

***COMMISSION
MEETING***

February 15, 2017

9:30 a.m. – 11:30 a.m.

***MONTGOMERY REGIONAL
OFFICE***

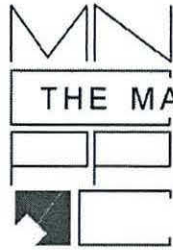
***8787 Georgia Avenue
Silver Spring, MD 20910***

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING
Wednesday, February 15, 2017
Montgomery Regional Office
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 - October 19, 2016	(+*)	Page 3	
	b) Special Commission Conference Call, Open Session – January 12, 2017	(+*)	Page 9	
	c) Open and Closed Sessions – January 18, 2017	(+*)	Page 11	
3.	General Announcements (9:30)			
	a) Women’s History Month			
	b) Black History Month Events after February 15 th			
	c) Financial Disclosures Filing Requirement Briefing (Barney)			
4.	Committee Minutes/Board Reports (For Information Only): (9:40)			
	a) Minutes – Regular Board of Trustees Meeting – December 6, 2016	(+)	Page 17	
	b) Minutes – Special Board of Trustees Meeting – January 3, 2017	(+)	Page 21	
	c) Executive Committee Meeting – Open Session – February 1, 2017	(+)	Page 25	
5.	Action and Presentation Items (9:45)			
6.	Officers’ Reports			
	a) Executive Director’s Report (For Information Only) Employee Evaluations Not Completed by Due Date (January 2017)	(+)	Page 29	
	b) Secretary Treasurer (For Information Only) Investment Report (December 2016)	(+)	Page 31	
	c) General Counsel			
	1) Litigation Report (January) (For Information Only)	(+)	Page 37	
	2) Legislative Update	(H)		
7.	Closed Session – Collective Bargaining (Barney)			

(+) 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
October 19, 2016

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

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Marye Wells-Harley
Norman Dreyfuss

Prince George's County Commissioners

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

ABSENT

Natali Fani-Gonzalez

Chair Anderson convened the meeting at 9:37 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion Hewlett
Seconded by Bailey
8 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open and Closed Session – September 21, 2016
ACTION: Motion of Hewlett
Seconded Geraldo
8 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Anderson made the following announcements:

- a) Breast Cancer Awareness Month
- b) Commission-wide Service Awards Luncheon Honoring Employees with 25 or more years of service – October 19, 2016 (Brookside Gardens)
- c) Upcoming Prince George's Department of Parks and Recreation Winter Festival of Lights – Watkins Regional Park, November 21st
- d) Upcoming Montgomery Parks Department Winter Garden Walk Through Holiday Light Display – Brookside Gardens, November 25th
- e) Notice #14-04, Employee Conduct with Respect to Political Activities – Any questions should be presented to the Corporate Policy and Management Operations Team or respective supervisors.

Announcements Not Listed on Agenda

Chair Anderson announced that September 15th – October 15th marks the celebration of National Hispanic Heritage Month. Observation of National Hispanic Heritage Week started in 1968 under President Lyndon Johnson and was expanded by President Regan in 1988. It was enacted into law on August 17, 1988, on approval of Public Law 100-402. He noted that University of Maryland College Professor and Author Judith Freidenberg is the guest speaker at the Prince George's County Hispanic Heritage Month event being held at the Parks and Recreation Auditorium on Friday, October 21st, at 12:30 p.m. Ms. Freidenberg is the author of the book, "Contemporary Conversations on Immigration in the United States". Attendees should register on the InSite Training Calendar. One and one-half hours of Administrative Leave, plus travel time will be granted by supervisors.

Chair Anderson also announced that Dario Collado, Director of Strategic Development for the Hispanic Heritage Foundation, will speak on Monday, October 24th, from noon – 1:00 p.m. at the Montgomery Regional Office. Registration on the InSite Training Calendar is required for this event, as well.

The Commissioners offered condolences to Prince George's County Parks and Recreation Director Ronnie Gathers on the loss of his father.

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

- a) Executive Committee Meeting Open Session – October 5, 2016
- b) 115 Trust (OPEB) Meeting – June 15, 2016
- c) ERS Regular Board of Trustees Meeting – July 12, 2016

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Resolution #16-18, Disposal and conveyance of 1,770 sq. ft. from the Northwest Branch to the SHA for road improvements: Compensation to the Commission for Conveyance of \$1,750 (Sun)
ACTION: Motion of Wells-Harley
Second by Hewlett
8 approved the motion
- b) Resolution #16-19, Disposal and conveyance of 5,265 sq. ft. of land fee simple, and 7,429 sq. ft. for temporary construction easement from Leyte Drive Park to the SHA as part of SHA highway project: Compensation to the Commission for Conveyance of \$700 (Sun)
ACTION: Motion of Washington
Second by Wells-Harley
8 approved the motion
- c) Resolution #16-25, Merit System Board Contract Renewal – Chair Steve Cohen
ACTION: Motion of Hewlett
Second by Bailey
8 approved the motion
- d) EZ Procurement Fair Briefing (Zimmerman/Pearson)
Secretary-Treasurer Zimmerman introduced Purchasing Manager Stacey Pearson, who gave a briefing on the EZ Procurement Fair held at the Sports and Learning Complex on September 22nd. The purpose of the fair was to reach out to the vendor community to increase local participation and increase the M-NCPPC's vendor selection base.

Ms. Pearson briefed the Commissioners, stating that approximately 100 vendors attended the event, of which 50% were minority and female vendors. Almost 100% of the participants were from Montgomery and Prince George's Counties. Participants were afforded the opportunity to meet the decision makers in the procurement process at the M-NCPPC. Sixty representatives from various departments within the agency volunteered to assist at the fair. The event offered networking opportunities, educational sessions, competitive solicitation sessions, instructions on navigating the bid process, and pitfalls to avoid when bidding. There were also sessions on helping vendors navigate M-NCPPC contracts. A session was offered on Capital Improvement Project procurement opportunities and how to navigate the bid packages. Accounting representatives provided training to teach businesses on how to submit invoices and get paid in a timely manner. Risk Management representatives shared information about the M-NCPPC's risk management requirements.

This was the M-NCPPC's Procurement Division's first event, and the outcome was successful. The M-NCPPC will sponsor the event again next year. Mr. Zimmerman and Ms. Pearson thanked the Department Heads for their support, and the staff at the Sports and Learning Complex for their assistance in executing a successful event.

The Commissioners inquired if the potential vendors asked many questions. Ms. Pearson responded that most of the questions were geared toward reaching the department representatives. The Commissioners also inquired as to what type of tracking mechanisms will be used, and if vendors can record their attendance at the fair on their applications. The tracking methods would provide data on how many vendors are receiving business opportunities as a result of their participation at the fair. Ms. Pearson explained that she can generate reports, analyze data, and track vendor participation.

e) FY 2015 CAFR Award (Zimmerman/Walsh)

Secretary-Treasurer Zimmerman presented the Government Finance Officers Association of the United States and Canada (GFOA)'s Certificate of Achievement for Excellence in Financial Reporting (CAFR) Program's FY2015 CAFR Award. Mr. Zimmerman introduced the Accounting Division members who produced the work.

Chair Anderson explained that the CAFR award Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government agency and its management. GFOA considers the Maryland-National Capital Park and Planning Commission a Special District when compiling their results. In this category, the Commission is tied with the Chicago Metropolitan Water Reclamation District for the greatest number of times receiving this award, now totaling 42.

Chair Anderson and Vice-Chair Hewlett thanked the Finance Team for their efforts. A photo was taken of the Commissioners and the Finance Team for the Update Employee Newsletter.

f) Audit Committee Activity Report (Dreyfuss)

Commissioner Dreyfuss complimented Internal Audit Chief Renee Kenney for her efforts. Chief Kenney introduced Audit Committee Public Member Karen Tobat. Ms. Tobat serves on a volunteer basis. The Office of Internal Audit (OIA) Team supports all of the M-NCPPC's departments.

Chief Kenney highlighted the Summary of Significant Audit Findings, as listed in the Audit Report, contained in the meeting packet. The summary included a list of 25 high risk operational audit findings and 8 high risk information technology findings. Although there were 25 high risk operational audit findings, only 5 were significant. The OIA identified a number of opportunities to strengthen internal controls, as noted in the report.

Chair Anderson and Vice-Chair Hewlett thanked Ms. Kenney for the efforts of the OIA. Vice-Chair Hewlett also thanked Commissioner Bailey for representing the Prince George's County Board on the Audit Committee. Ms. Kenney recognized the Internal Audit Team (Bob Feeley, Natalie Beckwith, Wanda King, and Tina Dorsey) for their efforts. Executive Director Barney complimented Ms. Kenney on the professional reports.

ITEM 6

OPEN SESSION – OFFICERS' REPORTS

a) Executive Director

Employees' Evaluations Not Completed by Due Date – (September 2016) (For Information Only)

b) Secretary-Treasurer

Enterprise Resource Planning (ERP) Briefing – Executive Director Barney shared that Employee Self-Serve, Employee Open Enrollment Online, will be opening Thursday. As employee benefit enrollment is important, this benefit is being offered to CAS employees only as a test phase at this time. The online enrollment for benefits for the Commissioners and all M-NCPPC employees will roll out next year after the testing phase. Other information will be available as well, on Employee Self-Serve next year.

c)

1) Legislative Update – General Counsel Gardner shared that the session and timeframe for legislative proposals relating to bi-county bills is coming to a close. Two items of legislation will be introduced relating to the M-NCPPC:

- a. This morning, Acting Prince George's County Planning Board Chair Debra Borden informed the General Counsel that yesterday, the Prince George's County Council indicated an intention to reintroduce legislation, regarding the appointment process for Commissioners of the M-NCPPC.
- b. General Counsel Gardner was contacted by a Legislator who was interested in legislation that would require the M-NCPPC to provide a report or study the M-NCPPC and the tax structure in Prince George's County. He will keep the Commissioners apprised of the developments.


Chair Anderson inquired about the State Highway Administration (SHA) issues. General Counsel Gardner responded that any work done on this matter is a statewide legislative item, and would be subject to a different deadline, similar to the work he is planning on doing to augment the M-NCPPC's program in minority business development and Minority, Female, Disabled (MFD) Procurement. Chair Anderson mentioned the number of bicycle pedestrians killed in Montgomery County within the last year. He asked that General Counsel Gardner keep in mind that elected officials are interested in the bicycle pedestrian safety issue. The M-NCPPC is reviewing its practices regarding trail crossings of state and county roads. There is concern about the SHA taking responsibility to ensure pedestrian bicycle safety. General Counsel Gardner will monitor the subject and apprise the Commissioners of new developments. Commissioner Cichy

suggested the M-NCPPC review the SHA's Consolidated Transportation Program, and its Complete Streets Program for automobiles, bikes, and sidewalks, and where trails cross roadways.

Commissioner Cichy mentioned previously drafted legislation that noted if the SHA abandoned a project, the land could be transferred to a county or city agency. The M-NCPPC was attempting to get the right-of-way from the northern parkway that parallels Georgia Avenue. The legislation could be broadened; otherwise, the property goes back to the original owner. The property can go to transportation if the county or city has a project. It could also go to park land.

2) Litigation Report (For Information Only)

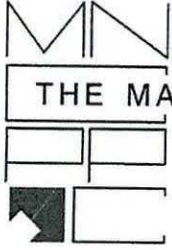
There being no further business to discuss, the meeting adjourned at 10:18 a.m.



Gayla Williams, Senior Management Analyst/
Senior Technical Writer



Patricia Colihan Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Special Commission Conference Call
Minutes
January 12, 2017

The Maryland-National Capital Park and Planning Commission met by teleconference from the County Administration Building in Upper Marlboro, Maryland, the Montgomery Regional Office in Silver Spring, Maryland, and the Executive Office Building in Riverdale, Maryland.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Norman Dreyfuss
Natali Fani-Gonzalez
Marye Wells-Harley

Prince George's County Commissioners

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

ABSENT

Dorothy Bailey


Chair Anderson convened the meeting at 9:08 a.m., and requested a motion to approve Resolution #17-01, Presidential Inauguration Holiday.

APPROVAL OF RESOLUTION #17-01, PRESIDENTIAL INAUGURATION HOLIDAY

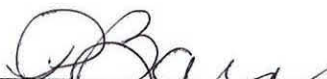
Executive Director Barney presented Resolution #17-01 – Presidential Inauguration Holiday for approval.

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

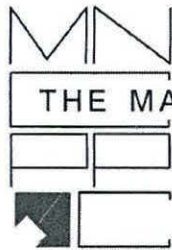
There being no further business to discuss, the meeting adjourned at 9:09 a.m.



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



Patricia Colihan Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
January 18, 2017

The Maryland-National Capital Park and Planning Commission met in the Parks and Recreation Auditorium in Riverdale, Maryland.

PRESENT

Montgomery County Commissioners

Gerald Cichy
Norman Dreyfuss
Natali Fani-Gonzalez
Marye Wells-Harley

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair
William Doerner
A. Shuanise Washington

ABSENT

Casey Anderson, Chair

Dorothy Bailey
Manuel Geraldo

Vice-Chair Hewlett convened the meeting at 9:37 a.m., in the absence of Chair Anderson.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Washington
Seconded by Wells-Harley
7 approved the motion

ITEM 2 VOTE – VICE-CHAIR HEWLETT TO COMMISSION CHAIR

ACTION: Motion of Wells-Harley
Seconded by Washington
7 approved the motion

VOTE – CHAIR ANDERSON TO COMMISSION VICE-CHAIR

ACTION: Motion of Fani-Gonzalez
Seconded by Washington
7 approved the motion

Chair Hewlett commended Vice-Chair Anderson for his stellar leadership as Chair of The M-NCPPC over the past year. She stated he did an outstanding job, and congratulated him in his absence.

ITEM 3 APPROVAL OF COMMISSION MINUTES

Open Session – December 21, 2016

ACTION: Motion of Washington
Seconded Fani-Gonzalez
7 approved the motion

ITEM 4 GENERAL ANNOUNCEMENTS

Chair Hewlett made the following announcements:

b) Women’s History Month (Taken out of order)

Women’s History Month will take place in March. Executive Director Barney noted that individual departments will present a series of activities for Women’s History Month this year, as The M-NCPPC will be hosting a significant One-Commission event on May 3rd.

a) Black History Month

- Chair Hewlett shared The M-NCPPC, Department of Parks and Recreation, Prince George’s County Cultural Events & Community Calendar (Brochure), highlighting events that will take place during Black History Month in February.
- To ensure that the Black History Month Kick-off Celebration does not conflict with the Super Bowl during the first week of February, the event has been scheduled for January 29th this year. Chair Hewlett invited all Commission employees to attend the opening event at the Montpelier Museum.
- A One-Commission event will take place on February 3rd at 2:00 p.m., and at 7:00 p.m., at the Clarice Smith Performing Arts Center at the University of Maryland. The production, “Voices in the Dark” is a magnificent piece, which was written, produced, directed, and performed by some present and former Commission staff. The drama tells a story about people who were formerly enslaved. The play chronicles their lives, post-slavery, and the phenomenal fortitude that brought them through that era as they reminisce. Chair Hewlett thanked Darrell Godfrey, Montgomery County Planning for his effort, time and talent. Employees must register online to receive free tickets. Administrative leave is offered and must be approved for employees to attend this event.
- The Commission celebrates its 90th birthday this year. Chair Hewlett reflected on the Commission’s growth and accomplishments over the years, and boasted about the agency’s focus on inclusiveness and diversity. She expressed gratitude to the pioneers who created the organization. The agency will continue to embrace changes, such as moving toward a centralized Information Technology Governance, and the agency will continue to be relevant. Chair Hewlett recognized the Diversity Council and reminded everyone that The M-NCPPC is One-Commission.

Item not listed on agenda

Executive Director Barney introduced Administrative Specialist Deirdra Walker, who recently joined the Office of the Executive Director.

ITEM 5 COMMITTEE MINUTES/BOARD REPORTS – (For Information Only)

- a) Executive Committee Meeting Open Session – January 4, 2017
- b) 115 Trust (OPEB) Meeting Minutes – September 21, 2016

ITEM 6

ACTION AND PRESENTATION ITEMS

a) Diversity Council 2016 End-of-Year Report and Certificates of Appreciation and Photo Op (Barney/Dugan/Gordon)

Executive Director Barney introduced Diversity Council Chair MaryBeth Dugan and Vice-Chair Greg Gordon, who presented the 2016 End-of-Year Report contained in the meeting packet. Executive Director Barney presented Certificates of Appreciation to the outgoing members of the Diversity Council, and introduced the incoming council members. She expressed appreciation for the work that was accomplished by the outgoing council members, and thanked the Commissioners, Directors, Deputies, and Supervisors for their support. Chair Hewlett commended the Diversity Council for the work they have accomplished over the years.

Outgoing Diversity Council Members (Received Certificates of Appreciation)

Taslima Alam, Prince George's Planning Department

Marie Proctor, Prince George's Planning Board, Chairman's Office

Timothy DeLucia, Prince George's Department of Parks and Recreation

John Hench, Montgomery Parks Department

Lawrence Taylor, Central Administrative Services – Finance

The Diversity Council presented Executive Director Barney with a bouquet of flowers as a token of appreciation for her support.

b) FY16 Government Finance Officers Association (GFOA) Budget Award and Photo Op (Kroll)

Chair Hewlett announced that The M-NCPPC was awarded the GFOA's Distinguished Budget Presentation Award for its annual budget. This awards program recognizes budgets that are rated "proficient" as: a policy document, a financial plan, an operations guide, and a communications device. The program was established in 1984, and the Commission has now received this award for the 31st consecutive year. The Commission is one of 28 Maryland governmental units and one of over 1,550 in the United States and Canada to receive this award. The M-NCPPC was commended for developing an informative and useful budget document. Chair Hewlett acknowledged the agency's entire budget team.

c) OPEB Valuation Presentation (Boomershine/B. Walsh)

Finance Manager Barbara Walsh introduced Consultant Dave Boomershine from Boomershine Consulting Group, LLC. Mr. Boomershine presented the 2016 Actuarial Valuation Review of the Retiree Healthcare Programs – December 2016. He stated that The M-NCCPC complies with the Government Accounting Standards Board (GASB), and added that the GASB rules will change in 2018.

Mr. Boomershine highlighted the current rules: Annual Required Contribution (ARC), Annual OPEB cost (AOC), Net OPEB Obligation (NOO). He stated that the discount rate is the key assumption, in that the higher the discount rate, the lower the actuarial liabilities; and the lower the annual costs. The agency is currently using a 7.00% discount rate, which is the same as the pension plan.

Mr. Boomershine discussed the cost drivers, what the bond rating agencies are looking for when funding the plan, the market value of assets, and he provided a summary for the 2016 valuation assumptions, the net OPEB obligation, valuation results, and valuation highlights as contained in the meeting packet. He also explained the GASB accounting changes. Mr.

Boomershine explained that the market value of assets as of 7/1/2016 have increased to \$48M. The contributions are more than covering the cost and the expenses; however, the OPEB Trust Fund experienced a \$1.8 million loss.

Mr. Boomershine shared that the Annual Required Contribution (ARC) increased from \$18.0M to \$20.0M, and the funded ratio remained at 16%. The primary reasons for the cost/liability changes were the decrease in discount rate, actuarial method and assumption changes, investment loss, plan experience (2016 claims costs/premium rates), and full funding of ARC. In comparing the total contributions vs. the ARC, the annual cost is funded at 104%, which is good news. Mr. Boomershine stated that the NOO is not a concern, as it will be eliminated in two years. Mr. Boomershine added that the bond rating agencies appreciate what The M-NCPPC has done.

Commissioner Doerner presented several questions regarding the investments and investment strategies. Executive Director Barney and Secretary-Treasurer Zimmerman responded to Commissioner Doerner's inquiries. Executive Director Barney stated she will mention his comments to the 115 Board of Trustees (BOT), and invited him to participate in, or observe the BOT meetings, where investments, asset allocations, and assumptions are discussed.

Chair Hewlett thanked Mr. Boomershine and the 115 Board of Trust.

ITEM 6 OPEN SESSION – OFFICERS' REPORTS

a) Executive Director

Employees' Evaluations Not Completed by Due Date – (December 2016) (For Information Only)

Item not listed on the agenda – Executive Office Building Discussion (Executive Committee Meeting Minutes – January 4, 2017)

Executive Director Barney highlighted from the Executive Committee meeting minutes, a summary of a discussion related to the Executive Office Building. There is a committee working to look at issues with regard to the building. The Officers, Internal Audit Chief Renee Kenney, Information Technology Chief Mazen Chilet, Commissioner Norman Dreyfuss, and Chair Hewlett (by phone) will be developing criteria for a new area, if the decision is made to relocate. The committee will work with a consultant to develop the program of requirements, and conduct a lease vs buy vs renovate cost analysis. The Executive Committee supported this concept. As the project continues, segments of the work will be presented to the Commission for input.

b) Secretary-Treasurer

Investment Report (December 2016) – For Information Only

c) General Counsel

1) Litigation Report (For Information Only)

2) Legislative Update – General Counsel Gardner distributed a packet containing four bills. He gave a brief overview and highlighted the technical differences of each bill as contained in the handout. He requested a vote on Senate Bill 18 – Public Ethics – Bi-county Commissions - Financial Disclosure.

1. MC/PG 105-17, Maryland-National Capital Park and Planning Commission – Prince George's County – Appointment Procedures

- This bill creates an identical appointment process in Prince George’s County. General Counsel Gardner is not recommending a position on this bill. If Commissioners have questions, he will have a discussion with them offline.
- 2. MC/PG 110-17, Washington Suburban Sanitary Commission and Maryland National Capital Park and Planning Commission – Office of the Inspector General
 - General Counsel Gardner is not recommending a position on this bill at this time because the bill’s purpose is not clear. Montgomery County Delegate Ben Kramer has requested this bill, which requires more internal accountability between the Commission and elected officials. This bill warrants a great deal of discussion, and Delegate Kramer has indicated his interest in future dialogue with The M-NCPPC management team.
- 3. Senate Bill 18 – Public Ethics – Bi-county Commissions - Financial Disclosure

General Council Gardner stated this bill only changes the filing process of financial disclosure statements from paper filing to electronic filing. If the Commissioners have any challenges in complying with the process, General Counsel Gardner should be contacted. This bill will be heard tomorrow. He asked that the Commission support the bill.

ACTION: Motion of Washington to support the bill
 Seconded by Gonzalez
 7 approved.
- 4. MC/PG 108-17 – Prince George’s County – Maryland-National Capital Park and Planning Commission – Budget and Operation Study.
 - This bill, presented by Delegate Valentino Smith, requires The M-NCPPC, in relation to its work in Prince George’s County, to study and make recommendations regarding certain budgetary and operational issues; requiring the Commission to report certain recommendations by a certain date to the Prince George’s County Delegation to the General Assembly; and generally relating to the budget and operation of the Commission in Prince George’s County. General Counsel Gardner does not think this legislation is necessary, and is not requesting a vote at this time.

Chair Hewlett thanked everyone at the Commission for their volunteer efforts and efforts in helping the less fortunate this year.

Pursuant to Section 3-305(b)(7) and (b)(8) of the General Provisions Article of the Annotated Code of Maryland, at 11:06 a.m., Chair Hewlett requested a motion to move to closed session for consultation with counsel and for purposes of potential litigation.

ACTION: Motion of Fani-Gonzalez
 Seconded by Washington
 7 approved the motion

At 12:01 p.m., the meeting moved to open session, and adjourned at 12:02 p.m.



 Gayla Williams, Senior Management Analyst/
 Senior Technical Writer
 Commission Meeting
 January 18, 2017



 Patricia Colihan Barney, Executive Director



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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, December 6, 2016; 10:00 A.M.
ERS/Merit Board Conference Room

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, December 6, 2016 at 10:00 a.m. Voting members present were: Pamela F. Gogol, Elizabeth M. Hewlett, Sheila Morgan-Johnson, Barbara Walsh, Marye Wells-Harley and Joseph C. Zimmerman, CPA. Alicia Hart joined the meeting via conference call. Khalid Afzal arrived at 10:05 a.m. Amy Millar arrived at 10:18 a.m. Patricia Barney, CPA and Howard Brown were absent.

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

Presentations by Wilshire Associates – Bradley A. Baker, Vice President and Mark E. Brubaker, CFA, Managing Director and the M-NCPPC Legal Department – LaTonya Reynolds, Senior 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 December 6, 2016 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, November 1, 2016
- C. Minutes of Closed Session, November 1, 2016
- D. Disbursements Granted Report – October 2016
- E. 2017 Board of Trustees Meeting Dates and Work Program
- F. Transfer of \$13,050,000 to Cover Administrative Expenses and Benefit Payments for December 2016-February 2017

MS. GOGOL made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY to approve the Consent Agenda. The motion PASSED unanimously (7-0). (Motion #16-69)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary
- B. Principal Summit Series Forums Conference Report by Chairman Hewlett

CHAIRMAN HEWLETT moved Item 2.B. to the next regularly scheduled Board of Trustees Meeting Agenda.

3. MISCELLANEOUS

No miscellaneous items were reported.

4. CLOSED SESSION

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

MS. WALSH made a motion, seconded by MS. GOGOL 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 (7-0). (Motion #16-70)

MR. AFZAL arrived at 10:05 a.m.

5. MANAGER REPORTS/PRESENTATIONS

A. Wilshire Associates

Presentations by Wilshire Associates - Bradley A. Baker, Vice President and Mark E. Brubaker, Managing Director

- i. Executive Summary of Investment Performance; as of September 30, 2016
- ii. Securities Lending Program Review; December 6, 2016
- iii. Manager Comparison - 3yr and 5yr Rolling Returns; as of September 30, 2016
- iv. Summary of Investment Performance; September 30, 2016

Mark Brubaker provided a general overview of the 3Q2016 market environment. During the quarter, the equity markets were up by 4.3% with large cap stocks underperforming small cap stocks and growth stocks outperforming value stocks. Sector performance varied during the quarter with Information Technology as the best performing sector and Utilities as the main laggard. Emerging markets were in positive territory for the quarter and U.S. Treasury yields were on a slow and steady rise for most of the third quarter. Mr. Brubaker said the portfolio is well positioned for a rising inflation environment.

MS. MILLAR arrived at 10:18 a.m.

Bradley Baker reported on the fund's performance for the quarter ending September 30, 2016. The ERS' total fund return was 4.42% (net of fees) for the quarter, outperforming the actual policy index return of 3.40%. The ERS fund return was 10.99% for the one-year ended, 4.70% for the three-years ended, and 8.47% for the five-years ended September 30, 2016 versus the actual policy index which returned 10.47%, 4.23% and 7.90%, respectively. The total market value through September 30, 2016 was \$822.4 million. Individual manager performance was discussed with no concerns. Mr. Baker said all-in-all the ERS' portfolio looks good and is well diversified.

The Northern Trust Company (Northern Trust) has managed the Securities Lending Program on behalf of the ERS since 1996 and has consistently generated income. In 2014, the ERS changed the securities lending cash collateral pool from Northern Trust Core USA to SL Core STIF Vehicle due to restrictions imposed by the Dodd-Frank Act. Mr. Baker provided a comparison between the ERS' current cash collateral investment vehicle, SL Core STIF, and NILAP which is more conservative and potentially provides less income.

Wilshire believes the Northern Trust Company exhibits a strong capability in the securities lending arena and ranks near the top of all lending agents within the institutional marketplace. Wilshire views the current cash collateral offering utilized by Northern Trust to be consistent with best in class and believes the SL Core STIF fund is the most appropriate option based upon the ERS' investment philosophy and portfolio. There were questions regarding the current fee split for securities lending and a desire to renegotiate the fee split. Andrea Rose agreed to follow-up with Northern Trust regarding fees.

6. COMMITTEE REPORTS/RECOMMENDATIONS

- A. Investment Monitoring Group Committee
 - Presentation by Committee Chairman, Patricia Colihan Barney, CPA
 - i. Regular Report of November 15, 2016

In MS. BARNEY'S absence, Andrea Rose presented the regular report for the Investment Monitoring Group (IMG) meeting of November 15, 2016.

The IMG reviewed Wilshire's Global Low Volatility Equity Search document (Search Document) dated November 15, 2016 which analyzed five passive and active managed strategies and provided scenarios for three (3) target allocations (6%, 8%, and 10%) to low volatility. Under each scenario, exposure to U.S., Non-U.S. and Global equities were modeled. Passive managers were evaluated on their ability to track a respective index and active managers were evaluated on their ability to provide sustainable risk adjusted returns. The IMG discussed the performance, excess returns, market capture, absolute risk and the portfolio characteristics for each passive and active manager.

The IMG agreed with Wilshire's recommendation to implement a passive strategy in this space. However, in order to make a recommendation to the Board, the IMG requested ADV information for Blackrock, negotiation of a final fee for Blackrock, development of a transition proposal, review of Blackrock's contract by legal counsel, and additional disclosure information from Wilshire's compliance department on all managers included in the search.

Ms. Rose requested approval for a Special Meeting via conference call, if the IMG has a recommendation for the Board following the December 20, 2016 committee meeting. CHAIRMAN HEWLETT requested the Special Meeting be held on January 3, 2017, if possible.

MS. GOGOL made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY to approve a Special Meeting of the Board of Trustees be held via Conference Call, if needed, on January 3, 2017. The motion PASSED unanimously (9-0). (Motion #16-72)

7. REPORT OF THE ADMINISTRATOR

- Presentation by Administrator, Andrea L. Rose
 - A. Administrator's Report dated November 21, 2016
 - i. Recommendation to Approve a Revised Pension Funding Policy

Andrea Rose reported a change was needed to the ERS' Funding Policy, as a result of the recent Experience Study, to clarify the amortization method is a 15-year open period. Ms. Rose provided the Board with a revised Pension Funding Policy.

MS. WALSH made a motion, seconded by MS. MILLAR to approve the ERS' Pension Funding Policy as revised on page 2, Section C.1.c. which clarifies the amortization method is a 15-year open period. The motion PASSED unanimously (9-0). (Motion #16-73)

Ms. Rose presented the Popular Annual Financial Report ("Annual Report") which summarizes the more detailed Comprehensive Annual Financial Report. The ERS made the Reports available on its website at <http://ers.mncppc.org> with hard copies available upon request. Staff plan to submit the Annual Report to GFOA for consideration of an Award for Outstanding Achievement in Popular Annual Financial Reporting.

8. ETHICS & FIDUCIARY RESPONSIBILITY TRAINING

- A. M-NCPPC Legal Department
Presentation by LaTonya Reynolds, Senior Counsel

LaTonya Reynolds conducted the Annual Ethics & Fiduciary Responsibility Training. Following training, Board members completed an Annual ERS Ethics Training Acknowledgement and an Annual Disqualifying Event Certification.

The Board of Trustees meeting of December 6, 2016 adjourned at 12:33 p.m.

Respectfully,


Heather D. Brown
Senior Administrative Specialist


Andrea L. Rose
Administrator



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

***SPECIAL BOARD OF TRUSTEES MEETING
MINUTES***

Tuesday, January 3, 2017; 10:00 A.M.

ERS Conference Room

or

Via Teleconference

A Special Meeting of the Board of Trustees was held on Tuesday, January 3, 2017 at 10:00 a.m. Voting members present in-person and via teleconference were: Patricia Barney, CPA, Howard Brown, Pamela F. Gogol, Alicia Hart, Elizabeth M. Hewlett, Sheila Morgan-Johnson and Barbara Walsh. Marye Wells-Harley and Joseph C. Zimmerman, CPA joined the meeting at 10:01 a.m. Khalid Afzal joined the meeting at 10:03 a.m. Amy Millar was absent.

ERS staff present were Andrea L. Rose, Administrator; Heather D. Brown, Senior Administrative Specialist; Sheila S. Joynes, Accounting Manager; and, Ann McCosby, Software Manager.

Presentations by Wilshire Associates – Bradley A. Baker, Vice President and Ashley Bazzani, Senior Analyst; and, the M-NCPPC Legal Department – LaTonya Reynolds, Senior Counsel.

1. Special Board of Trustees Meeting Agenda

- A. Approval of the January 3, 2017 Special Board of Trustees Meeting Agenda

CHAIRMAN HEWLETT called to order a Special Meeting of the Board of Trustees and requested a Motion to Approve the January 3, 2017 Special Board of Trustees Meeting Agenda.

MS. BARNEY made a motion, seconded by MS. WALSH to Approve the January 3, 2017 Special Board of Trustees Meeting Agenda. The motion PASSED unanimously (7-0). (Motion #17-1)

VICE CHAIRMAN WELLS-HARLEY and MR. ZIMMERMAN joined the meeting at 10:01 a.m.

2. Global Low Volatility Equity Search

Presentation by Patricia Colihan Barney, CPA

- A. Recommendation to approve implementation of a Global Low Volatility Mandate at an 8% target allocation; selection of the Blackrock MSCI ACWI Minimum Volatility Index Fund; and, a change in asset allocation, which simultaneously decreases both the U.S. and Non-U.S. Equity target from 23% to 19% and initiates an 8% target allocation to Global Low Volatility.

MS. BARNEY reported at its December 20, 2016 meeting, Wilshire's Brad Baker provided a brief recap of the Global Low Volatility Equity Search dated November 15, 2016.

The IMG discussed Blackrock's ADV Forms 1 and 2, noting the disclosures in Items 9 and 11. Mr. Baker confirmed the information in the ADV forms did not cause Wilshire to change its

investment recommendation. LaTonya Reynolds, Senior Counsel, indicated there was no concerns given Blackrock's size.

Mr. Baker confirmed the fee for Blackrock's MSCI ACWI Minimum Volatility Index is 6 bps plus a MSCI Licensing Fee of 3 bps.

Mr. Baker explained the transition plan for the recommended rebalancing required for an 8% allocation to global low volatility and the Transition Management Pre-Trade Analysis from Northern Trust. Highlights of the analysis are:

- The portfolios are liquid and all trading would be completed in one day.
- Approximately 40% of the legacy portfolio can be transferred in-kind to the target portfolio.
- Estimated trade costs including commissions, short settlement, taxes, spread, market impact and currency spread amounts to 3.8 basis points.
- The estimated opportunity cost, or change in value between the legacy portfolio and target portfolio during the trading period, is 6.8 basis points.

The ERS has a Transition Agreement with Northern Trust, but would need to execute an Exhibit to the Transition Agreement and a Client Direction Letter provided by Northern Trust. The IMG concurred with Wilshire's proposed transition plan utilizing the transition services of Northern Trust.

The IMG discussed in closed session Blackrock's contract and disclosure information from Wilshire's compliance department on all managers included in the search.

Prior to making a recommendation to the Board, the IMG requested Mr. Baker follow-up with a few items: 1) Confirmation of whether the Blackrock MSCI ACWI Minimum Volatility Index Fund is a lending or non-lending fund; 2) Updated performance data through November 30, 2016; and 3) An updated chart on page 29 with the portfolio characteristics of the MSCI – ACWI Minimum Volatility Index.

Wilshire provided the updated performance and charts in its Global Low Volatility Search document dated December 22, 2016. Mr. Baker reported the Blackrock MSCI ACWI Minimum Volatility Index Fund is a lending fund.

Mr. Baker confirmed Wilshire had to create a custom stream of returns through November 30, 2016 as the information was not yet available in the database. The performance is gross of fees. Mr. Baker also confirmed this would be an asset allocation change and not a one-time rebalancing. As a result, the Statement of Investment Policy will need to be revised. Mr. Baker also confirmed he is not aware of any circumstances that would have a bearing on the Board's decision.

MS. BARNEY made a motion, seconded by MS. GOGOL to approve the implementation of a Global Low Volatility Mandate at an 8% Target Allocation; selection of the Blackrock MSCI ACWI

Minimum Volatility Index Fund; and a change in asset allocation, which simultaneously decreases both the U.S. and Non-U.S. Equity target from 23% to 19% and initiates an 8% target allocation to Global Low Volatility. The motion PASSED unanimously (10-0). (Motion #17-2)

Since Blackrock is currently retained by the ERS, a revision to the Investment Management Agreement is required.

Brad Baker and Ashley Bazzani left the meeting at 10:20 a.m.

3. Closed Session

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

MS. BARNEY made a motion, seconded by MS. WALSH to go into Closed Session pursuant to the General Provisions of the Annotated Code of Maryland Section 3-305(b)(7) to consult with legal counsel. The motion PASSED unanimously (10-0). (Motion #17-3)

MS. BARNEY a motion, seconded by MS. WALSH to ratify the actions taken in Closed Session. The motion PASSED unanimously (10-0). (Motion #17-6)

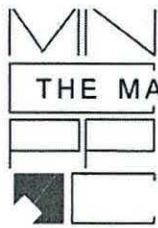
Ms. Rose noted that the January 10, 2017 Board meeting is cancelled. The Investment Monitoring Group meets January 17, 2017 and the next Board meeting is scheduled for February 7, 2017.

The Special Board of Trustees meeting of January 3, 2017 adjourned at 10:24 a.m.

Respectfully,


Heather D. Brown
Senior Administrative Specialist


Andrea L. Rose
Administrator



EXECUTIVE COMMITTEE

Minutes

February 1, 2017

On February 1, 2017, the Maryland-National Capital Park and Planning Commission's Executive Committee met and also convened via conference call. Present were Chair Elizabeth Hewlett, Vice-Chair Casey Anderson, and Executive Director Patricia Barney. Also present were:

Department Heads/Deputies/Presenters/Staff

Joe Zimmerman, Secretary-Treasurer
 Mazen Chilet, Chief Information, CIO
 Renee Kenney, Chief, Audit Department
 William Spencer, Human Resources Director

Participated by Call

Adrian Gardner, General Counsel
 Debra Borden, Acting Director, Prince George's County Planning
 Ronnie Gathers, Director, Prince George's County Parks and Recreation
 Mike Riley, Director, Montgomery County Parks
 Gwen Wright, Director, Montgomery County Planning

The meeting convened at 10:02 a.m.

ITEM 1a - APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	No comments were made regarding the Executive Committee agenda.
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ITEM 1b - APPROVAL OF COMMISSION MEETING AGENDA

Discussion	<p>The following comments were made:</p> <p><u>General Announcements:</u></p> <ul style="list-style-type: none"> • Executive Director Barney will provide talking points for Chair Hewlett, with regards to Black History Month events scheduled throughout February, at The M-NCPPC. • Financial Disclosure Filings should be completed on-line by Commissioners by April 15th. Commissioners' offices are asked to create a PDF of the document and forward to the Executive Director's office for storage. • General Counsel Gardner will provide a handout of the Legislative Update at the Commission meeting. • Add Women's History Month events to the February agenda. Technical Writer Gayla Williams will contact the Departments to obtain the dates for The M-NCPPC Women's History Month activities. The information will be provided to the Chairs and Executive Director Barney, and will be listed on the February Commission meeting agenda. • General Counsel Gardner added the Park Rules to the agenda. Vice-Chair Anderson thanked Prince George's County Parks and Recreation Director Ronnie Gathers and staff for their cooperation with the amendments to the Park Rules. Montgomery County citizens are now satisfied with the amendments.
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ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	<p>The Executive Committee reviewed the Rolling Agenda for the upcoming four months.</p> <p><u>March</u></p> <ul style="list-style-type: none"> • Healthy Vending Machine resolution will be presented to the Commission in March. Legislation has been proposed by the Montgomery County Council and the Prince George’s County Council at different times. A Commission policy is being set that establishes a regime where The M-NCPPC’s vending machine program focuses on ensuring that healthy foods are available. • The Executive Office Building Project Update will be moved to April. <p><u>April</u></p> <ul style="list-style-type: none"> • Tentative Collective Bargaining Resolutions will be presented. • Define Contribution Plans will be presented. <p><u>May</u></p> <ul style="list-style-type: none"> • Wage Resolutions will be presented for adoption in May. <p><u>June</u></p> <ul style="list-style-type: none"> • No revisions were made to the June Commission meeting agenda.
ITEM 2 – MINUTES	
Provided for Information	January 4, 2017, Executive Committee Minutes
ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS	
Discussion	<p><u>Legislation</u></p> <p>General Counsel Gardner stated that The M-NCPPC’s main focus is on trying to wrestle the Inspector General Bill together. The M-NCPPC’s strategy is not to oppose the bill, but to establish a way to craft the law so that it accommodates the agency. The key ideas are to not duplicate what is currently successful with the audit program nor to disrupt its effectiveness. A meeting with the Montgomery County Council resulted in a recommendation to work with the sponsor. Mr. Gardner met with the bill sponsor, Ben Kramer yesterday, and he hopes to work with Chair Hewlett, Vice-Chair Anderson, and Executive Director Barney and Secretary-Treasurer Zimmerman to develop a package for consideration.</p> <p>Vice-Chair Anderson stated that one of The M-NCPPC’s strengths is the Internal Audit Program. A list of what has been addressed and what will be addressed covers the range of concerns. The M-NCPPC needs to make others aware of what the auditors are investigating and note their achievements. Internal Audit Chief Renee Kenney will provide General Counsel Gardner with a copy of the Annual Internal Audit Report and the Audit Work Program for review. Vice-Chair Anderson suggested providing a one-page list of the projects that have been completed.</p>
Follow up	<p><u>General Announcements</u></p> <ul style="list-style-type: none"> • Executive Director Barney to provide talking points for Chair Hewlett, with regards to Black History Month events scheduled after February 15th, and Women’s History Month events scheduled in March.

There being no further business to discuss, the meeting adjourned to closed session at 10:27 a.m. to discuss labor negotiations. Meeting minutes were not required.



Gayla Williams, Senior Management Analyst/
Senior Technical Writer

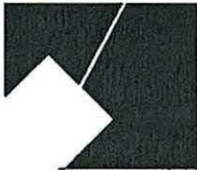


Patricia Barney, Executive Director

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

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS		
	12/16	01/17	12/16	01/17	12/16	01/17	12/16	01/17	
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0	
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0	
OFFICE OF CIO	0	0	0	0	0	0	0	0	
INTERNAL AUDIT	0	0	0	0	0	0	0	0	
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0	
DEPT. OF HUMAN RESOURCES & MGT.	0	0	0	0	0	0	0	0	
LEGAL DEPARTMENT	0	2	0	0	0	0	0	2	
FINANCE DEPARTMENT	2	5	0	0	0	0	2	5	
PRINCE GEORGE'S PLANNING	2	0	1	0	0	0	3	0	
PRINCE GEORGE'S PARKS & RECREATION	3	4	2	2	0	0	5	6	
MONTGOMERY COUNTY PARKS	0	3	0	0	0	0	0	3	
MONTGOMERY COUNTY PLANNING	2	3	2	2	0	0	4	5	
DEPARTMENT TOTAL BY DAYS LATE	9	17	5	4	0	0	14	21	
							COMMISSION WIDE TOTAL:	14	21

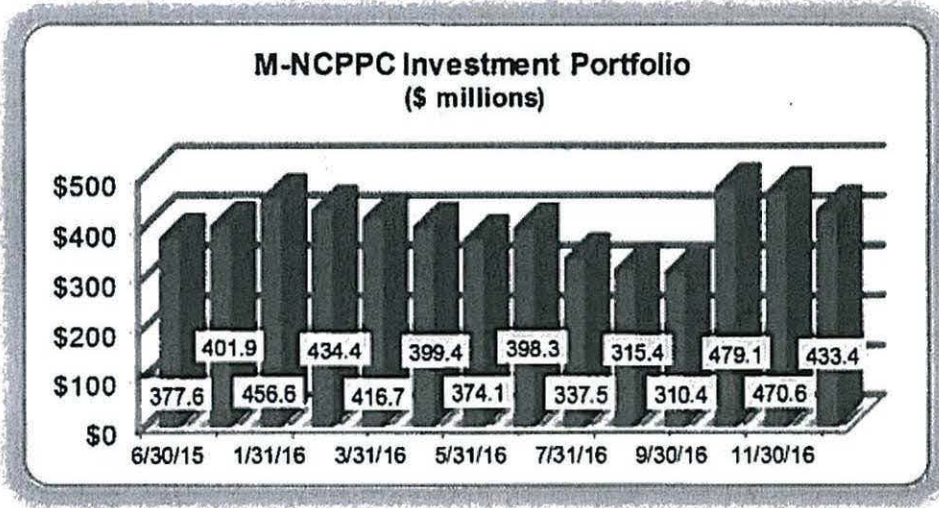
*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.



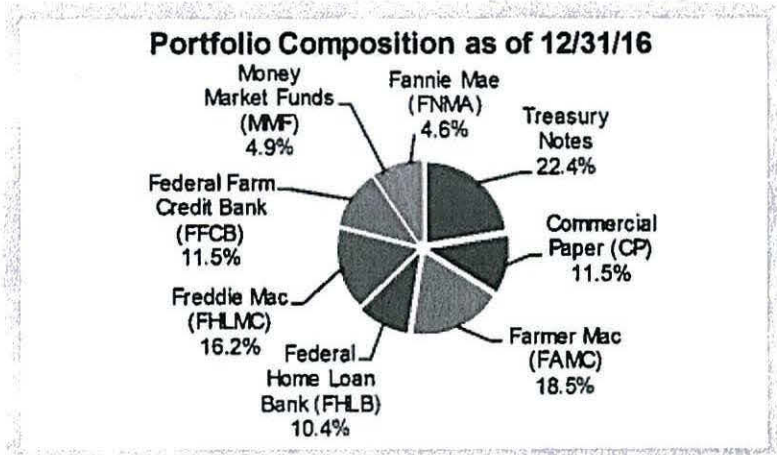
MEMO

TO: Commissioners
 VIA: Joseph Zimmerman, Secretary-Treasurer
 FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
 DATE: 1/27/2017
 SUBJECT: Investment Report – December 2016

The Commission’s pooled cash investment portfolio totaled \$433.4 million as of December 31, 2016, with a 7.9% decrease from November 30, 2016. Details are as follows:

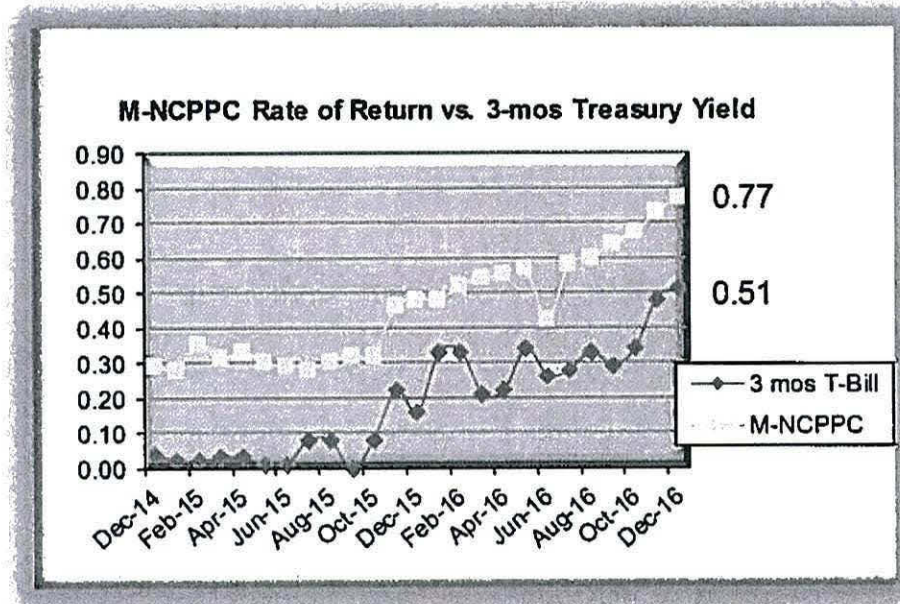


The composition of the pooled cash portfolio as of December 31, 2016 is summarized below:

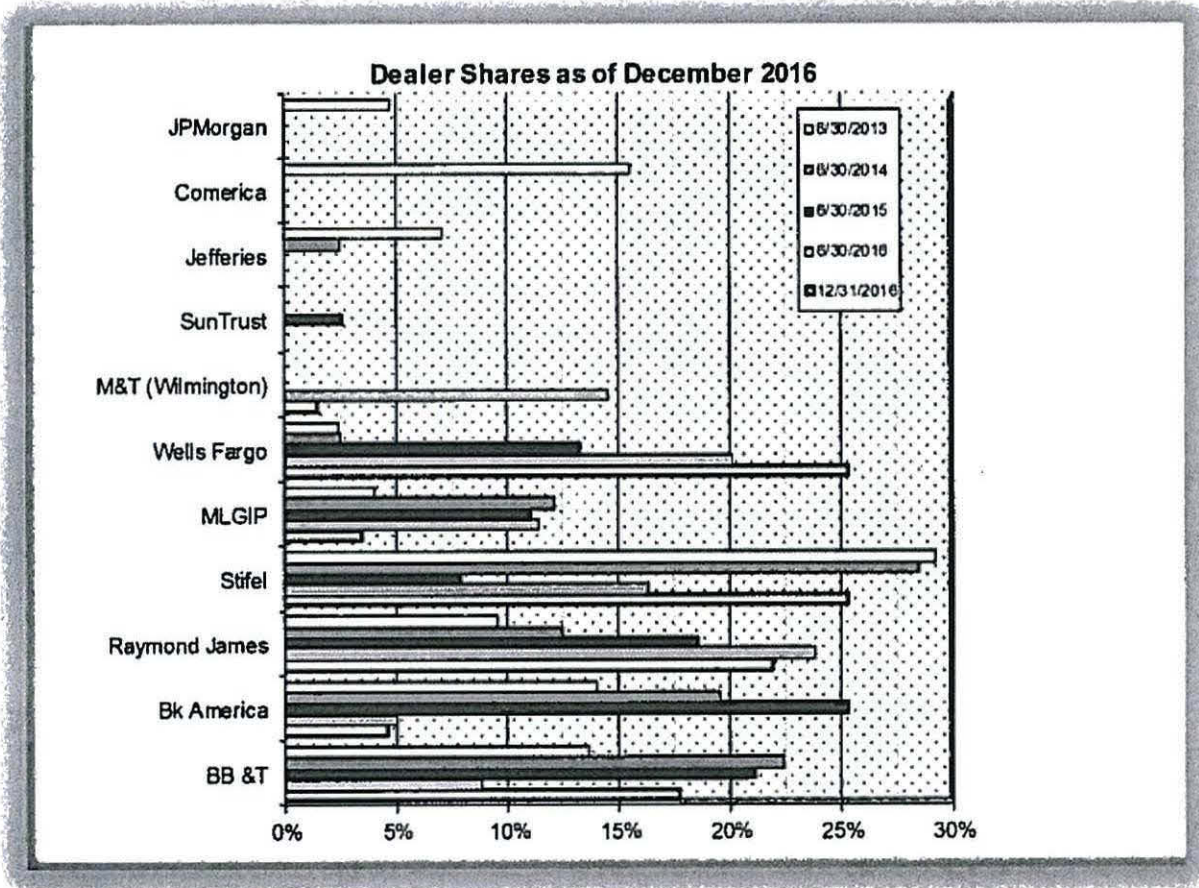


Current Investment Portfolio - December 2016				
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg.
				Return (B/E)
Treasury Notes	100%	22%	\$ 97,000,000	0.72%
Farmer Mac	20%	19%	80,000,000	0.62%
Freddie Mac	20%	16%	70,000,000	0.80%
Federal Farm Credit Bureau	20%	12%	50,000,000	0.71%
Commercial Paper	10%	12%	50,000,000	1.33%
Federal Home Loan Banks	20%	10%	45,000,000	0.90%
Money Funds	25%	5%	21,393,461	n/a
Fannie Mae	20%	5%	20,000,000	0.65%
Certificates of Deposit	50%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 433,393,461	0.83%

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- 12/31/16	
Prince George's County (PGC-2015A)	\$ 3,792,925
Montgomery County (MC-2016A)	3,629,914
Prince George's County (PGC-2014A)	2,359,170
	<u>\$ 9,782,009</u>

The Commission had debt service payments during the month totaling \$1,963,227, of which \$1,490,000 was principal and \$473,227 was interest.

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

Debt Balances - December 2016					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	3,683,126	21%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	6,865,000	49%	Mar-10	May-21
EE-2	12,235,000	2,305,000	19%	Mar-04	Jan-17
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	7,060,000	62%	Jun-12	Jun-24
PGC-2014A	26,565,000	24,350,000	92%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	24,820,000	100%	Oct-15	Jan-25
Total Prince George's County	\$ 106,420,000	\$ 69,083,126	65%		
Montgomery County					
LL-2	8,405,000	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
Total Montgomery County	\$ 62,355,000	\$ 47,125,000	76%		
Total	\$ 168,775,000	\$ 116,208,126	69%		

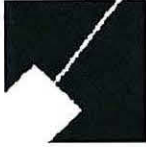
ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2017 - December 31, 2016

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
US Government	100%				
US Federal Agencies - combined	60%				
US Federal Agencies - each	20%				
Repurchase Agreements	60%				
CD's and Time Deposits	50%				
Commercial Paper	10%				
Money Market Mutual Funds	25%				
MD Local Gov't Investment Pool	25%				
Investing Bond Proceeds:					
State and local agency securities	100%				
Money Market Mutual Funds	10%				
Bond Proceeds:					
Highly-rated state / local agency securities				Yes	T. Rowe Price managed all funds within limits
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			Yes		Exceeded by 26 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.77% and 0.51%, respectively.					



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

Reply To

February 7, 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 January, 2017

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, February 15, 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 – January 2017 Report

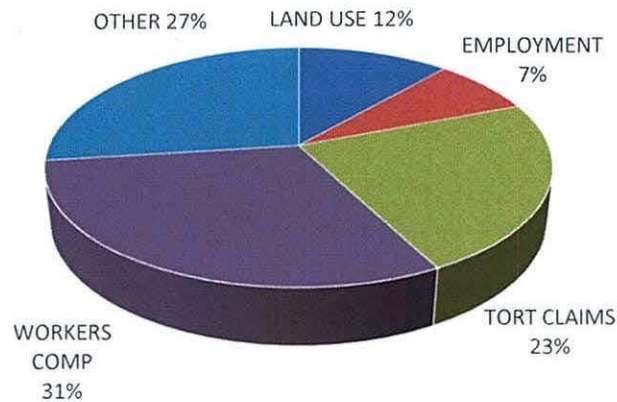
Composition of Pending Litigation.....Page 01
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Disposition of FY17 Closed Cases Sorted by DepartmentPage 05
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Litigation Report Ordered By Court JurisdictionPage 11

January 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			1				1
Admin Appeal: Other							0
Land Use Dispute	1	1					2
Tort Claim	5	1					6
Employment Dispute	1		1				2
Contract Dispute	1			1			2
Property Dispute							0
Civil Enforcement	1						1
Workers' Compensation	8						8
Debt Collection							0
Bankruptcy							0
Miscellaneous	2		1		1		4
Per Forum Totals	19	2	3	1	1	0	26

OVERVIEW OF PENDING LITIGATION



By Major Case Categories

January, 2017 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2017			
	Pending In Dec/16	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	1			2		1	1
Admin Appeal: Other (AAO)	0			0			0
Land Use Disputes (LD)	3		1	3		2	2
Tort Claims (T)	7		1	10	5	7	6
Employment Disputes (ED)	2			1	1		2
Contract Disputes (CD)	2			3	1	2	2
Property Disputes (PD)	1		1	1	1	2	0
Civil Enforcement (CE)	1			1			1
Workers' Compensation (WC)	8			12	1	5	8
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	5		1	4	2	3	4
Totals	30	0	4	37	11	22	26

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

A. New Trial Court Cases.

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

B. New Appellate Court Cases.

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

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

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Leeks v. Commission	PG	WCC	July 2016
Newell v. Commission	PG	Tort	July 2016
Commission v. 2005 Toyota Camry	MC	MISC	July 2016
Commission v. Morgan	MC	WCC	July 2016
Progressive Specialty Insurance Co. v. Davis, et al	MC	Tort	Sept 2016
Prince George's County, Md. v. Commission	PGPR	LD	Sept 2016
Commission v. Landover Polk Street Property, LLC	PGPR	PD	Sept 2016
Town of Riverdale Park, et al v. Commission	PGPB	AALU	Sept 2016
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

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

Disposition of FY17 Closed Cases Sorted by Department		
CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Planning		
Montgomery County Department of Parks		
Cohn, 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. Ayoub	Complaint for tenant holding over on Commission property located in Montgomery County.	12/14/16- Default judgment and right of possession
Commission v. Morgan	Commission appealed WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.	06/28/16- Stipulation of Dismissal filed with Court; to be remanded back to Workers' Compensation Commission
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.	
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. Landover Polk Street Property, LLC	Commission filed a condemnation action to acquire property for use by the Department of Parks and Recreation.	08/02/16-Stipulation of Dismissal filed.

Leeks v. Commission	Claimant/employee is appealing the WCC's decision denying occupational hypertension disease as causally related to his course of employment.	06/27/16-Case remanded to WCC.
Newell v. Commission	Defense of claim for trip and fall on alleged wire hanging from the light display at Watkins Regional Park	06/07/16-Case settled and dismissed.
Prince George's County, Md. v. Commission	Defense of claim for injunctive relief issued by Prince George's County for unlicensed dog kennel on Commission property which is actually owned by person in neighborhood encroaching on Commission property.	08/11/16-Case dismissed.
Prince George's County Planning Department		
Hartford Casualty Insurance Company v. Commission	Plaintiff bonding company filed complaint seeking alleged damages associated with surety work after taking over Fort Washington Forest Park and the North Forestville Projects in Prince George's County.	09/09/16 Case settled.
Prince George's County Planning Board		
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.
The Town of Forest Heights v. Commission	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 6 th and 7 th annexation null and void	11/28/16- Appeal dismissed by Plaintiff.
Town of Riverdale Park, et al v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-150003 in 7-Eleven, Inc.	07/13/16-Court affirms decision by Planning Board.
Prince George's Park Police		

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

State Farm & Lee v. Commission

Case No. 0602-00138102016(Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: Complaint filed.

Docket:

10/14/16	Complaint filed
11/10/16	Notice of Intention to Defend filed by Commission
04/26/17	Trial date

CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND

Shipe v. Louketis, et al

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

Lead Counsel: Harvin
Other Counsel: Dickerson

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

Status: In discovery.

Docket:

10/26/15	Complaint filed
11/20/15	Commission served
12/18/15	Motion to Dismiss and Memorandum filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Opposition to Motion to Dismiss & Request for Hearing filed
03/07/16	Court grants & denies portions of Commission Motion to Dismiss
06/20/16	Counter-claim filed by Defendant Louketis
08/30/16	Order consolidating case with 06-C-15-069996
12/02/16	Pre-trial conference
02/27/17	Trial

Tugwell v. Louketis, et al

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

Lead Counsel: Adams
Other Counsel: Dickerson

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

Status: In discovery.

Docket:

10/21/15	Complaint filed
11/20/15	Commission served
12/16/15	Motion to Dismiss and supporting Memorandum, Motion for Protective Order filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis

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

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Burnette v. Commission
CAL16-35180 (ED)

Lead Counsel: Adams
Other Counsel: Dickerson

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

Status: Petition filed.

Docket:

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

Commission v. Ford
CAL16-02123 (WC W070371)

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission is appealing the WCC's decision regarding determination that injury occurred during course of employment.

Status: In discovery.

Docket:

02/12/16	Petition for Judicial Review filed
02/29/16	Response to Petition for Judicial Review filed by Commission
09/21/16	Pre-trial conference
03/07/17	Trial date

Commission v. Fulwood
CAL16-02193 (WC W070371)

Lead Counsel: Harvin
Other Counsel:

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

Status: Pending trial.

Docket:

02/26/16	Petition for Judicial Review filed
09/06/16	Motion to Exclude Claimant as Party filed by Commission

10/28/16	Court denied Commission's Motion to Exclude Claimant as Party
01/19/17	Pretrial conference
05/10/17	Trial

Commission, et al v. The Town of Forest Heights

CAL 16-29110 (M)

Lead Counsel: Mills
Other Counsel:

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

Status: Complaint filed.

Docket:

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

Green, et al v. Commission

CAL16-26277 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: Complaint filed.

Docket:

06/14/16	Complaint filed.
08/22/16	Commission files answer.
02/28/16	Pre-trial conference

North Point Builders v. Commission

CAL16-31910 (Tort)

Lead Counsel: Dickerson
Other Counsel:

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

Status: Case to be dismissed.

Docket:

09/14/16	Complaint filed
10/28/16	Motion to Dismiss, or in the Alternative, for Summary Judgment filed by Commission
11/14/16	Consent Motion to Extend Time to Respond to Commission Motion for Summary Judgment
12/23/15	Third Consent Motion to Extend Time to Respond to Commission Motion for Summary Judgment
01/19/17	Court orders North Point to file Response to Motion for Summary Judgment by 1/30/17.
01/30/17	Notice of Dismissal filed with Court.

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

Watkins v. Commission
CAL15-40296 (WC W050003)

Lead Counsel: Harvin
Other Counsel:

Abstract: Claimant/employee is seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status:
Docket:

Pending trial.

12/30/15	Petition for Judicial Review filed
01/21/16	Response to Petition filed
06/08/16	Pretrial conference
04/03/17	Trial date

Watkins v. Commission
CAL16-07583 (WC W050003)

Lead Counsel:
Other Counsel:

Harvin

Abstract:

Claimant/employee is seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status:
Docket:

Pending trial.

03/16/16	Petition for Judicial Review filed
04/05/16	Response to Petition filed
08/18/16	Pre-trial conference; Court orders this case to be consolidated with case CAL15-40296 for hearing.
04/03/17	Trial date

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. Atwell

Case No. 422131-V (WC #W072421)

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission seeks judicial review of WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.

Status: Pending trial.

Docket:

06/03/16	Petition filed.
11/17/16	Pretrial hearing
04/17/17	Trial date

Commission v. Edwards

Case No. 425765-V (WC #W072408)

Lead Counsel: Harvin
Other Counsel:

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

Status: Petition filed.

Docket:

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

Commission v. Johnson

Case No. 366677-V (CE)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement

violation.

Status: Further collection action and attempts to seek compliance by foreclosing bank.

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued
01/22/14	Order-Defendant must respond to Plaintiff's Interrogatories by 2/17/14

Dixon v. Commission

Case No. 417969-V (WC #069068)

Lead Counsel: Harvin
Other Counsel:

Abstract: Claimant/employee is appealing WCC Order denying that employee sustained an accidental injury arising out of and in the course of employment.

Status: Case dismissed.

Docket:

03/28/16	Petition filed.
04/13/16	Response to Petition filed
04/27/16	Order of Court consolidating Case #417969V with 417970V and to follow scheduling in Case #417969.
09/08/16	Status/pre-trial hearing.
12/08/16	Case stayed for 30 days
01/10/17	Case settled and dismissed.

Dixon v. Commission

Case No. 417970-V (WC #043782)

Lead Counsel: Harvin
Other Counsel:

Abstract: Claimant/employee is appealing WCC Order denying that further medical treatment and total temporary disability.

Status: Case dismissed.

Docket:

03/28/16	Petition filed.
04/13/16	Response to Petition filed.
04/27/16	Order of Court consolidating Case #417969V with 417970V and to follow scheduling in Case #417969.

09/08/16	Status/pre-trial hearing.
12/08/16	Case stayed for 30 days
01/10/17	Case settled and dismissed.

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 status hearing.
 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

Trevan, et al v. Cannizzo, et al

Case No. 415094-V (LD)

Lead Counsel: Dickerson

Other Counsel:

Abstract: Claim related to transferable development rights associated with private party transaction relating to a parcel of land in Montgomery County.

Status: Summary Judgment entered in favor of Commission.

Docket:

02/19/16	Complaint filed.
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03/10/16	Commission served with complaint
04/07/16	Motion to Dismiss filed by Commission
04/20/16	Amended Complaint filed; Motion in Opposition to Commission's Motion to Dismiss filed by Plaintiff
04/26/16	Answer to Amended Complaint and Response to Commission's Motion to Dismiss filed by Montgomery County
05/04/16	Court denies Commission's Motion to Dismiss
06/07/16	Answer to Amended Complaint filed by Commission
06/20/16	Second Amended Complaint filed by Plaintiff
10/31/16	Montgomery County's Motion to Dismiss and/or Motion for Summary Judgment
11/09/16	Third Amended Complaint filed by Plaintiff
11/10/16	Commission filed Motion for Summary Judgment
11/14/16	Plaintiffs filed Motion for Summary Judgment
11/28/16	Plaintiff's Opposition to Commission's Motion for Summary Judgment filed
12/01/16	Pre-trial/Settlement Conference
01/24/17	All defense Motions for Summary Judgment granted.

MARYLAND COURT OF SPECIAL APPEALS

Cohhn v. Commisison

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

Lead Counsel: Harvin
Other Counsel: Dickerson

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

Status: Appeal filed.

Docket:

09/30/16	Notice of Appeal filed
01/26/17	Brief filed by Appellant
10/2017	Oral Argument

Commission v. Hill

September Term 2015, No. 01516 (ED)
(Originally filed under CAL15-04057)

Lead Counsel: Dickerson
Other Counsel: Adams

Abstract: Commission appealed Circuit Court ruling reversing and remanding employee termination to Merit Board System.

Status: Case remanded to Circuit Court.

Docket:

09/11/15	Notice of Appeal filed
11/09/16	Oral Argument held
01/18/17	Court reverses Circuit Court and upholds Merit Board's dismissal of employee's appeal.

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, pending decision

MARYLAND COURT OF APPEALS

URS Corporation, et al v. Fort Myer Construction Corporation

September Term, 2016, No. 31 (CD)

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

Other Counsel: Dickerson

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

Status: Awaiting decision.

Docket:

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

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
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Sutton v. Commission

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

Lead Counsel: Harvin
 Other Counsel: Dickerson

Abstract: Defense of police liability claim.

Status: Case dismissed.

Docket:

07/23/15	Complaint filed.
11/20/15	Answer to Complaint filed by Commission.
12/18/15	Court grants dismissal of case against State of Maryland
08/26/16	Commission files Motion to Compel Discovery
10/18/16	Motion for Summary Judgment filed by Commission
10/31/16	Plaintiff's Motion for Judgment on the Pleadings
11/17/16	Commission's Response to Plaintiff's Motion for Judgment on the Pleadings
01/13/17	Commission's Motion for Summary Judgment granted, case dismissed.

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

American Humanist Association, et al v. Commission

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

Lead Counsel: Dickerson
Other Counsel: Gardner
Adams

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

Status: Awaiting decision.

Docket:

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

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