

***COMMISSION
MEETING***

*July 19, 2017
9:30 a.m. – 11:30 a.m.*

*Prince George's County
Parks and Recreation Auditorium
6600 Kenilworth Avenue
Riverdale, MD 20737*

ITEM 1

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING
Wednesday, July 19, 2017
Prince George's County Parks and Recreation Auditorium
9:30 a.m. – 11:30 a.m.**

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (9:30)	(+*) Page 1	
2.	Approval of Commission Minutes		
	a) Open Session – June 21, 2017	(+*) Page 3	
	b) Closed Session – June 21, 2017	(+*) Page	
3.	General Announcements (9:35)		
	a) Upcoming One Commission Diversity Event (August 23, 2017)		
	b) Upcoming Hispanic Heritage Celebration (Hispanic Heritage Month – September 15 th to October 15 th)		
	c) M-NCPPC 90 th Birthday Celebration with Central Administrative Services (following the Commission Meeting)		
4.	Committee Minutes/Board Reports (For Information Only):		
	a) Employees' Retirement System Regular Board of Trustees Meeting – June 6, 2017	(+) Page 9	
	b) Executive Committee – Open Session – June 7, 2017	(+) Page 17	
	c) Executive Committee – Closed Session – June 7, 2017	(++)	
5.	Action and Presentation Items (9:40)		
	a) Logo Discussion		
	b) JP Morgan Rebate Check (Zimmerman)		
	c) FY 2016 CAFR Award (Zimmerman/Walsh)		
	d) Resolution #17-27, Appointment of Natali Fani-Gonzalez to the Board of Trustees for 115 Trust (Barney/Zimmerman)	(+*) Page 21	
	e) Diversity Council Survey Results (Barney/Gordon)	(H)	
	f) Recommendation for Benefit Changes for Calendar Year 2018	(LD)	
	g) EOB Building Project Update (Barney/Bennett/Dorsey)	(+*) 23	
	h) Enterprise Resources Planning Briefing (Chilet)		
6.	Officers' Reports (11:10)		
	a) Executive Director's Report (For Information Only) Employee Evaluations Not Completed by Due Date (June 2017)	(+) Page 39	
	b) Secretary Treasurer (For Information Only) Investment Report (May 2017) (+)	(+) Page 41	
	c) General Counsel Litigation Report (June 2017) (For Information Only)	(+) Page 47	

(+) 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
June 21, 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
Gerald Cichy
Norman Dreyfuss
Mary Wells-Harley
Natali Fani-Gonzalez

ABSENT

Shuanise Washington

Chair Hewlett convened the meeting at 9:44 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

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

ITEM 2 APPROVAL OF COMMISSION MINUTES

a) Open Session – May 17, 2017
b) Closed Session – May 17, 2017
ACTION: Motion of Bailey
Seconded by Wells-Harley
9 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Hewlett made the following announcements:

- June is National Caribbean American Heritage Month. The M-NCPPC held a celebration on June 9, 2017, from 10:00 a.m. to 1:00 p.m., at the Laurel Beltsville Senior Activity Center. A speaker and an interpretive dancer from the Smithsonian National Museum of African American History and Culture performed at the celebration.
- The One-Commission Diversity and Inclusion celebration will be held on August 23rd at the Clarice Smith Center for the Performing Arts at the University of Maryland.

- A Juneteenth Celebration was held at Walker Mill Regional Park on June 17, 2017. Juneteenth originated as a celebration of the official ending of slavery in Texas, on June 19, 1865, even though the Emancipation Proclamation had gone into effect on January 1, 1863.
- June is Lesbian, Gay, Bisexual and Transgender (LGBT (Q)) Pride Month. The M-NCPPC celebrates the contributions of the LGBTQ members to the Commission, to our communities, and to our nation.
- A recognition Ceremony for Literacy Program participants will be held in September at Brookside Gardens following the Commission meeting.
- There will be an “M-NCPPC 90th Birthday Celebration” on July 19, 2017, following the Commission meeting at noon. The event will be hosted by the Central Administrative Services departments in the lobby of the Executive Office Building (6611 Kenilworth Avenue, Riverdale, MD).
- *El Tiempo Latino* magazine named Montgomery County Planning Board member Natali Fani-Gonzalez as one of the 100 most influential individuals in the District of Columbia Hispanic community. Also selected were Nydia Ocasio and Lourdes Sulc from the Prince George’s Parks and Recreational Department.
- June 16th was National Wear Blue Day. This day was designated to show support for the health and wellbeing of boys and men during Men’s Health Education Awareness Week. The M-NCPPC supported this special day by departments participating in a Wear Blue day competition.
- June 21st is National Selfie Day.
- Vice-Chair Anderson introduced Commissioner Tina Patterson, who will replace Commissioner Marye Wells-Harley as Montgomery County Commissioner. Commissioner Wells-Harley’s term will end on July 27th, and Commissioner Patterson’s term will begin when she is sworn in on July 28th. Information about a formal celebration is forthcoming.
- Chair Hewlett welcomed back Prince George’s County Parks and Recreation Deputy Director Debbie Tyner who had been on a leave of absence.
- Chair Hewlett acknowledged the passing of Parks and Recreation Advisory Board Member Harland Tucker.

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

- Executive Committee – Open Session – June 7, 2017
- Executive Committee – Closed Session – June 7, 2017
- Employees’ Retirement System Regular Board of Trustees Meeting
May 2, 2017

ITEM 5 ACTION AND PRESENTATION ITEMS

Closed Session - FOP Labor Negotiations – Pursuant to Section 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, a closed session was proposed at 9:52 a.m., to consult with counsel to conduct collective bargaining negotiations or consider matters that relate to negotiations.

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

At 10:03 a.m., Chair Hewlett requested a motion to move back into open session.

ACTION: Motion of Geraldo

Seconded by Dreyfuss
9 approved the motion

- a) Resolution #17-20, Bethesda Sector Plan (Kronenberg)
ACTION: Motion of Wells-Harley
Seconded by Geraldo
9 approved the motion

- b) Resolution #17-21, Prince George's County Bond Sale (Zimmerman)
ACTION: Motion of Geraldo
Seconded by Bailey
9 approved the motion

- c) Resolution #17-22, Approval of Fiscal Year 2018 Employer Contribution for Retiree Group Health Insurance (Kroll)
ACTION: Motion of Wells-Harley
Seconded by Bailey
9 approved the motion

- d) Resolution #17-19, Adoption of the FY18 Commission Operating Budget and Capital Budget (Kroll)
ACTION: Motion of Geraldo
Seconded by Wells-Harley
9 approved the motion

- e) Resolution #17-26, Adoption of Amended Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30 (Barney/Spencer)
ACTION: Motion of Geraldo
Seconded by Dreyfuss
9 approved the motion

- f) Resolution #17-18, Merit Increase and Cost of Living Adjustment for Park Police Command Staff and Candidates (Barney/Spencer)
ACTION: Motion of Wells-Harley
Seconded by Geraldo
9 approved the motion

- g) Resolution #17-24, Appoint Commissioner Gerald Cichy to the ERS' Board of Trustees for the term ending June 30, 2020 (Barney/Zimmerman)
Chair Hewlett thanked Commissioner Marye-Wells Harley for her commitment and service on the ERS Board of Trustees.
ACTION: Motion of Wells-Harley
Seconded by Geraldo
9 approved the motion

h) Resolution #17-25, Refund to the Operating Departments for Overpayments Related to Employer Paygo Retiree Medical Contributions

Executive Director Barney provided background on this item, stating that a similar item was presented to the Commission in FY16 and FY17. She explained the actuary was estimating the employer cost for funding the current Retiree medical premium at 80%. The estimation was too high, and generated a profit. Executive Director Barney and Secretary-Treasurer Zimmerman examined the Group Insurance Fund for FY14 and FY15, and recognized similar surpluses. The Resolution transfers the funds back to Operating Funds and prevents the Group Insurance Fund from growing unnecessarily.

ACTION: Motion of Geraldo
Seconded by Wells-Harley
9 approved the motion

i) Request to Spend Salary Lapse for the:

1. Office of Internal Audit (Kenney)
2. Department of Human Resources and Management (Barney)
3. Finance (Zimmerman)

ACTION: Motion of Geraldo
Seconded by Wells-Harley
9 approved the motion

j) Policy Amendment to Merit System Rules & Regulations: Dispute Procedures (Bennett/Beckham)

Corporate Policy and Management Operations Division Chief Anju Bennett introduced Policy Manager Michael Beckham. She presented background on a proposed amendment to Merit System Rules and Regulations: Chapter 2000, Disputes. She explained that amendments to the Merit System Rules are initially considered by the Merit System Board, and distributed for comment from non-represented employees. The Merit System Board supports the amendment. She explained that the existing policy prohibits employees from having a complaint considered through the internal dispute resolution process when the same matter has been filed with an outside agency/tribunal. The amendment removes this restriction.

Mr. Beckham reviewed the language in Section 2032, Concurrent Internal and External Complaints. He explained the current Merit System rule and the amendment. He noted the amendment comports with the Equal Employment Opportunity Commission's Conciliation Agreement, which requires represented employees to have the option of filing complaints through the agency's internal process, even when complaints have been filed externally. By amending Section 2030, Non-represented Merit System employees will have the same option. Mr. Beckham explained that the Merit System Board or the M-NCPPC will have the option to stay the internal review until the matter has been addressed externally with finality. Mr. Beckham and Ms. Bennett explained the implication of the change.

ACTION: Motion of Geraldo to support the amendment to Chapter 2000
Seconded by Bailey
9 approved the motion

- k) American Planning Association (APA) Award Presentation (Wright/Hanson)
Montgomery County Planning Director Gwen Wright presented two Planning Awards received by the M-NCPPC at the American Planning Association's (APA) Awards Presentation, held in New York from May 6th through May 9th. She noted the M-NCPPC had a very strong presence, with five staff members speaking on different panels. She said it is uncommon for one agency to win two major awards at an APA conference. The M-NCPPC won a landmark award for its Agricultural Reserve and a Gold Achievement Award for the Bicycle Stress Map. Ms. Wright introduced the staff who worked on the Bicycle Stress Map and the guests who were involved in creating the Agricultural Reserve.

Ms. Wright introduced former M-NCPPC Chair Royce Hansen, who briefly addressed the Commissioners. Mr. Hansen shared that the Agricultural Reserve represents a single achievement that changed the way planning is done across government. The Agricultural Reserve Award represents the work of the Commission over 90 years. Mr. Hansen thanked the staff for their intense work and contribution to the project. He also thanked the APA for its recognition, and for the continuing support it has given to the agency.

Chair Hewlett added that the M-NCPPC won an additional award which was bestowed to Prince George's Planning for its "Prince George's Planning 2035" plan. This makes a total of three awards for the M-NCPPC.

A group photo was taken at 10:20 a.m.

At 10:25 a.m., the Commission took a break; the meeting reconvened at 10:35 a.m.

- a) M-NCPPC Logo Project (Schwiesow, Davey & M-NCPPC Logo Project Team)
Montgomery County Planning Communications Manager Bridget Schwiesow and Prince George's County Planning Public Affairs and Marketing Officer Andrea Davey presented new logo concepts on behalf of the M-NCPPC Logo Project Team. The Team also included members from Prince George's Parks and Recreation, Montgomery Parks and one member from CAS. The presentation was conducted per direction at the March 15, 2017 Commission meeting, to enable continued discussion of a possible refresh of the existing logo or a new logo design.

The Commissioners thanked the Team for their efforts. Following the presentation of the logo concepts, and a lengthy discussion, the Commissioners agreed to table a decision on the logo design to enable more time for the Prince George's Planning Board members to consider and to obtain input from CAS Officers and Department Directors.

ACTION: Motion of Doerner to table the decision on the M-NCPPC logo pending input from Prince George's County Planning Board, Officers (CAS), and Directors
Seconded by Geraldo
9 approved the motion

Item Added to the Agenda

Executive Director Barney shared that the EOB building team has met with Commissioners Dreyfuss and Doerner. A needs assessment and cost information will be presented to the Commission in July.

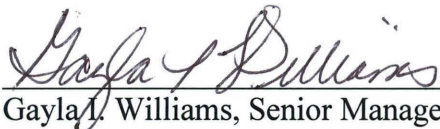
ITEM 6 OFFICER'S REPORTS

- a) Executive Director's Report (For Information Only)
Employee Evaluations Not Completed by Due Date (May 2017)

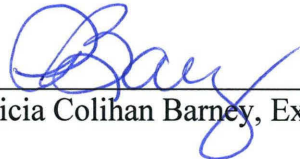
- b) Secretary-Treasurer (For Information Only)
Investment Report (April 2017)

- c) General Counsel
Litigation Report (May 2017) (For Information Only)

There being no further business to discuss, the meeting adjourned at 12:16 p.m.



Gayla Williams, Senior Management Analyst/
Senior Technical Writer



Patricia Colihan Barney, Executive Director



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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, June 6, 2017; 10:00 A.M.
ERS/Merit Board Conference Room

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, June 6, 2017 at 10:00 a.m. Voting members present were Khalid Afzal, Patricia Barney, CPA, Howard Brown, Elizabeth M. Hewlett, Amy Millar, Sheila Morgan-Johnson, Barbara Walsh and Joe Zimmerman, CPA. Pamela F. Gogol and Marye Wells-Harley were absent. Alicia Hart arrived at 10:06 a.m.

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

Presentations by Boomershine Consulting Group - Gregory M. Stump, Vice President and Senior Actuary; Wilshire Associates - Bradley A. Baker, Vice President; the Groom Law Group - Alexander P. Ryan, Counsel (via conference call); and, the M-NCPPC Legal Department - William Dickerson, Principal Counsel.

Also present from M-NCPPC Legal Department - Elizabeth Adams, Associate General Counsel.

1. CONSENT AGENDA

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

- A. Approval of the June 6, 2017 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, May 2, 2017
- C. Disbursements Granted Reports – April 2017
- D. Transfer of \$13,200,000 to Cover Administrative Expenses and Benefit Payments for June - August 2017

CHAIRMAN HEWLETT revised the June 6, 2017 Agenda and added Item 2.C. Resolution in Honor of Marye-Wells Harley, Montgomery County Commissioner and Vice Chairman.

MS. BARNEY made a motion, seconded by MS. WALSH to approve the June 6, 2017 Board of Trustees Meeting Agenda, as revised. The motion PASSED unanimously (8-0). (Motion #17-32)

MS. BARNEY made a motion, seconded by MS. WALSH to approve the Consent Agenda Items B-D. The motion PASSED unanimously (8-0). (Motion #17-33)

2. **CHAIRMAN'S ITEMS**

- A. Board of Trustees Conference Summary
- B. Wharton Investment Concepts Training Report by Alicia Hart (HANDOUT)
- C. Resolution in Honor of Marye-Wells Harley, Montgomery County Commissioner and Vice Chairman

CHAIRMAN HEWLETT said Montgomery County Commissioner and Vice Chairman Marye Wells-Harley's term on the Montgomery County Planning Board expires and she will no longer qualify to sit on the ERS Board. CHAIRMAN HEWLETT presented a Resolution in Honor of Marye Wells-Harley and thanked her for providing faithful service to the Board of Trustees enhanced by her nearly 50 years of progressive service to the Commission.

In MS. HART's absence, Andrea Rose handed out her Wharton Investment Concepts Training Report.

3. **MISCELLANEOUS**

- A. Recommendation to appoint the Chairman and Vice Chairman for the term ending June 30, 2019
- B. Recommendation to approve a Resolution for the Chairman of the Board of Trustees for the term ending June 30, 2019

MS. HART arrived at 10:06 a.m.

MS. BARNEY made a motion, seconded by MS. MILLAR to approve Elizabeth M. Hewlett as the Chairman for the term ending June 30, 2019. The motion PASSED unanimously (9-0). (Motion #17-34)

MS. BARNEY made a motion, seconded by MS. WALSH to approve a Resolution for the Chairman of the Board of Trustees for the term ending June 30, 2019. The motion PASSED unanimously (9-0). (Motion #17-35)

Recommendation to appoint the Vice Chairman was moved to the July 11, 2017 Board of Trustees Meeting Agenda.

4. **CLOSED SESSION**

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

MR. AFZAL made a motion, seconded by MS. HART to go in to Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) for investment of public funds and to consult with legal counsel. The motion PASSED unanimously (9-0). (Motion #17-36)

MS. BARNEY made a motion, seconded by MS. WALSH to ratify the actions taken in Closed Session. The motion PASSED unanimously (9-0). (Motion #17-40)

5. MANAGER REPORTS/PRESENTATIONS

- A. Boomershine Consulting Group
 - Presentation by Gregory M. Stump, Vice President and Senior Actuary
 - i. Assumption Review; June 2017
 - a. Recommendation to Maintain Current Economic Assumptions

Annually the Board considers a reduction in the economic assumptions, specifically, focusing on the investment return assumptions. Gregory M. Stump presented an assumption review which included the current plan status, economic assumptions, the probability and impact of a decrease in the investment return assumption, and the future outlook.

The current economic assumption are as follows: Investment Return -7.0% (2.50% underlying inflation); salary increases - 2.50% + service based rates; and Post Retirement Adjustment - 2.4% compounded annually for benefits based on credited service accrued until July 1, 2012, 2.00% compounded annually thereafter. Mr. Stump advised focusing on the 50-55% probability of meeting the long-term investment return assumption and discussed the impact of a change from 7.00% to 6.75% which would increase the actuarial accrued liability by 3% and the unfunded actuarial accrued liability by 32%, resulting in a 2.8% decrease in the funding ratio (from 90.2% to 87.4%). Both cost components of the employer contribution (normal cost and amortization) will increase, resulting in an estimated 2.7% increase in the employer contribution. This is also affected by experience during the year. Decreasing the assumption is consistent with recent trends and the ERS is "ahead of the curve".

MS. BARNEY noted a reduction from 7.00% to 6.75% has a significant impact; however, she would support a reduction from 7.00% to 6.95% which would result in a slight increase in the actuarial accrued liability of approximately \$6 million, a decrease in the funding ratio of less than 1%, and less than an estimated \$1 million increase in the employer contribution. There was discussion regarding a move from 7.00% to both 6.90% and 6.95%.

MS. BARNEY made a motion, seconded by MR. ZIMMERMAN to reduce the investment return assumption from 7.00% to 6.95% effective with the July 1, 2017 actuarial valuation. The motion PASSED unanimously (9-0). (Motion #17-41)

The Board agreed annual review of the investment return assumption continues to be prudent.

- B. Wilshire Associates
 - Presentation by Bradley A. Baker, Vice President
 - i. Actuarial Interest Rate Assumption; June 6, 2017
 - ii. Executive Summary of Investment Performance; as of March 31, 2017

- iii. Northern Trust Transition Management Post-Trade Analysis
- iv. Manager Comparison - 3yr and 5yr Rolling Returns; as of March 31, 2017
- v. Summary of Investment Performance; March 31, 2017

Bradley Baker presented an Actuarial Interest Rate Assumption overview highlighting Wilshire's 2017 Asset Class Assumptions which can be used in support of the actuarial investment return assumption. Based on Wilshire's assumptions, the expected rate of return for the ERS' asset mix policy is estimated with active management at 7.67% for a ten-year time horizon and 8.47% for a thirty-year time horizon. The expected return is 90% driven by asset allocation and 10% by active management. According to Wilshire's 2016 Report for City and State Retirement Systems, the median active investment return reported was 7.5% for each segment.

Mr. Baker reported on the fund's performance for the quarter ending March 31, 2017. The ERS' total fund return was 4.77% (net of fees) for the quarter, outperforming the actual policy index return of 4.15%. The ERS fund return was 13.57% for the one-year ended, 4.73% for the three-years ended, and 7.00% for the five-years ended March 31, 2017 versus the actual policy index which returned 10.78%, 3.57% and 6.04%, respectively. The total market value through March 31, 2017 was \$851.0 million.

Mr. Baker reported on the recent transition handled by Northern Trust Transition Management which included the restructure of 6 existing legacy managers (Blackrock S&P 500 Index, Chicago Equity Partners, Earnest Partners, JP Morgan, NTGI and Capital Guardian) into two target managers (Blackrock Global low volatility and Rhumblin S&P 500). Savings were obtained by transferring 37% of the portfolio in-kind. The remaining portion of the trade was cost effectively executed in the open market.

6. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated May 19, 2017

- i. Recommendation to Approve FY2018 Wage and Benefit Adjustments for ERS Staff as follows:
 - Effective the first full pay period after July 1, 2017, a 3.5% Annual Salary increase for eligible employees not at top-of-grade.
 - Effective the first full pay period after July 1, 2017, a 0.5% lump sum payment made on base salary for full-time employees (part-time employees prorated at 50% of the .5%) at top -of-grade. This payment does not increase base salary.
 - Effective the first full pay period following August 1, 2017, a cost-of-living adjustment equal to 1.5% of base pay for eligible employees (including the Administrator).

Andrea Rose presented the Administrator's Report dated May 19, 2017.

MINUTES, AS APPROVED, AT THE JULY 11, 2017 REGULAR BOARD OF TRUSTEES MEETING

Ms. Rose recommended compensation adjustments for all eligible staff for FY2018 which are in-line with the Commission's approved compensation adjustments for non-represented employees. All wage adjustments were included in the approved FY2018 Operating Budget.

MS. BARNEY made a motion, seconded by MS. WALSH to approve FY2018 compensation adjustments as recommended: Effective the first full pay period after July 1, 2017, a 3.5% Annual Salary increase for eligible employees not at top-of-grade. Effective the first full pay period after July 1, 2017, a 0.5% lump sum payment made on base salary for full-time employees (part-time employees prorated at 50% of the .5%) at top-of-grade. This payment does not increase base salary. Effective the first full pay period following August 1, 2017, a cost-of-living adjustment equal to 1.5% of base pay for eligible employees (including the Administrator). The motion PASSED unanimously (9-0). (Motion #17-42)

An employer contribution from the Commission is due July 1, 2017 in the amount of \$24,822,301, as recommended by Boomershine Consulting Group in the July 1, 2016 Actuarial Valuation. ERS staff is working with Wilshire's Brad Baker regarding placement of the funds.

7. COMMITTEE REPORTS/RECOMMENDATIONS

A. Investment Monitoring Group

Presentation by Investment Monitoring Group Chairman, Patricia Colihan Barney

i. Regular Report of May 16, 2017

MS. BARNEY presented the Investment Monitoring Group's (IMG) regular report of May 16, 2017.

The IMG met with Earnest Partners' Trey Greer, CFA, CPA, Partner, and Dan Miree, Product Management, regarding the performance review for the Earnest Partners ("Earnest") mandate. Earnest had \$20.3 billion in assets under management with \$6.7 billion in international equity (32 accounts) as of March 31, 2017.

Wilshire Associates' Manager Review reflected a 6.89% return versus a 6.03% return for the MSCI ACWI ex-U.S. Index since inception, June 30, 2010. The strategy ranked in the 74th percentile versus Wilshire's international equity universe. Net returns as of March 31, 2017 for the one year (16.43%), three years (1.28%) and five years (4.79%) outperformed the index returns of 13.13%, 0.56%, and 4.36%, respectively. While the ERS' portfolio had not met the 2-3% performance objective, the average excess return since the strategy's inception (9/2001) was 3.62.

The IMG met with Neuberger Berman's Meaghan Doyle, Vice President, and Ravi Chintapalli, CFA, Client Portfolio Manager, regarding the performance review for the Neuberger Berman High Income Fund (Neuberger). Neuberger had \$119 billion in fixed income assets under management with \$20.3 billion in U.S. high yield as of March 31, 2017.

Wilshire Associate's Manager Review reflected a 7.76% return versus an 8.00% return for the Merrill Lynch High Yield II Constrained Index since inception, June 30, 2010. The strategy ranked in the 47th percentile versus Wilshire's high yield fixed income universe. Net returns as of March 31, 2017 for

MINUTES, AS APPROVED, AT THE JULY 11, 2017 REGULAR BOARD OF TRUSTEES MEETING

the quarter (2.49%), one year (13.99%), three years (4.07%) and five years (6.47%) underperformed the index returns of 2.71%, 16.88%, 4.62%, and 6.85%, respectively. Mr. Baker noted the index ranked in the top one third in all periods and it was a challenge for active high yield managers to outperform. While performance has not been stellar, Neuberger has an investment team with both depth and breadth, as well as, great resources and research. The strategy is providing the intended exposure.

The IMG reviewed Wilshire Associates' Manager Review for Capital Guardian's (Capital) International Equity mandate which reflected a 5.64% return versus a 4.66% return for the Custom Policy since inception, June 30, 2004. The strategy ranked in the 87th percentile versus Wilshire's international equity universe. Net returns as of March 31, 2017 for the quarter (11.82%), one year (17.38%), three years (1.52%) and five years (5.93%) outperformed the custom policy returns of 7.86%, 13.13%, 0.56%, and 4.47%, respectively. Capital is diversified with 200+ holdings. Wilshire noted the strong one year performance.

B. Audit Committee

Presentation by Audit Committee Chairman, Barbara Walsh

i. Regular Report of May 16, 2017

MS. WALSH presented the regular report for the Audit Committee meeting of May 16, 2017.

The Audit Committee met with S.B. & Company's William Seymour, CPA, Engagement Partner to discuss the engagement scope, audit plans and timing, audit approach, and new accounting standards. Key audit areas include participant data completeness and accuracy of census data provided to the actuary, actuarial assumptions, the contribution process, cash disbursement process, investment valuation process, investment concentration and the benefit payment process. S.B. & Company is required to report on material weaknesses or deficiencies. If there are any issues and/or concerns, the Audit Committee will be notified well before a management letter is issued.

C. Administration & Personnel Oversight Committee

Presentation by Committee Chairman, Barbara Walsh

i. Recommendation for Renewal of Fiduciary Liability Insurance, including Waiver of Recourse Endorsement, for the term July 1, 2017 - July 1, 2018 (HANDOUT)

The Administration & Personnel Oversight Committee recommended the Board approve renewal of a Fiduciary Liability Insurance Policy, including Waiver of Recourse Endorsement for trustees and select staff, for the term July 1, 2017 to July 1, 2018 with Chubb with a limit of liability of \$7,500,000, a \$50,000 deductible, and premium of \$36,400.

All policy terms and conditions remain unchanged from last year's policy. The ERS will not receive more competitive terms from a higher-rated, more financially strong company. The competitive pricing is attributed to the many years with Chubb, as well as, the fact that the ERS has never had a claim. Chubb provided an original premium of \$36,650 and altered the premium to \$36,400 upon questioning the increase.

CHAIRMAN HEWLETT made a motion, seconded by MS. HART to approve the renewal of a Fiduciary Liability Insurance Policy, including Waiver of Recourse Endorsement for trustees and select staff, for the term July 1, 2017 to July 1, 2018 with Chubb with a limit of liability of \$7,500,000, a \$50,000 deductible, and premium of \$36,400. The motion PASSED unanimously (9-0). (Motion #17-43)

The Board of Trustees meeting of June 6, 2017 adjourned at 12:23 p.m.

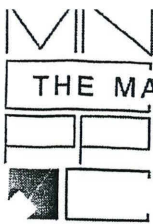
Respectfully,



Heather D. Brown
Senior Administrative Specialist



Andrea L. Rose
Administrator



EXECUTIVE COMMITTEE MEETING
Minutes
June 7, 2017

On June 7, 2017, the Maryland-National Capital Park and Planning Commission's Executive Committee met. Present were Chair Elizabeth Hewlett, Vice-Chair Casey Anderson, and Human Resources Director William Spencer, who was acting for Executive Director Barney. Also present were:

Officers/Department Heads

- Adrian Gardner, General Counsel
- Joe Zimmerman, Secretary-Treasurer
- Andree Checkley, Director, Prince George's County Planning (via telephone)
- Ronnie Gathers, Director, Prince George's County Parks and Recreation
- Rose Krasnow, Deputy Director (for Gwen Wright, Director, Montgomery County Planning) (left at 11:01)
- Mike Riley, Director, Montgomery County Parks

Deputies/Presenters/Staff

- Anju Bennett, Chief, Corporate Policy and Management Operations (CPMO)
- Mazen Chilet, Chief Information Officer
- Renee Kenney, Chief, Office of Internal Audit
- Jennifer McDonald, Health and Benefits Manager
- Michael Beckham, Policy Manager, CPMO (left at 10:53)
- Lisa Dupree, Senior Management Analyst, CPMO (left at 10:53)
- Cynthia Henderson, Principal Benefits Specialist

The meeting convened at 10:10 a.m. Human Resources Director Spencer began the meeting by reviewing the agendas.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

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

Discussion	<p>The following comments were made:</p> <p><u>ANNOUNCEMENTS</u></p> <ul style="list-style-type: none"> • Item 3b) <u>Lesbian, Gay, Bisexual and Transgender Pride Month</u> – At the June Commission meeting, Chair Hewlett will address the significance of the “Q” contained in the acronym for the locally-recognized LGBTQ community. The national month recognizes LGBT. <p><u>ACTION AND PRESENTATION ITEMS</u></p> <ul style="list-style-type: none"> • Item 5d) <u>Resolution #17-22</u>, Approval of Employer Contribution for Retiree Group Health Insurance – Clarify that approval is for Fiscal Year 2018. • Item 5m) <u>M-NCPPC Logo Project</u> – Chair Hewlett requested clarification of this item and the intended scope of the presentation. Deputy Director Krasnow offered that the workgroup is planning on presenting three examples of new logos for the Commission's consideration. She shared that public affairs staff in Montgomery County were under the impression that a decision would be made on one of the three logos. Chair Hewlett shared concerns about the process, and inquired whether each Board would get the opportunity to review all designs, rather than just the three selected by the workgroup for the presentation. Vice-Chair Anderson indicated that he did not recall the specifics. Chair Hewlett recalled that
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in prior meetings of the Executive Committee, there was no agreement on moving to a new logo. Prince George's was leaning to a "refresh" of the logo and would consider other designs. The item is listed as an Information Item on the Commission agenda, and the workgroup will make a presentation. After a discussion about the logo presentation, Chair Hewlett and Vice-Chair Anderson agreed that they should meet with Commissioners Fani-Gonzalez and Wells-Harley to discuss the logo project.

Not Listed on the Agenda

At the request of Chair Hewlett, Health and Benefits Manager Jennifer McDonald gave a brief overview of the Commission's new Long-Term Care benefit program. Ms. McDonald explained that employees could enroll through August 24, 2017 without a need for extensive medical eligibility review. Webinars will be offered for employees who could not attend the information forums in-person.

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion

The Executive Committee reviewed the Rolling Agenda for the upcoming four months. The following revisions were made to the agenda:

July

- No changes were recommended for July.

Sept

- Add Literacy Program Participants' Ceremony
- Move Legislative Update to "Place Holder" category.

Oct

- Move Legislative Update to "Place Holder" category.

Nov

- Move Legislative Update to "Place Holder" category.

ITEM 2 – MINUTES

May 3, 2017, Executive Committee Minutes—accepted without any changes.

ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS

a) Investment Report, April 2017 (Zimmerman)

Secretary-Treasurer Zimmerman stated the rates continue to slowly increase and the agency continues to meet its investment policies.

b) Policy: Recommended Amendments to the Merit System Rules and Regulations: Chapter 2000, Disputes (Bennett/Beckham)

CPMO Chief Bennett provided a brief background on the proposed amendments to Chapter 2000 of the Merit System Rules and Regulations (Merit Rules), which addresses dispute resolution. She explained amendments to the Merit Rules must be presented for adoption by the Commission following input by the Merit System Board. The Merit System Board supports adoption of the amendments. The proposed amendments were also shared with Non-represented employees for a 30-day comment period, and received comments supporting the change.

Chief Bennett introduced Policy Manager Michael Beckham, who briefed the Executive Committee on the proposed amendments. He explained the change stems from an EEOC Conciliation Agreement which was put in place for represented employees. Mr. Beckham also reviewed the effect of the change. During the presentation, Vice-Chair Anderson inquired whether the policy limited the agency's

ability to take action. To address his concerns, General Counsel Gardner recommended the topic be moved to closed session.

ACTION: Motion of Vice-Chair Anderson to move to closed session at 10:39 a.m., pursuant to Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland, to consult with counsel.
Seconded by Chair Hewlett

The open session reconvened at 10:52 a.m. Following the discussion, the Executive Committee supported forwarding Item 3b) to the Commission for review/adoption.

c) Defined Contribution Plan (Spencer/McDonald)

In response to the Commission's request for information on other agencies' experiences with Defined Contribution Pension Plans, Health and Benefits Manager McDonald briefed the Executive Committee on a survey completed by the Benefits Office. She explained that her staff reached out to 42 agencies. Of these, 13 agencies responded as follows:

- 8 Respondents offered a primary defined benefit plan and a voluntary defined contribution plan.
- 2 Respondents (Montgomery County Government and Montgomery College) offered a choice between a primary defined benefit plan and a primary defined contribution plan. Both respondents indicated there was no financial impact on the original defined benefit plan that was offered prior to the alternative arrangement.
- 2 Respondents (Arlington Public Schools and Prince William County Government) offered a primary hybrid plan and 2 voluntary defined contribution plans.
- 1 Respondent (DC Water) offered a primary defined contribution plan and a voluntary defined contribution plan.

Ms. McDonald explained most respondents (85%) do not offer employees a choice between a primary defined benefit plan and a primary defined contribution plan. However, most offer a primary defined benefit plan and a voluntary defined contribution plan. Only two respondents offered new hires a choice of enrollment in a primary defined benefit plan or a primary defined contribution plan.

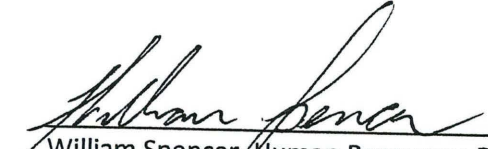
Principal Benefits Specialist Cynthia Henderson provided research in response to questions raised by Secretary-Treasurer Zimmerman about options offered by Montgomery County Government. Chair Anderson suggested that it would be helpful to have a chart that showed the financial impact of adding a defined contribution plan. The chart should show how the portability of contributions may affect pension plan funding. Mr. Zimmerman suggested the analysis should be completed by the pension actuary. CPMO Chief Bennett shared some analysis may have been completed during the larger pension project that was completed by Boomershine consulting in 2012.

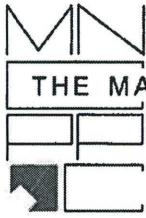
Following further discussion about the M-NCPPC's pension plans, Chair Hewlett recommended Ms. McDonald request actuary Boomershine Consulting to attend the Commission briefing on defined contribution plans. The Executive Committee asked that Boomershine provide information on the financial impact of adding a defined contribution plan.

FOLLOW UP	
Commission Agenda	See above for modifications to the May Commission agenda and the Commission rolling agenda for listed follow-up items.
Defined Contribution Plan	Benefits Manager Jennifer McDonald will request Boomershine Consulting provide the financial impact and attend the Commission briefing on defined contribution plan.

There being no further business to discuss, the meeting adjourned at 11:23 a.m.


 Gayla Williams, Senior Management Analyst/
 Senior Technical Writer


 William Spencer, Human Resources Director, Acting
 for Executive Director Patricia C. Barney



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

M-NCPPC RESOLUTION NO. 17-27

APPOINTMENT OF TRUSTEE TO THE
POST-RETIREMENT INSURANCE BENEFITS PROGRAM TRUST

WHEREAS, the Commission as “Plan Sponsor” entered into an Amended and Restated Post-Retirement Insurance Benefits Program Trust (“Section 115 Trust”) Agreement as of July 1, 2007 (“the Agreement”); and

WHEREAS, section 6.1 of the Agreement provides that the Plan Sponsor appoint one Trustee from the Montgomery County Planning Board; and

WHEREAS, section 6.1 of the Agreement provides that Appointed Trustees shall serve on the Board of Trustees until such person’s term on the County Planning Board has terminated and such person has ceased serving on the County Planning Board; and


WHEREAS, section 6.2 of the Agreement provides that an individual serving as a Trustee may resign after providing notice to the Administrator; and

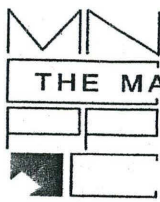
WHEREAS, section 6.4 of the Agreement provides that upon the resignation of an Appointed Trustee, the Plan Sponsor shall appoint a successor from the appropriate County Planning Board; and

WHEREAS, the Appointed Trustee from the Montgomery County Planning Board, Commissioner Casey Anderson, has resigned his position as the Appointed Trustee from the Montgomery County Planning Board;

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission, as Plan Sponsor for the Section 115 Trust, does hereby appoint Commissioner Natali Fani-Gonzalez to the Board of Trustees as the Appointed Trustee from the Montgomery County Planning Board.


APPROVED AS TO LEGAL SUFFICIENCY




M-NCPPC Legal Department
Date 6/22/2017



ITEM 5g

To: Commissioners

Via: Patricia C. Barney, Executive Director 

From: Executive Office Building Feasibility Work Group
Anju A. Bennett, Chief Policy and Management Operations Division 
Shelley Dorsey, Budget and Program Manager 

SUBJECT: EOB Feasibility Study Update (July 2017)

Overview and Action Requested

Over the past few months, we have been working with the guidance of Commissioners Dreyfuss and Doerner, and Executive Director Barney (EOB Feasibility Work Group) to evaluate concerns raised by the Commission for the continued use of the Executive Office Building (EOB) to house Central Administrative Services (CAS). Commissioners shared concerns of the CAS leadership regarding escalating costs, space challenges, and other significant issues that may be mitigated through relocation. With the Feasibility Work Group, we have evaluated preliminary cost estimates to operate/repair the EOB, market data on alternate office space, and occupant input on facility/location challenges. This memo provides a summary of key findings which make it evident that the projected cost of remaining at EOB far exceeds relocation to another site.

With the support of the Feasibility Work Group, we are requesting: the Commission's concurrence to focus our efforts on lease or purchase options to reduce overall costs and address workspace challenges. We are requesting support to engage a consultant specializing in commercial office space for detailed cost/benefit analysis of available lease and purchase options. The Feasibility Work Group will return to the Commission with recommendations stemming from consultant's analysis. The proposed scope of work is presented in Section III.

Background

The EOB was built in 1968, and is located in Riverdale. All but two CAS operations are presently housed at the EOB. The building houses the Departments of Finance, Legal, and Human Resources and Management; the Office of the Chief Information Officer (CIO); and Merit System Board. Two units (Internal Audit and agency-wide Archives) are housed at offsite locations due to space challenges. A few non-CAS operations are also housed at CAS. Even with non-CAS operations relocating over the next two years, space shortages for CAS operations and excessive cost would continue at EOB. Preliminary space analysis is further discussed in Section II.

Close to 50 years old, the EOB has structural, operational, and space design challenges. A facility condition assessment, which was completed in 2014 by the Environmental Management Group Corporation (EMG), identified a number of critical repairs, with 22 needed to ensure the integrity and continued occupancy of the building. Later, severe weather caused additional building concerns to be identified.

Repairs were prioritized and phased in to minimize annual fiscal impact. During our budget presentation, Commissioners questioned continued investment in EOB. The most immediate repairs for safety, code compliance, and regular service interruptions have been addressed. Costlier critical repairs, totaling nearly

\$7 million (approximately 90% of the total repair costs), were deferred pending an EOB feasibility study. Critical repairs and related costs are outlined in Attachment A.

Commissioners also shared concerns that EMG’s assessment did not address other fundamental challenges communicated by CAS leadership (such as space shortages, inability to house CAS operations together when work programs require frequent interaction, structural challenges which limit effective use of space, and security concerns). Faced with rising operating and maintenance costs, as well as expensive critical repairs, Commissioners supported the creation of an EOB feasibility team to explore options to address the concerns of the aging headquarters building.

Preliminary updates on the feasibility review were presented to the Executive Committee earlier this year. The Executive Committee supported the use of an architectural/design consultant to conduct specialized analysis similar to that conducted for the Wheaton and Prince George’s/Largo office moves. The Executive Committee also supported working with Commissioners Dreyfuss and Doerner for guidance. With the leadership of Commissioners and the Executive Director, staff completed additional analysis/projections to help fine tune the consultant’s scope of work.

This memo presents preliminary analysis and future recommended scope of work:

- I. 10-year cost estimates to remain at EOB vs. leasing
- II. Assessment of space needs for CAS operations
- III. Recommended scope of work by architectural/design/commercial space consultant

I. **Cost Comparison: 10-Year Projection for Remaining at EOB vs. Housing All CAS Operations in Leased Space**

For comparison purposes, 10-year costs were calculated to understand the base expected operation and maintenance expenses to house CAS operations in its present configuration versus a newer leased space. The chart compares costs to:

- **Operate and maintain the current EOB facility, prior to any substantive redesign of workspaces.** Estimated costs reflect day-to-day operation expenses, critical and life-cycle repairs, and continued rents for existing offsite operations (Archives and Internal Audit) as they cannot be fully integrated into the EOB facility. It is important to note that estimated 10-year costs are before any substantive redesign of the building for needed workspace, as those costs will be highly dependent on a professional assessment of the facilities structural/design restrictions and space needs analysis.
- **Consolidate CAS operations at a leased space.** Lease costs are based on a market analysis of average occupancy charges for comparable office space within the central bi-county region. Lease costs generally factor in all maintenance and operations costs (including utilities, custodial and day-to-day upkeep of office/building spaces). Market data supplied by CoStar and LoopNet reflected an average lease cost of \$27.74/sq. ft. for this applicable region. Market data is detailed in Attachment B. Costs for telecommunications/security systems, which are integrated with M-NCPPC offices/park police, are also reflected in lease cost calculations.

	Remain at EOB with Some Offsite Lease Space	Consolidate CAS Operations in New Leased Space
Operating and Maintenance Cost	14,952,600	17,503,400
Critical Repair Cost or Required System Upgrades	6,707,420	1,421,500
Preliminary 10-year housing costs	21,660,020	18,924,900
Potential offset from the sale of EOB		(4,700,000)
Adjusted costs after sale of EOB	21,660,020	14,224,900
Adjusted sq. ft. cost*	\$41.52	\$27.36

*For purposes of comparison, 52,000 sq. was used for current EOB and new lease property estimates.

Details of cost comparisons, along with calculation assumptions, are provided in Attachment A. Cost comparisons were developed factoring in components such as:

- Operating costs to house staff and operate/maintain facilities (e.g., occupancy charges, wages/benefits of staff assigned to maintain building, utilities/building supplies, life cycle improvements, etc.).
- Costs for identified critical repairs and required system updates such as electrical, HVAC, drainage, structural, and mechanical systems. Costs for renovations to address space needs are not included in this estimate.
- Potential sale value of EOB to offset costs for new housing option. Attachment C details preliminary sale estimates based on market data.

The estimated \$41.52 sq. ft. cost to remain at EOB is significantly higher than the estimated \$27.36 sq. ft. cost to lease, after sale offset.

II. **Preliminary assessment of space needs for CAS operations/ EOB Space Shortage**

The existing EOB building is approximately 51,754 gross sq. ft. However, only 53% is presently configured as workspace, based on an assessment by M-NCPPC Park Planning and Development staff. Industry averages are closer to 70-80%. The remaining portion of EOB is comprised of core space such as the lobby, elevators, shared hallways, bathrooms, etc.

	Gross Space	Current Work Space	Core Space Presently Unusable for Workspace
Total Sq. Ft	51,754	27,266	24,488

We recommend that an architectural design consultant be utilized to assess space needs and provide recommendations for efficient use of space. Preliminary estimates were based on the office space allocation model utilized for Wheaton; input from the Work Group and Park Planning and Development staff; and space needs identified by CAS leaders. Concerns communicated by CAS leaders include:

- Inability to meet long-term staffing and service delivery requirements, occupant concerns, inefficient and inflexible space configurations, and concerns related to security, ventilation, etc.
- A shortfall of 20 workspace/offices exists to house authorized, but vacant, positions and to provide adequate workspace for existing staff. Presently, positions are housed in cramped areas/converted storage closets, shared offices designed for single occupants, workspaces in other units, or open spaces with confidential records. To determine additional long-term space needs, the Feasibility Work Group recommended a 10% growth factor be applied to the current CAS position count of 171. This equates to 17 additional positions that will need to be accommodated over the next 10 years.
- CAS operations should be consolidated into one facility to enable more effective delivery of services and improved collaboration.
 - Audit is presently housed in a leased space in Greenbelt.
 - The agency-wide Archives operation (overseen by DHRM), is housed in a space shared with the Montgomery Park Police in Wheaton. The operation must be relocated based on space needs communicated by the Montgomery Parks Department.
- Inadequate meeting spaces for occupants and customers/departments served by bi-county operations. Conference room/shared workspaces are insufficient and overbooked. EOB staff must regularly schedule meetings off site. None of the existing EOB spaces can accommodate full staff meetings for the Finance Department or the Department of Human Resources and Management.

Attachment D, titled Estimated Space Needs, details the preliminary assessment of projected space needs for CAS operations. Attachment D-1, titled Current Gross Space Allocations, presents current gross space allocation at EOB and space allocated to off-site CAS operations. The preliminary assessment (Attachment D) projects that an additional 23,902 sq. ft. of workspace is needed to effectively support consolidated CAS operations over the next 10 years as follows.

- 13,212 ft. needed for existing CAS tenants at EOB, as well as the Employees' Retirement System.
- 2,690 sq. ft. for Internal Audit (presently housed offsite).
- 8,000 sq. ft. for Archives operation (housed offsite).

	Current Available Workspace Space at EOB	Estimated Needed Workspace (exclusive of core building areas such as elevators, mechanical/electrical/HVAC systems, bathrooms, stairwells, lobby etc.)	Additional Needed Workspace
Total Sq. Ft	27,266	51,168	23,902

While inefficient use of workspace can be improved at EOB, significant and costly renovations will be required based on input from engineering consultant EMG and M-NCPPC Park Planning and Development staff. This is due to structural limitations of EOB and its inefficient layout of core spaces such as stairwells, lobby, elevators, mechanical systems, etc. Space redesign costs have not been factored into base costs to remain at EOB, which have already proven to exceed the cost of moving/housing CAS at an alternate site. Additionally, even with complete gutting/renovation of EOB, it does not appear that offsite CAS operations such as Archives can be accommodated in EOB due to the footprint of EOB.

III. Recommended Scope of Work by Architectural/Design/Commercial Space Consultant

Based on the preliminary analysis of costs, market data, space and occupant concerns, the Work Group believes that the Commission should explore lease and purchase options to house CAS operations. We are seeking your support to move forward with engaging an outside consultant to perform the tasks outlined below.

- Task 1: Conduct a space needs assessment to help identify/prioritize needs and provide guidance on efficient/modern workspace configurations to address challenges. The Study will: assess space needs based on type of work being performed/position responsibilities; delineate square footages for offices/workstations, meeting rooms, and support space; and identify opportunities for flexible workspaces for effective use of space.
- Task 2: Research available properties for purchase and lease, which best meet needs determined in Task 1. If Commissioners desire additional analysis of cost of remaining in EOB, that can be added.
- Task 3: Prepare a cost/benefit analysis of lease versus buy alternatives. Summary report to also include location advantages and disadvantages, and timelines for any construction/transition of operations.
- Task 4: Other tasks may be added based on direction from the Work Group and the Commissioners, including a more detailed estimate for a projected EOB sale price.

We recommend utilizing a consultant which specializes in architecture, design, and office planning. With the Commission's support, we will contract with a consultant utilizing funding from the EOB Internal Service Fund.

Preliminary Cost Estimates: 10-Year Comparison of Costs for Remaining at Existing EOB Facility or Relocating (Lease or Purchase)

		Costs to Stay and Renovate	Move to New Location Through Lease Option
1	A. OPERATING COSTS (before critical renovations or space redesign)		
1.1	Wage and Benefits for staff assigned to manage EOB - Current building team consist of a superintendent and one maintenance staff. Costs factor in annual 3% escalation; lease option likely will not require continued support level and staff would transfer to another department). -	2,760,600	
1.2	Utilities/Other Services and Charges/Supplies (e.g. electricity, water, building supplies, custodial and other maintenance agreements, telephone services, M-NCPPC badging/security); costs factor in annual 2% escalation. Lease option reflects costs for telephone services, security/alarm systems tied to internal dispatching with Park Police, facility program expenses such as employee identification software/equipment, etc.	8,380,200	1,156,100
1.3	Life Cycle Improvements (updates of mechanical/operating systems; calculation factors in 2% escalation).	1,370,600	
1.4	Continued Offsite Lease Costs (without significant redesign or relocation of EOB)		
1.4.1	Continuation of Offsite Archives Operations - Archives is housed in the Montgomery Park Police headquarters at Saddlebrook/Wheaton. This building is owned by the MC government and leased by M-NCPPC for nominal cost. MC Parks has requested Archives return the space for use by the Park Police. Thus, cost estimates incorporate a <u>new</u> cost for leasing space for 7 years beginning in 2021 at 8,000 sq. ft. @ avg square foot \$27.74/ sq. ft. Note, there is no lease cost for present Archives space.	1,687,600	
1.4.2	Continuation of Offsite Internal Audit Offices - Assumes no major redesign at EOB, which would require Audit to stay offsite.	753,600	
1.4.3	Relocate to Leased Building Instead of Renovating Current EOB (includes Audit and Archives) - Leased space calculated using \$27.74/ sq. ft.; and 52,000 usable square footage [existing EOB has 27,266 usable sq. ft.]; annual adjustment of 2.75% factored in.		16,347,300
	Total Operating Cost Only	\$14,952,600	\$17,503,400

		Costs to Stay and Renovate	Move to New Location Through Lease Option
2	B. CRITICAL BUILDING REPAIRS AND SYSTEMS UPGRADES REQUIRED TO REMAIN AT EOB (before any workspace redesign)		
2.1	HVAC and Mechanical Upgrades (EMG Project #107929.13R-001.294) - Costs reflect preliminary quote.	1,700,000	0
2.2	Energy Management System, Repair/Upgrade (EMG Project #107929.13R-001.294) - Costs estimated by EMG Consultants.	130,500	0
2.3	Curtain Wall Replacement (EMG Project #107929.13R-001.294) - Cost estimates based on preliminary quote for replacement of 17,600 sq. ft.	2,640,000	0
2.4	Building Electrical Repairs for uninterrupted power supply - Costs reflect input from PPD staff and electrical consultants.	250,000	0
2.5	Repoint Masonry - Cost estimates based on average industry pricing of \$120/sq. ft for 1,400 sq. ft.	168,000	0
2.6	Exterior Drainage/Sewer Line Repairs - Costs estimates based on input from PPD staff and preliminary quotes.	500,000	0
2.7	Required Plumbing System Upgrades to meet building codes - Costs estimated based on industry standards with input from PPD staff.	185,500	0
2.8	Building Communication and Security System Upgrades - Costs estimated based on industry averages with input from PPD staff. Costs assume square footage of 52,000 sq. ft. building.	1,200,000	1,200,000
2.9	Server Room Renovation - Costs based on \$240 / sq. ft (average industry pricing as supplied by PPD and Gensler). For comparison purposes, estimated costs utilize existing size of server room (923 sq. ft.).	221,500	221,500
2.10	Savings Due to Energy Conservation Measures (HVAC updates, energy management system repairs/upgrades, and curtain wall replacement) - Stay and renovate cost assumes savings will begin in 2021.	-567,900	0
2.11	Escalation Cost @ 2% per yr. (assumes construction will commence in 2 years).	279,820	0
	Total Building System Upgrades Without Space Design	\$6,707,420	\$1,421,500
	Total Estimated Costs Over 10 Years (before renovating workspaces at EOB to address space needs)	\$21,660,020	\$18,924,900
	Offset from Estimated Sale Price of EOB (using average sales price)		-4,700,000
	Adjusted Estimated Costs after Sale of EOB	\$21,660,020	\$14,224,900
	Adjusted Annual Square Foot Pricing	41.52	27.36

Assumptions and Factors Considered in Cost Analysis Comparison

1. For purposes of initial comparison, a building size of 52,000 sq. ft. was used to estimate costs.
2. The construction renovation costs for EOB assume extensive reworking/gutting of existing space.
 - EOB requires significant repairs to address structural, system and building code repairs.
 - Inflexible design requires extensive renovations to maximize gross building space.
 - While a professional space study will provide more accurate assessment of actual space needs, initial assessments/discussions with management reveal the following challenges:
 - Inadequate Office Space: It is estimated that nearly 20 workspace/offices are needed to accommodate vacancies or house existing staff that does not have dedicated work space. Several employees are required to maintain workspaces in cramped areas, in open spaces with confidential records, or in areas designed for storage. Two operations are housed offsite due to lack of space.
 - Inadequate Meeting Spaces: While EOB has a few conference rooms, these are inadequate in size and availability. None of the spaces can accommodate full staff meetings for the Finance Department or the Department of Human Resources and Management (DHRM). The existing conference rooms are overbooked. The Legal Department, DHRM, and the Finance Department have all expressed concern that they are unable to host meetings with operating departments, and frequently must reserve conference rooms in offsite buildings.
3. Comparison scenarios for a lease option assumes offsite CAS operations will be consolidated with other CAS operations. Internal Audit is presently located in a leased property within Greenbelt. The Archives operation is presently housed in the Park Police Headquarters in Wheaton. While there are no occupancy charges for the Archives operation, Montgomery Parks has requested relocation of Archives due to space shortages in Park Police operations. It is assumed Archives operations will be consolidated with CAS operations only in the lease and purchase options.
4. Lease estimates are based on commercial real estate data for available properties within a 10-mile radius of EOB with convenient access to I-495/95. Municipalities that are outside the Regional District Act were excluded as follows: 7 in Montgomery County are not covered by this act (Rockville, Laytonsville, Gaithersburg, Barnesville, Poolesville, Brookeville and Washington Grove); 1 in Prince George's County (Laurel).
5. Operating costs assume an annual 3% escalation on wage and benefit costs and 2% escalation on all other expense categories. Costs are based on budget estimates/expenditure trends.
6. Critical repair costs are estimated for identified repairs to EOB. Costs estimates are based on data provided by facility consultant EMG and preliminary quotes.
7. Savings due to energy conservation measures are factored in critical building repair costs. Consultant EMG, who conducted the facility condition assessment of EOB in 2012, noted EOB performed well below the national average for energy efficiency due to the outdated and decentralized HVAC window unit system design, 50-year old single pane windows, and the absence of an integrated energy management system. EMG utilized a tool developed by the EPA to track relative energy use. It estimated \$72,000 in annual savings could be achieved after identified critical repairs are made.
8. Costs estimates presented in the memo do not:
 - Adjust for present value calculations.
 - Factor in:
 - Relocation costs.
 - Furniture and equipment costs.
 - Occupancy revenue collected from non-CAS operations that may move with CAS operations and contribute toward occupancy/lease costs. While efforts will be made to retain operations such as the Employees' Retirement System, this will depend on the available usable space. This offset does not have a notable impact on the preliminary analysis of stay or go options.
 - Do not consider building redesign cost.

Market Analysis of Office Lease Cost Estimates
Central Bi-County Region

	Lease Cost Per SF	Availability (i.e. Vacancy) Rate	Existing Buildings in Sample Size
10 Mile Radius from 6611 Kenilworth Avenue	\$27.74	43.00%	60
Metro-proximate	\$29.53	34.10%	29
Non-Metro proximate	\$25.45	54.40%	31
Montgomery County	\$32.11	37.80%	31
Metro-Proximate	\$33.58	28.10%	19
Non-Metro Proximate	\$29.73	54.90%	12
Submarkets			
Bethesda (1-Mile Metro Radius)	\$40.79	19.70%	4
Friendship Heights (1- Mile Metro Radius)	\$36.16	8.80%	3
Silver Spring (1-Mile Metro Radius)	\$30.82	21.00%	5
White Flint (1-Mile Metro Radius)	\$31.61	63.20%	6
Prince George's County	\$22.41	51.70%	29
Metro-Proximate	\$23.31	49.70%	10
Non-Metro Proximate	\$21.53	53.20%	19
Submarkets			
New Carrollton (1-Mile Metro Radius)	\$22.78	36.00%	3
College Park (1-Mile Metro Radius)	\$26.00	39.90%	1
Prince George's Plaza (1- Mile Metro Radius)	\$22.50	47.70%	2
Bowie	-	26.50%	3
Cheverly	\$15.50	100%	3
Calverton	\$21.61	73.20%	4
Greenbelt	\$22.32	61.30%	2

Commercial real estate market data reported by Loopnet and CoStar.

Preliminary Estimates for Sale of the Existing EOB Building

While the most accurate valuation of EOB requires an onsite appraisal by an experienced commercial real estate broker, staff was asked to obtain preliminary estimates for the potential sale of EOB.

Montgomery Planning's Economic Development Unit provided Sales Approach estimates through market data supplied by CoStar. Tax Records were also reviewed for assessed value. Values are summarized below. **This range does not account for the condition of the property, specific deficiencies, or improvements.**

Tax Approach: Assessed value is \$4,559,300, as reported by the Maryland Department of Assessment and Taxation.

Sales Approach: Values are calculated using market data supplied by CoStar for similar quality properties within a shared submarket.

Low Estimate	\$4,238,700
Primary Estimate	\$4,709,700
High Estimate	\$5,180,700

The following assumptions are factored in estimates:

- 6611 Kenilworth Avenue is defined by CoStar market data as a 2-Star quality property, and falls within the greater Riverdale/College Park submarket. Most 1-3 Star quality properties in this submarket are located along Kenilworth Ave., Route 1, and Prince George's Plaza.
- 6611 Kenilworth Avenue is considered average quality within this submarket. Low and high estimates were generated by including a +/- 10% difference to the average sale price per SF.

Estimated Space Needs to House All CAS Operations

	Current Personnel Count ¹	Additional Staffing Needs ²	Needed Workspace for Associated Personnel ³	Support Workspace Area ⁴	Estimated Space Needs - Square Footage Subtotal (Net Only)	Current Allocated Space at EOB	Difference in Estimated Space Needs vs Current Space
DHRM w/o Archives	65	7	5,088	3,000	8,088	6,508	1,580
Legal	18	2	2,064	1,200	3,264	2,082	1,182
Finance (includes computer server areas)	64	6	4,984	8,000	12,984	11,110	1,874
Merit System Board	1	0	64	300	364	209	155
Chief Information Officer	5	1	528	850	1,378	1,204	174
Employees' Retirement System	10	1	776	1,357	2,133	2,133	0
Shared Support Space ⁵	0	0	0	12,267	12,267		12,267
Archives (presently housed offsite)	3	0	192	7,808	8,000		8,000
Audit (presently housed offsite)	5	1	416	2,274	2,690		2,690
ITC (non-CAS; moving out in FY19)						2,548	-2,548
PPD (non-CAS; moving out in FY18)						1,472	-1,472
TOTAL NET PROGRAM SPACE	171	17	14,112	37,056	51,168	27,266	23,902
Net Workspace Area Sq. Ft.					51,168	27,266	23,902
Core Building Space Sq. Ft. ⁶					11,769	24,488	
TOTAL GROSS BUILDING REQUIREMENT					62,937	51,754	
TOTAL PROJECTED PERSONNEL COUNT FOR NEXT 10 YRS					188	188	

Note: Yellow fields reflect needed space to consolidate CAS operations and address space deficiencies. Blue fields reflect current space allocated to units housed at EOB only.

Methodology for Space Calculations: See next Page

**Methodology for Space Calculations
for Estimated Space Needs**

- ¹ Current personnel/position count is based on FY18 budget complement and reflects Merit, Contract, and Temp support regularly used to support service delivery.
 - ² Projected staffing over 10 years reflects 10% growth as recommended by the EOB Feasibility Work Group.
 - ³ Associated personnel square footage was determined using office space allocation standards that were developed by OKKS consultants for the Wheaton office project. Chart of allocations provided below.
 - ⁴ Support Workspace calculations reflect space needed for hallways/reception areas/standard storage/filing needs. Utilized an industry standard of a 20% factor (applied to personnel space). Additional adjustments were made to address service delivery/specialized workspace concerns (e.g., archive storage, legal library/meeting spaces, applicant testing, computer server rooms, etc.) identified by CAS leadership.
 - ⁵ Shared support areas were calculated using standards developed for Wheaton Office Project. This space includes shared conference room, lunchroom, and mailroom. Conf Rm based on 27 sq ft per person, lunchroom/break area @ 32 sq ft per person, and mailroom @ 6.25 sq ft per person.
 - ⁶ Core building space reflects areas such as mechanical/electrical rooms, ventilation system, elevators and shaft, corridor, lobby and bathrooms. Industry standard gross factor of 23% of workspace is used to ascertain.
- Due to current space restrictions, Archives is currently occupying approx. 8,000 sq. ft. at the Saddlebrook location, and Audit leases 2,690 sq. ft. at the Walker Drive location. Both are CAS functions and will be consolidated in a lease option.*

Position Based Office Space Allocation (based on Wheaton model)	Square Footage
Director's Office	200
Deputy Director	160
Grade K Office	140
Grade J Office	120
Workstations for all staff	64
Workstations for C06 or lower	36

Additional Needed Workspace Square Footage	
Existing CAS Tenants and ERS	13,212
Audit	2,690
Archives	8,000
Total	23,902

**Current Gross Space Allocations
for EOB Occupants and Offsite CAS Operations**

EOB Space Allocation	
Current Workspace (These areas were identified through an architectural assessment of areas that lend themselves for reconfiguration/redesign into more efficient workspace design. Areas include all space occupied by CAS and non CAS tenants.)	26,343
Workspace area Square Footage (offices, shared workspaces, conference rooms)	26,343
Server Room Square Footage	923
Total Usable Space*	27,266
Shared Support Areas and Core Building Space (This space is not readily converted to a workspace, or must be retained.)	
Support Area Square Footage (kitchen/lunchroom storage rooms) ¹	2,072
Core Area Square Footage (stairwells, mechanical rooms, elevators, restrooms)	7,014
Circulation Square Footage (shared corridors and lobby) ²	15,402
Total Support/Core Circulation	24,488
Total Space at EOB	51,754
Off-site Space Presently Occupied by CAS Operations	
Archives Operations (at Saddlebrook facility/Wheaton)	8,000
Internal Audit (at leased space in Greenbelt)	2,690
Total Offsite Space	10,690

*4,020 square feet of the current usable space of 27,266 is non-CAS related operations (ITC and PPD).

Current Gross Space Allocations for EOB and Offsite CAS Operations

<i>CAS Operations at EOB</i>	<i>Allocated Gross Sq. Footage in FY18*</i>	<i>Staff Housed at EOB</i>	<i>Staff Housed Offsite</i>	<i>Occupancy/Lease Cost</i>
DHRM (includes groups funded by Admin and ISF Funds)	12,222	65		\$22.97 per sq. ft. in FY17. Rate will move to \$26 per sq. in FY18. Operating costs are approx. \$925,000 in FY17 based on 40,282 square footage; costs are \$1,120,000 in FY18 due to increase in sq. ft. rates, loss of one tenant, and adjusted space allocations. Costs are split between Administration & Internal Service Funds. These factors do not include large critical repairs that have been deferred pending outcome of feasibility study.
Merit System Board (Administration Support)	398	1		
Legal (approx. number)	3,965	18		
Finance	21,039	64		
Office of the CIO	2,294	5		
Total CAS staff housed at EOB and occupancy costs for EOB	39,918	153	0	
<i>Space in EOB Presently Occupied by Non-CAS Tenants</i>	<i>Allocated Gross Sq. Footage*</i>	<i>Status of Occupancy/Occupancy Charges</i>		
PGPR Park Planning and Design	2,803	Was scheduled to move before FY18, which is reflected in the budget. Recent conversations with DPR indicate move will take place by December 2018.		
PGPR IT Division	4,853	Contributes approx. \$126,000/year toward EOB operations.		
Employees' Retirement System	4,180	Contributes approx. \$109,000/year toward EOB operations.		
Total Non-CAS allocated space in EOB	11,836			
Approximate Gross Square Footage in EOB	51, 754			

<i>Offsite CAS Operations</i>	<i>Allocated Gross Sq. Footage in FY18*</i>	<i>Staff Housed at EOB</i>	<i>Staff Housed Offsite</i>	<i>Occupancy/Lease Cost</i>
Audit (leases space in Greenbelt/Walker Drive)	2,690		5	\$66,150 in lease costs (24.59 per sq. ft.); this does not factor in costs for phone/security costs, which are bundled with other CAS operations.
Archives (housed in MC Park Police headquarters / Saddlebrook on Layhill Drive)	8,000		3	Saddlebrook is owned by MC Government, and primarily operated by MC Parks for its Park Police Operations. M-NCPPC has occupied the building for at least 30 years. <u>The county does not charge MC Parks to lease the building.</u> MC Parks would like to assume the space used by Archives operations to address space shortages for Park Police.
Total CAS Staff Housed Offsite	10, 690	0	8	

Total of Gross Space Allocated to CAS Staff (both at EOB and Offsite)	50, 608	153	8	<i>The Total Gross Sq. Ft. for CAS operations is calculated by adding 39,918 for operations housed at EOB and 11,270 for operations housed offsite. There are 161 total CAS staff (153 at EOB; 8 housed offsite). **</i>
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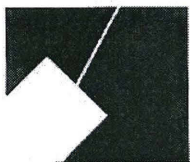
* Gross space includes usable space plus a proportionate allocation of core/circulation areas.

** Total employee count of 161 does not include ERS staff, which consist of 10 employees.

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

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	05/16	06/17	05/17	06/17	05/16	06/17	05/16	06/17
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	1	1	1	1
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	2	0	0	0	0	0	2
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	2	2	0	0	0	0	2	2
PRINCE GEORGE'S PLANNING	0	0	0	0	0	0	0	0
PRINCE GEORGE'S PARKS & RECREATION	4	3	2	1	0	0	6	4
MONTGOMERY COUNTY PARKS	3	2	0	0	1	1	4	3
MONTGOMERY COUNTY PLANNING	3	2	2	1	0	0	5	3
DEPARTMENT TOTAL BY DAYS LATE	12	11	4	2	2	2	18	15
COMMISSION WIDE TOTAL:							18	15

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

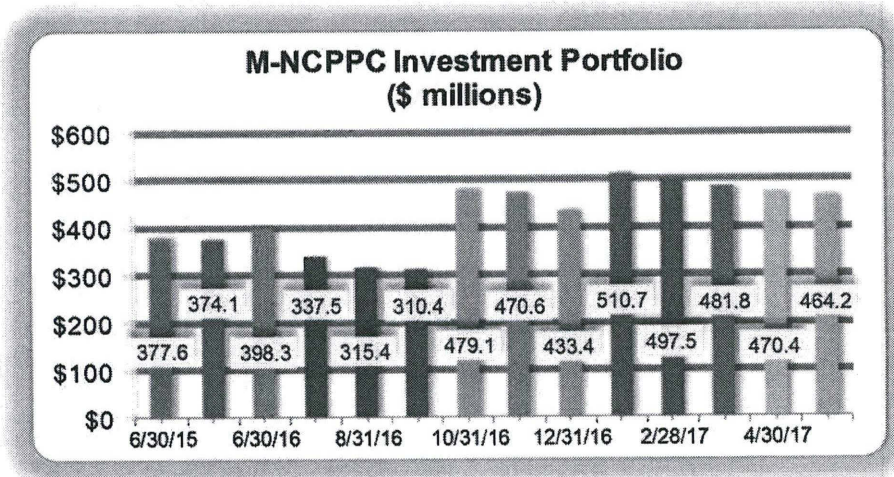


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

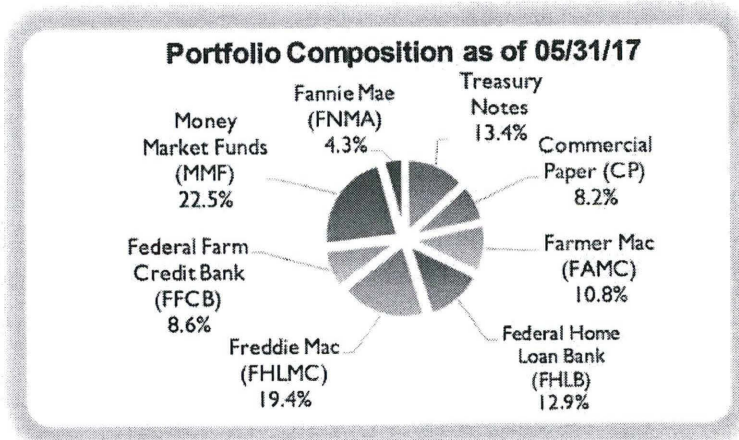
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
DATE: 7/6/2017
SUBJECT: Investment Report – May 2017

The Commission’s pooled cash investment portfolio totaled \$464.2 million as of May 31, 2017, with a 1.3% decrease from April 30, 2017. Details are as follows:

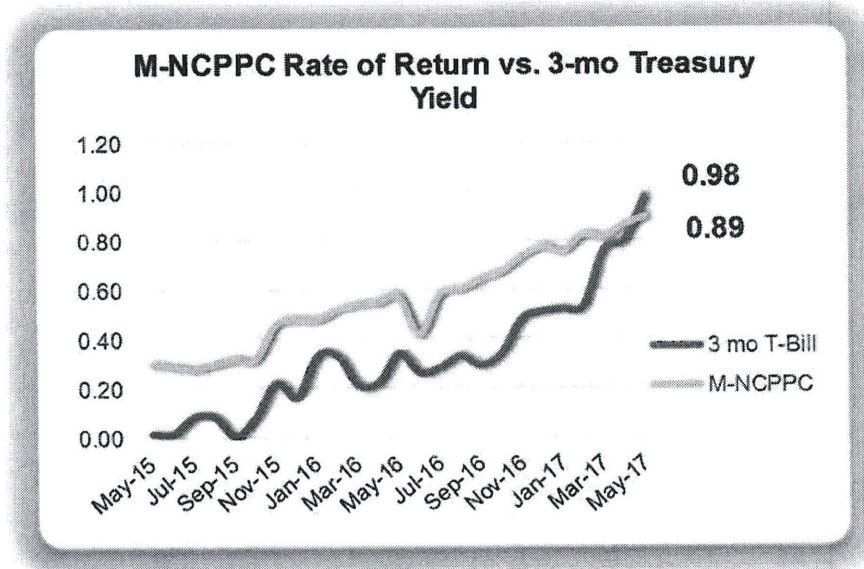


The composition of the pooled cash portfolio as of May 31, 2017 is summarized below:

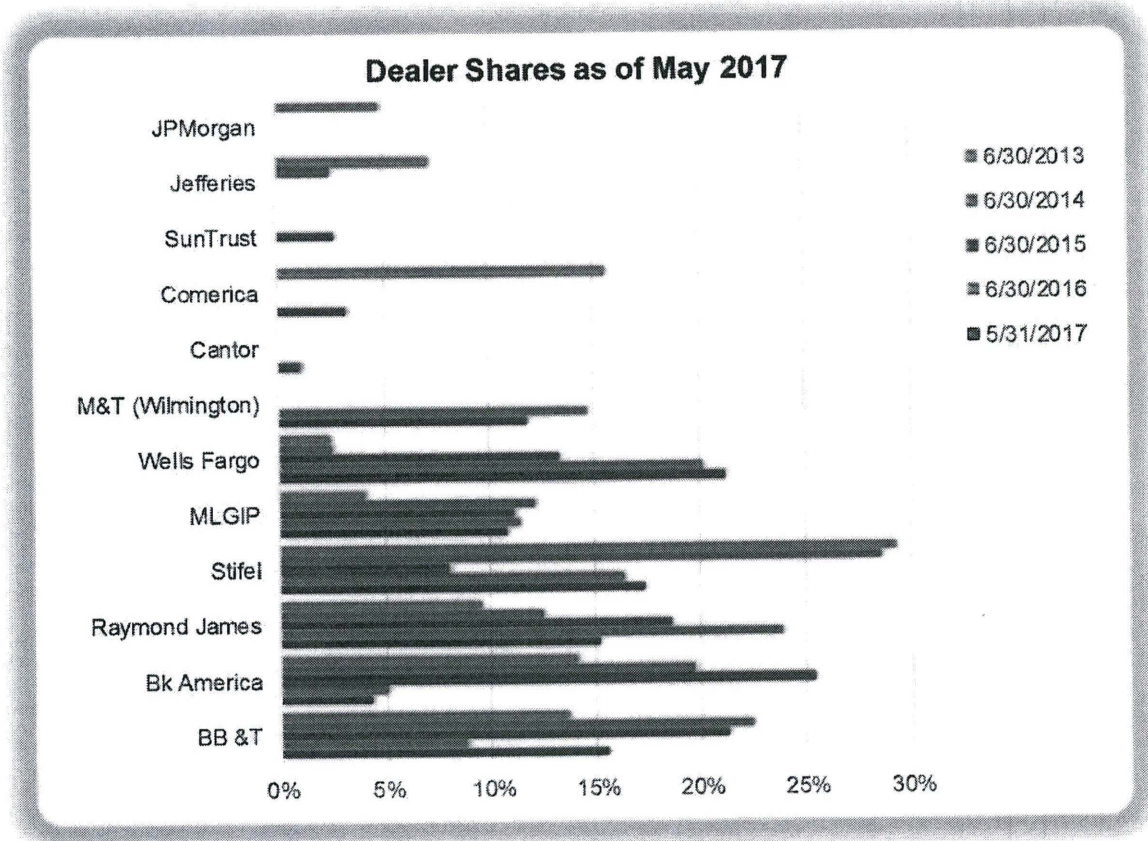


Current Investment Portfolio - May 2017				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Money Funds	25%	23%	\$ 104,173,663	n/a
Freddie Mac	20%	19%	90,000,000	0.89%
Treasury Notes	100%	13%	62,000,000	0.82%
Federal Home Loan Banks	20%	13%	60,000,000	1.00%
Farmer Mac	20%	11%	50,000,000	0.79%
Federal Farm Credit Bureau	20%	9%	40,000,000	0.81%
Commercial Paper	10%	8%	38,000,000	1.57%
Fannie Mae	20%	4%	20,000,000	0.65%
Certificates of Deposit	50%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 464,173,663	0.95%

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



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



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

Market Value- 05/31/17	
Montgomery County (MC-2016A)	\$ 3,629,084
Montgomery County (MC-2017A)	\$ 8,464,972
	<u>\$ 12,094,056</u>

The Commission had debt service payments during the month totaling \$3,746,836, of which \$3,226,946 was principal and \$519,890 was interest.

Details by issue of debt outstanding as of May 31, 2017 appear below:

Debt Balances - May 2017					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	1,856,181	11%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	5,465,000	39%	Mar-10	May-21
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	6,135,000	54%	Jun-12	Jan-24
PGC-2014A	26,565,000	23,385,000	88%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	24,220,000	98%	Oct-15	Jan-36
Total Prince George's County	\$ 94,185,000	\$ 61,061,181	65%		
Montgomery County					
LL-2	8,405,000	2,625,000	31%	May-09	Nov-20
MM-2	5,250,000	735,000	14%	Nov-16	Nov-19
MC-2012A (Refunded CC-2, FF-2)	12,505,000	10,045,000	80%	Apr-12	Dec-32
MC-2012B	3,000,000	2,505,000	84%	Apr-12	Dec-32
MC-2014A	14,000,000	12,495,000	89%	Jun-14	Jun-34
MC-2016A	12,000,000	11,580,000	97%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	6,120,000	100%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	1,020,000	95%	Apr-16	Nov-24
MC-2017A <small>NEW</small>	8,000,000	8,000,000	100%	Apr-17	Nov-36
Total Montgomery County	\$ 70,355,000	\$ 55,125,000	78%		
Total	\$ 164,540,000	\$ 116,186,181	71%		

ATTACHMENT A

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

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
	Limiting types and amounts of securities	Limit		Yes	
	US Government	100%			All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
	US Federal Agencies - combined	60%			
	US Federal Agencies - each	20%			
	Repurchase Agreements	60%			
	CD's and Time Deposits	50%			
	Commercial Paper	10%			
	Money Market Mutual Funds	25%			
	MD Local Gov't Investment Pool	25%			
	Investing Bond Proceeds:				
	State and local agency securities	100%			
	Money Market Mutual Funds	10%			
	Bond Proceeds:				
	Highly-rated state / local agency securities			Yes	
	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				
	Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.			Yes	All maturities within limits
	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		Less than market by 9 basis points
	The pro-rated rates of return for the portfolio and T-bills were 0.98% and 0.89%, respectively.				



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

Reply To

July 10, 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 June, 2017

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, July 19, 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.

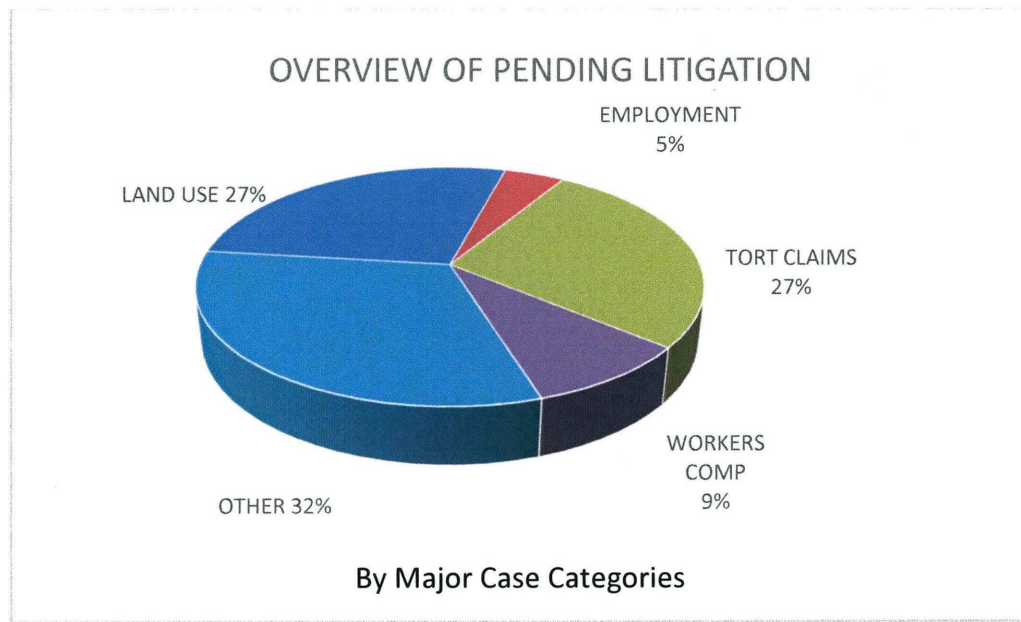
Table of Contents – June 2017 Report

Composition of Pending Litigation Page 01
Overview of Pending Litigation (Chart)..... Page 01
Litigation Activity Summary Page 02
Index of New YTD Cases (FY17) Page 03
Index of Resolved YTD Cases (FY17) Page 04
Disposition of FY17 Closed Cases Sorted by Department Page 05
Index of Reported Cases Sorted by Jurisdiction..... Page 10
Litigation Report Ordered By Court Jurisdiction Page 11

June 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		1					1
Tort Claim	6						6
Employment Dispute	1						1
Contract Dispute	2						2
Property Dispute				1			1
Civil Enforcement							0
Workers' Compensation	2						2
Debt Collection							0
Bankruptcy							0
Miscellaneous	3			1	1		5
Per Forum Totals	16	1	0	4	1	0	22



June 2017 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2017			
	Pending In May/17	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	1	3		2	3	1	4
Admin Appeal: Other (AAO)	0			0			0
Land Use Disputes (LD)	1			3		3	1
Tort Claims (T)	7		1	10	9	11	6
Employment Disputes (ED)	1			1	1	1	1
Contract Disputes (CD)	2			3	2	3	2
Property Disputes (PD)	1			1	2	2	1
Civil Enforcement (CE)	0			1		1	0
Workers' Compensation (WC)	1	1		12	3	13	2
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	5			4	3	3	5
Totals	19	4	1	37	23	38	22

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

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Brooks v. PG County Planning Board, et al	PG	LD	July 16
Green v. Commission	PG	Tort	July 16
Commission v. Town of Forest Heights	PG	Misc	Sep 16
Commission v. Edwards	MC	WC	Sep 16
North Point Builders v. Commission	PG	Tort	Sep 16
Burnette v. Commission	PG	ED	Sep 16
Swain v. Seay, et al	PG	Tort	Oct 16
State Farm/Lee v. Commission	MC	Tort	Oct 16
Commission v. Ayoub	MC	PD	Nov 16
Milam v. John Doe, et al	PG	Tort	Feb 17
O'Brien v. Sports & Learning Center	PG	Tort	Feb 17
Parker v. Commission	PG	WC	Mar 17
Napier v. Sewell	PG	Tort	Mar 17
Rounds v. Commission	MC	Tort	April 17
Price v. PG County, et al	PG	Tort	April 17
Sauer v. Commission	PG	CD	May 17
Commission v. Pollard	PG	WC	June 17
Grier, et al v. Commission	PG	AALU	June 17
Pletsch, et al v. Commission	PG	AALU	June 17

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Fort Myer Construction Corp.	MC	CD	Aug 16
Cohn v. Commission	MC	Misc	Sep 16
Rounds v. Montgomery County, MD, et al	MC	PD	Mar 17
Brooks v. Commission	PG	AALU	June 17

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

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Leeks v. Commission	PG	WCC	July 2016
Newell v. Commission	PG	Tort	July 2016
Commission v. 2005 Toyota Camry	MC	MISC	July 2016
Commission v. Morgan	MC	WCC	July 2016
Progressive Specialty Insurance Co. v. Davis, et al	MC	Tort	Sept 2016
Prince George's County, Md. v. Commission	PGPR	LD	Sept 2016
Commission v. Landover Polk Street Property, LLC	PGPR	PD	Sept 2016
Town of Riverdale Park, et al v. Commission	PGPB	AALU	Sept 2016
Cohn, et al v. Commission	MCPR	Misc	Sept 2016
Smith v. Commission	MC	WCC	Sept 2016
Merlos-Montoya v. Commission	MC	Tort	Oct 2016
Richardson v. Arnette	MC	Tort	Oct 2016
Beatty v. Commission	PGPR	Tort	Oct 2016
Burnette v. Commission	PG	WCC	Oct 2016
Starks v. Kellogg, et al	MC	Tort	Oct 2016
Belt v. Commission	MC	WCC	Nov 2016
Harford Casualty Insurance Co. v. Commission	PG	CD	Nov 2016
Commission v. Ayoub	MC	PD	Jan 2017
Brooks v. Prince George's County Planning Board	PGPB	LD	Jan 2017
Berry v. Lopez, et al	MC	Tort	Jan 2017
Sutton v. Commission	PG	Tort	Feb 2017
North Point Builders v. Commission	PG	Tort	Feb 2017
Dixon v. Commission	MC	WCC	Feb 2017
Dixon v. Commission	MC	WCC	Feb 2017
Trevan, et al v. Cannizzio, et al	MC	LD	Feb 2017
Commission v. Ford	PG	WCC	April 2017
Commission v. Atwell	MC	WCC	April 2017
Commission v. Edwards	MC	WCC	April 2017
Commission v. Fulwood	PG	WCC	May 2017
Napier v. Sewell	PG	Tort	May 2017
Watkins v. Commission	PG	WCC	May 2017
Watkins v. Commission	PG	WCC	May 2017
Commission v. Johnson	MC	CE	May 2017
State Farm & Lee v. Commission	MC	Tort	June 2017

D. Appellate Court Cases Resolved.

Fort Myer Construction Co. v. Commission	MC	CD	Sept 2016
The Town of Forest Heights v. Commission	PG	M	Jan 2017
Commission v. Hill	PG	ED	Feb 2017
URS Corp. v. Fort Myer Construction Co., et al	MC	CD	May 2017

Disposition of FY17 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Planning		
Trevan, et al v. Cannizzio, et al	Claim related to transferable development rights associated with private party transaction relating to a parcel of land in Montgomery County.	01/24/17-Court grants Commission's Motion for Summary Judgment
Commission v. Johnson	Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.	04/19/17-Collection attempts unsuccessful.
Montgomery County Department of Parks		
Cohhn, et al v. Commission	Plaintiff filed complaint attempting to restrain Commission from implementing Archery Managed Deer Hunting Program in Montgomery County.	08/25/16-Court grants Commission's Motion for Summary Judgment.
Commission v. 2005 Toyota Camry	Commission filed motor vehicle forfeiture incident to drug related arrest	06/14/16-Commission withdraws complaint.
Commission v. Atwell	Commission seeks judicial review of WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.	03/28/17-Joint Motion to Remand and Stipulation of Dismissal filed
Commission v. Ayoub	Complaint for tenant holding over on Commission property located in Montgomery County.	12/14/16- Default judgment and right of possession
Commission v. Edwards	Commission seeks judicial review of WCC Order entitling Claimant to 25% loss of body use under other cases.	03/15/17-Case remanded to WCC.

Commission v. Morgan	Commission appealed WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.	06/28/16- Dismissal filed with Court; to be remanded back to Workers' Compensation Commission
Dixon v. Commission	Claimant/employee is appealing WCC Order denying that employee sustained an accidental injury arising out of and in the course of employment.	01/10/17-Case settled and dismissed.
Dixon v. Commission	Claimant/employee is appealing WCC Order denying that further medical treatment and total temporary disability.	01/10/17-Case settled and dismissed.
Fort Myer Construction Corporation v. Commission Commission v. URS Corporation	Fort Myer Construction Corporation appeals award of sanctions against it. Commission notes cross appeal, as does URS Corporation.	08/19/16-Court of Appeals grants Petition for Certiorari of Commission and URS
Merlos-Montoya v. Commission	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	09/07/16-Case dismissed
Progressive Specialty Insurance Co. v. Davis, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	07/08/16-Case dismissed by Plaintiff.
Richardson v. Arnette	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	09/21/16-Case dismissed.
Smith v. Commission	Claimant/employee is appealing the WCC's award of permanent partial disability under "other cases".	08/09/16-Trial; verdict in favor of Plaintiff; remanded to Worker's Compensation.
Starks v. Kellogg, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	09/26/16-Case settled and dismissed.
State Farm & Lee v. Commission	Defense of claim for property damage involving fallen tree on insured's property.	05/31/17-Case dismissed by Court.
URS Corporation v. Fort Myer Construction Company, et al	Commission seeks review of reversal of award of sanctions against Fort Myers and other related procedural issues.	04/24/17-Court of Appeals affirms lower court decision

Montgomery County Park Police			
Berry v. Lopez, et al	Defense of police liability claim for alleged false imprisonment and wrongful detention arising from an incident in Montgomery County	12/12/16- Court grants Commission's Motion for Summary Judgment, case dismissed	
Montgomery County Planning Board			
Prince George's County Department of Parks and Recreation			
Beatty v. Commission	Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.	9/30/16-Case settled and dismissed.	
Belt v. Commission	Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.	10/25/16-Case remanded to WCC	
Burnette v. Commission	Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.	09/08/16-Case remanded to WCC.	
Commission v. Ford	Commission is appealing the WCC's decision regarding determination that injury occurred during course of employment.	03/02/17- Appeal dismissed; remanded to WCC.	
Commission v. Fulwood	Commission is appealing the WCC's finding that claimant had an occupational disease.	04/19/17-Case remanded to WCC	
Commission v. Hill	Commission appealed Circuit Court ruling reversing and remanding employee termination to Merit Board System.	01/18/17- Court reverses Circuit Court and upholds Merit Board's dismissal of employee's appeal.	
Commission v. Landover Polk Street Property, LLC	Commission filed a condemnation action to acquire property for use by the Department of Parks and Recreation.	08/02/16-Stipulation of Dismissal filed.	
Leeks v. Commission	Claimant/employee is appealing the WCC's decision denying occupational hypertension disease as causally related to his course of employment.	06/27/16-Case remanded to WCC.	

Napier v. Sewell	Defense of claim for personal injury involving automobile accident.	04/26/17 - Court grants Commission's Motion to Dismiss
Newell v. Commission	Defense of claim for trip and fall on alleged wire hanging from the light display at Watkins Regional Park	06/07/16-Case settled and dismissed.
North Point Builders v. Commission	Plaintiff filed complaint for alleged delays and damages associated with the construction of College Park Airport Operations Building in College Park, Maryland.	02/15/17—Case settled and dismissed.
Prince George's County, Md. v. Commission	Defense of claim for injunctive relief issued by Prince George's County for unlicensed dog kennel on Commission property which is actually owned by person in neighborhood encroaching on Commission property.	08/11/16-Case dismissed.
Watkins v. Commission (CAL15-40296)	Claimant/employee is seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.	04/19/17-Case dismissed and remanded to WCC
Watkins v. Commission (CAL16-07583)	Claimant/employee is seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.	04/19/17-Case dismissed and remanded to WCC
Prince George's County Planning Department		
Hartford Casualty Insurance Company v. Commission	Plaintiff bonding company filed complaint seeking alleged damages associated with surety work after taking over Fort Washington Forest Park and the North Forestville Projects in Prince George's County.	09/09/16 Case settled.
Prince George's County Planning Board		
Brooks v. Prince George's County Planning Board, et al	Declaratory judgment action challenging Planning Board approval of an application pertaining to a parcel neighboring that of the Plaintiffs	12/19/16- Court order- Commission's Motion to Dismiss granted, case dismissed.

<p>The Town of Forest Heights v. Commission</p>	<p>Commission filed lawsuit to stop the unlawful attempt by the Town of Forest Heights, Maryland to expand its geographical boundaries by annexing properties without the required consent of any affected property owner or popular vote. Appellant files appeal after Circuit Court declares 6th and 7th annexation null and void</p>	<p>11/28/16- Appeal dismissed by Plaintiff/Appellant.</p>
<p>Town of Riverdale Park, et al v. Commission</p>	<p>Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-150003 in 7-Eleven, Inc.</p>	<p>07/13/16-Court affirms decision by Planning Board.</p>
<p>Prince George's Park Police</p>		
<p>Sutton v. Commission</p>	<p>Defense of police liability claim</p>	<p>01/13/17-Commission's Motion for Summary Judgment granted, case dismissed.</p>
<p>Office of Internal Audit</p>		

INDEX OF CASES

DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND	11
Milam v. Doe, et al.....	11
CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND.....	12
Shipe v. Louketis, et al	12
Tugwell v. Louketis, et al.....	12
CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND	14
Commission v. Pollard.....	14
CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND	15
Burnette v. Commission.....	15
Commission v. The Town of Forest Heights	15
Green, et al v. Commission.....	15
Grier, et al v. Commission.....	16
O’Brien v. Sports & Learning Complex.....	16
Parker v. Commission	17
Pletsch, et al v. Commission	17
Price, et al v. Prince George’s County, et al	17
Sauer, Inc. v. Commission	18
Swain v. Seay, et al.....	18
CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND.....	20
Fort Myer Construction Corporation v. Commission	20
Rounds v. Commission, et al	20
MARYLAND COURT OF SPECIAL APPEALS	22
Brooks v. Commission.....	22
Cohn v. Commission	22
Friends of Croom Civic Association, et al v. Commission	23
Rounds v. Montgomery County, MD, et al	23
MARYLAND COURT OF APPEALS	23
U.S. DISTRICT COURT OF MARYLAND	24
Pulte Home Corp, et al v. Montgomery County, et al.....	24
U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT.....	26
American Humanists Association, et al v. Commission	26

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: Complaint filed.

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

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
09/11/17	Trial

Tugwell v. Louketis, et al

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

Lead Counsel: Adams
Other Counsel: Dickerson

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

Status: In discovery.

Docket:

10/21/15	Complaint filed
11/20/15	Commission served
12/16/15	Motion to Dismiss and supporting Memorandum, Motion for

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

CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

Commission v. Pollard

Case #10-C-17-001225 (WC B629257)

Lead Counsel: Foster
Other Counsel:

Abstract: 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.

Status: Pending trial.

Docket:

05/08/17	Petition for Judicial Review filed
05/30/17	Response to Petition filed
02/28/18	Pre-trial conference
03/27/18	Trial date.

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
07/25/17	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: In discovery.

Docket:

06/14/16	Complaint filed.
08/22/16	Commission files answer.
02/28/16	Pre-trial conference
06/30/17	ADR Conference
08/30/17	Trial date

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
09/08/17	Oral Argument

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: In discovery.

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

Parker v. Commission
CAL16-07506 (WC W071945)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant/employee is seeking de novo judicial review of the WCC's decision denying she has an occupational disease.

Status: Pending trial.
Docket:

03/11/16	Petition for Judicial Review filed
03/21/16	Response to Petition filed
05/30/17	Case settled
06/26/17	Joint motion to remand to WCC

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
09/18/17	Oral Argument

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: Pending trial.
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
12/13/17	Trial date

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

Swain v. Seay, et al

CAEF16-10315 (M)

Lead Counsel: Dickerson
Other Counsel:

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

Status: Complaint filed.
Docket:

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

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

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
3/16/17	Status Hearing; Court orders continuation of stay; to remain on docket
06/08/17	Court sets case for scheduling conference
7/28/17	Scheduling conference

Rounds v. Commission, et al

Case No. 430530-V (Tort)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin

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

Status: Complaint filed.

Docket:

02/28/17	Complaint filed
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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
08/21/17	Motions hearing
12/14/17	Pretrial and settlement conference

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: Appeal filed.

Docket:

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

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
10/2017	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
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MARYLAND COURT OF APPEALS

No Pending Cases

U.S. DISTRICT COURT OF MARYLAND

Pulte Home Corporation, et al v. Montgomery County, et al

Case No. 8:14-cv-03955 (LD)

(Originally filed under Case No. 397601V-Mont. Cty)

Lead Counsel: Outside Counsel-Whiteford Taylor and Preston
Other Counsel: Gardner/Dickerson/Adams

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status: In discovery.

Docket:

12/18/14	Notice of Removal and Complaint filed
01/02/15	Commission files Motion to Dismiss or in the Alternative for Summary Judgment and Supporting Memorandum
01/09/15	Plaintiffs file Motion to Remand.
02/05/15	Defendant Montgomery County's Opposition to Motion to Remand
02/06/15	Commission's Opposition to Plaintiff's Motion to Remand
02/06/15	Plaintiff's Opposition to Defendant M-NCPPC's Motion to Dismiss
02/23/15	Plaintiff's Reply in Support of Motion to Remand
02/23/15	Commission's Reply to Opposition to Motion to Dismiss
07/17/15	Order denying Pulte's Motion to Remand; Order denying MNCPPC's Motion to Dismiss with leave to respond to complaint with 14 days
07/31/15	Commission's Answer to Complaint
07/31/15	Commission's Motion for Reconsideration
08/26/15	Plaintiffs' Opposition to Commission's Motion for Reconsideration filed
09/24/15	Commission's Reply to Plaintiff's Opposition to Reconsideration of the Court's Denial of the Commission's Motion to Dismiss filed
12/29/15	Court denies Commission Motion for Reconsideration of Denial of Motion to Dismiss
01/07/16	Chambers Conference Call
02/19/16	E-Discovery Conference
04/01/16	E-Discovery Conference
05/27/16	County's Motion for Protective Order filed
05/27/16	Commission's Motion for Protective Order filed
06/16/16	Protective Order Motions denied without prejudice
05/14/17	Dispositive pretrial motions
09/17/16	Joint Defense Agreement executed between Commission and Montgomery County, Maryland
09/29/16 & 10/3/16	Outside counsel enters appearance
01/12/17	Motions hearing on discovery related matters

01/25/17	Rulings entered on various discovery matters
03/06/17	Telephone Conference
03/10/17	Court ordered discovery by Pulte & Commission to be completed by 4/10/17
04/13/17	Motion for Judgment on the pleadings filed
08/08/17	Motions Hearing
01/25/18	Discovery deadline; status report due

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

American Humanist Association, et al v. Commission

No. 15-2597 Case #: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

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