

***COMMISSION
MEETING***

*May 17, 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

May 17, 2017

Prince George's County Parks and Recreation Auditorium (Riverdale)

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/Closed Session – April 19, 2017	(+*) Page 3	
	b) Open Session/Closed Session Conference Call – April 27, 2017	(+*) Page 9	
3.	General Announcements (9:35)		
	a) American Planning Association Award		
	b) National Fitness Month (May)		
	c) Asian-Pacific American Heritage Month (May)		
	d) National Prevention Week (Mental Health and/or Substance Use Disorders (May 14 – 20)		
	e) Upcoming National Caribbean American Heritage Month (June)		
	f) Upcoming National Lesbian, Gay, Bisexual and Transgender (LGBT) Pride Month (June)		
4.	Committee Minutes/Board Reports (For Information Only):		
	a) Executive Committee Meeting – April 11, 2017	(+) Page 11	
	b) Executive Committee Open and Closed Session Conference Call – May 3, 2017	(+) Page 15	
	c) Minutes – Employees’ Retirement System Regular Board of Trustees Meeting – April 4, 2017	(+) Page 19	
	d) 115 Trust (OPEB) Meeting Minutes – December 2016	(+) Page 25	
5.	Action and Presentation Items (9:40)		
	a) Resolution # 17-08, Resolution of Adoption for the Greater Lyttonsville Sector Plan (Williams/Hanna-Jones)	(+*) Page 29	
	b) Resolution #17-11, Approval for conveyance of 1,308 ± square feet of Park Property to the SHA on Rt 197 in Bowie for a perpetual easement for Briarchip Street drainage. SHA has agreed to pay the Commission \$434.00 for compensation. (Asan)	(+*) Page 33	
	c) Resolution #17-12, Approval for conveyance of 1.4 ± acres of Park Property to the Preserves at Piscataway is required to dedicate land to DPW&T. The developer has proffered a payment of \$6,100 to the Commission for the conveyance. (Asan)	(+*) Page 35	
	d) Resolution #17-13, Approval for conveyance of 9,027 ± square feet of Park Property to the Prince George’s County DPIE/DPW&T for the widening of Missouri Avenue right-of-way as a requirement of approval for permits associated with the development of recreational facilities for SAARC. (Asan)	(+*) Page 37	
	e) Memorandum Explaining Proposed Resolutions (Barney/Spencer)	(+) Page 39	
	• Resolution #17-15: Fiscal year 2018 Anniversary (Merit) Pay Increment Adjustment for Certain Non-Represented Merit System Employees	(+*) Page 43	
	• Resolution #17-16: Fiscal Year 2018 Cost of Living Adjustment for Certain Non-Represented Merit System and Certain Contract Employees	(+*) Page 45	
	• Resolution #17-17: Fiscal Year 2018 Pay Increment Adjustment for Seasonal/Intermittent and Term Contract Employees	(+*) Page 47	

Commission Meeting Agenda (cont'd) May 17, 2017
Prince George's County Parks and Recreation Auditorium (Riverdale)
9:30 a.m. – 11:30 a.m.

		<u>ACTION</u>	
		Motion	Second
<ul style="list-style-type: none"> • Resolution #17-18: Fiscal Year 2018 Pay Increment Adjustment for Seasonal/Intermittent and Term Contract Employees 	(+*) Page 49		
f) Approve the Appointment of Pamela F. Gogal as the Montgomery County Public Member to the ERS Board of Trustees for the Term Ending June 30, 2020 (A. Rose)	(+*) Page 51		
g) Approve the Appointment of Sheila Morgan-Johnson as the Prince George's County Public Member to the ERS Board of Trustees for the Term Ending June 30, 2020 (A. Rose)	(+*) Page 53		
h) Acknowledge the Reappointment of Barbara Walsh as the Bi-County Open Trustee to the ERS Board of Trustees for the term ending June 30, 2020 (A. Rose)	(+*) Page 55		
i) Approve the ERS FY 2018 Operating Budget (A. Rose)	(+*) Page 57		
j) Proposed Amendment to FY18 Proposed PGC Park Fund Operating and Capital Budget (Kroll/Conforti)	(+*) Page 63		
k) Personnel Management Review (Spencer/King)	(H)		
6. Officers' Reports (11:10)			
a) Executive Director's Report (For Information Only) Employee Evaluations Not Completed by Due Date (April 2017)	(+)	Page 65	
b) Secretary Treasurer (For Information Only) Investment Report (March 2017)	(+)	Page 67	
c) General Counsel			
1) Litigation Report (April 2017) (For Information Only)	(+)	Page 73	
2) Legislative Update	(SD)		

(+) Attachment

(++) Commissioners Only

(*) Vote

(H) Handout

(LD) Late Delivery

(SD) Special Delivery

ITEM 2a



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

Commission Meeting
Open Session Minutes
April 19, 2017

The Maryland-National Capital Park and Planning Commission met in the Montgomery Regional Office 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
Norman Dreyfuss
Natali Fani-Gonzalez
Gerald Cichy
Marye Wells-Harley

ABSENT

A. Shuanise Washington

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

ITEM 1

APPROVAL OF COMMISSION AGENDA WITH MODIFICATIONS

Item 5h) Resolution #17-02, Restated Resolution for Adoption of Healthy Vending Requirements and Item 7) Closed Session – Collective Bargaining, were moved to be heard after Item 2, Approval of Commission Minutes.

ACTION: Motion of Bailey to approved the revised, revised agenda
Seconded by Wells-Harley
9 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

- a) Open and Closed Session Conference Call – March 2, 2017
- b) Open and Closed Session Meeting – March 15, 2017
- c) Open and Closed Session Conference Call – March 30, 2017

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

ITEM 5

h) Resolution #17-02, Healthy Vending (McDonald)

Chair Hewlett reminded the Commissioners of the extensive deliberation that took place at the March 15, 2017, Commission meeting concerning the Healthy Vending Resolution. That Resolution was approved by the Commission based on the few concessions that were raised at the meeting such as including greater reporting on the implementation and outcome of the Resolution. As that Resolution has been adopted, the Resolution in the April packet will not be considered. Executive Director Barney stated that an amendment would be made to the administrative reporting requirements listed on the attachment to the Resolution, indicating that reporting would take place on a more frequent basis. Health and Benefits Manager Jennifer McDonald noted there was a minor edit made to accurately reflect statistical data which now states 678,000 Americans die each year due to diseases such as heart disease, cancer, stroke and diabetes. Executive Director Barney was authorized to sign the amendment reflecting the changes to the Resolution on the reporting requirements that were adopted by the Commission in March. The Executive Director will present the document to Chair Hewlett to review for conformity.

At 9:38 a.m., and pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305 (b)(7) & (9), Chair Hewlett requested a motion to move to closed session to consult with counsel for legal advice, conduct collective bargaining discussions, and consider matters that relate to negotiation.

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

The open session reconvened at 10:13a.m.

ITEM 5c 2) RESOLUTION #17-10, ADOPTION OF PROPOSED MUNICIPAL AND COUNTY GOVERNMENT EMPLOYEES ORGANIZATION (MCGEO) COLLECTIVE BARGAINING AGREEMENT (Barney)

Executive Director Barney reviewed the terms of the MCGEO Collective Bargaining Agreement as discussed in closed session.

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

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Hewlett mentioned the announcements in the following order:

- c) Upcoming Arab-American Heritage Month (April)
- d) Stress Awareness Month
- e) Alcohol Awareness Month
-) The 3rd Annual Light it Up Blue for Autism Zumbathon was held at the South Bowie Community Center on April 17th. (Not listed on the agenda)
- a) Upcoming National Fitness Month (May). Employees should partake in some of the events posted on the M-NCPPC's website.
- b) Upcoming Asian-Pacific American Heritage Month (May)
- f) Upcoming National Prevention Week (Mental and/or Substance Use Disorders) – (May 14 – May 20)
-) April 19th, is Bicycle Day (not listed on agenda)

- g) April 19th is Executive Director Barney's Birthday. Everyone wished her a Happy Birthday.

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Regular Employees' Retirement System Board of Trustees Meeting – March 7, 2017
- b) 115 Trust (OPEB) Meeting Minutes – December 21, 2016
- c) Executive Committee Meeting – Open Session – March 10, 2017
- d) Executive Committee Meeting – Closed Session – March 10, 2017

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Resolution #17-06, Resolution of Adoption for the Approved Prince George's County Resources Conservation Plan (Guleryuz)

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

- b) Resolution #17-07, Updates to Mandatory Uniform Standards (Martin)

ACTION: Motion of Geraldo to adopt Resolution
Seconded by Doerner
9 approved the motion

- e) Request to Use Salary Lapse (Department of Human Resources and Management (Barney/Bennett))

ACTION: Motion of Geraldo to approve use of requested salary lapse
Seconded by Wells-Harley
9 approved the motion

- d) Resolution #17-09, Adjustment to FY 2017 Employer Contribution for Retiree Group Health Insurance and Authorization to Refund Appropriate Departmental Accounts (OPEB Rebate)

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

- f) Wellness Program – Health Coverage and Counseling for Employees with Alcohol and Substance Abuse Problems (Spencer/McDonald)

Health and Benefits Manager Jennifer McDonald presented an update on mental health and substance abuse. She provided specifics on the available resources to assist employees and their dependents with how information can be accessed, and the types of services that are provided through the M-NCPPC's Employee Assistance Provider and health plans. She highlighted program utilization statistics from the agency's medical health plan and the Employee Assistance Program, as contained in the meeting packet. Ms. McDonald indicated she will also share this information in the employee newsletter, Update, to encourage employees to consider using services.

- g) ERP Update: Financial System Replacement (Chilet)

Chief Information Officer Mazen Chilet gave a PowerPoint presentation highlighting the Financial System replacement. He stated that the agency's prior system, Performance Services (Financial) and e-Personality (HR/Payroll) platforms required

replacement to meet basic business needs. The financial Performance Series had become functionally obsolete and was no longer supported by the vendor because it had reached its end of life. The HR/Payroll system (e-Personality) was replaced based on the software's inability to meet the evolving needs of the Commission's operating departments. The CIO reviewed the implementation of ERP, identified challenges and next steps. The PowerPoint included the following topics:

- Lawson Implementation Factors
- What is ERP
- ERP Senior Project Teams
- ERP Components
- Implementation Schedule
- ERP Enhancements (Project List) Version 10 upgrade. Some projects are complete, some not. Can't identify priorities
- Project Intake Process (Get copy from Mazen) (Intake Process)
- Projected Enhancements for this year ** (List)
- Version 10X Upgrade Project Overview
- Requisition Center Attachments (MHC), Project Overview
- Employee Self-Service (ESS) & Benefits Enrollment (Career) Project Overview
- Personnel Action Automation – Project Overview
- Accounts Payable Invoice Automation & Check Request Project Overview
- Challenges
- Define Success

Chair Hewlett commented that the Commission Chairs are very committed to the ERP system replacement, and have issued a memo stating that it is imperative that the M-NCPPC has buy-in from the departments, and commitment from the staff; that they do not procrastinate, and that they live up to the requirements of the Commissioners, as they have indicated their support. Executive Director Barney and Secretary-Treasurer Zimmerman both expressed their support for the project. Executive Director Barney stated the project will be examined and a report will be provided to the Commission.

ITEM 6

OPEN SESSION – OFFICERS' REPORTS

a) **Executive Director's Report**

1. Employees' Evaluations Not Completed by Due Date – (March 2017) (For Information Only)
2. FY18 Budget Update (Not listed on the agenda)
Executive Director Barney distributed an FY18 budget update recommending approval of proposed budget adjustments that have been proffered as non-recommended reductions to Montgomery County Council as contained in the memorandum. The memorandum was presented for information to the Prince George's County Board, as the Montgomery County Board has already received the information. Executive Director Barney explained that the M-NCPPC was requesting full Commission agreement on reductions offered in the memorandum for CAS – DHRM – Finance, Legal, Internal Audit, and Support Services for Montgomery County, Prince George's County, and Bi-County.

Executive Director Barney explained the proposed budget changes as listed in the handout. Following a discussion, the Commissioners approved the proposed budget adjustments.

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

3. Executive Office Building (EOB) Update (Not listed on the agenda)
Executive Director Barney noted that the EOB building team, which includes Commissioner Dreyfuss and Chair Hewlett, has met and will be presenting updates to the Commission. Chair Hewlett indicated that Commissioner Doerner will be replacing her on the Committee.

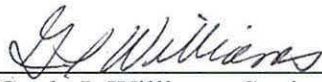
Secretary-Treasurer

- 1) Investment Report (February 2017 and March 2017) – (For Information Only)
- 2) MFD Purchasing Statistics – Second Quarter – FY17

General Counsel

- 1) Litigation Report (March 2017) (For Information Only)

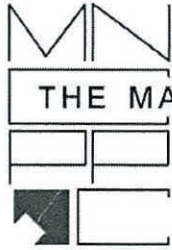
The open session adjourned at 11:06 a.m.



Gayla I. 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 Conference Call Minutes
April 27, 2017

The Maryland-National Capital Park and Planning Commission met via conference call from the County Administration Building in Upper Marlboro, Maryland, and the Montgomery Regional Office in Silver Spring, Maryland.

PRESENT

Prince George's County Commissioners

Dorothy Bailey
William Doerner
Manuel Geraldo
A. Shuanise Washington

Montgomery County Commissioners

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

ABSENT

Elizabeth M. Hewlett, Chair

Natali-Fani-Gonzalez


At 9:30 a.m., Commissioner Bailey convened the meeting and requested a motion to move to closed session pursuant to Section 3-305 (b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, for consultation with counsel and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

ACTION: Motion of Geraldo
Seconded by Washington
8 approved the motion



At 9:59 a.m., Human Resources Director Williams Spencer presented the Collective Bargaining Agreement for the Fraternal Order of Police, Lodge #30 for February 1, 2017, through January 31, 2020, for approval with modifications to Topic #21, Medical Cost Share, as discussed in closed session.

ACTION: Motion of Washington
Seconded by Geraldo
8 approved the motion

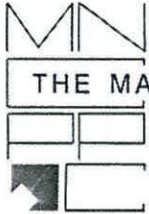
There being no further business to discuss, the meeting adjourned at 10:00 a.m.



Gayla I. 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

EXECUTIVE COMMITTEE

Meeting held at Executive Office Building
6611 Kenilworth Avenue, Riverdale MD 20737
Minutes of April 11, 2017

On April 11, 2017, the Maryland-National Capital Park and Planning Commission’s Executive Committee met. Present were Chair Elizabeth Hewlett, Vice-Chair Casey Anderson and Executive Director Patricia Barney. Also present were:

Department Heads/Deputies/Presenters/Staff

- Ronnie Gathers, Director, Prince George’s County Parks and Recreation
- Gwen Wright, Director, Montgomery County Planning
- Andree Checkley, Director, Prince George’s County Planning
- Mazen Chilet, Chief Information Officer
- John Nissel, Deputy Director, Montgomery County Parks
- Renne Kenney, Chief, Internal Audit Department
- Joe Zimmerman, Secretary-Treasurer
- Adrian Gardner, General Counsel
- Jennifer McDonald, Health and Benefits Manager

The meeting convened at 2:10 p.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> <ul style="list-style-type: none"> • Item 5a Resolution #17-02 was confirmed to remain on the agenda. • The legislative update will not occur at April’s Commission Meeting and should be removed from the agenda. It will occur at May’s meeting. • Labor negotiations are nearing completion. The Closed Session item on Collective Bargaining will occur if negotiations are completed. If not, they will occur at the Planning Board meetings for the weeks of April 20, 2017 and April 27, 2017. <p><u>General Announcements</u></p> <ul style="list-style-type: none"> • Due to renovations work occurring at the University of Maryland Clarice Smith Center for the Performing Arts on May 31, 2017, the new date for the One-Commission “CONNECT” Diversity Event is August 23, 2017. Updated flyers will be placed with employee pay stubs. • This year’s Open Enrollment for health benefits will be conducted online. Paper forms will be available for individuals unable to complete online enrollments.
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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>April</u></p> <ul style="list-style-type: none"> • Arab-American Heritage Month should be added.
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	<p><u>May</u></p> <ul style="list-style-type: none"> • Prince George’s County Bond Sale will be moved from May to June. • Legislative update needs to be added to May’s agenda. • MFD 3rd Quarter Purchasing Statistics needs to be moved to June. <p><u>June</u></p> <ul style="list-style-type: none"> • Add Resolution for Lyttonsville Sector Plan – Montgomery County Planning • Collective Bargaining update needs to be removed from June’s agenda as it will be covered before. • M-NCPPC Logo Project needs to be added to June agenda.
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ITEM 2 - MINUTES

Provided for Information	March 10, 2017, Executive Committee Minutes
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ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS

Discussion	<p>a) <u>Investment Report (Zimmerman)</u> Secretary-Treasurer Zimmerman reported that the M-NCPPC remains in compliance with the investment policy.</p> <p>b) <u>Wellness Program – Health Coverage and Counseling for Employees with Alcohol and Substance Abuse Problems (McDonald)</u> Ms. McDonald explained that in 2016, Chair Anderson requested an educational and awareness campaign regarding assistance for Commission employees with mental health and/or drug/alcohol abuse issues. She presented background on these efforts, and explained that services are available through the M-NCPPC Employee Assistance Program (EAP) and health plans. Mental health and substance abuse treatment is covered at the same co-pay rate as other medical benefits, and there is no limitation on visits.</p> <p>In 2016, 480 members, including dependents and spouses initiated substance abuse or mental health claims. 975 total claims were reported for the year. As a follow-up to the presentation, Vice-Chair Anderson requested an analysis be completed to determine the effectiveness of the services provided by EAP and the health plans. He suggested conducting an anonymous employee survey to ensure specific needs are addressed. Ms. McDonald will check with providers and determine best method to accomplish this goal.</p> <p>c) <u>ERP Update: Financial System Update (Chilet)</u> Mazen Chilet, Chief Information Officer (CIO) provided an overview of the Enterprise Resource Planning (ERP) Project. He explained that in 2010, the Commission determined that Financial and Payroll systems needed to be replaced to meet basic business functions and reporting needs. This became the impetus for the ERP project, and Lawson was chosen for the implementation software. Several modules were being implemented for finance, procurement, human resources, and budgeting.</p> <p>CIO Chilet provided a handout of the presentation in which he highlighted challenges and future successes related to the implementation of the ERP.</p> <p>Some challenges included:</p> <ul style="list-style-type: none"> • Lack of dedicated resources/project staffing. • Lack of resources to meet/commit to project time requirements.
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	<ul style="list-style-type: none"> • Process improvements. <p>Future successes include:</p> <ul style="list-style-type: none"> • Providing authorized M-NCPPC users the ability to easily view and track the status of transactions. • Utilizing technology to accurately manage agency financial activities. • Streamlining and automating business processes through a series of re-engineering exercises. • Eliminating redundant data entry. • Making critical management reports easily available. • Integrating enterprise applications with the ERP. <p>CIO Chilet made the following comments about the project moving forward:</p> <ul style="list-style-type: none"> • To ensure data integrity and security, further testing will need to be completed prior to data integrations. • Accuracy levels with HR functions will be improved as documents will be backed up electronically. • Department Heads will need to determine how to move forward with business process mapping and delegate access in the Manager Self Service portal to ensure tasks are completed throughout the ranks for those who do not want to allow certain staff with Managerial access. The system does not allow multiple access levels for staff. • PA2 submissions are a high priority, as they are largest internal audit factor in the agency. • Developing a communications strategy to ensure management is abreast of needs, updates and concerns is critical to the success of the project.
Follow up from Meeting	
	<ul style="list-style-type: none"> • Make changes to agenda and rolling agenda as listed above. • Ms. McDonald to follow up with EAP and health care providers to measure user satisfaction with mental health and substance abuse services.

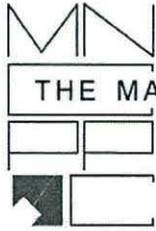
There being no further business to discuss, the meeting adjourned at 3:07 p.m.



Deirdra Walker, Administrative Specialist
for Gayla Williams, Senior Management
Analyst/Senior Technical Writer



Patricia Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING

Minutes

May 3, 2017– Conducted by Conference Call

On May 3, 2017, the Maryland-National Capital Park and Planning Commission’s Executive Committee met. Present were Chair Elizabeth Hewlett, Vice-Chair Casey Anderson and Executive Director Patricia Barney. Also present were:

Department Heads/Deputies/Presenters/Staff

- Anju Bennett, Chief, Corporate Policy and Management Operations
- Andree Checkley, Director, Prince George’s County Planning
- Mazen Chilet, Chief Information Officer
- Adrian Gardner, General Counsel
- Ronnie Gathers, Director, Prince George’s County Parks and Recreation
- Renee Kenney, Chief, Office of Internal Audit
- William Spencer, Human Resources Director
- Gwen Wright, Director, Montgomery County Planning
- Joe Zimmerman, Secretary-Treasurer

The meeting convened at 10:02 a.m. Ms. Bennett was asked to lead the review of the meeting items.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	The Executive Committee reviewed the revised agenda that was disseminated via email on May 2 nd , to include one late delivery item: Discussion Item #3, Wage Resolution: Recommended Wage Adjustments for Non-Represented Employees.
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ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA

Discussion	<p>The following comments were made to the revised May 17th Commission meeting agenda.</p> <ul style="list-style-type: none"> • Incorporate additional items: <ul style="list-style-type: none"> - <u>Resolution #17-11</u>, Approval for conveyance of 1,308 ± square feet of Park Property to the SHA on Rt. 197 in Bowie for a perpetual easement for Briarchip Street drainage. - <u>Resolution #17-12</u>, Approval of conveyance of 1.4 ± acres of Park Property to the Preserves at Piscataway is required to dedicate land to DPW&T. - <u>Resolution #17-13</u>, Approval for conveyance of 9,027 ± square feet of Park Property to the Prince George’s County DPIE/DPW&T for the widening of Missouri Avenue right-of-way as a requirement of approval for permits associated with the development of recreational facilities for SAARC. • Amend Item 5g, <u>FY 2018 Operating Budget</u> – Clarify the item pertains to the operating budget of the Employees’ Retirement System.
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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:

June

- Resolutions/Policies/Other Action Items: Add “Resolution” to the beginning of Prince George’s County Bond Sale.
- General Announcements: Consider whether the letter “Q” should be added to the LGBT acronym, to represent Lesbian, Gay, Bi-Sexual, Transgender, Pride Month. This item will be researched to reflect the National declaration.
- Reports and Presentations: Recommendation for M-NCPPC Logo Project: Chief Anju Bennett shared that the Branding Logo Committee will be presenting new designs for the agency’s logo. The Committee shared that Commissioners who are spearheading the Logo Project requested that the first viewing of the logo samples take place at the Commission meeting. Therefore, the Branding Logo Committee will not be providing logos in the meeting packet.

July

- Resolutions/Policies/Other Action Items:
 - o Policy Reviews: Ms. Bennett explained that the policy office is presently working on over a dozen policies, with a number already being presented to Department Heads for input. Several policies pertaining to organizational functions and authorities of governing bodies and departments are under review. The policies pertaining to authorities and responsibilities assigned to the Commission, Planning Boards, and Executive Committee are presently under review. Ms. Bennett and General Counsel Gardner have been discussing these policies and believe preliminary work sessions with the Planning Boards may be helpful to review authorities assigned by State law to the Commission vs. Planning Boards, and to understand any concerns Commissioners may have. Research is presently being assembled and work sessions will be scheduled before policies are presented for action.

Sept

- Resolutions/Policies/Other Action Items: Executive Director Barney requested a placeholder for closed session brainstorming session with Commissioners on upcoming full contract negotiations with the Municipal County Government Employees Organization (MCGEO). Discussions will also be scheduled with the Department Heads and the Executive Committee. Beginning in September, closed sessions will be added to the rolling agenda for each month to discuss labor negotiations.

Oct

- Resolutions/Policies/Other Action Items:
 - o Policy Review: Several policies will be presented to the Executive Committee, who is authorized by the Commission to adopt updates to existing policies. These will be shared with the Commission for ratification.
 - o Upcoming Agency-wide Service Awards Luncheon Honoring Employees with 25 or More Years of Service: Executive Director Barney asked Chief Bennett to remind staff working on this program to research

	<p>alternate options for recognition of service, based on requests by Department Heads. Chief Bennett explained staff will be presenting research and recommendations to the Department Heads.</p> <ul style="list-style-type: none"> • <u>Reports and Presentations:</u> <ul style="list-style-type: none"> - <u>CAFR Award Presentation:</u> Move to the June Commission meeting agenda. - <u>Audit Committee Activity Report:</u> Move to the September Commission meeting agenda.
ITEM 2 – MINUTES	
	April 11, 2017, Executive Committee Minutes—accepted without any changes.
ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS	
	Recommended Wage Adjustments for Non-Represented Employees was moved to closed session for discussion.
FOLLOW UP	
Agendas	See above for modifications to the May Commission agenda and the Commission rolling agenda for listed follow-up items.
Wage Adjustments	Recommendations discussed in closed session will be placed in Resolutions for consideration and adoption by the Commission.

There being no further business to discuss, the meeting adjourned at 10:17 a.m.



Gayla Williams, Senior Management Analyst/
Senior Technical Writer



Anju Bennett for Patricia Colihan Barney,
Executive Director



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

REGULAR BOARD OF TRUSTEES MEETING

MINUTES

Tuesday, April 4, 2017; 9:30 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, April 4, 2017 at 9:30 a.m. Voting members present were: Howard Brown, Alicia Hart, Elizabeth M. Hewlett, Amy Millar, Sheila Morgan-Johnson, Barbara Walsh and Joseph C. Zimmerman, CPA. Patricia Barney, CPA, arrived at 10:00 a.m. Khalid Afzal, Pamela F. Gogol, and Marye Wells-Harley were absent.

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

Presentations by Meketa Investment Group - Peter S. Woolley, CFA, CLU, ChFC - Managing Principal/Co-Chief Executive Officer; and, Mary Mustard, CFA – Principal; and, Wilshire Associates, Bradley A. Baker, Vice President; Mark E. Brubaker, CFA, Managing Director; Marc Friedberg, CFA, Managing Director; and, Ashley Bazzani, Associate.

Also present was M-NCPPC Legal Department – William Dickerson, Principal Counsel and Tracy Harvin, 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 April 4, 2017 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, March 7, 2017
- C. Minutes of Closed Session, March 7, 2017
- D. Disbursements Granted Report – February 2017

MS. WALSH made a motion, seconded by MS. HART to approve the Consent Agenda. The motion PASSED unanimously (7-0). (Motion #17-23)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary

CHAIRMAN HEWLETT encouraged trustees to consider attending an educational session noted on the Conference Summary. These conferences have been attended by trustees in prior years and received a good review.

3. MISCELLANEOUS

4. COMMITTEE REPORTS/RECOMMENDATIONS

- A. Investment Monitoring Group Committee
 - Presentation by Committee Chairman, Patricia Colihan Barney, CPA
 - i. Regular Report of March 21, 2017
 - a. Recommendation to Approve the Revised Statement of Investment Policy

Andrea Rose presented the Investment Monitoring Group's (IMG) Regular Report of March 21, 2017 in MS. BARNEY'S absence.

The IMG met with VOYA Investment Management's ("VOYA") Mark Haak, Senior Vice President, Senior Portfolio Manager and Team Leader, and Russell Greig, Vice President, Institutional Client Advisor, regarding VOYA's Senior Loan Trust ("Trust") and reviewed Wilshire Associates' Manager Review of the strategy which reflects a slight outperformance since inception and a ranking in the 68th percentile versus Wilshire's Universe results as of December 31, 2016. VOYA has \$217 billion in assets under management as of December 31, 2016, with \$22 billion in senior loans.

The IMG reviewed Wilshires' Associates Manager Review for the J.P. Morgan 130/30 Strategy as of March 21, 2017 which reflects a slight outperformance since inception and a ranking in the 16th percentile versus Wilshire's Large Cap Core universe.

Wilshire's Brad Baker recommended revisions to the Statement of Investment Policy as follows: Add an 8% allocation to low volatility equities; reduce the U.S. and international equities allocations from 23% to 19%; annually update and move the assumption chart on page 2 to an appendix; and add infrastructure to page 6 under public real assets. The IMG concurred with these recommendations.

MS. HART made a motion, seconded by MS. WALSH to approve the revised Statement of Investment Policy. The motion PASSED unanimously (7-0). (Motion #17-24)

Items 3 and 4 on the IMG Agenda were tabled to the April 18, 2017 meeting.

- B. Administration & Personnel Oversight Committee
 - Presentation by Committee Chairman, Barbara Walsh
 - i. Regular Report of March 21, 2017

MS. WALSH presented the Administration & Personnel Oversight Committee's ("Personnel Committee") regular report of March 21, 2017.

The ERS issued a joint Request for Proposal (RFP) with the Maryland-National Capital Park and Planning Commission for Actuarial Consulting Services on January 24, 2017. Four (4) firms submitted responses and the Personnel Committee reviewed their proposals. Each firm was required to meet minimum requirements and submit certain documents as part of the process. The Personnel Committee evaluated each firm on criteria, including, but not limited to: a) qualifications and relevant experience of offeror; b) key personnel assigned to the project; c) methodology and approach; and d) proposed fees.

All the firms were well qualified; therefore, the Personnel Committee focused its evaluation primarily, but not exclusively, on the organization, the consultants assigned to the ERS, and the proposed fees. The Personnel Committee unanimously agreed to award Boomershine Consulting Group ("BCG") the contract, contingent upon a further review of additional questions and clarifications related to BCG's RFP response. The Personnel Committee will evaluate BCG's response at its April 18, 2017 meeting and return a final recommendation to the Board at its May 2, 2017 meeting. BCG proposed an experienced team and a competitive fee proposal. Additionally, BCG's history and working relationship with the ERS staff and Board were key considerations.

The Personnel Committee reviewed the Statement of Plan Net Position, Statement of Changes in Net Position and Budget v. Actual for Quarter Ending December 31, 2016 and had no questions or concerns.

5. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated March 24, 2017

Andrea Rose presented the Administrator's Report dated March 24, 2017

Ms. Rose said the ERS' onsite programs are gaining popularity. Presentations and individual consulting sessions have been conducted or scheduled at the following locations: MRO – 3 sessions; CAB – 2 sessions; Northern Area Maintenance; Watkins Park Nature Center; and Central Area Maintenance.

Northern Trust's transition management group is working with the ERS Staff and Wilshire Associates to implement the Blackrock Global Low Volatility Index at an 8% target allocation and simultaneously decreasing the U.S. and non-U.S. equity allocations from 23% to 19% as authorized by the Board at its January 3, 2017 Special Meeting.

The Montgomery County Commissioner, Prince George's County Public Member, Montgomery County Public Member, and the Bi County Open Trustee seats expire June 30, 2017. The Montgomery County Commissioner seat is appointed by the Commission and in accordance with the ERS' election procedures Notices were placed on the ERS' and the Commission's websites, on the Commission's Intranet site, in the Update Newsletter and was forwarded to the Washington Area Investment Forum for distribution.

Two (2) applications were received for the Prince George's County Public Member Seat and four (4) applications for the Montgomery County Public Member Seat. The Personnel Committee will review the applications at its April 18, 2017 meeting and make a recommendation to the Board in May. The Board makes a recommendation to the Commission for the final appointment.

The ERS received one eligible application for the Bi-County Open Trustees Seat from Barbara Walsh who is determined to have won by acclamation.

Additionally, the ERS' Board of Trustees Chairman and Vice Chairman terms expire June 30, 2017.

The semi-finalists for Investment Consulting Services, Meketa Investment Group and Wilshire Associates, provided Responses to Questions from the Investment Monitoring Group and an updated Request for Proposal Questionnaire with data through December 31, 2016. The firm's were asked to prepare a 45-minute presentation covering the firm's Investment Consulting Philosophy, Consulting Specialties & Strengths, Proposed Team, including background and strengths, Private Equity and Real Assets Capabilities and Proposed Changes to the ERS' Current Investment Structure & Manager Roster. An additional 45 minutes for each semi-finalist was allocated for Questions & Answers.

MS. BARNEY arrived at 10:00 a.m.

6. INVESTMENT CONSULTANT FINALIST

A. Meketa Investment Group

Presentations by Peter S. Woolley, CFA, CLU, ChFC - Managing Principal/ Co-Chief Executive Officer; and, Mary Mustard, CFA – Principal

i. Presentation Slides

ii. Response to Additional Questions

iii. Questionnaire Updated as of December 31, 2016

Mr. Peter Woolley, Managing Principal/Co-Chief Executive Officer and Ms. Mary Mustard, Principal, presented Meketa Investment Group's ("Meketa") organizational structure, client services and commitment to research. Mr. Woolley has 28 years' industry experience and has been with Meketa for 21 years. Ms. Mustard has 8 years' industry experience and has been with Meketa since 2010. Meketa was established in 1978 and is a full-service investment consulting and advisory firm. Meketa has 150 clients, with over 250 funds, who have aggregate assets of over \$900 billion which includes \$388 billion from 41 public fund clients. Meketa derives no revenue from investment managers, commissions, or outside vendors. Meketa is 100% independently owned by twenty-eight senior professionals of the firm.

Meketa's investment philosophy takes a long-term approach to investing, to diversify very broadly to protect against a wide variety of risks, avoid unnecessary risks, invest in primarily generative assets, focus active management on less efficient asset classes and passive management on more efficient asset classes, use best-in-class managers and minimize fees and other expenses. Meketa reviewed the ERS' asset allocation and portfolio structure and made several recommendations.

MS. MORGAN-JOHNSON noted Meketa's fee of \$197,500 and asked if the fee was negotiable. Mr. Wooley indicated it was not negotiable.

B. Wilshire Associates

Presentations by Bradley A. Baker, Vice President; Mark E. Brubaker, CFA, Managing Director; Marc Friedberg, CFA, Managing Director; and, Ashley Bazzani, Associate

- i. Presentation Slides
- ii. Response to Additional Questions
- iii. Questionnaire Updated as of December 31, 2016

Brad Baker noted the current relationship between Wilshire and the ERS. Wilshire was originally hired as the Investment Consultant to the ERS in 2001. Bradley Baker, Vice President, has worked on the ERS' Consulting Team since 2005 and served as the ERS' lead consultant since 2015. Mark Brubaker, Managing Director, who was the original lead consultant from 2001 – May 2004 will be the back-up consultant. Ashley Bazzani, Associate, provides investment reports, research and performance measurement statistics.

Wilshire was founded in 1972 and is 100% employee owned. The investment consulting business began in 1980. Today, Wilshire Consulting has over \$993 billion in assets under advisement; 116 clients serviced by 24 consultants with an average of 22 years of industry experience and 14 years at Wilshire; and, a 5:1 client to consultant ratio.

MS. HART left the meeting at 12:43 p.m.

The team reviewed the relationship milestones and accomplishments and discussed the ERS allocation history. The ERS has experienced strong absolute and relative investment returns by asset class and at the total portfolio level. The total portfolio returned 9.86% for the 1 year ending 12/31/2016 which was top decile performance.

Wilshire Investment Consulting's philosophy involves effectively managing risks and costs which are credited to achieving long-term investment objectives.

Mark Friedberg, Managing Director of Wilshire Private Markets, also was the lead consultant for the ERS from May 2004 until 2010 when he moved over to Wilshire's Private Markets Group. Mr. Friedberg reviewed Wilshire's private markets capabilities focusing on philosophy, access and performance.

MS. MORGAN-JOHNSON noted Wilshire's proposed fee of \$195,000 and asked if the fee was negotiable. Wilshire agreed to discount the fee to \$193,000.

C. Approval of Investment Consultant

The Board discussed the two firms at length. Trustees felt both were strong competitors and brought a lot to the table. The ERS has had a great relationship with Wilshire since 2001. The lead and back-up consultant has always been very responsive. Trustees had concerns with Meketa's lead consultant's work load and time constraints and questioned if the ERS would get the lead consultant's full attention as it is used to from Wilshire Associates.

MS. MORGAN-JOHNSON made a motion, seconded by MS. BARNEY to select Wilshire Associates as the Board's Investment Consultant for a three-year contract with the option of two more additional years at the negotiated fee of \$193,000. The motion PASSED unanimously (7-0). (Motion #17-25)

The Board of Trustees meeting of April 4, 2017 adjourned at 1:35 p.m.

Respectfully,


Heather D. Brown
Senior Administrative Specialist


Andrea L. Rose
Administrator

ITEM 4d

115 Trust (OPEB)
Meeting Minutes
College Park Airport Operations Building

Wednesday, December 21, 2016

Attending: Commissioner Manuel Geraldo, Chairman;
Commissioner Casey Anderson, Co-Chairman;
Patricia Colihan Barney, Commission Executive Director, Trustee;
Joseph Zimmerman, Commission Secretary-Treasurer, Trustee;
William Spencer, Commission Human Resources Director, Trustee;
Adrian Gardner, Commission General Counsel;
Barbara Walsh, Commission Accounting Manager, Staff;
Abbey Rodman, Commission Investment Manager, Administrator;
Claudia Stalker, Commission Accountant, Staff;
Barry Bryant, Investment Consultant, Dahab Assoc.;
David Boomershine, Pres. & Sr. Actuary, Boomershine Consulting Group

Absent: LaTonya Reynolds, Commission Senior Counsel, Staff

The meeting was called to order at 11:03 a.m.

Minutes from the 9/21/16 meeting were motioned by Ms. Barney to be approved, seconded by Commissioner Geraldo, and then unanimously approved.

David Boomershine of Boomershine Consulting Group reviewed aspects of the Actuarial Valuation as of July 1, 2016.

Mr. Boomershine said the Trust is not required to prefund (put money away to pay obligations before they are due), but that prefunding allows the Trust to use a higher discount rate which reduces the current value of obligations. Many government plans are not funding at all, utilizing pay-as-you-go methodology instead, but they must use 4% instead of 7% as a discount rate. The Trust, however, has been fully funded for several years. Ms. Barney noted that prefunding was in place before many other plans began to do it. Mr. Boomershine added that if the Trust continues to prefund it can continue using the 7% rate.

Bond rating agencies are looking at investment assumptions. The Trust is currently not smoothing assets because the ratio of assets to liabilities is so low. There is a slight overfunding of the annual required contribution (ARC).

The unfunded liability is being amortized over a 30-year period. The Trust is on a schedule to reduce the amortization period. It used 30 years in 2016. The following year it will use 29 years, then 28, until the amortization period is reduced to the 15-20 year range.

Total liabilities for the Trust are currently \$302 million. The unfunded liability is \$254 million. The funded ratio is 16%. The annual required contribution (ARC) increased from \$16.8 million to \$20.0 million. Mr. Boomershine put the funding ratio into perspective. While cautioning that there are no definitive statistics, he said funding ratios seem to average 8%-10% across the country and many are at zero.

The annual required contribution increased due to cost/liability changes resulting from a decrease in the discount rate, a change in the actuarial method and assumptions, investment loss and adverse plan experience. The Trust, however, continues to meet the ARC.

Ms. Walsh said the Trust is currently not being used to pay benefits and is still being built up. Federal money is going into the Trust as an employer contribution, then will be used to pay benefits eventually. Page 8 of the actuarial report states that in fiscal year 2018 the OPEB contributions to the Trust will be \$5.1 million, and federal subsidies will be \$1.8 million, coming in throughout the year. Funds come into the internal accounting fund and will be transferred to the Trust fund. That is the prefunding. Prefunding is actually \$3.5 million plus, in addition to \$2.1 million projected as federal subsidies, which will also go to the Trust.

Commissioner Geraldo said that we may want some additional footnotes to indicate where the money goes. Mr. Zimmerman said that as part of the next actuarial valuation, we need to fully understand how the \$254 million liability goes away. He added that this is a very technical subject and we have three people working on it. Commissioner Geraldo noted that the methodology now rests with those three people and that there needs to be a written narrative as to how the results are reached. Mr. Boomershine said the fact that the unfunded liability will transfer to the balance sheet is not a concern. The key is the funding policy and the ability to continue to use the 7% assumption.

After Mr. Boomershine concluded the actuarial review, Mr. Bryant began the investment discussion. He noted that the third quarter ended September 30 was a good quarter, and that most of the Portfolio's allocation and manager strategies worked, resulting in a very good return.

GDP increased 2.9% for the quarter, setting the stage for the Fed to raise rates in December. For the market as a whole, all major asset classes had positive returns, with riskier asset classes like domestic small cap and emerging markets generating the highest returns. Domestic bonds had a modest 0.5% return.

Portfolio assets returned 5.4% and ranked in the 1st percentile, meaning it out-performed most funds in a broad public fund universe. The shadow index, a measure of how the Portfolio performed without active management, returned 4.1%. Active management added another 130 basis point of return, gross of fees.

Elements of the asset allocation that helped return were the large allocation to small/mid cap domestic equity and emerging market equity, and the low allocation to fixed income.

All of the managers met or exceeded their benchmarks except the Schwab/RAFI large cap fund, which was hurt by its outsized position in integrated oils and an underweight to the major tech companies including Alphabet, Apple, Amazon and Facebook. All three Schwab/RAFI strategies are significantly ahead of their benchmarks on a year-to-date basis. The PIMCO AA/AA Fund continued with its above-average performance for the year after poor performance 2012-2015. The Unconstrained Bond Fund had a 3.1% return despite domestic core bonds returning only 0.5%. Overall, Mr. Bryant said Portfolio performance was back on track after a poor relative performance period and now ranked in the 40th percentile on a since inception basis.

Mr. Bryant distributed a 4th Q Preliminary Report that showed the Portfolio with a 1.2% return for the fourth quarter through November. Based on market indices, he said he believed this was an above-average return. All the Schwab/RAFI strategies exceeded their targets by wide margins, and the Unconstrained Bond Fund had a modest 0.4% return despite domestic investment-grade bonds being down more than 3%. Only the PIMCO AA/AA Fund had a negative return, which was due to the poor performance of foreign stocks and bonds.

In response to a prior request from Ms. Barney, Mr. Bryant reviewed the various components of the PIMCO All-Asset/All-Authority Fund. At the conclusion of that presentation, the Committee requested that Mr. Bryant summarize the various strategies in written form. The Committee also asked that Mr. Bryant provide a more detailed explanation of how PIMCO establishes positions using futures.

Mr. Bryant said Wall Street believed the environment was generally supportive of risk assets for 2017 due to 1) the promise of increased federal spending on infrastructure; 2) proposed cuts in corporate and personal taxes; and 3) a general belief that anti-trade policies from the campaign would not be enacted in a manner that would trigger a trade war.

Following a discussion about the environment, Mr. Bryant turned to how the Portfolio is positioned and the issue of firm concentration, with most of the assets invested with PIMCO and RAFI, two separate but affiliated companies. He offered two options: 1) staying as we are, because the strategy is now working; or 2) changing one or more managers, such as moving the large cap allocation to an equal weighted or standard index, or replacing PIMCO with another global bond manager.

Commissioner Geraldo asked Mr. Bryant to look into robo-investing, the use of computer-driven algorithms to make asset allocation decisions. He indicated that he had read about the technique in a publication, possibly Kiplinger's, and wondered if the Committee might make use of it in investing funds for the Trust.

Commissioner Anderson said he was not concerned about firm concentration. Ms. Barney inquired about the nature and extent of risks. The committee decided, for the moment, to maintain the current manager lineup, but requested to receive education on the possible dangers of firm concentration.

The Trustees set 11:30 am on Wednesday, March 15, 2017 at PRA for the next meeting.

The meeting was adjourned at 12:55 am.

Respectfully Submitted,



Claudia Stalker

M-NCPPC No. 17-08

MCPB No. 17-023

RESOLUTION


WHEREAS, under the Maryland Land Use Article, The Maryland-National Capital Park and Planning Commission is authorized to make, adopt, amend, extend and add to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*; and

WHEREAS, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, under the procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on Thursday, February 11, 2016, on the Public Hearing Draft *Greater Lyttonsville Sector Plan*, being also an amendment to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland Washington Regional District in Montgomery County and Prince George's Counties*, as amended; the *North and West Silver Spring Master Plan*; the *Master Plan of Highways and Transitways within Montgomery County*, as amended; the *Countywide Bikeways Functional Master Plan*, as amended; the *Master Plan for Historic Preservation*, as amended; the *Purple Line Functional Plan*, as amended; and the *Legacy Open Space Functional Master Plan*; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on July 14, 2016, approved the Planning Board Draft *Greater Lyttonsville Sector Plan*, recommended that it be approved by the District Council, and on July 29, 2016, forwarded it the County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Planning Board Draft *Greater Lyttonsville Sector Plan* and forwarded those recommendations and analysis to the District Council, and

WHEREAS, the Montgomery County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on September 27 and September 29, 2016, wherein

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 4/11/2017

testimony was received concerning the Planning Board Draft *Greater Lyttonsville Sector Plan*; and

WHEREAS, the District Council, on March 28, 2017, approved the Planning Board Draft *Greater Lyttonsville Sector Plan* subject to the modifications and revisions set forth in County Council Resolution No. 18-757; and

WHEREAS, the Montgomery County Planning Board, on April 20, 2017, recommended that The Maryland-National Capital Park and Planning Commission adopt the *Greater Lyttonsville Sector Plan* as approved by the District Council.

NOW THEREFORE BE IT RESOLVED, that in accordance with Section 21-103 of the Maryland Land Use Article, The Maryland-National Capital Park and Planning Commission does hereby adopt said *Greater Lyttonsville Sector Plan*, together with the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland Washington Regional District in Montgomery County and Prince George's Counties*, as amended; the *North and West Silver Spring Master Plan*, as amended; the *Master Plan of Highways and Transitways within Montgomery County*, as amended; the *Countywide Bikeways Functional Master Plan*, as amended; the *Master Plan for Historic Preservation*, as amended; the *Purple Line Functional Plan*, as amended; and the *Legacy Open Space Functional Master Plan*, as amended; and as approved by the District Council in the attached Resolution No. 18-757; and

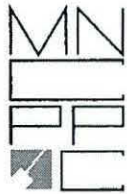
BE IF FURTHER RESOLVED, that copies of said Amendment must be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of each of Montgomery and Prince George's Counties, as required by law.

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, April 20, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


Department of Parks and Recreation, Prince George's County

6600 Kenilworth Avenue • Riverdale, Maryland 20737

April 21, 2017

SUBJECT: PGCPB Resolution No. 17-48 (MNCPPC No. 17-11)
PGCPB Resolution No. 17-32 (MNCPPC No. 17-12)
PGCPB Resolution No. 17-58 (MNCPPC No. 17-13)

TO: The Maryland-National Capital Park & Planning Commission

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

Attached, please find the above-reference resolutions for approval:

1. MNCPPC Resolution No. 17-11 for conveyance of 1,308 ± square feet of Park Property to the SHA on Rt 197 in Bowie for a perpetual easement for Briarchip Street drainage. SHA has agreed to pay the Commission \$434.00 for compensation.
2. MNCPPC Resolution No. 17-12 for conveyance of 1.4 ± acres of Park Property to the Prince George's County DPW&T for the widening of Floral Park Road since the developer of the Preserves at Piscataway is required to dedicate land to DPW&T. The developer has proffered a payment of \$6,100 to the Commission for the conveyance.
3. MNCPPC Resolution No. 17-13 for conveyance of 9,027 ± square feet of Park Property to the Prince George's County DPW&T for the widening of Missouri Avenue right-of-way as a requirement of approval for permits associated with the development of recreational facilities for SAARC.

The resolutions are attached for your review and approval.

These resolutions have been scheduled for Full Commission on Wednesday, May 17, 2017.

Attachments

- MNCPPC Resolution No. 17-11
MNCPPC Resolution No. 17-12
MNCPPC Resolution No. 17-13



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation, Prince George's County

6600 Kenilworth Avenue Riverdale, Maryland 20737

GCPB No. 17-48
MNCPPC No. 17-11

RESOLUTION

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

WHEREAS, the Commission owns certain property known as Snow Hill Manor Park located on Route 197 in Bowie, Maryland, and identified as Parcel 64, Tax Map 10, Grid E-1, Parcel 64, Election District 10, Tax Account 1102540, containing 14.73 ± acres of land, and hereinafter referred as "Park Property"; and

WHEREAS, the Maryland State Highway Administration ("SHA") wishes to acquire 1,308 ± square feet of the Park Property for a perpetual easement ("Easement Property") impacting Briarchip Street, Laurel, Maryland, near MD Route 197; and

WHEREAS, the SHA has agreed to pay the Commission Four Hundred and Thirty-Four Dollars (\$434.00) for the conveyance of the Easement Property; and

WHEREAS, the Commission desires to convey the Easement Property to SHA for a perpetual easement impacting Briarchip Street

NOW, THEREFORE BE IT RESOLVED, that the Board herby recommends that the Commission approve the conveyance of the Easement Property to the SHA for Four Hundred and Thirty-Four Dollars (\$434.00); and

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

* * * * *

PGCPB No. 17-48
MNCPPC No. 17-11
Page 2

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Hewlett and Doerner voting in favor of the motion and with Commissioner Washington absent, at its meeting on Thursday, March 16, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of April, 2017.

Elizabeth M. Hewlett
Chairman

Jessica Jones
By: Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY
[Signature]
M-NCPCC Legal Department
Date 4/24/17



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation, Prince George's County

6600 Kenilworth Avenue • Riverdale, Maryland 20737

PGCPB No. 17-32
MNCPPC No. 17-12

RESOLUTION

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

WHEREAS, the Commission owns certain property known as Part of Piscataway Stream Valley Park located in Clinton, Maryland and identified as Parcel 205, Tax Map 142, Grid F-1, and Tax Map 142, Grid F-3; and Election District 05, Tax Account 3663234, containing 75.02 ± acres of land, and hereinafter referred as "Park Property"; and

WHEREAS, the developer of the Preserves at Piscataway is required to dedicate land to the Prince George's County Department of Public Works & Transportation ("DPW&T") for the widening of Floral Park Road as a condition of approval of Preliminary Plan 4-03027: The Preserves of Piscataway; and

WHEREAS, the land needed for dedication is comprised of a portion of Park Property, 1.4 ± acres, and the developer of the Preserves at Piscataway has proffered a payment of Six Thousand, One Hundred Dollars (\$6,100.00) to the Commission for the conveyance of the required 1.4 ± acres of Park Property ("Subject Park Property"), and

WHEREAS, the Planning Board determined that this portion is not needed for park purposes and agreed to dispose of the Subject Park Property for the fee payment proposed; and

WHEREAS, the Commission desires to convey the Subject Park Property directly to the Prince George's County DPW&T.

NOW, THEREFORE BE IT RESOLVED that the Board hereby recommends that the Commission approve the conveyance of the Subject Park Property to the Prince George's County DPW&T; and

BE IT FURTHER RESOLVED that, in connection with the transactions contemplated herein, the Executive Director is authorized to execute and deliver, on behalf of the Commission,

PGCPB No. 17-32
MNCPPC No. 17-12
Page 2

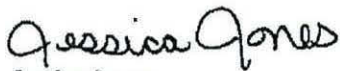
any and all such agreements, documents and/or instruments, and to do or cause to be done, and all such acts, as the Executive Director deems necessary or appropriate to make effective or to implement the intended purposes of the foregoing resolution, without limitation, and the taking of such actions shall be deemed conclusively to be authorized hereby.

* * * * *


This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Hewlett and Doerner voting in favor of the motion, and with Commissioner Washington temporarily absent, at its regular meeting held on Thursday, February 16, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of April, 2017.

Elizabeth M. Hewlett
Chairman

By: 
Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPFC Legal Department
Date 4/26/17



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation, Prince George's County

6600 Kenilworth Avenue • Riverdale, Maryland 20737

PGCPB No. 17-58
MNCPPC No. 17-13

RESOLUTION

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

WHEREAS, the Commission owns Parcel A, 59.00 ± acres known as Brandywine Area Park (the "Park Property"), located in Brandywine, Maryland, and further identified on Tax Map 145, Grid C-2; and

WHEREAS, the Commission proposes to convey a portion of Parcel A, 9,027 ± square feet (or 0.207 acres) of the Park Property ("Subject Property") to the Prince George's County Department of Permits Inspection and Enforcement/Department of Public Works and Transportation (DPPE/DPW&T) for the widening of the Missouri Avenue right-of-way, as a requirement of approval for permits associated with the development of recreational facilities

NOW, THEREFORE BE IT RESOLVED that the Board hereby recommends that the Commission approve the conveyance of the Subject Property to the DPPE/DPW&T; and

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

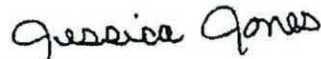
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PGCPB No. 17-58
MNCPPC No. 17-13
Page 2

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Hewlett, and Washington voting in favor of the motion and with Commissioner Doerner absent, at its regular meeting on Thursday, April 6, 2017, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 20th day of April, 2017.

Elizabeth M. Hewlett
Chairman



By: Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPFC Legal Department
Date 4/20/17



Department of Human Resources and Management Maryland-National Capital Park and Planning Commission

OFFICE OF THE EXECUTIVE DIRECTOR
6611 Kenilworth Avenue, Suite 402
Riverdale, Maryland 20737
Office: (301) 454-1740

May 17, 2017

TO: Commissioners

THRU: Patricia Colihan Barney, Executive Director

FROM: William Spencer, Human Resources Director 

SUBJECT: Resolutions to authorize compensation adjustments to Non-Represented Merit System Employees, Park Police Command Staff and Candidates, and Certain Contract Employees;

Recommendation: Approve the attached Commission resolutions authorizing fiscal year 2018 compensation adjustments. All wage adjustments fit within the Fiscal Year 2018 Adopted Budget. The Executive Committee and Department Directors support approval of these actions.

Non-Represented Employees: Merit System Employees and Certain Contract Employees
(excludes Park Police Officers, Command Staff and Candidates and MCGEO Members)

The Commissioners approved the MCGEO Collective Bargaining Agreement Wage Reopener on April 19, 2017 by Resolution #17-10, which covers wage adjustments for MCGEO for FY18. The same compensation adjustments for fiscal year 2018 are recommended for non-represented staff (excludes Park Police Officers, Command Staff and Candidates) as follows and contained in the referenced resolution below:

RESOLUTION #17-15 Fiscal Year 2018 Anniversary (Merit) Pay Increment
Adjustment for Certain Non-Represented Merit System Employees (excludes Park
Police Command Staff and Candidates) (Attachment 1)

- 3.50% anniversary merit increase for FY18.
- 0.5% Lump Sum for employees at the Top of Grade effective first full pay period following July 1, 2017 (prorated at 50% for part time). Only employees who reach Top of Grade prior to July 1, 2017 and have fully satisfactory performance in FY18 are eligible.

RESOLUTION #17-16 Fiscal Year 2018 Cost of Living Adjustments for Certain Non-Represented Merit System and Certain Contract Employees (Attachment 2)

- Certain non-represented Merit System Employees & Term Contract Employees assigned to the General Pay Schedule: 1.5% COLA effective the first full pay period following August 1, 2017.

RESOLUTION #17-17 Fiscal Year 2018 Pay Increment Adjustments for Seasonal Intermittent and Term Contracts (Attachment 3)

Term Contract

- 3. 5% pay increase is granted, (contingent upon overall satisfactory performance) at the beginning of the next contract year when the employee returns.

Seasonal/Intermittent (except for Class Instructor)

- 3. 5% pay increase after completion of 100 hours and one (1) year of employment and receipt of an overall satisfactory performance evaluation. If 100 hours are not completed in one year, the hours may be accumulated in succeeding years if the employee is re-employed in the immediate succeeding year.

Seasonal/Intermittent Class Instructor

- 3.5% pay increase after completion of a minimum of three (3) consecutive class sessions within one year and an overall satisfactory performance evaluation. If three classes have not been completed in one year, the class sessions may be accumulated in succeeding years if the employee is re-employed in the immediate succeeding year.

Seasonal/Intermittent Aquatic Plan

- Contract employees assigned to the Aquatic Pay Plan are **not eligible** for an annual increase as above. Upon rehire and a satisfactory evaluation a pay increase will be within the level of the position based upon applicable experience.

Temporary Contract

- **Not eligible** for annual increase above. May be granted pay increase if re-employed under a new contract after 90 calendar days have elapsed since end of the current contract.

Park Police Command Staff and Candidates

On April 27, 2017, the Commission approved Resolution 17-14, *Adoption of the Collective Bargaining Agreement with the Fraternal Order of Police, Lodge No. 30* effective February 1, 2017 through January 31, 2020. Approval of Resolution #17-?? (Attachment D) provides to the Command Staff and Candidates the same COLA and anniversary merit increases as provided by the FOP agreement.

Resolution #17-18 Fiscal Year 2017 Cost of Living Adjustments (COLA) and Anniversary Merit Increase for Park Police Command Staff and Candidates
(Attachment 4)

Command staff and Candidate adjustments-

- 1.5% COLA effective the first full pay period following July 1, 2017. Salary schedules to be adjusted accordingly.
- 3.5% anniversary merit increase for FY18 (Candidates are eligible for an anniversary merit increase only after meeting the requirements of graduation from the academy, in accordance with Revised Section 14.15 of the recently approved FOP collective bargaining agreement.)

Staff will be present to address any questions.

FISCAL YEAR 2018 ANNIVERSARY (MERIT) PAY INCREMENT ADJUSTMENT
FOR CERTAIN NON-REPRESENTED MERIT SYSTEM EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2018 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 25, 2017, will review and together act to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorize compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission"); and

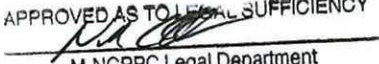
WHEREAS, the Commission's Merit System Rules and Regulations, Chapter 1200, Employee Compensation, awards an Anniversary (merit) Pay Increment, not to exceed a 3.5% increase in base pay, for successful job performance to Merit System employees.

NOW THEREFORE, BE IT FURTHER RESOLVED that contingent upon the County Councils' approval of the Bi-County budget;

BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a FY 2018 maximum anniversary (merit) pay increment of 3.5% for all non-represented Merit System employees, except for Park Police Command Staff and Candidates; and

BE IT FURTHER RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts an FY 2018 lump sum payment of .5% in the first full pay period following July 1, 2017, (prorated at 50% of the .5% for part time employees) to all non-represented Merit System employees (except for Park Police Command Staff and Candidates) who have reached top-of-grade before July 1, 2017. Top of grade individuals are not eligible for an anniversary (merit) pay increment; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this Resolution.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 5/10/17

FISCAL YEAR 2018 COST OF LIVING ADJUSTMENT FOR
CERTAIN NON-REPRESENTED MERIT SYSTEM
AND CERTAIN CONTRACT EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2018 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 25, 2017 will review and together act to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorize compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission"); and

NOW THEREFORE, BE IT FURTHER RESOLVED that contingent upon the County Councils' approval of the Bi-County budget;

BE IT RESOLVED that the Commission hereby adopts a 1.5% COLA for all non-represented Merit System Employees and Term Contract employees that are assigned to the General Service Pay Scale effective the first full pay period following August 1, 2017; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 5/18/17

FISCAL YEAR 2018 PAY INCREMENT ADJUSTMENT FOR
SEASONAL/INTERMITTENT AND TERM CONTRACT EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2018 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 25, 2017, will review and together act to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorizes compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission"); and

WHEREAS, Commission Practice 2-16 (Contract Employment) allows for the award of anniversary pay increments to Seasonal/Intermittent and Term Contract employees assigned to the General Service, Intermittent, Tennis and Specialty Services Pay Plans in accordance with the Performance Evaluation System for Contract Employees;

WHEREAS, Commission Practice 2-16 provides that Seasonal/Intermittent employees who are assigned to the Aquatic Pay Schedule and those assigned to the "Base Rate of the Lowest Wage Adopted by the Commission Plus 50% of Class Revenue Structure" shall not receive anniversary pay increments; and

WHEREAS, Commission Administrative Procedures 00-02 sets the anniversary pay increment at 3.5% for Seasonal/Intermittent and Term Contract employees assigned to the General Service or Intermittent Pay Plans.

NOW THEREFORE, BE IT FURTHER RESOLVED that contingent upon the County Councils' approval of the Bi-County budget, the Commission hereby restores for FY 2018 the 3.5% anniversary pay adjustment for successful performance for all Seasonal/Intermittent and Term Contract employees assigned to the General Service or Intermittent Pay Plans; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 5/10/17

FISCAL YEAR 2018 MERIT INCREASE AND COST OF LIVING ADJUSTMENT FOR
PARK POLICE COMMAND STAFF AND CANDIDATES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2018 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland;

WHEREAS, the respective County Councils on May 25, 2017 will review and together act to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorize compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission");

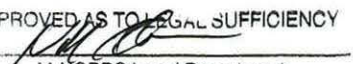
WHEREAS, §16-302 of the Land Use Article of the Annotated Code of Maryland requires the Maryland-National Capital Park and Planning Commission (the "Commission") to engage in collective bargaining for certain employees and under specified circumstances;

WHEREAS, eligible Commission employees are organized into the Park Police Bargaining Unit and have elected the Fraternal Order of Police Lodge No. 30 ("FOP") to be their exclusive representative for the purpose of collective bargaining with the Commission;

WHEREAS, the FOP has a Collective Bargaining Agreement with the Commission, adopted by Resolution 17-14 on April 27, 2017, *Adoption of the Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30*, which is effective February 1, 2017 through January 31, 2020 ("Agreement") that includes certain adjustments to FY 18 compensation for its represented Park Police Officers and authorizes the Executive Director to take actions to effectuate its decision to approve and ratify the Agreement which includes revising the pay schedule;

WHEREAS, Park Police Command Staff and Park Police Candidates are non-represented Merit System employees, not subject to the Agreement;

WHEREAS, the Commission's Merit System Rules and Regulations Chapter 1200, Employee Compensation, awards an anniversary (merit) pay increment, not to exceed a 3.5% increase in base pay, for successful job performance to non-represented, Merit System employees; and

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 5/10/17

WHEREAS, the Commission desires to maintain the percentage wage differential between its Park Police Officers and Park Police Command Staff and between its Park Police Candidates and Park Police Officers.

NOW THERE, BE IT RESOLVED that contingent upon the County Councils' approval of the Bi-County budget; the Commission hereby adopts FY 18 compensation adjustments for Park Police Command Staff as follows:

- 1) Maintain regularly scheduled 3.5% anniversary (merit) pay increments to be effective the first pay period after an employee's anniversary date; and
- 2) Adopt a 1.5% Cost of Living Adjustment ("COLA") to be effective the first full pay period after July 1, 2017; and

BE IT FURTHER RESOLVED that the Commission hereby adopts a 1.5% Cost of Living Adjustment ("COLA") to be effective the first full pay period after July 1, 2017 for Park Police Candidates; and

BE IT FURTHER RESOLVED that effective on the first day of the first pay period following July 1, 2017, the Park Police Command Officers / Officer Candidate Pay Schedule shall be revised to reflect the increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that Park Police Candidates are only eligible for an anniversary merit increase after meeting the requirements for graduation from the academy in accordance with revised Section 14.15 of the recently approved FOP collective bargaining agreement; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

MEMORANDUM



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

(301) 454-1415 - Telephone
(301) 454-1413 - Facsimile
<http://ers.mncppc.org>

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
Vice Chairman Marye Wells-Harley

Andrea L. Rose
Administrator

Khalid Afzal
Howard Brown
Amy Millar
Pamela F. Gogol
Joseph C. Zimmerman, CPA

Patricia Colihan Barney, CPA
Alicia Hart
Sheila Morgan-Johnson
Barbara Walsh

To: The Commission

Date: May 2, 2017

Via: Elizabeth M. Hewlett, Chairman

From: Andrea L. Rose, Administrator

Subject: Reappointment of Pamela F. Gogol as the Montgomery County Public Member to the Board of Trustees for the term ending June 30, 2020

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission approve the reappointment of Pamela F. Gogol as the Montgomery County Public Member for the term ending June 30, 2020.

BACKGROUND

In March 2017, a Notice of Vacancy was placed in the *Update Newsletter*, on the ERS' and Commission's websites and was forwarded to the Washington Area Investment Forum for distribution requesting applications to fill the Montgomery County Public Member Seat on the Board. Applications were due by close-of-business on March 31, 2017. The ERS received four (4) applications. At its May 2, 2017 meeting, the Board voted unanimously to recommend the reappointment of Pamela F. Gogol for the term ending June 30, 2020.

Ms. Gogol is currently a Principal Examiner for the Federal Housing Finance Agency responsible for analysis and oversight of Fannie Mae's market risk exposure. Ms. Gogol was the former Assistant Treasurer of the Commission and served as the Bi-County Open Trustee on the ERS Board in 2008. Ms. Gogol has been serving as the Montgomery County Public Member on the ERS' Board of Trustees and a member of the Investment Monitoring Group since 2014.

MEMORANDUM**EMPLOYEES' RETIREMENT SYSTEM**

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Andrea L. Rose
Administrator

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Patricia Colihan Barney, CPA
Alicia Hart
Sheila Morgan-Johnson
Barbara Walsh

To: The Commission

Date: May 2, 2017

Via: Elizabeth M. Hewlett, Chairman

From: Andrea L. Rose, Administrator

Subject: Reappointment of Sheila Morgan-Johnson as the Prince George's County Public Member to the Board of Trustees for the term ending June 30, 2020

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission approve the reappointment of Sheila Morgan-Johnson as the Prince George's County Public Member for the term ending June 30, 2020.

BACKGROUND

In March 2017, a Notice of Vacancy was placed in the *Update Newsletter*, on the ERS' and Commission's websites and was forwarded to the Washington Area Investment Forum for distribution requesting applications to fill the Prince George's County Public Member Seat on the Board. Applications were due by close-of-business on March 31, 2017. The ERS received two (2) applications. At its May 2, 2017 meeting, the Board voted unanimously to recommend the reappointment of Sheila Morgan-Johnson for the term ending June 30, 2020.

Ms. Morgan-Johnson has been the Chief Investment Officer (CIO) and Chief Operations Officer for the District of Columbia Retirement Board since 1991. As CIO, Ms. Morgan-Johnson manages the \$7.3 billion defined benefit plan administered for the District of Columbia's police officers, firefighters and teachers. Ms. Morgan-Johnson has a Master of Business Administration and a Bachelor of Business Administration from Howard University.

Ms. Morgan-Johnson has been serving as the Prince George's County Public Member on the ERS' Board of Trustees and a member of the Investment Monitoring Group since 2015.



EMPLOYEES' RETIREMENT SYSTEM
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Andrea L. Rose
Administrator

BOARD OF TRUSTEES
Chairman Elizabeth M. Hewlett
Vice Chairman Marye Wells-Harley

Khalid Afzal
Howard Brown
Alicia Hart
Sheila Morgan-Johnson
Joseph C. Zimmerman, CPA

Patricia Colihan Barney, CPA
Pamela F. Gogol
Amy Millar
Barbara Walsh

To: The Commission

Date: May 2, 2017

Via: Elizabeth M. Hewlett, Chairman

From: Andrea L. Rose, Administrator

Subject: Acknowledge the Re-Election of Barbara Walsh as the Bi-County Open Trustee for the term ending June 30, 2020

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission acknowledge the re-election of Barbara Walsh as the Bi-County Open Trustee for the term ending June 30, 2020.

BACKGROUND

The term for the Bi-County Open Trustee expires June 30, 2017. In accordance with election procedures, a Notice of Election was placed in Update and on the ERS' and Commission's websites in March 2017. Applications were due in the ERS Office, March 24, 2017 by 5:00 p.m. The incumbent, Barbara Walsh, applied for re-appointment. No other applications were received. Ms. Walsh is determined to have won by acclamation.

Ms. Walsh was first elected to the Board in 2010 and serves as the Chairman of the Audit Committee, the Chairman of the Administration & Personnel Oversight Committee and a member of the Investment Monitoring Group.

MEMORANDUM

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 Sheila Morgan-Johnson
 Joseph C. Zimmerman, CPA

Patricia Colihan Barney, CPA
 Pamela F. Gogol
 Amy Millar
 Barbara Walsh

TO: The Commission

Date: May 2, 2017

VIA: Elizabeth M. Hewlett
 Chairman, Board of Trustees

FROM: Andrea L. Rose, Administrator
 Sheila S. Joynes, Accounting Manager

SUBJECT: FY2018 Operating Budget

RECOMMENDATION

The Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS") respectfully submits the FY2018 Operating Budget for approval. The budget totals \$2,001,968 which is an 8.9% increase from FY2017.

BACKGROUND

The Commission established the ERS effective July 1, 1972, in accordance with the Trust Agreement between the Commission and the ERS' Board. The Board's primary responsibility is to administer the ERS for the sole benefit of the members to pay the promised benefits.

Annually, the Board prepares and presents an operating budget setting forth projected expenditures for the operation of the ERS for the Commission's review and approval. The Board also prepares certain projected expenses, including banking, investment consulting and investment manager fees for the Commission's information. The Board monitors closely the fees and expenses from consultants and professional advisors.

Although there is no formal restriction or budget guideline imposed by parties outside the Board, the Board is sensitive to the limitations imposed on the Commission by the two counties. Historically, administrative expenses were equal to 1% of estimated covered payroll and the ERS consistently maintained its budget within this expense assumption. As the Commission payroll was reduced through management restructuring, the amount available for budget consideration using the 1% expense assumption decreased as work program requirements increased making it difficult to effectively manage the ERS' work program. After considerable analysis, at its February 5, 2013 meeting, the Board approved an operating budget each year based exclusively on the ERS' fiscal work program requirements which is consistent with other local retirement systems.

ANALYSIS

The Board examined each expenditure category and its funding. The FY2018 Operating Budget (Attachment 1) proposes overall spending at \$2,001,968 based on the work program requirements reflected below. The FY2018 Operating Budget is an increase of 8.9% in spending from FY2017.

Personnel Services

Total Personnel Services are estimated to increase by 14.1% from FY2017 due to salary adjustments, possible reclassifications, health insurance and OPEB costs. The ERS staff consists of nine full-time employees. The FY2018 Operating Budget includes a placeholder for salary adjustments and position reclassifications because of the Commission's Classification and Compensation Study. The employer pension contribution increased from 13% in FY2017 to 16.06% in FY2018 for the defined benefit plan. Health insurance and OPEB costs are projected to increase by 35.2% and 11.4%, respectively. Two employees, who previously only carried dental coverage, elected health coverage in the January 2017 open enrollment, contributing to the health insurance increase.

Other Services & Charges

This category nets to an overall decrease of 1.7% and includes actuarial, auditing and tax consulting, legal, and education and training as detailed below.

Actuarial Services

Actuarial services are estimated at \$44,450 (a decrease of 30.7% from FY2017) and includes funding for the annual actuarial valuation, actuarial deficiency calculations for transfers, board and staff training, annual review of the investment and salary assumption, and additional work required because of GASB Statement No. 67 and 68. A decrease in fees resulted from issuance of a Request for Proposal in 2017.

Auditing & Tax Consulting Services

Auditing & Tax Consulting Services is projected at \$23,210 (a decrease of 25.2% from FY2017) and includes funding for the annual audit, tax advice related to the ERS' alternative investments, review of all K-1s, and assistance in navigating the filing and disclosure requirements for the ERS' international investments. A decrease in fees resulted from selection of a new auditor following the issuance of a Request for Proposal in 2016.

Legal Services

Legal services for outside pension counsel are projected at \$145,000 (the same amount proposed in FY2017) and includes issues related to the new and existing alternative investment structures, plan member issues, and maintenance of the ERS' tax qualified status. The robust funding for outside counsel affords the Administrator the flexibility to use outside counsel for specialized matters.

Education & Training

Education & Training for the Board and Staff is important to maintain the highest standards of fiduciary responsibility. Training is budgeted at \$37,350 which is an 8.3% increase from FY2017. This amount includes required technical training based on the current Oracle upgrades.

Rent

Rent increased by 13.2% from FY2017. This change is in anticipation of replacement windows and other major repairs for the EOB location.

Chargebacks, Capital Outlay & Additional Information

The chargeback to the Finance Department for technology services is \$47,200. The Board continues to maintain Commission standards for hardware, software, security and access control provided funds are available.

The Commission's General Counsel's office provide legal services to the ERS in the areas of contract review and negotiation, litigation oversight, employee appeals and general plan advice. The ERS reimburses the General Counsel's Office through a chargeback of \$64,200 for these services.

There is no capital outlay anticipated for FY2018.

Staff delayed the search for a new pension software solution in FY2017 as a result of the challenges with the Commission's ERP project. Ideally, the search will begin in FY2018 with project implementation in FY2019.

FY2015 Investment Services

Attachment 2 estimates fees for bank custodial services provided by The Northern Trust Company of Chicago, Illinois; investment consulting services provided by Wilshire Associates of Pittsburgh, Pennsylvania; and investment management services provided by investment managers. Investment manager fees fluctuate based on the market value of the portfolio.

Attachments

1. FY2018 Operating Budget
2. FY2018 Investment Services

The Maryland-National Capital Park and Planning Commission
Employees' Retirement System

FY 2018 Operating Budget

	FY2015	FY2016	FY 2017		FY 2018	Variance		
	Actual as of 30-Jun-15	Actual as of 30-Jun-16	Budget	Actual as of 31-Jan-17	Projected as of 6/30/17	Proposed	Amount	%
PERSONNEL SERVICES:								
SALARIES-FULL TIME	773,367	825,467	886,936	510,219	886,936	952,200	65,264	7.4%
SALARIES-PART TIME	0	19,152	0	0	0	0	0	0.0%
NON CAREER	0	0	0	493	0	0	0	0.0%
TOTAL SALARIES	773,367	844,619	886,936	510,712	886,936	952,200	65,264	7.4%
EMPLOYEE BENEFITS	291,410	292,874	297,391	188,687	315,391	402,099	104,708	35.2%
OPEB BENEFITS	11,934	11,934	13,749	13,749	13,749	15,315	1,566	11.4%
RETIREE BENEFITS	6,332	7,176	7,938	3,780	7,652	8,132	194	2.4%
TOTAL BENEFITS	309,676	311,984	319,078	206,216	336,792	425,546	106,468	33.4%
ACCRUED LEAVE	9,543	12,398	17,923	0	17,923	18,218	295	1.6%
TOTAL PERSONNEL SERVICES	1,092,586	1,169,001	1,223,937	716,928	1,241,651	1,395,964	172,027	14.1%
SUPPLIES & MATERIALS:								
OFFICE SUPPLIES & FURNITURE	4,488	6,563	6,500	937	6,500	6,500	0	0.0%
COMPUTER SUPPLIES	7,187	5,631	10,500	0	0	10,500	0	0.0%
TOTAL SUPPLIES & MATERIALS	11,675	12,194	17,000	937	6,500	17,000	0	0.0%
OTHER SERVICES & CHARGES:								
PROFESSIONAL SERVICES:								
Actuarial	42,360	71,160	64,170	24,250	45,000	44,450	(19,720)	-30.7%
Auditing & Tax Consulting	26,461	31,523	31,050	10,490	27,000	23,210	(7,840)	-25.2%
Legal	114,108	108,992	145,000	46,886	100,000	145,000	0	0.0%
Computer Consulting	0	2,145	22,500	0	22,500	22,500	0	0.0%
EDUCATION AND TRAINING								
MEMBERS	0	0	500	0	0	500	0	0.0%
STAFF	4,674	6,009	13,000	8,659	13,000	15,850	2,850	21.9%
TRUSTEES	7,100	4,915	21,000	7,024	14,000	21,000	0	0.0%
SUBTOTAL EDUCATION AND TRAINING	11,774	10,924	34,500	15,683	27,000	37,350	2,850	8.3%
ADVERTISING	0	239	3,500	0	760	1,000	(2,500)	-71.4%
COMMUNICATIONS	2,251	1,249	1,500	0	1,500	1,500	0	0.0%
POSTAGE	5,754	4,079	5,000	303	5,000	5,000	0	0.0%
INSURANCE								
FIDUCIARY LIABILITY	33,900	34,630	35,669	35,719	35,719	36,791	1,122	3.1%
BUSINESS/GENERAL LIABILITY	272	1,204	1,248	1,179	1,347	1,388	140	11.2%
FIDELITY BOND	1,756	1,756	1,863	0	1,863	1,919	56	3.0%
CYBER INSURANCE	0	0	0	3,944	3,944	4,062	4,062	0.0%
SUBTOTAL INSURANCE	35,928	37,590	38,780	40,842	42,873	44,160	5,380	13.9%
MEMBERSHIPS AND SUBSCRIPTIONS	2,455	2,520	2,670	1,245	2,670	2,739	69	2.6%
MISCELLANEOUS SERVICES:								
Payroll Services	3,595	3,423	4,680	2,005	4,680	4,680	0	0.0%
PRINTING & BINDING	0	465	1,000	0	1,000	1,000	0	0.0%
RENT:								
Office	86,317	96,015	96,015	56,009	96,015	108,680	12,665	13.2%
Copier	4,142	4,375	5,000	0	5,000	5,000	0	0.0%
MAINTENANCE/LICENSING	26,120	25,450	26,000	1,731	26,000	26,800	800	3.1%
OTHER	3,442	3,588	4,535	1,907	4,535	4,535	0	0.0%
TOTAL OTHER SERVICES & CHARGES	364,707	403,739	485,900	201,351	411,533	477,604	(8,296)	-1.7%
CHARGEBACKS-M-NCPPC:								
CHARGEBACKS-FINANCE	47,200	47,200	47,200	47,200	47,200	47,200	0	0.0%
CHARGEBACKS-LEGAL	64,200	64,200	64,200	64,200	64,200	64,200	0	0.0%
TOTAL CHARGEBACKS	111,400	111,400	111,400	111,400	111,400	111,400	0	0.0%
CAPITAL OUTLAY:								
TOTAL CAPITAL OUTLAY	0	0	0	0	0	0	0	0.0%
TOTAL	1,580,368	1,696,334	1,838,237	1,030,616	1,771,084	2,001,968	163,731	8.9%

ATTACHMENT 2

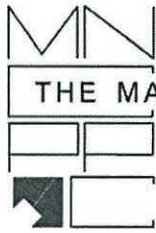
**The Maryland-National Capital Park and Planning Commission
Employees' Retirement System**

FY 2018 Investment Services

	<u>Actual FY 2015</u>	<u>Actual FY 2016</u>	<u>Estimated FY 2017</u>	<u>Estimated FY 2018</u>	<u>% Increase</u>
Bank Custodial Services	\$ 286,571	\$ 277,832	\$ 293,218	\$ 302,015	3.00%
Investment Consulting Services	\$ 196,700	\$ 196,900	\$ 198,900	\$ 193,000 ⁽²⁾	
Investment Management Services	\$ 2,371,074	\$ 2,869,721	\$ 3,915,334	\$ 4,189,407 ⁽¹⁾	
Total	\$ 2,854,345	\$ 3,344,453	\$ 4,407,452	\$ 4,684,422	

(1) Investment manager fees fluctuate based on the market value of the portfolio. The market value per Wilshires' report as of December 31, 2016 was \$822,290,000. Estimated fees of 44.5 basis points are based on a 7.0% return assumption for 2016 and a 7.0% return for 2017 with no further assumption rate change for 2018.

(2) Investment Consulting services include fees for the primary investment consultant, Wilshire Associates' - Agreed upon new 2018 Fees.



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

May 10, 2017

TO: Commissioners

FROM: John Kroll, Corporate Budget Manager 

SUBJECT: FY18 Budget Update – Proposed Amendment

Recommendation:

Approve the proposed budget adjustment that has been requested by PGC Parks and Recreation to increase the Park Fund operating and capital budgets.

Discussion:

Since the budget was proposed in January 2017, the Prince George's Department of Parks and Recreation experienced the loss of Tucker Road Ice Rink to a building fire. There is intense community and elected official interest for the Department to reconstruct the ice rink as soon as possible. At the May 2nd COW (Committee of the Whole) hearing, the Department amended the Proposed CIP to include a project for the replacement of Tucker Road Ice Rink with a proposed expenditure authorized of \$9 million. The \$9 million amount is based on preliminary estimates of the cost to replace the damaged facility. The Commission is seeking an insurance claim of \$9 million, which is the planned funding source for the replacement. In addition, preliminary estimates of the total cost to construct a facility that meets the community's requested ice rink needs are greater than \$9 million.

Revised property tax revenue projections for the Park Fund, based on the most updated information from SDAT (State Department of Assessments & Taxation), have increased by \$4.6 million. It is financially feasible to use this additional revenue for a one-time capital expenditure such as Tucker Road Ice Rink. Therefore, the Department of Parks and Recreation is recommending that the FY18 Proposed Operating Budget and Capital Budget be amended to provide additional resources for the replacement of Tucker Road Ice Rink.

Recommended Amendment to Proposed FY18 Budget

Prince George's Department of Parks and Recreation

<u>Park Fund</u>	<u>Proposed</u>	<u>Amended Proposed</u>	<u>Change</u>
Paygo Transfer to CIP	\$7,000,000	\$11,600,000	\$4,600,000
<u>CIP Fund</u>	<u>Proposed (5/2)</u>	<u>Amended Proposed</u>	<u>Change</u>
Tucker Road Ice Rink (EC081884)	\$9,000,000	\$13,600,000	\$4,600,000

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

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	03/16	04/17	03/17	04/17	03/16	04/17	03/16	04/17
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	1	0	0	0	0	0	1
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	1	1	2	2	0	1	3	4
FINANCE DEPARTMENT	1	1	2	1	0	0	3	2
PRINCE GEORGE'S PLANNING	2	1	2	0	1	0	5	1
PRINCE GEORGE'S PARKS & RECREATION	2	3	2	0	0	0	4	3
MONTGOMERY COUNTY PARKS	1	1	1	0	0	0	2	1
MONTGOMERY COUNTY PLANNING	2	1	2	0	0	0	4	1
DEPARTMENT TOTAL BY DAYS LATE	9	9	11	3	1	2	---	---
COMMISSION WIDE TOTAL:							21	14

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

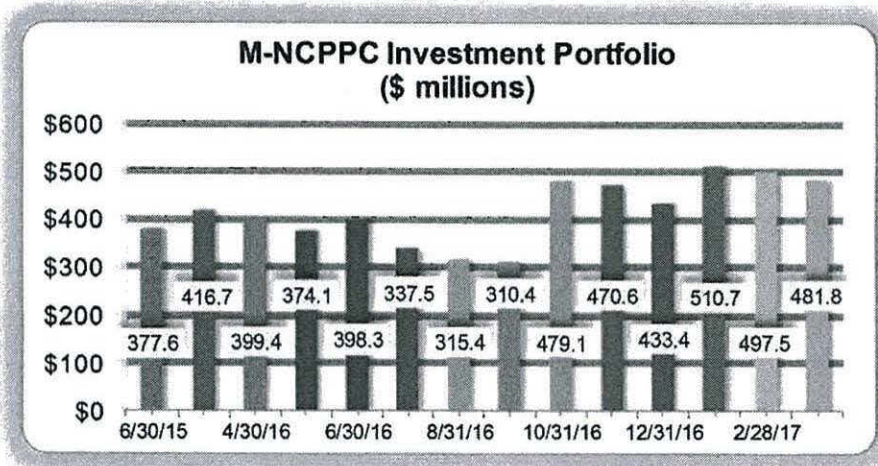


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

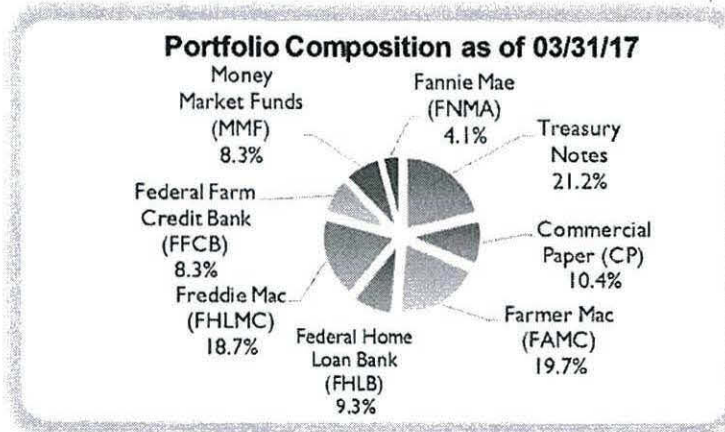
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *[Signature]*
DATE: 4/10/2017
SUBJECT: Investment Report – March 2017

The Commission’s pooled cash investment portfolio totaled \$481.8 million as of March 31, 2017, with a 3.2% decrease from February 28, 2017. Details are as follows:

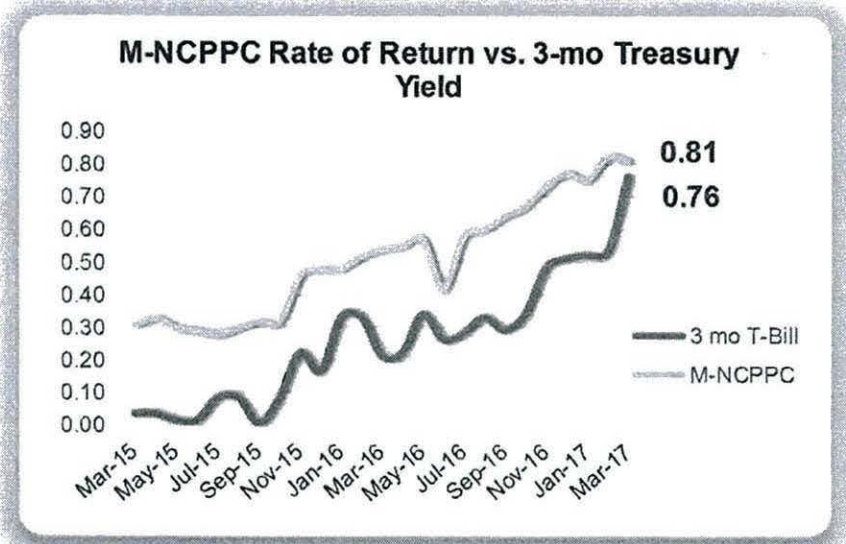


The composition of the pooled cash portfolio as of March 31, 2017 is summarized below:

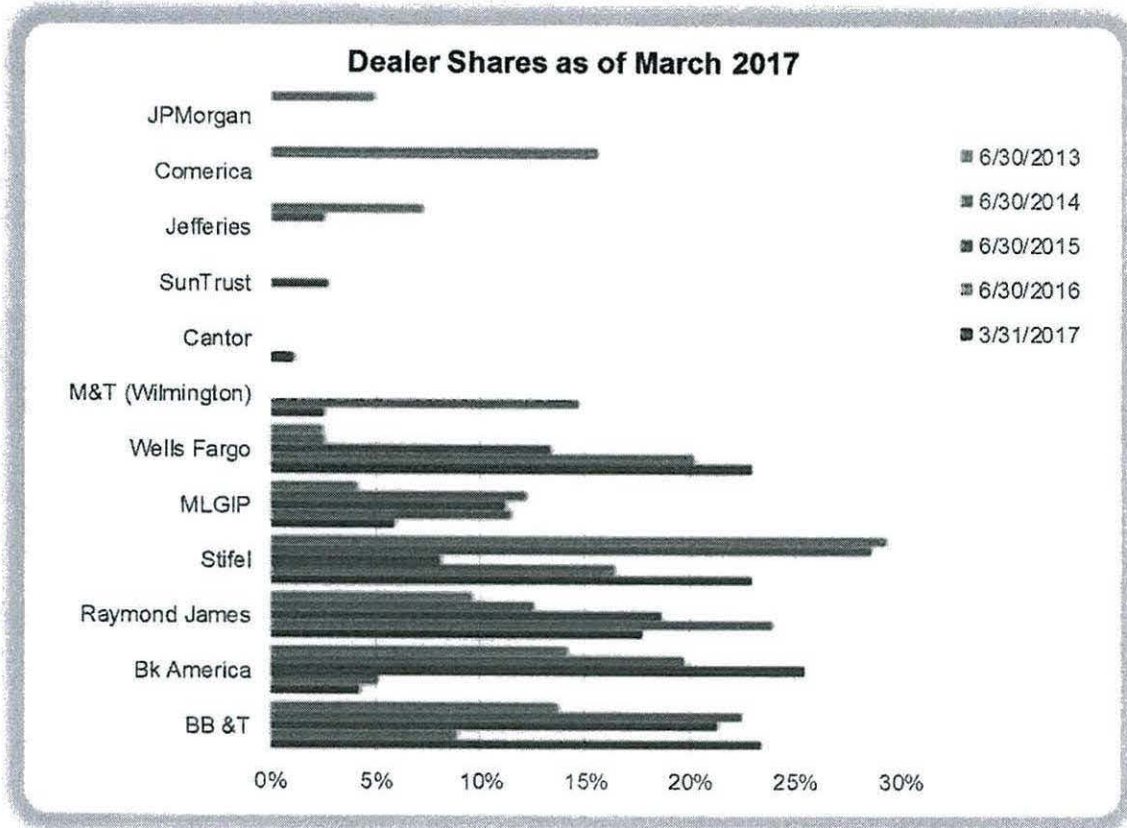


Current Investment Portfolio - March 2017				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Treasury Notes	100%	21%	\$ 102,000,000	0.75%
Farmer Mac	20%	20%	95,000,000	0.66%
Freddie Mac	20%	19%	90,000,000	0.89%
Commercial Paper	10%	10%	50,000,000	1.35%
Federal Home Loan Banks	20%	9%	45,000,000	0.90%
Federal Farm Credit Bureau	20%	8%	40,000,000	0.81%
Money Funds	25%	8%	39,800,819	n/a
Fannie Mae	20%	4%	20,000,000	0.65%
Certificates of Deposit	50%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 481,800,819	0.86%

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- 03/31/17	
Montgomery County (MC-2016A) \$	3,633,108
	\$ 3,633,108

The Commission had no debt service payments during the month.

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

Debt Balances - March 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	3,683,126	21%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	6,865,000	49%	Mar-10	May-21
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	6,135,000	54%	Jun-12	Jun-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-25
Total Prince George's County	\$ 94,185,000	\$ 64,288,126	68%		
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	\$ 156,540,000	\$ 111,413,126	71%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2017 - **March 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	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 5 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.81% and 0.76%, respectively.					



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

Reply To

May 8, 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 April, 2017

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, May 17, 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.

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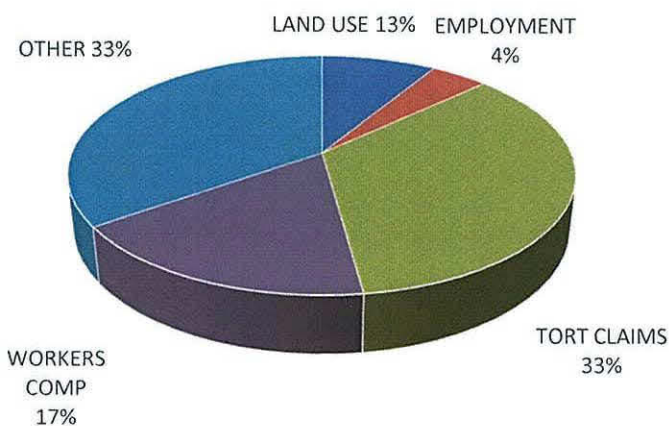
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April 2017 Composition of Pending Litigation

(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
Tort Claim	8						8
Employment Dispute	1						1
Contract Dispute	1			1			2
Property Dispute			1				1
Civil Enforcement	1						1
Workers' Compensation	4						4
Debt Collection							0
Bankruptcy							0
Miscellaneous	3		1		1		5
Per Forum Totals	18	1	3	1	1	0	24

OVERVIEW OF PENDING LITIGATION



By Major Case Categories

April 2017 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2017			
	Pending In Mar/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			2		1	1
Admin Appeal: Other (AAO)	0			0			0
Land Use Disputes (LD)	1			3		3	1
Tort Claims (T)	7	1		10	9	9	8
Employment Disputes (ED)	1			1	1	1	1
Contract Disputes (CD)	2			3	1	2	2
Property Disputes (PD)	1			1	2	2	1
Civil Enforcement (CE)	1			1			1
Workers' Compensation (WC)	7		3	12	2	10	4
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	4	1		4	3	3	5
Totals	25	2	3	37	18	31	24

**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

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

**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
Cohhn, 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

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

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
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- Stipulation of 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 dismissed.	settled and
Dixon v. Commission	Claimant/employee is appealing WCC Order denying that further medical treatment and total temporary disability.	01/10/17-Case dismissed.	settled and
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 grants Petition for Certiorari of Commission and URS	of Appeals
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.	by
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.	to
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 dismissed.	and
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. 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.
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.
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.
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.
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/Appellant.
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		
Sutton v. Commission	Defense of police liability claim	01/13/17-Commission's Motion for Summary Judgment granted, case dismissed.
Office of Internal Audit		

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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
05/31/17	Trial date

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

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
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
09/11/17	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: 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 v. Fulwood
CAL16-02193 (WC W070371)

Lead Counsel: Foster
Other Counsel:

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

Status: Case remanded to WCC.

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	Status conference
01/25/17	Pre-trial statement filed by Commission
04/19/17	Case remanded to WCC

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
05/19/17	Motions hearing

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

Napier v. Sewell

CAL17-04285 (Tort)

Lead Counsel: Foster
Other Counsel:

Abstract: Defense of claim for personal injury involving automobile accident.

Status: Case dismissed.

Docket:

02/14/17	Complaint filed
04/04/17	Commission filed Motion to Dismiss Complaint and/or in the alternative, Motion for Summary Judgment
04/26/17	Court grants Commission's Motion to Dismiss

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	ADR hearing date
07/31/17	Trial date

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

Lead Counsel: Dickerson
Other Counsel:

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

Status: Complaint filed.

Docket:

09/30/16	Complaint filed
01/03/17	Motion to Dismiss or in the alternative, Motion for Summary Judgment filed by Defendant, P. G. County
01/06/17	Status Conference
01/31/17	Plaintiff's Opposition to Defendant, PG County's Motion to Dismiss

03/08/17	Defendant, PG County files answer to Complaint
04/24/17	Amended Complaint filed
05/03/17	Commission served with amended complaint
06/09/17	Pretrial conference

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: Foster
Other Counsel:

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

Status: Case dismissed and remanded.
Docket:

12/30/15	Petition for Judicial Review filed
01/21/16	Response to Petition filed
06/08/16	Pretrial conference
04/04/17	Case continued; entry of new counsel for Claimant/Employee
04/19/17	Case dismissed and remanded to WCC

Watkins v. Commission
CAL16-07583 (WC W050003)

Lead Counsel: Foster
Other Counsel:

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

Status: Case dismissed and remanded.
Docket:

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.
04/04/17	Case continued; entry of new counsel for Claimant/Plaintiff
04/19/17	Case dismissed and remanded to WCC

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

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

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; Court orders continuation of stay; to remain on docket
06/08/17	Status Hearing

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
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
06/02/17	Scheduling hearing
12/14/17	Pretrial and settlement conference

MARYLAND COURT OF SPECIAL APPEALS

Cohn 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
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: Defense 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

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: Affirmed.

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
04/24/17	Court of Appeals affirms

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
09/27/17	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 #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

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