

COMMISSION MEETING

October 18, 2017

10:30 a.m. — 11:30 a.m.

***Newton White Mansion
2708 Enterprise Road
Mitchellville, MD 20721
301-249-2004***

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING
Wednesday, October 18, 2017
Newton White Mansion
10:30 a.m. – 11:30 a.m.

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (9:30)	(+*) Page 1	
2.	Approval of Commission Minutes Open Session – September 20, 2017 Closed Session – September 20, 2017	(+*) Page 3 (+*)	
3.	General Announcements (9:35) a) Commission-wide Service Awards Luncheon Honoring Employees with 25 or more years of service, Newton White Mansion (Following Commission Meeting) b) Breast Cancer Awareness Month c) National Domestic Violence Awareness Month d) National Substance Abuse Prevention Month e) National Disability Employment Awareness Month f) REMINDER: M-NCPPC Open Enrollment (October 16 th through November 3 rd)		
4.	Committee Minutes/Board Reports (For Information Only): a) 115 Trust (OPEB), June 21, 2017 b) Executive Committee: October 4, 2017	(+*) Page 7 (+) Page 11	
5.	Action and Presentation Items (9:40) a) Resolution #17-31, Land Exchange between The Maryland-National Capital Park and Planning Commission and E. Stuart Parker and Francis H. Parker (Asan) b) Resolution #17-32 – Appoint Acting Inspector General (Gardner) c) CIO Briefing – IT Governance Model (Chilet)	(+*) Page 13 (+*) Page 17 (+*) Page 19	
6.	Officers’ Reports – For Information Only a) Executive Director’s Report Employee Evaluations Not Completed by Due Date (September 2017) b) General Counsel Litigation Report (September 2017)	 (+) Page 29 (+) Page 31	
7.	Closed Session – Collective Bargaining (Barney) Collective Bargaining Update - Pursuant to Section 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to consult with counsel to obtain legal advice, and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.		

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

ITEM 2a



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

Commission Meeting
Open Session Minutes
September 20, 2017

The Maryland-National Capital Park and Planning Commission met in the Montgomery Regional Office Auditorium in Silver Spring, Maryland.

PRESENT

Prince George's County Commissioners

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

Montgomery County Commissioners

Casey Anderson, Vice-Chair (arrived at 10:40 a.m.)
Gerald Cichy
Norman Dreyfuss
Natali Fani-Gonzalez (arrived at 10:40 a.m.)
Tina Patterson

ABSENT

A. Shuanise Washington

Chair Hewlett convened the meeting at 9:46 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

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

ITEM 2 APPROVAL OF COMMISSION MINUTES

a) Open Session – July 19, 2017
ACTION: Motion of Geraldo
Seconded by Dreyfuss
7 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Hewlett made the following announcements:

- Literacy Program Ceremony (Following today's Commission meeting: Brookside Gardens)
- Happy Rosh Hashana – This Jewish holiday begins in the evening, today, September 20th and ends in the evening on Sunday, September 22nd.
- Hispanic Heritage Celebration (Hispanic Heritage Month – September 15th – October 15th), Newton White Mansion
- Upcoming Commission-wide Service Awards Luncheon honoring employees with 25 or more years of service (Following the October 18th Commission meeting)
- Welcome to Commissioner Patterson's first Commission Meeting
- October is Prostate Cancer Awareness Month
- Active Aging Week commences on September 25, 2017
- Congratulations to Commissioner Dreyfuss, for being named Vice-Chair of the Montgomery County Planning Board and for his induction into the Montgomery County Business Hall of Fame in October
- Senior Counsel LaTonya Reynolds was welcomed back to work and commended on her work with the retirement system.

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

- a) 115 Trust OPEB Meeting – March 15, 2017
- b) Employees’ Retirement System Regular Board of Trustees Meeting July 11, 2017
- c) Executive Committee –
 - 1. Open Session – July 14, 2017
 - 2. Open Session – September 11, 2017
 - 3. Closed Session – September 11, 2017

At 9:52 a.m., Chair Hewlett requested a motion to move to closed session pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305 (b)(1)(i) and (ii), (b)(7) and (b)(9), to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or any other personnel matter that affects one or more specific individuals, to consult with counsel for legal advice, and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

ACTION: Motion of Geraldo
 Seconded by Doerner
 7 approved the motion

Items 5 – Items presented in closed session for discussion

- a) Amendment to M-NCPPC Employees’ Retirement System – Inclusion of Inspector General to Plans B and E (Barney/Gardner)
- b) Amendments to M-NCPPC Employees’ Retirement System – Plan C – Purchase of Military Service – Pass Through to Park Police Command Staff and Candidates in Plan C (Barney/Spencer)
- c) Group Insurance Discussion (Barney)
- d) Municipal and County Government Employees Organization (MCGEO) Negotiations Discussion (Barney/Spencer)

At 10:18 a.m., Chair Hewlett requested a motion to move back to open session.

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

ITEM 6 **ACTION AND PRESENTATION ITEMS**

- a) **Defined Contribution Plan (Spencer/McDonald/Boomershine)**
Health and Benefits Manager Jennifer McDonald briefed the Commission on research regarding the defined contribution plans. David S. Boomershine, Senior Consulting Actuary and President, Boomershine Consulting Group, LLC, provided the presentation. Commissioner Dreyfuss requested staff to get information from Montgomery County Government and Montgomery County Community College regarding their experience with Defined Contribution and Defined Benefit plans.
- b) **Audit Committee Activity Report (Dreyfuss/Bailey)**
The Audit Committee Activity Report was included in the packet for review. Commissioner Dreyfuss introduced Audit Committee Public Member Karen Tobat, and Audit Chief Renee Kenney introduced Audit Department members Robert Feeley, Wanda King, and Ms. Natali Beckworth.
- c) **Resolution #17-28, Amendment to M-NCPPC Employees’ Retirement System – Purchase of Military Service – Pass Through to Park Police Command Staff and Candidates in Plan C (Barney/Spencer)**

ACTION: Motion of Geraldo
 Seconded by Patterson
 9 approved the motion

- d) Open Enrollment and Benefit Plans Proposed Rates for 2018 (Spencer/McDonald)
 ACTION: Motion of Doerner
 Seconded by Dreyfuss
 9 approved the motion
- e) Proposed Amendments to Administrative Practice 1-31, Organization and Functions of the Audit Committee and Office of the Inspector General (Bennett/Beckham)
 ACTION: Motion of Geraldo
 Seconded by Fani-Gonzalez
 9 approved the motion
- f1) Resolution #17-30, Adoption of Amendment to Practice 1-31, Organization and Functions of the Audit Committee and Office of the Inspector General
 ACTION: Motion of Geraldo
 Seconded by Fani-Gonzalez
 9 approved the motion
- f2) Resolution #17-29, Amendment to M-NCPPC Employees' Retirement System – Inclusion of Inspector General to Plans B and E (Barney)
 ACTION: Motion of Geraldo
 Seconded by Fani-Gonzalez
 9 approved the motion
- g) CAS Cost Allocation – FY19 (Kroll)
 Corporate Budget Manager John Kroll reviewed the CAS cost allocation for budget year FY19. He reviewed the methodology and the shifts from FY18.
 ACTION: Motion of Geraldo
 Seconded by Doerner
 9 approved the motion
- h) Request for Funding for ERP Version 10 Upgrade (Chilet/Zimmerman)
 Chief Information Officer (CIO) Mazen Chilet and Secretary-Treasurer Joe Zimmerman presented recommendations for funding of the ERP Version 10 upgrade. Mr. Chilet explained the components and the benefits of the upgrade, which had been presented to and supported by the Department Heads and the Executive Committee.
- Secretary-Treasurer Zimmerman reviewed the project cost and funding source for the ERP Upgrade, as noted in the handout. He explained that certain Commission-wide IT projects will be reprioritized, as this core foundation functionality is currently the primary focus.
- Chair Hewlett thanked Messrs. Zimmerman and Chilet for their expertise, and the Department Heads for asking the pertinent questions that provided the answers needed for the Commission to make a decision. Messrs. Zimmerman and Chilet responded to Commissioners' questions before the vote was taken.
- ACTION: Motion of Geraldo
 Seconded by Fani-Gonzalez
 9 approved the motion
- i) Literacy Program Update (Bennett/Dorsey/Shearer)
 Corporate Policy and Management Operations (CPMO) Division Chief Anju Bennett thanked the team for their hard work in administering the Literacy Program, including Program Administrator Shelley Dorsey, Departmental Training Coordinators Judith Cohall and Darryl Wyles, and CPMO Intern Nathan Shearer. CPMO Division Chief Bennett noted that the program was relaunched in 2015 to help employees strengthen English reading/writing/

communication skills. The program relies on the talented instruction of the Literacy Council of Montgomery County, and the outstanding support of participating Commissioners and management. This summer marks the completion of the second annual session, which continues to be very successful and well received.

Mr. Shearer highlighted the program design, program assessment, participant feedback, and employee career advancement of participants. He reviewed the next steps, stating that planning of the third annual session has already begun, with marketing and focus groups to be rolled out in early Fall. The Commissioners shared in this sentiment.

Chair Hewlett stressed the agency's commitment to the program and how the program was reinitiated from its original inception many years ago. Chair Hewlett encouraged employee participation in the program. She thanked the team for their efforts.

ITEM 7


OFFICERS' REPORTS

- a) Executive Director's Report (For information only)
Employee Evaluations Not Completed by Due Date (July and August 2017)


- b) Secretary Treasurer's Report (For information only)
 - 1) Investment Report (June 2017)
 - 2) MFD 2nd and 3rd Quarter Report Purchasing Statistics (Zimmerman)
 - 3) 115 Trust FY 17 Annual Report (Zimmerman/Walsh)

- c) General Counsel (For information only)
Litigation Report (July and August 2017)

There being no further business to discuss, the meeting adjourned at 11:27 a.m.



Brenda D. Barge, Administrative Specialist
for Senior Technical Writer, Gayla I. Williams



Patricia Colihan Barney, Executive Director

ITEM 4a

115 Trust (OPEB) Meeting Minutes MRO

Wednesday, June 21, 2017

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

Absent: Commissioner Casey Anderson, Trustee, Vice-Chairman;
Commissioner William Doerner;
Tracey Harvin, Commission Senior Counsel, Staff
William Dickerson, Commission Principal Counsel
Adrian Gardner, Commission General Counsel

The meeting was called to order at 12:15 p.m.

Minutes from the 3/15/17 meeting were motioned by Ms. Barney to be approved, seconded by Commissioner Geraldo, and then unanimously approved.

Mr. Bryant began by discussing the performance results for the 1st Quarter ended March 31, 2017. He reported that the return environment had been robust for the 1st Quarter and the Fund performed well on both an absolute and relative basis. Domestic stocks rose almost 6%, shrugging off concerns of protectionist trade legislation. Foreign stocks rose 8%. Bonds returned 0.8%. Growth stocks outpaced value stocks. With this in mind, Mr. Bryant said the Fund returned 5.0%, ranking in the 18th percentile, meaning it out performed 82% of the funds in a broad public fund universe. The shadow index of 5.5% indicated that the asset allocation was responsible for the good performance, with active management detracting slightly.

The asset allocation benefited from the large proportion of foreign and emerging market stocks; the low portion of bonds; and the market weight to small cap, which many funds overweight. Several managers beat their respective benchmarks, notably the PIMCO All-Asset, All-Authority Fund and the PIMCO Unconstrained Bond Fund. However, these were offset by all the Schwab/RAFI equity funds covering domestic large cap, foreign developed and foreign emerging market, which underperformed and on balance caused active management to detract from overall return. This resulted, Mr. Bryant said, from the rotation back into growth stocks from the kinds of value stocks the Schwab/RAFI equity funds emphasize.

Mr. Bryant ended the performance report by noting that the Fund on a since-inception basis had a 10.3% return and ranked in the 22nd percentile.

Following the performance report, Mr. Bryant recommended that the Fund switch from the Schwab/RAFI strategies that it was currently using for domestic large cap, foreign developed, and foreign emerging market equity, to the similar RAE strategies. He said that Katy Lewis, the PIMCO representative, would discuss the differences.

Next, Ms. Katy Lewis of PIMCO discussed the various ways PIMCO uses derivatives, including:

- As a more economic substitute for a physical security;
- As a means of making additional return by investing excess cash into higher yielding fixed income instruments;
- To adjust aspects of an underlying position such as duration;
- As a tool in executing so-called "theta strategies" to take advantage of pricing anomalies inherent in volatility;
- As a means of reflecting convictions in the creditworthiness of fixed income securities through credit default swaps;
- As a means of expressing a view in the return of an underlying index;
- As a means of hedging currency positions;
- As a means of risk control, particularly regarding extreme positions.

Commissioner Geraldo asked for a clarification as to how derivatives work to improve return in a basic strategy, and Ms. Lewis explained the way excess funds were created by investing in the derivative rather than the underlying security, and then invested in fixed income product that had a higher yield than the lending rate assumed in the derivatives contract. She noted that 70% of the funds were in secure, highly liquid securities that could be used to meet capital calls should that prove necessary.

Ms. Barney asked how much a derivative position could affect the return. While acknowledging the danger in derivatives, Ms. Lewis said PIMCO usually did not use derivatives simply to magnify return, which is the type of use that leads to the most extreme losses. Mr. Bryant said he had confidence in PIMCO's use of derivatives because the firm had no significant issues during the 2008 financial crisis, a real-world stress test.

Ms. Lewis explained that the original RAFI fundamental index products created portfolios comprised of broad holdings within the underlying benchmark, like the S&P 500, but weighted the holdings in a different manner than a traditional index. A traditional index determines the size of each stock based on the market capitalization, or total value of the stock relative to the total value of the stock for the entire index. Instead, the size of each stock was determined by a weighting that combined relative sales, dividends and book value. This broke the link between position size and price, forcing the allocations from more to less expensive stocks.

This basic methodology, applied in the Schwab/RAFI strategies, has been refined over several years to include quality and momentum, with further adjustments for style and size diversification. These refinements have been applied to the RAE suite of equity products managed by RAFI but marketed by PIMCO instead of Schwab. Ms. Lewis said that over

the course of the Fund's investment in Schwab/RAFI, the RAE strategies for both foreign benchmarks had done better while the domestic large cap RAE strategy had done slightly worse.

Ms. Barney asked Mr. Bryant why he was recommending the switch, and particularly why the switch into the large cap strategy, as it had not done as well. Mr. Bryant said he thought 1) the RAE strategies were likely to do better going forward and 2) that they would benefit from continuing refinements by PIMCO. He said he recommended the domestic large cap strategy over the Schwab/RAFI strategy despite the fact it had not done as well for the duration of the Fund's holding because 1) the domestic large cap strategy would likely do better in the case of a market downturn and 2) keeping all three allocations in the same style would make them easier to follow and analyze.

After further discussion, the Board unanimously agreed with Mr. Bryant's recommendation. There was a motion for immediate action by Ms. Barney, seconded by Commissioner Fani-Gonzalez, to switch from the Schwab/RAFI strategies to the PIMCO RAE strategies.

The Board decided not to take a report on the PIMCO Unconstrained Bond Fund due to lack of time. Mr. Bryant said this could be accomplished at a future meeting, possibly by conferencing Ms. Lewis in by phone.

The Trustees set 11:30 am on Wednesday, September 20, 2017 at MRO for the next meeting.

The meeting was adjourned at 1:40 pm.

Respectfully Submitted,



Claudia Stalker



EXECUTIVE COMMITTEE MEETING

Minutes

October 4, 2017

On October 4, 2017, the Maryland-National Capital Park and Planning Commission's Executive Committee met via conference call from the Montgomery Regional Office in Silver Spring, Maryland, the County Administration Building in Upper Marlboro, Maryland, and the Executive Director's conference room in Riverdale, Maryland. Present were Chair Elizabeth Hewlett, Vice-Chair Casey Anderson, and Corporate Budget Manager John Kroll who was acting on behalf of Executive Director Patricia Barney. Also present were:

Department Heads Presenters/Staff

Adrian Gardner, General Counsel

Joe Zimmerman, Secretary-Treasurer

Andree Checkley, Director, Prince George's County Planning

Darin Conforti, Acting Director, Prince George's County Parks and Recreation

Gwen Wright, Director, Montgomery County Planning

Mike Riley, Director, Montgomery County Parks

Rose Krasnow, Deputy Director, Montgomery County Planning

Anju Bennett, Chief, Corporate Policy and Management Operations

William Spencer, Human Resources Director

The meeting convened at 10:07 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion

- There were no changes to the agenda.
- Chair Hewlett announced that Deputy Director Darin Conforti, Deputy Director Debbie Tyner, and Deputy Director Roslyn Johnson are rotating as Acting Director of Prince George's County Parks and Recreation Director for the next three months, pending the appointment of a new Director. Mr. Conforti is acting for the month of October.

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA

Discussion

Amendments to the Agenda

October

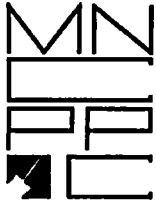
- Move the FY18 Budget Award to the November agenda
- Remove the EZ Procurement Fair Briefing from October
- The Executive Committee agreed to move the October Commission meeting to Newton White Mansion to enable the Commissioners to attend the Commission-wide Service Awards Luncheon at the same location. The meeting time was changed to 10:30 a.m. - 11:30 a.m.
- Add a Resolution to recognize appointment of an Acting Inspector General until a permanent appointment is made. The Resolution is required because the Commission must adopt rules and procedures for the Audit Committee.
- Add to General Announcements, recognition of the following items:
 - National Domestic Violence Awareness Month – The M-NCPPC is sponsoring several activities this month to support this awareness effort. The M-NCPPC Park Police are sponsoring a walk on October 28th.
 - National Substance Abuse Prevention Month
 - National Disability Employment Awareness Month

	<ul style="list-style-type: none"> o Reminder on M-NCPPC Health Benefits Open Enrollment (October 6th through November 3rd)
ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS	
Discussion	<p>The Executive Committee reviewed the agenda for the upcoming four months:</p> <p><u>November</u></p> <ul style="list-style-type: none"> • No changes <p><u>December</u></p> <ul style="list-style-type: none"> • Remove the One-Commission Event announcement, as the celebration will take place on December 8th, before the regularly scheduled December Commission meeting. <p><u>January</u></p> <ul style="list-style-type: none"> • No changes <p><u>February</u></p> <ul style="list-style-type: none"> • No changes
ITEM 2 – MINUTES	
	September 11, 2017, Executive Committee Minutes – accepted without changes.
ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS	
	<p><u>CIO Briefing – IT Governance Model (Chilet)</u></p> <p>The Executive Committee supported the draft of the IT Governance Model and supported that it be shared with the Commission for its approval.</p> <p>ACTION: Motion of Chair Hewlett to move Item 3, CIO Briefing – IT Governance Model to the Commission meeting agenda.</p> <p>Seconded by Vice-Chair Anderson</p> <p>3 approved the motion (Hewlett, Anderson, and Kroll who was acting on behalf of Executive Director Barney)</p>

There being no further business to discuss, the meeting adjourned to closed session at 10:23 a.m.


 Gayla Williams, Senior Management Analyst/
 Senior Technical Writer


 John Kroll, Corporate Budget Manager Acting on behalf of
 Patricia Colihan Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


Department of Parks and Recreation
6600 Kenilworth Avenue Riverdale, Maryland 20737

ITEM 5a

October 5, 2017

SUBJECT: PGCPB Resolution No. 17-116 (M-NCPPC No. 17-31)

TO: The Maryland-National Capital Park & Planning Commission

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

For our approval, please see the attached Prince George's Planning Board Resolution PGCPB No. 17-116 regarding the land exchange between the The Maryland-National Capital Park & Planning Commission and E. Stuart Parker and Francis H. Parker.

This exchange will create a significant historic setting surrounding the Mt. Pleasant Historic Site, along with land preservation, by removing the development of single-family homes adjacent to the Patuxent River.

It is scheduled for Full Commission on October 18, 2017.

Attachment

- M-NCPPC Resolution No. 17-31



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation
6600 Kenilworth Avenue Riverdale, Maryland 20737

PGCPB No. 17-116
M-NCPPC No. 17-31

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission ("Commission") is authorized under the Annotated Code of Maryland, Land Use § 17-205 (formerly Article 28, Section 5-111 of the Annotated Code of Maryland) to sell, convey, transfer, lease or exchange any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

WHEREAS, the Commission owns certain property, known as "Marlboro Meadows Subdivision-Section 9", recorded in Plat Book NLP 102, pages 80 and 81, located in Upper Marlboro, Maryland, for a total of 106 lots consisting of 32.65 acres (the "Park Property") and identified as the following: Block 46, Lots 1-11, 22-24; Block 49, Lots 52-69; Block 51, Lots 1-27, 29-31; and Block 53, Lots 4-47; and

WHEREAS, E. Stuart Parker and Francis H. Parker (the "Owners") own certain property, known as "Marlboro Meadows Subdivision-Section 7", recorded in Plat Book WW 80, page 7, and "Marlboro Meadows-Subdivision 8", recorded in Plat Book 80, page 5, located in Upper Marlboro, Maryland, for a total of 114 lots consisting of 30.79 acres (the "Private Property") and identified as the following: Block 42, Lots 1-19; Block 43, Lots 15 and 18-32; Block 44, Lots 1-4, 19-30; and Block 45, Lots 1-65; and

WHEREAS, the Owners and the Commission desire to exchange the Private Property and the Park Property.

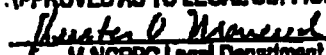
NOW, THEREFORE, BE IT RESOLVED that, subject to the approval of the full Commission, the Commission will transfer the Park Property to the Owners in exchange for the Owners transferring the Private Property to the Commission at no cost to either the Commission or to the Owners; and

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

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Hewlett, Doerner, and Geraldo voting in favor of the motion, at its regular meeting held on Thursday, July 20, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of September, 2017.

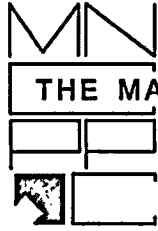
APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 9/22/17

Elizabeth M. Hewlett
Chairman


By: Jessica Jones
Planning Board Administrator



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

M-NCPPC
Resolution 17-32

TRANSFER OF INTERNAL AUDIT PERSONNEL AND APPOINTMENT OF AN ACTING INSPECTOR GENERAL

WHEREAS, the General Assembly of Maryland has enacted amendments to the Land Use Article of the Maryland Annotated Code (“Land Use Article”) by 2017 Maryland Laws, Chapter 361 (“Chapter 361”) which established the Office of the Inspector General (“OIG”) of the Maryland-National Capital Park and Planning Commission (“Commission”); and,

WHEREAS, among other things, Chapter 361 provides at Section 3 that the functions, powers, and duties of the Commission’s existing Office of Internal Audit shall be transferred to the OIG effective as of October 1, 2017 (“Effective Date”); and,

WHEREAS, the Commission has duly adopted as regulations Administrative Practice No. 1-31 (“Practice 1-31”) to, among other things, govern the organization, functions and powers of OIG; and

WHEREAS, Chapter 361 further provides at Section 4 that all employees of the Commission’s Office of Internal Audit shall be transferred to the OIG without any interruption or diminution of their rights, including collective bargaining rights, benefits, or employment or retirement status; and,

WHEREAS, Chapter 361 further provides that the Commission shall establish an Audit Committee which shall, among other things, appoint a person to serve as the Inspector General and to supervise the personnel assigned to the OIG; and

WHEREAS, as required according to the Land Use Article § 15-402(b)(2), Elizabeth M. Hewlett, acting as the Chair of the Commission’s Prince George’s County Planning Board, has duly appointed Commissioner Dorothy Bailey to serve as a voting member of the Audit Committee for a term ending on September 30, 2018; and

WHEREAS, as also required according to the Land Use Article § 15-402(b)(1), Casey Anderson, acting as Chair of the Commission’s Montgomery County Planning Board, has duly appointed Commissioner Norman Dreyfuss to serve as a member of the Audit Committee for a term ending on September 30, 2018; and

WHEREAS, the Commission's Planning Boards have acted to select and notify the County Council of Montgomery County and the County Council of Prince George's County, respectively, of their intended nominees to become voting public members of the Audit Committee as required under the Land Use Article § 15-402(b)(3) and (4); and

WHEREAS, the initial constitution and composition of the Audit Committee remains pending during the period of consideration by the County Councils; and,

WHEREAS, the Commission desires to appoint an Acting Inspector General to fulfill the duties of the office until such time as the Audit Committee is duly constituted and enabled to act and appoint an Inspector General as contemplated under Chapter 361.

NOW THEREFORE, BE IT RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby, memorialize and acknowledge the transfer by operation of law of any Commission employee assigned as of the effective date to the Office of the Inspector General; and,

BE IT FURTHER RESOLVED, that the Commission does hereby appoint and authorize its former chief internal auditor, Renee M. Kenney, to assume the responsibilities of the office of the Inspector General on an acting basis only incident to her employee transfer to the Office of the Inspector General, and only until such time as the Audit Committee shall have made its appointment required by Land Use Article § 15-403(2), and to supervise the employees assigned to OIG and otherwise discharge the functions and duties prescribed under Practice 1-31 for the Inspector General; and

BE IT FURTHER RESPOLVED, that during her period of service as Acting Inspector General, Kenny shall serve without any interruption or diminution of any employment rights, including any collective bargaining rights, benefits, or employment or retirement; and

BE IT FURTHER RESOLVED, the Commission authorizes and directs the appropriate officers of the Commission to undertake such further acts, instruments and further assurances as are necessary to effectuate the purpose and intent of this Resolution.

ITEM 5c



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

TO: The Commission

FROM: Mazen Chilet, Chief Information Officer

mc

SUBJECT: Commission IT Governance

DATE: October 18, 2017

In reference to the attached document "Commission IT Governance Vision and Policy Statement", I would like to inform the Maryland National Capital Park and Planning Commission that the document has been reviewed and is supported by the IT Council, the Department Heads, and the Executive Committee. I am requesting approval of the "Vision and Policy Statements" by Commission.

If approved, the Corporate Policy and Management Operations will work with the CIO to formalize the policy into a Commission Practice.

Thank You.

**IT COUNCIL
COMMISSION IT GOVERNANCE
VISION AND POLICY STATEMENTS
FINAL DRAFT JULY 24, 2017**

1. Commission IT Governance Vision

To ensure that the Commission's IT systems and services achieve the greatest Commission-wide efficiency while minimizing Commission-wide risks and supporting the independence of Departments to meet their own service delivery needs as appropriate.

2. Definitions

2.1. Chief Information Officer (CIO)

The CIO is the chief information officer of the Commission. The CIO works at the direction of the Executive Committee. The CIO is the director of enterprise IT systems and services and serves as the Commission's Chief Security Officer.

2.2. Chief Technology Officer (CTO)

The CTO is the technology position for each Department or Office of the Commission that is a member of the CTO Committee. A CTO is designated to be member of the CTO Committee at the discretion of the Department Director or Officer of the Commission.

2.3. Chief Technology Officer (CTO) Committee(s)

The CTO Committee is the technical governance committee or committees that advises and assists the CIO on the planning and implementation of enterprise projects. The CTO Committee is made up of the CTO from each Department and Office of the Commission. It also shares information and coordinates activities that may be beneficial to one or more Departments. The CTO Committee may also form into technical subcommittees, permanent or short-term, to assist the CIO on specific functions, projects or tasks.

2.4. Commission-Wide IT Initiatives Fund (CWIT)

The CWIT Fund is an internal service fund established to budget and account for specific costs related to the delivery of enterprise IT. The fund functions as a "capital project" fund for one-time projects and reoccurring enterprise IT investments and costs. Temporary personnel costs directly related to enterprise projects may be a budgeted cost in the CWIT. Career personnel costs are not included in the fund.

2.5. Enterprise IT

Any IT system or service supporting Commission-wide, cross-functional operational needs that the Executive Committee, after receiving a recommendation from the IT Council, has determined centralized administration and delivery will achieve greater efficiency, effectiveness, and/or risk mitigation for the Commission.

2.6. Enterprise Project

A project to develop, enhance, replace, or otherwise modify an enterprise IT system or service, including enterprise hosted systems and services. It may also include a project offering benefits through cooperation among multiple departments. Enterprise

**IT COUNCIL
COMMISSION IT GOVERNANCE
VISION AND POLICY STATEMENTS
FINAL DRAFT JULY 24, 2017**

projects are administered by the OCIO. Such projects may be managed by the OCIO or at the department level.

2.7. Enterprise Infrastructure

Enterprise infrastructure means the hardware, software, services, and staffing necessary to deliver enterprise IT systems and services. Enterprise infrastructure is administered by the OCIO; as directed by the Executive Committee

2.8. Enterprise Project Plan (EPP)

An annual plan prepared by the OCIO and presented to the IT Council that provides information on the status of all enterprise projects underway and future planned enterprise projects. The EPP shall provide sufficient information for the informed approval and reporting on projects. This information should include but not be limited to, the business case, resource needs, each project's name, project manager, project team, total budget, date of initiation, project milestones and estimated completion date.

2.9. Hybrid Model

A governance and administration approach that differentiates IT systems and services as enterprise and non-enterprise. Enterprise systems and services are centrally administered through the OCIO. Non-enterprise systems and services are administered at the Department level.

2.10. IT Council

The IT Council is a management committee made up of representatives from each Department of the Commission, whose purpose is to help the Commission realize its IT Governance Vision.

2.11. IT Governance

IT governance is the system of policies and administrative processes that ensure the efficient and effective use of IT to enable the Commission to achieve its operational goals. The Commission's IT governance approach empowers the IT Council to make recommendations and decisions related to the business investment of where to use enterprise technology and empowers the OCIO to ensure the efficient and effective delivery of enterprise IT systems and services. Authorized IT Policies, and Practices are applicable to the entire Commission computing environment and supersede contradictory departmental policies.

2.12. Non-Enterprise IT

An IT system and service deemed to be more efficiently and effectively delivered by a Department without creating undue risk to the Commission. Further, an IT system and service delivered by a Department to meet its specific operational needs, or to

IT COUNCIL
COMMISSION IT GOVERNANCE
VISION AND POLICY STATEMENTS
FINAL DRAFT JULY 24, 2017

meet the requirements imposed by a County or other government agency that have otherwise been deemed not to be delivered on an enterprise level.

2.13. Non-Enterprise Infrastructure

Non-enterprise infrastructure means the hardware, software, networking, services, and staffing necessary to deliver non-enterprise IT systems and services. Such infrastructure is administered by the appropriate department or departments.

2.14. Non-Enterprise Project

A project to develop, enhance, replace, or otherwise modify a non-enterprise IT system or service. It may also include a project offering benefits through cooperation among multiple departments.

2.15. Office of the Chief Information Officer (OCIO)

The OCIO is the Office that provides Commission-wide enterprise IT infrastructure and functions to Commission. The OCIO objectives are to deliver IT governance, clear lines of project accountability and consistent, timely communication of enterprise IT standards.

2.16. Office of the CIO Fund

The Office of the CIO Fund is the internal service fund established to budget and account for the operating budget (revenues and expenditures) necessary for the CIO to deliver services.

2.17. Program Management Office (PMO)

The PMO is the enterprise program management and delivery function of the OCIO.

2.18. Service Level Agreement (SLA)

A Service Level Agreement defines the level of service required for the delivery of enterprise IT systems and services provided by the CIO.

3. Policies

The following policies are established to coordinate and guide the delivery of Commission IT systems and services at the enterprise and non-enterprise level consistent with the governance vision of the Hybrid Model.

3.1. Governance of Commission IT Systems and Services

The Commission's IT systems and services shall be governed using a Hybrid Model where the IT environment is classified as enterprise and non-enterprise according to the definitions set forth in section 2 of this policy. Enterprise IT systems and services will be centrally administered by the OCIO, with input from the IT Council, at the direction of the Commission's Executive Committee. Departments shall provide recommendations through their representation on the IT Council on the plans, priorities and policies to achieve the goal

**IT COUNCIL
COMMISSION IT GOVERNANCE
VISION AND POLICY STATEMENTS
FINAL DRAFT JULY 24, 2017**

of administering enterprise IT in a manner that balances the service delivery needs of the operating Departments with Commission-wide objectives of efficiency, effectiveness, and risk mitigation.

Non-enterprise systems and services shall be administered at the Department level at the direction of the Department Director while adhering to Commission's IT policies and procedures.

3.2. Enterprise IT Funding

The costs to provide enterprise IT systems and services will be funded through a Commission-wide cost allocation method. The cost allocation method must appropriately and equitably allocate the costs across all Departments of the Commission. The cost allocation method must be documented and have a logical basis connected to the use of the enterprise IT system and service.

3.3. Enterprise IT Budgeting

The OCIO shall prepare annual budgets for the OCIO Fund and the CWIT Fund. To promote cooperative and informed budgeting for IT needs, the budgets will be reviewed by the CIO with input from the CTOs and then be presented to the IT Council. The IT Council will provide its recommendation regarding the budgets, which will be incorporated as appropriate into the Commission's processes for proposing budgets to the respective Planning Boards, Commission, County Executives, and County Councils.

3.3.1. OCIO Fund Budget

The OCIO Fund budget includes the staffing, services, and supplies expenses necessary for the OCIO to provide services. These expenditures will be allocated among all operating departments of the Commission according to an appropriate and documented allocation method. Because the CIO function is a core central administrative function of the Commission, the intent is for the funding allocation method to remain stable from year to year. Each Department shall include in their proposed budget for consideration an expenditure equal to its allocated share of the OCIO Fund budget, which will be budgeted as revenue in the OCIO Fund. Additional fund balance may be used to offset subsequent departmental budget allocations. The OCIO Fund should not carry an undesignated ending fund balance.

3.3.2. CWIT Fund Budget

The CWIT Fund budget includes the revenues and expenditures needed to deliver enterprise IT systems, services, and enterprise projects. The direct expenditures include costs such as software licensing, hardware, implementation costs (professional services), and other necessary capital outlays. These expenditures shall be centrally allocated to the operating departments according to a documented allocation method. The allocation method should be specific to each enterprise system, service, and project. The method used must have a logical basis related to the delivery and use of the specific enterprise IT



**IT COUNCIL
COMMISSION IT GOVERNANCE
VISION AND POLICY STATEMENTS
FINAL DRAFT JULY 24, 2017**

expenditure. Each department that is allocated a CWIT budget expenditure based on a specific enterprise project or service shall budget for that expenditure, which shall be budgeted as revenue in the CWIT Fund. Additional fund balance shall be used to offset subsequent departmental budget allocations. The CWIT Fund should not budget an undesignated ending fund balance. However, in the interest of planning to meet future enterprise IT needs, the CWIT Fund may include a funding plan for future IT needs and contingency.

3.4. Service Level Agreements (SLA)

Service level agreements (SLA) promote the responsive and accountable delivery of IT systems and services. The SLA is a term sheet of expectations on delivering specific IT services with the intent of promoting mutual interest and understanding. An SLA shall be established for each enterprise IT system and service that a Department relies upon for the delivery of its services. The SLA shall be reviewed by the CTOs and approved by the IT Council). The SLA shall:

- Provide a detailed description of services to be offered and working assumptions between the Enterprise IT and its customers.
- Quantify and measure service availability and support.
- Outline the approach and process used to measure the quality of service provided.
- A detailed service catalogue.
- Define service level management and response times.
- Boost communication between Enterprise IT and its customers.
- Provide a process for resolving conflicts.
- Define Performance measures and provide SLA monthly reports to the IT Council

3.5. Assessment of Commission IT Services and Systems

At the direction of the Executive Committee, the CIO will undertake assessments of the Commission's IT services and systems. The assessment will provide recommendations regarding the implementation of the hybrid model to the IT Council, Executive Committee, and Commission on the governance of IT systems and services. The recommendations shall be based on assessment of the organizational efficiency and effectiveness to deliver IT systems and services and the security risks to the Commission. The CIO's recommendations will include the IT Council's position on the recommendations.

4. Roles and Responsibilities

4.1. Chief Information Officer (CIO)

4.1.1. Role of CIO

The CIO provides executive leadership for the enterprise IT systems and services. Further, the CIO provides coordination and guidance as requested to CTOs on departmental IT matters.

4.1.2. Responsibility

**IT COUNCIL
COMMISSION IT GOVERNANCE
VISION AND POLICY STATEMENTS
FINAL DRAFT JULY 24, 2017**

The CIO is responsible for assuring visioning and strategic planning of information technology that promotes the linkage of policies, standards, and procedures that enable the use of technology to facilitate the mission of the Commission. The CIO proposes practices, procedures, and notices necessary to implement the IT Governance Vision and oversees the Commission's enterprise IT systems and services. The CIO administers the enterprise IT environment including necessary systems, services, and contracts.

4.1.3. Enterprise Project Plan (EPP)

The CIO is responsible for preparing and presenting an enterprise project plan to the IT Council each year, no later than June 30. The purpose of the EPP is to establish an agreed upon enterprise project work program based on a business case analysis to meet the IT vision and governance goals of the Commission. The EPP assesses the progress of current projects, plans for future projects, identifies resources needed (enterprise infrastructure), and plans for future funding. The Plan is proposed by the CIO with input from the CTOs, reviewed by the IT Council, and approved through the annual budget process.

4.1.3.1. Current Enterprise Projects

The EPP must include a status report on all current enterprise projects detailing the estimated completion date, the budget to actual for funding, and estimated funds to complete the project.

4.1.3.2. Future Planned Enterprise Projects

The EPP must include future proposed enterprise projects including the purpose of each project, the benefits to be achieved, the funding and staffing resources required (including any Department staff needed), and estimated project delivery time.

4.1.3.3. Modifications of the EPP

The CIO may modify the EPP as needed during the year. Modifications to the plan must be presented to and accepted by the IT Council and as necessary Department Directors, and Executive Committee. Any modifications requiring budget adjustments and amendments shall follow the applicable Commission policies.

4.1.4. CTO Committee and CTOs

The CIO is the Chair of the CTO Committee and responsible for providing the planning and coordination among Departments to execute the Enterprise Project Plan working with the CTOs. The CIO has functional oversight of the CTO Committee and of the CTOs only with respect to CTO performance necessary to plan and implement enterprise projects as approved in the Enterprise Project Plan. Subcommittees may also be established by the CIO in coordination with the CTOs to address specific areas of coordination or concern.

4.1.5. CIO and Evaluation of CTO Performance

**IT COUNCIL
COMMISSION IT GOVERNANCE
VISION AND POLICY STATEMENTS
FINAL DRAFT JULY 24, 2017**

To promote effectiveness and accountability, each CTO shall have in their performance evaluation a job function standard for enterprise CTO responsibilities. The CIO will provide feedback and evaluation on the CTO job function standard to the appropriate Department supervisor of the CTO.

4.1.6. Program Management Office (PMO)

The OCIO is responsible for overseeing the PMO function. The PMO is the enterprise program management function of the CIO responsible for coordinating and overseeing the planning and implementation of the Enterprise Project Plan through enterprise projects. The PMO will work closely with Department staff as necessary to achieve the goals of each project. In certain cases, Department staff may be assigned to functionally support the PMO but only as it relates to fulfilling project objectives and tasks.

4.2. IT Council

4.2.1. Role

The IT Council is established to represent Department operating needs in the governance and administration of the hybrid model to deliver enterprise and non-enterprise IT systems and services in the Commission. The IT Council shall meet at least monthly.

4.2.2. Membership

Each Department of the Commission shall have a representative on the IT Council. Representatives shall be executive or senior level positions with sufficient management responsibility to represent the Department's IT needs. Each Department Director/Officer shall designate the Department representative. The Executive Director is an ex-officio member. The intent of the IT Council is to represent the consensus position of the Departments on IT matters to the Executive Committee and the other governing bodies of the Commission.

4.2.3. Responsibilities

IT Council members are responsible for representing the business needs and priorities of their Department while striving to make decisions within the hybrid model that are in the best interest of the Commission and their respective departments. The IT Council is responsible for providing recommendations on IT projects, practices, procedures, notices, and funding to the CIO, the Executive Committee, Department Directors, Planning Boards, and Commission. The IT Council makes decisions and recommendations as necessary on the Enterprise Project Plan, any proposed modifications to the plan, or any other matter presented to it. The decisions and recommendations of the IT Council shall be made by majority vote. The IT Council may decide to elevate a decision or recommendation to the Executive Committee.

4.2.4. IT Council Chair

**IT COUNCIL
COMMISSION IT GOVERNANCE
VISION AND POLICY STATEMENTS
FINAL DRAFT JULY 24, 2017**

The CIO is the permanent chair of the IT Council. The Chair is responsible for: 1) calling routine IT Council meetings; 2) preparing the agenda and minutes; 3) providing necessary materials in advance of the meeting to support informed discussion; 4) providing routine status reports on enterprise projects and other enterprise IT matters; and 5) facilitating the discussion to achieve the IT Governance Vision.

4.3. CTO Committee

4.3.1. Role

The CTO Committee is created to coordinate the technical activities necessary to plan and implement enterprise projects with Departments; and to convey department specific IT topics to the committee for synchronization and conformity to established policies.

. The CTO Committee is a standing technical committee established to provide regular coordination between the CIO and the Departments. As necessary to implement enterprise projects in the approved Enterprise Project Plan, the CIO may establish technical subcommittees for the purposes of coordinating efforts and resources for specific enterprise projects. The CTO Committee shall meet at least monthly.

4.3.2. Membership

The membership of the CTO Committee is comprised of the CTO for each Department/Office in the Commission. The membership of any technical subcommittees established by the CIO, shall be presented to the IT Council before being created. Subcommittee membership is not restricted to the CTOs.

4.3.3. Responsibility

The CTO Committee and any technical subcommittees are responsible for working collaboratively with the CIO and PMO for the successful planning and implementation of enterprise IT.

4.4. Chief Technology Officer (CTO)

4.4.1. Role

The CTO represents the lead technical expert for Department IT systems and services. The CTO's role in the Commission's IT Governance is to provide technical linkage and collaboration between departmental IT needs and the CIO's office.

4.4.2. Responsibility

The CTO is a senior position responsible for planning, managing, and operating non-enterprise IT systems and services for a Department. The CTO is responsible for collaborating with the CIO on the planning and implementation of enterprise projects, but any such work assigned must be balanced with the CTO's responsibilities for his/her own departmental duties. With respect to enterprise projects the CTO has a functional reporting relationship to the CIO and is responsible for providing coordination of efforts and resources for the implementation of enterprise projects.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
 BY DEPARTMENT AS OF SEPTEMBER 2017**

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	Aug-17	Sep-17	Aug-17	Sep-17	Aug-17	Sep-17	Aug-17	Sep-17
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	1	1	1	1
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	1	0	0	0	0	0	1	0
INTERNAL AUDIT	1	1	0	0	0	0	1	1
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	0	0	0	0	0	1	0
LEGAL DEPARTMENT	0	1	0	0	0	0	0	1
FINANCE DEPARTMENT	1	1	0	0	0	0	1	1
PRINCE GEORGE'S PLANNING	3	2	0	0	0	0	3	2
PRINCE GEORGE'S PARKS & RECREATION	3	6	1	2	1	0	5	8
MONTGOMERY COUNTY PARKS	2	3	0	0	0	0	2	3
MONTGOMERY COUNTY PLANNING	2	6	0	0	0	0	2	6
DEPARTMENT TOTAL BY DAYS LATE	14	20	1	2	2	1	17	23
COMMISSION-WIDE TOTAL							17	23

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

ITEM 6a



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

Reply To

September 28, 2017

**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 September, 2017

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, October 18, 2017. 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.

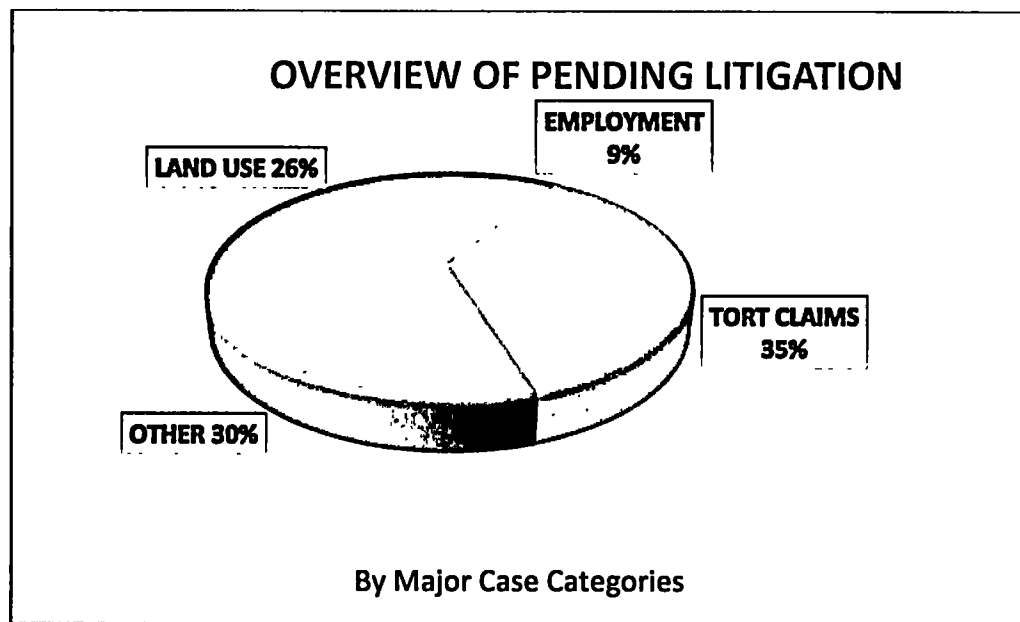
Table of Contents – September 2017 Report

Composition of Pending Litigation Page 01
Overview of Pending Litigation (Chart)..... Page 01
Litigation Activity Summary..... Page 02
Index of New YTD Cases (FY18) Page 03
Index of Resolved YTD Cases (FY18) Page 04
Disposition of FY18 Closed Cases Sorted by Department Page 05
Index of Reported Cases Sorted by Jurisdiction..... Page 07
Litigation Report Ordered by Court Jurisdiction..... Page 08

September 2017 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	2		2				4
Admin Appeal: Other							0
Land Use Dispute							0
Tort Claim	8						8
Employment Dispute	1	1					2
Contract Dispute	2						2
Property Dispute			2				2
Civil Enforcement							0
Workers' Compensation							0
Debt Collection							0
Bankruptcy							0
Miscellaneous	3		1		1		5
Per Forum Totals	16	1	5	0	1	0	23



September 2017 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2018			
	Pending In July/Aug 2017	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	4			4			4
Admin Appeal: Other (AAO)	0			0			0
Land Use Disputes (LD)	1		1	1		1	0
Tort Claims (T)	8			6	2		8
Employment Disputes (ED)	1	1		1	1		2
Contract Disputes (CD)	2			2			2
Property Disputes (PD)	1	1		1	1		2
Civil Enforcement (CE)	0			0			0
Workers' Compensation (WC)	1		1	2		2	0
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	5			5			5
Totals	23	2	2	22	4	3	23

**INDEX OF YTD NEW CASES
(7/1/2017 TO 6/30/18)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Moore v. Thompson, et al	PG	Tort	July 17
Evans v. Commission	MC	Tort	Aug 17
Gregg v. Commission	PG	ED	Sept 17
B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Rounds v. Commission	MC	PD	Sept 17

**INDEX OF YTD RESOLVED CASES
(7/1/2017 TO 6/30/18)**

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Parker v. Commission	PG	WCC	July 2017
Commission v. Pollard	MC	WCC	Sept 2017
Pulte Home Corp., et al v. Mont. County, et al	MC	LD	Sept 2017

D. Appellate Court Cases Resolved.

Disposition of FY18 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Planning		
Montgomery County Department of Parks		
Montgomery County Park Police		
Montgomery County Planning Board		
Pulte Home Corporation, et al v. Montgomery County, et al	Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.	08/25/17- Court grants Defendants' Motion for Judgment on Pleadings; case dismissed.
Prince George's County Department of Parks and Recreation		
Commission v. Pollard	Employer is seeking de novo judicial review of the WCC's decision that the Claimant had suffered a 39% worsening of condition regarding his right hip since the last permanency award and found no cause for apportionment to preexisting conditions.	07/28/17- Joint Motion to Remand to WCC

Parker v. Commission	Claimant/employee is seeking de novo judicial review of the WCC's decision denying she has an occupational disease.	6/26/17-Case settled and remanded to WCC
Prince George's County Planning Department		
Prince George's County Planning Board		
Prince George's Park Police		
Office of Internal Audit		

INDEX OF CASES

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND	08
Milam v. Doe, et al.....	08
Moore v. Thompson, et al.....	08
CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND.....	09
Shipe v. Louketis, et al	09
Tugwell v. Louketis, et al	09
CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND	11
Burnette v. Commission.	11
Commission v. The Town of Forest Heights	11
Green, et al v. Commission.....	11
Grier, et al v. Commission	12
O'Brien v. Sports & Learning Complex.	12
Pletsch, et al v. Commission	13
Price, et al v. Prince George's County, et al	13
Sauer, Inc. v. Commission	14
Swain v. Seay, et al.....	14
CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND.....	15
Evans v. Commission.....	15
Fort Myer Construction Corporation v. Commission	15
Rounds v. Commission, et al	16
MARYLAND COURT OF SPECIAL APPEALS	17
Brooks v. Commission.....	17
Cohn v. Commission	17
Friends of Croom Civic Association, et al v. Commission	18
Rounds v. Montgomery County, MD, et al	18
Rounds v. Montgomery County, MD, et al	19
MARYLAND COURT OF APPEALS	19
U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND.....	20
Gregg v. Commission.....	20
U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT	21
American Humanists Association, et al v. Commission	21

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Milam v. Doe and Commission
Case No. 0502-0034226-2016(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving vehicle owned by Commission.

Status: Pending trial.

Docket:

12/27/16	Complaint filed
02/03/17	Subpoena served on Commission
03/22/17	Court issues notice of service on Commission
05/01/17	Commission requests re-issue for dormant service
05/19/17	Motion to Quash Service filed by Commission
06/05/17	Notice of Service stricken
10/17/17	Trial

Moore v. Thompson, et al
Case No. 0502-0026594-2016(Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Defense of claim for property damage involving vehicle owned by Commission.

Status: Pending trial.

Docket:

09/30/16	Complaint filed
07/12/17	Summons served on Defendant Devillars
10/26/17	Trial

CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND

Shipe v. Louketis, et al

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

Lead Counsel: Harvin
Other Counsel: Dickerson

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

Status: In discovery.

Docket:

10/26/15	Complaint filed
11/20/15	Commission served
12/18/15	Motion to Dismiss and Memorandum filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Opposition to Motion to Dismiss & Request for Hearing filed
03/07/16	Court grants & denies portions of Commission Motion to Dismiss
06/20/16	Counter-claim filed by Defendant Louketis
08/30/16	Order consolidating case with 06-C-15-069996
12/02/16	Pre-trial conference
05/10/17	Commission files Motion for Summary Judgment and Memorandum
08/22/17	Motion for Summary Judgment granted as to Count 7
09/20/17	Joint Motion to Continue Status Review
09/26/17	Court grants Motion to Continue Status Review
10/10/17	Status Review

Tugwell v. Louketis, et al

Case No. 06-C-15-069996 (Tort)

Lead Counsel: Adams
Other Counsel: Dickerson

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

Status: In discovery.

Docket:

10/21/15	Complaint filed
11/20/15	Commission served
12/16/15	Motion to Dismiss and supporting Memorandum, Motion for Protective Order filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Amended Complaint filed by Plaintiff
01/27/16	Second Amended Complaint filed by Plaintiff
02/17/16	Line filed by Commission responsive to Second Amended Complaint and renewing previous Motion to Dismiss
04/15/16	Motions hearing
05/31/16	Motion to Dismiss denied. Court orders Commission to produce documents with 30 days for in-camera inspection.
06/09/16	Court order modifying scheduling order for discovery and expert identification
08/30/16	Order consolidating case with 06-C-15-070021
12/02/16	Pre-trial hearing
05/10/17	Commission files Motion for Summary Judgment with Memorandum
08/22/17	Motion for Summary Judgment granted as to Count 7
09/20/17	Joint Motion to Continue Status Review
09/26/17	Court grants Motion to Continue Status Review
10/10/17	Status Review

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Burnette v. Commission
CAL16-35180 (ED)

Lead Counsel: Adams
Other Counsel: Dickerson

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

Status: Pending oral argument.

Docket:

09/08/16	Petition filed
09/23/16	Response to Petition filed by Commission
02/07/17	Pre-trial conference
03/24/17	Commission Memorandum of Law filed
10/30/17	Oral Argument

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

Lead Counsel: Mills
Other Counsel:

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

Status: Awaiting decision.

Docket:

07/20/16	Complaint filed
08/31/16	Defendant filed Answer
09/20/16	Court returns Defendant's Answer failure to pay filing fees
09/27/16	Defendant files Answer
02/08/17	Pretrial conference
04/10/17	Defendant files Motion to Dismiss and/or Motion for Summary Judgment
04/19/17	Joint Response by Plaintiffs to Defendant's Motion to Dismiss and/or for Summary Judgment
06/21/17	Motions hearing; awaiting decision from Court

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

Lead Counsel: Harvin
Other Counsel:

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

Status: Case dismissed.

Docket:

06/14/16	Complaint filed.
08/22/16	Commission files answer.
02/28/16	Pre-trial conference
06/30/17	ADR Conference cancelled
08/30/17	Case dismissed with prejudice

Grier, et al v. Commission
CAL17-10296 (AALU)

Lead Counsel: Johnson
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan of Subdivision 4-16032 in Laurelind-orinan Estate.

Status: Appeal filed.

Docket:

04/20/17	Petitioners' filed a Petition for Judicial Review
05/09/17	Commission filed Response to Petition
07/14/17	Status hearing conference
08/04/17	Petitioner filed Memorandum in Support of Judicial Review
09/13/17	Oral Arguments held
10/27/17	Disposition hearing

O'Brien v. Sports & Learning Complex
CAL17-00241(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving slip and fall at swimming pool.

Status: Pending trial.

Docket:

01/11/17	Complaint filed
03/03/17	Service of complaint on Commission
03/31/17	Amended Complaint filed
08/09/17	Pre-trial conference
04/10/18	Trial

Pletsch, et al v. Commission
CAL17-12150(AALU)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan of Subdivision 4-16006 Melford Village.

Status: Appeal filed.

Docket:

05/10/17	Petitioners' filed Petition for Judicial Review
06/09/17	Commission filed Response to Petition
07/14/17	Status hearing conference
01/19/18	Proposed Oral Argument calendar

Price, et al v. Prince George's County, et al
CAE16-37806 (M)

Lead Counsel: Gardner
Other Counsel: Dickerson

Abstract: Plaintiffs file lawsuit for injunctive relief questioning validity of certain personal tax enactments involving the Commission and Prince George's County.

Status: Complaint filed.

Docket:

09/30/16	Complaint filed
01/03/17	Motion to Dismiss or in the alternative, Motion for Summary Judgment filed by Defendant, P. G. County
01/06/17	Status Conference
01/31/17	Plaintiff's Opposition to Defendant, PG County's Motion to Dismiss
03/08/17	Defendant, PG County files answer to Complaint
04/24/17	Amended Complaint filed
05/03/17	Commission served with amended complaint
05/24/17	Commission files entry of appearance
06/13/17	Commission files Motion to Dismiss
06/30/17	Pretrial conference
07/07/17	Plaintiff's Opposition to Commission's Motion to Dismiss or in the alternative, Motion for Summary Judgment
09/19/17	Motions hearing; Motion to Dismiss denied by Court
12/13/17	Trial

Sauer, Inc. v. Commission
CAL17-05868 (CD)

Lead Counsel: Dickerson
Other Counsel: Adams

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the renovation and expansion of the Palmer Park Community Center in Prince George's County.

Status: Complaint filed.
Docket:

02/28/17	Complaint filed but improperly served; awaiting proper re-service
06/20/17	Complaint properly served and accepted by Commission
08/21/17	Line filed extending responsive pleadings deadline

Swain v. Seay, et al
CAEF16-10315 (M)

Lead Counsel: Dickerson
Other Counsel: Foster

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

Status: Case dismissed.
Docket:

04/01/16	Complaint filed
09/23/16	Motion to Dismiss filed
10/06/16	Opposition to Motion to Dismiss filed
11/18/16	Answer to Petition filed by Commission
12/08/16	Motion to Dismiss filed by North Arundel Savings Bank
12/27/16	Opposition to Motion to Dismiss and request for hearing filed by Plaintiff
05/30/17	Request for hearing filed
09/01/17	Case dismissed

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Evans v. Commission
Case No. 435465-V(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury following an automobile accident.

Status: Complaint filed.

Docket:

08/11/17	Complaint filed
08/22/17	Service of complaint on Commission
09/19/17	Commission files Answer to Complaint
05/24/18	Pre-trial/settlement conference

Fort Myer Construction Corporation v. Commission
Case No. 399804-V (CD)

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

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

Status: Pending scheduling conference.

Docket:

01/23/15	Complaint filed
04/27/15	Motion for Appropriate Relief (Motion to Stay) filed by Commission
05/19/15	Plaintiff's Response to Commission's Motion for Appropriate Relief
10/27/15	Court grants Commission's Motion to Stay pending decisions from Court of Special Appeals
10/27/15	Commission's Motion for Stay granted
10/28/16	Notice of 2-507 Letter issued
11/23/16	Plaintiff's Motion to Defer Entry of Md. Rule 2-507
12/05/16	Commission's response to Plaintiff's Motion to Defer Entry of Dismissal or in alternative Motion to Compel Answer
12/23/16	Court orders case to stay on the docket, to be set in for status hearing
03/16/17	Status Hearing; Court orders continuation of stay; to remain on

	docket
06/08/17	Court sets case for scheduling conference
07/28/17	Scheduling conference
08/04/17	Motion to Intervene filed by URS
08/11/17	Court grants URS's Motion to Intervene
08/28/17	Entry of Appearance and Motion to Dismiss filed by Commission
09/15/17	Plaintiff's Response to Commission and URS Motion to Dismiss
09/19/17	Commission files Cross-Claim against URS
10/10/17	Motions hearing
06/28/18	Settlement/Pretrial hearing

Rounds v. Commission, et al
Case No. 430530-V (Tort)

Lead Counsel:
Other Counsel:

Gardner
Dickerson
Harvin

Abstract:

Defense of claim for alleged slander of title regarding Farm Road easement.

Status:

Complaint filed.

Docket:

02/28/17	Complaint filed
03/07/17	Amended Complaint filed
04/18/17	Motion to Dismiss filed by Maryland State Treasurer; Affidavit of Service on Commission filed
04/28/17	Defendant, Montgomery County filed Motion to Extend Deadline for Motion to Dismiss 06/02/17
05/30/17	Commission files Motion to Dismiss for failure to state a claim
06/02/17	Scheduling conference held
06/02/17	Court orders discovery stay pending Motions hearing
06/20/17	Plaintiffs filed motion for extension of time to respond to Commission's Motion to Dismiss
06/30/17	Plaintiff's Opposition to Commission's Motion to Dismiss filed
07/03/17	Plaintiff's Opposition to Montgomery County's Motion to Dismiss filed
08/25/17	Court grants Commission's Motion to Dismiss
08/28/17	Court issues Notice of Dismissal
09/25/17	Plaintiff files Third Amended Complaint
09/25/17	Plaintiff notes appeal with Court of Special Appeals
09/26/17	Motion to Vacate Dismissal filed by Plaintiff

MARYLAND COURT OF SPECIAL APPEALS

Brooks v. Commisison

September Term 2016, No. 02295 (AALU)
(Originally filed under CAE16-25941 in Prince George's County)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County.

Status: Awaiting oral argument.

Docket:

01/06/17	Notice of Appeal filed
06/30/17	Appellant's Brief and Joint Record Extract filed
12/2017	Oral Argument

Cohn v. Commisison

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

Lead Counsel: Dickerson
Other Counsel: Harvin

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

Status: Awaiting oral argument.

Docket:

09/30/16	Notice of Appeal filed
01/26/17	Brief filed by Appellant
03/31/17	Commission Brief filed
05/01/17	Appellant's Reply Brief filed
10/05/17	Oral Argument

Friends of Croom Civic Association, et al. v. Commission
Case No. 02177, September Term 2015 (AALU)
(Originally filed under CAL14-32333)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.

Status: Awaiting decision.
Docket:

12/07/15	Notice of Appeal
05/27/16	Commission Brief due
12/06/16	Oral Argument held

Rounds v. Montgomery County, MD, et al
September Term, 2016, No. 02501(PD)
(Originally filed under #350954-V in Montgomery County)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin

Abstract: Appeal from dismissal of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Appeal filed.

Docket:

02/03/17	Notice of Appeal filed
----------	------------------------

Rounds v. Montgomery County, MD, et al
September Term, _____, No. _____(PD)
(Originally filed under #350954-V in Montgomery County)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin

Abstract: Appeal from dismissal of claim barred by res judicata concerning alleged Farm Road easement.

Status: Appeal filed.

Docket:

09/25/17	Notice of Appeal filed
----------	------------------------

MARYLAND COURT OF APPEALS

No Pending Cases

U.S. DISTRICT COURT OF MARYLAND

Gregg v. Commission
Case No. 8:17-cv-02111 (ED)

Lead Counsel: Dickerson
Other Counsel: Harvin

Abstract: Plaintiff filed complaint for alleged race and gender discrimination.

Status: Complaint filed.

Docket:

07/28/17	Complaint filed
09/28/17	Commission files request to Extend Time to Respond to Complaint

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

American Humanist Association, et al v. Commission

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

Lead Counsel: Dickerson
Other Counsel: Gardner
Adams

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

Status: Awaiting decision.

Docket:

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

Q:\LEGAL\DOC\DOC\WP60\2017 Litigation Reports\September 2017 Litigation Report.docx