event and attract sponsors to the June event.</p>
ACTION	
Discussion	<p><u>Item 3c. Investment Report December 2019 (information item only)</u></p> <p>No discussion.</p>

Executive Director Chiang-Smith requested a motion to move the meeting into Closed Session at 10:11 a.m. Vice Chair Hewlett moved, Chair Anderson seconded. Motion passed unanimously.

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.

Open session resumed at 11:18 a.m.

There being no further business to discuss, the meeting adjourned at 11:18 a.m.



 James F. Adams, Senior Technical Writer



 Asuntha Chiang-Smith, Executive Director



EMPLOYEES' RETIREMENT SYSTEM

The Maryland-National Capital Park and Planning Commission

REGULAR BOARD OF TRUSTEES MEETING MINUTES

Tuesday, February 4, 2020; 10:00 a.m.
ERS/Merit Board Conference Room

The Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees ("Board") met in the ERS/Merit Board Conference Room at its office in Riverdale, Maryland on Tuesday, February 4, 2020 and was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present In-Person

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner

Howard Brown, FOP Represented Trustee

Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio

arrived at 10:06 a.m.

Melissa D. Ford, Prince George's County Open Trustee

Pamela F. Gogol, Montgomery County Public Member

Amy Millar, MCGEO Represented Trustee

arrived at 10:10 a.m.

Sheila Morgan-Johnson, Prince George's County Public Member

Elaine A. Stookey, Bi-County Open Trustee

Board Members Present Via Conference Call

Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner

Board Members Not Present

Vacant, Montgomery County Open Trustee

Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

ERS Staff Present

Andrea L. Rose, Administrator

Heather D. Van Wagner, Senior Administrative Specialist

Sheila S. Joynes, ERS Accounting Manager

Presentations

M-NCPPC Legal Department – William C. Dickerson, Principal Counsel

Others Present

M-NCPPC 115 Trust Board Members - Commissioner Natali Fani-Gonzalez,

William Spencer, Tanya Hankton, and Milly Chung

M-NCPPC Legal Department - Rita Grindle, Legal Assistant

ITEM 1 APPROVAL OF THE FEBRUARY 4, 2020 CONSENT AGENDA

A. Approval of the February 4, 2020 Board of Trustees Meeting Agenda

B. Minutes of Open Session, January 7, 2020

C. Minutes of Closed Session, January 7, 2020 (Trustees Only)

CONFIDENTIAL

D. Disbursements Granted Report – December 2019

ACTION: MS. GOGOL made a motion, seconded by MS. FORD to approve the Consent Agenda. The motion PASSED unanimously (7-0). (Motion #20-08)

ITEM 2 CHAIRMAN'S ITEMS

A. Board of Trustees Conference Summary

CHAIRMAN HEWLETT said training is imperative to fiduciaries and asked Andrea Rose to highlight the Conference Summary.

ITEM 3 MISCELLANEOUS

No miscellaneous reported.

The Report of Administrator was moved after training.

MS. CHIANG-SMITH arrived at 10:06 a.m.

ITEM 4 TRUSTEE ETHICS & FIDUCIARY EDUCATION

William D. Dickerson, Principal Counsel from the M-NCPPC Legal Department presented the annual Trustee Ethics & Fiduciary Education.

MS. MILLAR arrived at 10:10 a.m.

ITEM 5 REPORT OF ADMINISTRATOR

Andrea Rose presented the Administrator's Report dated January 24, 2020. Ms. Rose and Wilshire's Brad Baker have been discussing trustee training ideas for 2020 which include Opportunistic Fixed Income, Environmental Social Governance (ESG) Criteria, and Private Markets. Wilshire's Capital Research Group will be consulted for other topical ideas.

Given the retiree/survivor population growth to more than 1,600, the ERS is beginning to encounter more delays in notification of a death. Staff are exploring third-party Death Audit Services options. MS. MORGAN-JOHNSON said the ERS should consider doing an annual Living Certification.

Staff met with Levi, Ray & Shoup, LLC for a kick-off meeting on the Plan Administration software project. The new software is scheduled to go-live in the Fall of 2020.

The Setting Every Community up for Retirement Enhancement Act of 2019, referred to as the SECURE Act, was recently passed into law. Staff have been reviewing the impact of the provisions on the ERS and attending weekly webinars on the SECURE Act. One of the provisions raises the age for required minimum distributions from 70½ to 72. This provision will only affect people who turn 70½ starting in 2020. The IRS has given a deadline of June 30, 2025 (the end of the 2024 plan year) to amend Plan Documents. The IRS has the authority to potentially extend this deadline further.

Ms. Rose noted the terms of three trustee seats expire June 30, 2020. Announcements and elections will be made according to the Board's policies. Staff are currently in the process of filling the Montgomery County Open Trustee seat for the remainder of the term ending June 30, 2021.

Staff are working to fill the accounting position approved in the FY2020 Operating Budget and to address succession planning issues.

ITEM 6 ADMINISTRATIVE FUNCTIONS

The Board will recess to perform administrative functions not subject to the Open Meetings Act, pursuant to Section 3-104 of the General Provisions Article of the Annotated Code of Maryland

The Board meeting of February 4, 2020 adjourned at 12:01 p.m.

Respectfully,



Heather D. Van Wagner
Senior Administrative Specialist



Andrea L. Rose
Administrator

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>

TO: The Commission **DATE:** March 3, 2020

VIA: Elizabeth M. Hewlett
 Chairman, ERS Board of Trustees *[Signature]*

FROM: Andrea L. Rose *[Signature]*
 Administrator

SUBJECT: ACKNOWLEDGE CAROLINE MCCARTHY AS THE MONTGOMERY COUNTY OPEN TRUSTEE TO THE BOARD OF TRUSTEES FOR THE TERM ENDING JUNE 30, 2021

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission acknowledge Caroline McCarthy as the Montgomery County Open Trustee to the ERS Board of Trustees for the term ending June 30, 2021.

BACKGROUND

A Call for Nominations for the Montgomery County Open Trustee seat on the Board of Trustees was posted on the ERS' website and the Commission's Intranet site and a blast email was sent to all Montgomery County Commission employees on January 10, 2020. Employees interested in the Montgomery County Open Trustee seat for the remainder of the term ending June 30, 2021 were invited to submit an application by Friday, January 31, 2020.

Caroline McCarthy submitted an application and no other applications were received. Ms. McCarthy is determined to have won by acclamation. At its March 3, 2020 meeting, the ERS Board of Trustees acknowledged Caroline McCarthy as the new Montgomery County Open Trustee for the remainder of the term ending June 30, 2021.

Ms. McCarthy joined the Commission in 2016 as the Division Chief for the Research and Special Projects at Montgomery County Planning. Her team's work helps the Department make grounded planning decisions through analysis of demographic, economic, real estate, housing and other data. Prior to coming to the Commission, she spent 15 years as a consultant providing economic analysis, strategic planning and program management, real estate advisory, and public policy advocacy services to clients at all levels of government, non-profits, real estate developers, and Fortune 500 companies. Ms. McCarthy holds a BA in economics from Wesleyan University and a Master's degree in city and regional planning from Rutgers, The State University of New Jersey.

Thank you for your action.

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

March 18, 2020

TO: The Commission

VIA: Asuntha M. Chiang-Smith, Executive Director *ACS*
William Spencer, Director, Human Resources *WS*

FROM: Jeannette R. Glover, MSM, Program Manager *JRG*

SUBJECT: Enrichment Program for People with Disabilities

Leveling the playing field for people with disabilities is not a favor, it's a needed service to expand their participation in the workforce. People with disabilities are making increases in the workforce, but they are still the largest unemployed population locally and nationally.¹

We have requested the departments identify summer positions to allocate to the Enrichment Program for People with Disabilities (formerly the Employment Program for People with Disabilities). Attached is the 2020 Enrichment Program Position/Location Form - Attachment A. Please have your staff forward specific details on job assignments and requirements to Jeannette Glover, Program Manager, Jeannette.Glover@mncppc.org/301-454-1737 by March 27, 2020.

Background:

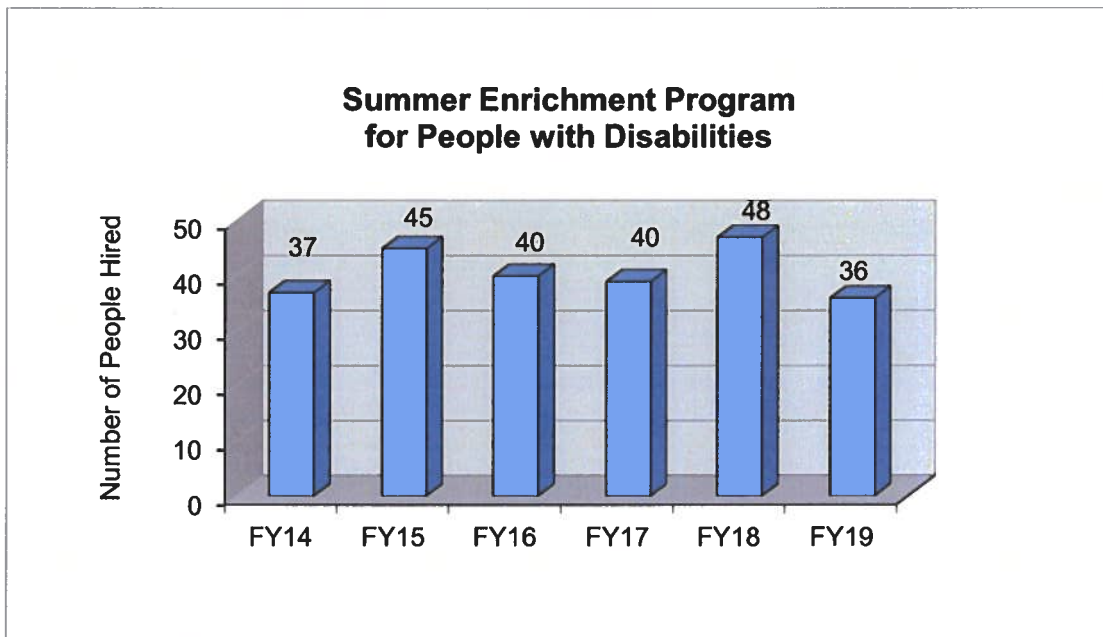
This year marks the 22nd year M-NCPPC will make a difference in the lives of our residents with disabilities. The Enrichment Program for People with Disabilities (formerly the Employment Program for People with Disabilities) is an important resource for our advocacy agencies, educational institutions, high school students, and parents who are eager to find paid work opportunities for their children. Participants appreciate the program because (1) it is inclusive; (2) provides real work experience, not piecemeal work; and (3) wages earned are the same as workers without disabilities who are doing the same or similar work. Last summer 36 people were hired through the Program.

For many of the young people hired, this is their first experience in the “real world” employment cycle. They are interviewed and if selected, complete the employment paperwork, get fingerprinted, and receive mandatory in-service training.

¹ U.S. Census Bureau, American Fact Finder, American Community Survey 1-Year Estimates, 2018.

As Camp/Playground Counselors participants learn what it means to be responsible and be held accountable. This is the first time many have had work responsibilities and routines with so many required duties, activities, and interactions. Learning to manage a group of children ranging from 6-12 years old involves getting the campers attention and respect by effectively communicating and interacting to keep order, as well as keeping them engaged in the activities. The counselor-camper ratio is a required standard, so Counselors know they are essential to their program functioning safely and successfully. As a result, Counselors are learning the fundamentals of leadership and teamwork.

Hires:



Select Hiring Benefits:

- On October 24, 2019, at the 5th Annual - Seeking Empowerment, Employment and Community (SEEC) Employer Networking and Recognition Breakfast, James Poore, Montgomery County Parks Division Chief at Green Farm, was awarded the 2019 Ambassador Award. "SEEC is a progressive nonprofit agency providing a wide range of community support to help people with developmental disabilities direct their lives toward meaningful days and happy lives."
- Over the years, the Program has also received the Pyramid Award from Montgomery County Government; Employer of the Year from Prince George's County Department of Family Services, Mental Health and Disabilities Administration and the Commission for Individuals with Disabilities; and Employer of the Year from the Prince George's Provider Council.

- Some participants suffer from post-traumatic stress disorder (PTSD) from their experiences in combat and need an outlet to help them adjust to a “new normal.” One such person in the program became highly adept as a tour guide and served several years at the College Park Aviation Museum. Another person went from a seasonal IT to a career IT employee at M-NCPPC.
- A few years ago, a young man who had completed the Office Skills Training Program at The Arc of Prince George’s County was hired to provide clerical support as a seasonal employee in Prince George’s Parks and Recreation. He was later hired by the Federal Communications Commission (FCC) in a career position. He said getting career work has invigorated him and he has gained confidence he didn’t have before.
- With differently abled staff, our campers are learning to be inclusive and to embrace diversity.
- Counselors with satisfactory work evaluations are automatically invited back to work the next summer.
- Several outstanding summer workers were hired to work special events during the fall and winter seasons.

cc: Steve Kawakami, Supervisor, Recruitment and Selection Services

Attachment A - Position/Location Form

M-NCPC

2020 Summer Enrichment Program for People with Disabilities

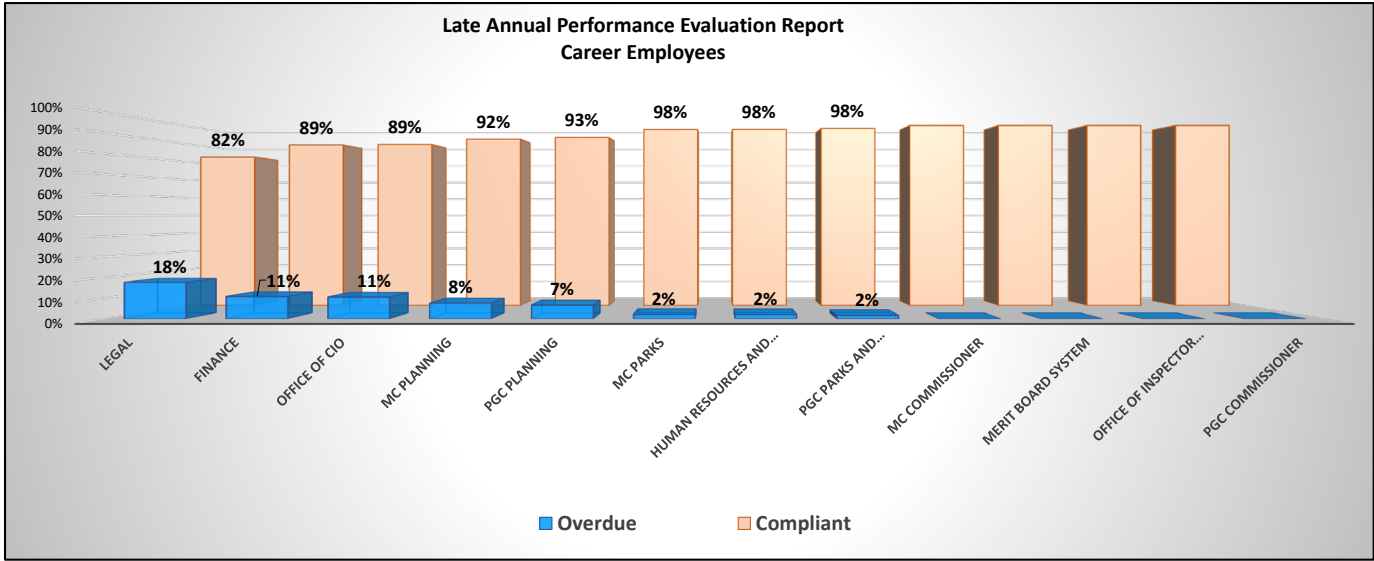
Departmental Contact & Phone Number:	
Title of position:	
Number of positions:	
Minimum age requirement:	
Direct Supervisor & Phone Number:	
Location of position:	
Is work site near public transportation:	
Duties to include:	
Equipment to be used:	
Minimum qualifications/skills:	
Days of the week to be worked:	
Hours to be worked:	
Duration of assignment (start and end date):	
Salary:	

Forward completed forms to Jeannette Glover, DHRM, by March 27, 2020; fax 301-454-1718.

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

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Jan-20	Feb-20	Jan-20	Feb-20	Jan-20	Feb-20	Jan-20	Feb-20
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	3	1	0	0	0	1	3	2
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.	0	1	0	0	0	0	0	1
LEGAL DEPARTMENT	1	1	1	2	2	0	4	3
FINANCE DEPARTMENT	5	3	2	0	0	1	7	4
PRINCE GEORGE'S PLANNING	4	7	3	2	3	1	10	10
PRINCE GEORGE'S PARKS & RECREATION	5	12	1	4	2	1	8	17
MONTGOMERY COUNTY PARKS	8	13	1	2	1	0	10	15
MONTGOMERY COUNTY PLANNING	5	8	1	0	0	2	6	10
DEPARTMENT TOTAL BY DAYS LATE	31	46	9	10	8	6		
COMMISSION-WIDE TOTAL							48	62

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data As Of February 29, 2020

Employee Count Department	Evaluation Status		Total Employees
	Overdue	Compliant	
Legal	3	14	17
Finance	4	33	37
Office of CIO	2	17	19
MC Planning	10	122	132
PGC Planning	10	141	151
MC Parks	15	684	699
Human Resources and Mgt	1	47	48
PGC Parks and Recreation	17	1,009	1,026
MC Commissioner		5	5
Merit Board System		1	1
Office of Inspector General		4	4
PGC Commissioner		9	9
Total Employees	62	2,086	2,148

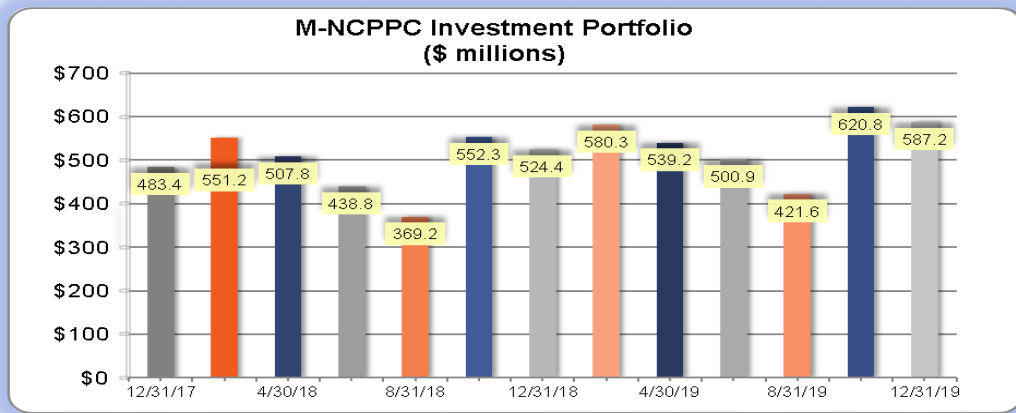


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1592 / Fax (301) 454-1637

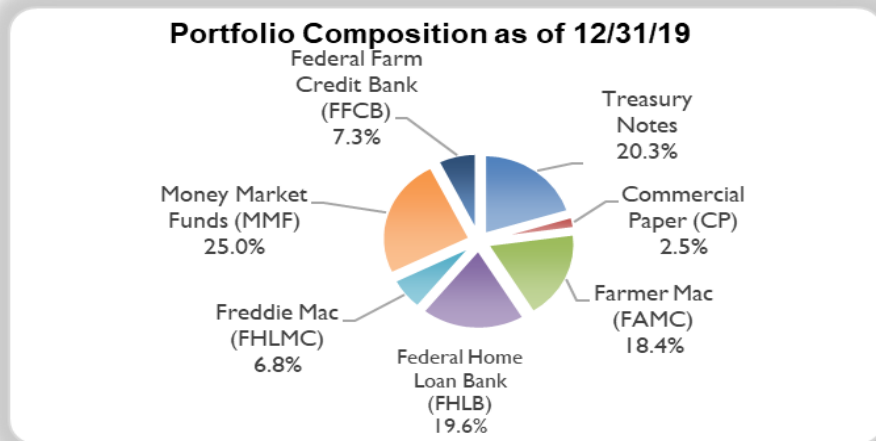
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Investment & Treasury Operations Manager *T.H.*
DATE: 2/21/2020
SUBJECT: Investment Report – **December 2019**

The Commission’s pooled cash investment portfolio totaled \$587.2 million as of December 31, 2019, with a 4.4% decrease from November 30, 2019. Details are as follows:



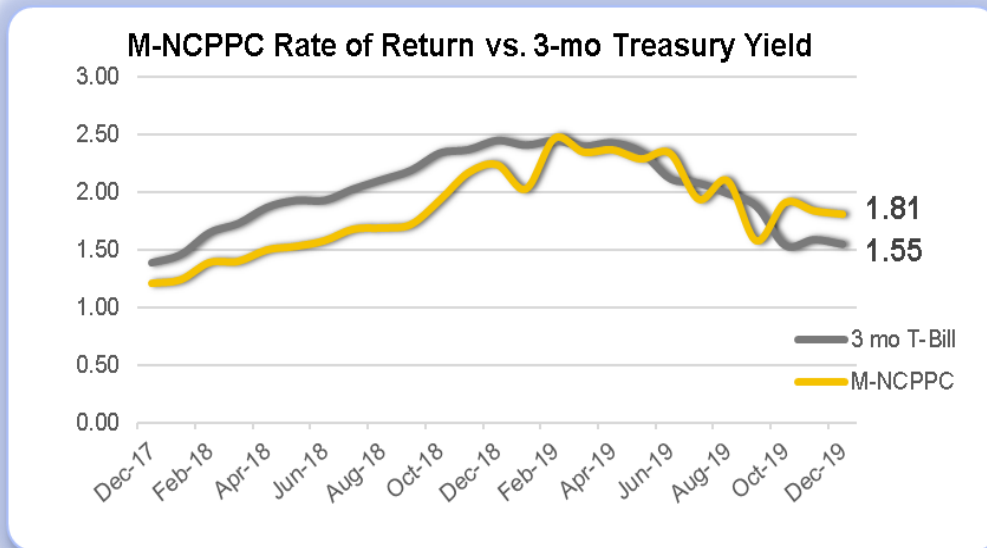
The composition of the pooled cash portfolio as of December 31, 2019 is summarized below:



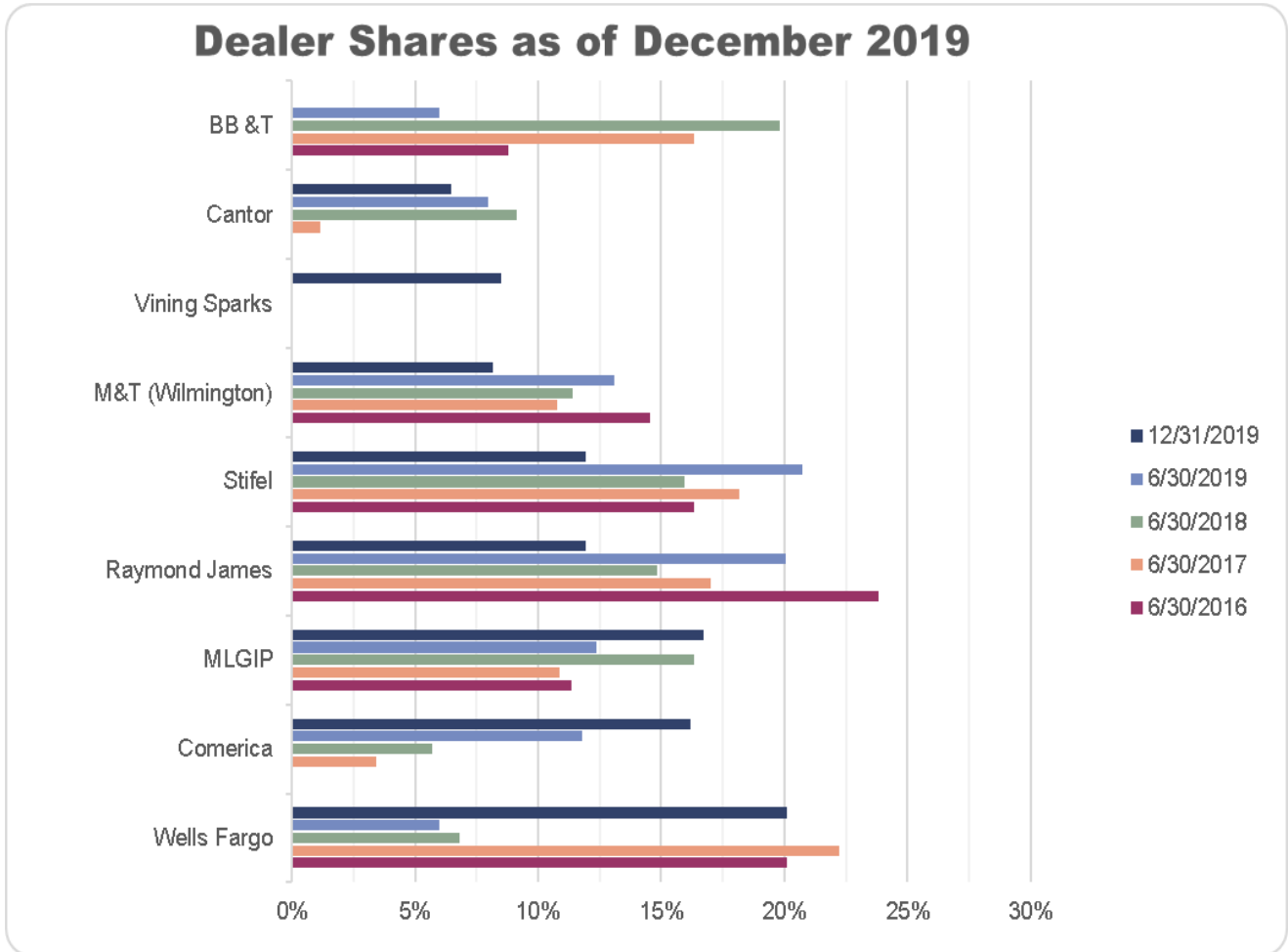
Current Investment Portfolio - December 2019					
Instrument	Limit	Actual	Par Value	Return (B/E)	
Money Funds	* 25%	25.0%	\$ 146,251,493	1.84%	
Treasury Notes	100%	20.3%	120,000,000	1.85%	
Federal Home Loan Banks	20%	19.6%	115,000,000	1.74%	
Farmer Mac	20%	18.4%	108,000,000	2.09%	
Federal Farm Credit Bank	20%	7.3%	43,000,000	1.77%	
Freddie Mac	20%	6.8%	40,000,000	1.97%	
Commercial Paper	10%	2.5%	15,000,000	2.13%	
Fannie Mae	20%	0.0%	-	0.00%	
Certificates of Deposit	50%	0.0%	-	0.00%	
Bankers Acceptances	50%	0.0%	-	0.00%	
Repurchase Agreements	60%	0.0%	-	0.00%	
		100%	\$ 587,251,493	1.93%	

*As of 12/31/2019

The pooled cash portfolio complied with all policy limits with regards 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 - December 2019	
Prince George's County (PGC-2018A)	\$ 20,591,983
Montgomery County (MC-2018A)	8,115,403
	<u>\$ 28,707,387</u>

The Commission had debt service payments during the month totaling \$2,021,602 of which \$1,635,000 was principal and \$386,602 was interest.

Details by issue of debt outstanding as of December 31, 2019 appear below:

Debt Balances - December 2019					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
NN-2 (<i>Refunded Z-2</i>)	14,080,000	2,690,000	19%	Mar-10	May-21
PGC-2012A (<i>Refunded P-2, M-2, EE-2</i>)	11,420,000	4,340,000	38%	Jun-12	Jan-24
PGC-2014A	26,565,000	21,385,000	81%	May-14	Jan-34
PGC-2015A (<i>Refunded JJ-2</i>)*	24,820,000	21,915,000	88%	Oct-15	Jan-36
PGC-2017A	33,000,000	29,700,000	90%	Jul-17	Jan-37
PGC-2018A	31,000,000	29,450,000	95%	Nov-19	Nov-38
Total Prince George's County	\$ 140,885,000	\$ 109,480,000	78%		
Montgomery County					
LL-2	8,405,000	400,000	5%	May-09	Nov-20
MC-2012A (<i>Refunded CC-2, FF-2</i>)	12,505,000	7,335,000	59%	Apr-12	Dec-32
MC-2012B	3,000,000	2,115,000	71%	Apr-12	Dec-32
MC-2014A	14,000,000	10,850,000	78%	Jun-14	Jun-34
MC-2016A	12,000,000	10,200,000	85%	Apr-16	Nov-35
MC-2016B (<i>Refunded FF-2, II-2, MM-2</i>)	6,120,000	5,355,000	88%	Apr-16	Nov-28
MC-2016C (<i>Refunded FF-2 ALA of 2004</i>)	1,075,000	620,000	58%	Apr-16	Nov-24
MC-2017A	8,000,000	6,800,000	85%	Apr-17	Nov-36
MC-2018A	12,000,000	11,400,000	95%	Oct-18	Nov-38
MC-2018B	3,000,000	2,400,000	80%	Oct-18	Nov-23
Total Montgomery County	\$ 80,105,000	\$ 57,475,000	72%		
Total	\$ 220,990,000	\$ 166,955,000	76%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2020 – December 31, 2019

OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
Limiting types and amounts of securities	Limit	Yes	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 Government	100%		
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	No		More than market by 26 basis points
The pro-rated rates of return for T-bills and the portfolio were 1.55% and 1.81%, respectively.			

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

Reply To

March 4, 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 February 2020 – FY 2020

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, March 18, 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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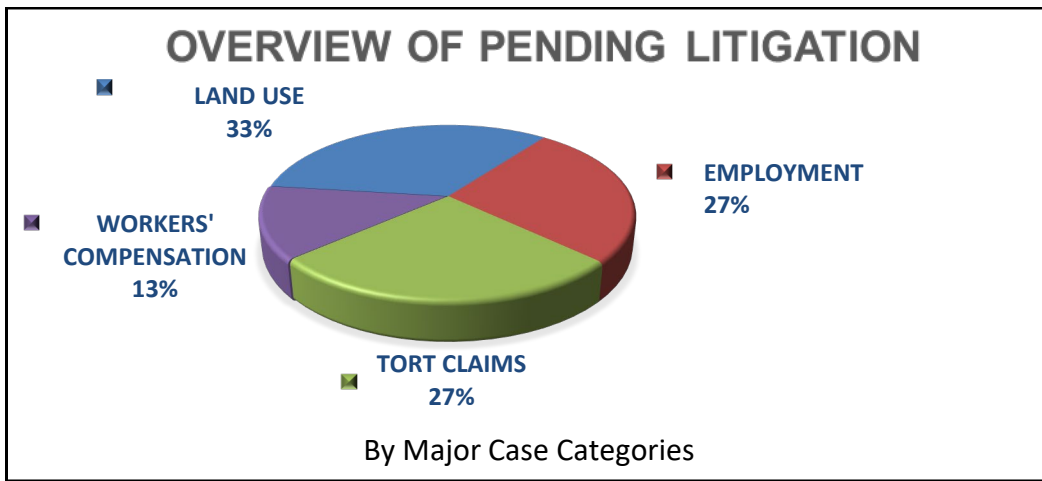
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February 2020 Composition of Pending Litigation

(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	3	2					5
ADMIN APPEAL: OTHER							
LAND USE DISPUTE							
TORT CLAIM	4						4
EMPLOYMENT DISPUTE	3			1			4
CONTRACT DISPUTE							
PROPERTY DISPUTE							
CIVIL ENFORCEMENT							
WORKERS' COMPENSATION	2						2
DEBT COLLECTION							
BANKRUPTCY							
MISCELLANEOUS							
PER FORUM TOTALS	12	2		1			15



February 2020 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2020			
	Pending In Jan. 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)	5			6	6	7	5
Admin Appeal: Other (AAO)							
Land Use Disputes (LD)							
Tort Claims (T)	4			1	4	1	4
Employment Disputes (ED)	4				4		4
Contract Disputes (CD)							
Property Disputes (PD)							
Civil Enforcement (CE)							
Workers' Compensation (WC)	2			5	3	7	2
Debt Collection (D)							
Bankruptcy (B)							
Miscellaneous (M)				2		2	
Totals	15			14	11	12	15

**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
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
<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		
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		
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 wages 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

No Pending Cases

DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND

No Pending Cases

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 Oral Argument.

Docket:

09/24/2019	Petition for Judicial Review filed
10/08/2019	Commission’s Response filed
11/21/2019	Administrative record filed
01/02/2020	Estreicher’s memorandum filed
02/03/2020	JLB Realty, LLC’s memorandum filed
02/05/2020	Commission’s Response to memorandum filed
02/21/2020	Plaintiff’s Reply memorandum filed
03/17/2020	Oral argument

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

Neighbors for an Improved Kensington, et al. v. Montgomery County Planning Board
Case No. 472049-V (AALU)

Lead Counsel: Coleman
Other Counsel: Mills

Abstract: Judicial Review of Montgomery County Planning Board's approval of Knowles Manor Site Plan 820190080.

Status: Petition Withdrawn. Matter Closed.

Docket:

08/29/2019	Petition for Judicial Review filed
09/09/2019	Commission's response filed
10/04/2019	Kensington Manor Senior Housing, LLC's Response to Petition for Judicial Review filed.
12/02/2019	Joint Motion for Continuance filed.
12/05/2019	Motion for Continuance granted.
02/06/2020	Plaintiff's Motion to Withdraw Petition filed
02/19/2020	Order of Court – Motion to Withdraw granted. Petition withdrawn with prejudice to renewal and matter closed.

Thompkins v. Commission
Case No. 477424-V (ED)

Lead Counsel: Foster
Other Counsel:

Abstract: Judicial Review of Merit Board Decision related to her reclassification under the Administrative Series.

Status: Petition for Judicial Review filed.

Docket:

01/02/2020	Petition for Judicial Review filed
01/16/2020	Commission's Response to Petition
06/05/2020	Oral Argument scheduled.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

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 Dismiss Amended Complaint filed.

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: Commission has yet to be served.

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

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 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.

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
08/08/2019	Order of Court Permitting Omission of Record
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

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

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

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Petition for Judicial Review of Merit Board decision on a classification matter filed.

Status: In discovery.

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
03/27/2020	Oral argument.

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

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Automobile accident with vehicle driven by Commission employee.

Status: Commission has yet to be served.

Docket:

09/16/2019	Complaint filed
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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:

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
02/25/2020	Response to Show Cause filed

Gaspard v. Montgomery County Planning Board

September Term 2019 Case No. 0579 (AALU)

Lead Counsel: Mills
Other Counsel:

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

Status: Appeal filed.

Docket:

05/23/2019	Appeal filed
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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 set.
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants