



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

December 20, 2017

9:30 a.m. – 11:30 a.m.

Prince George's County Department of Parks and Recreation

Auditorium

6600 Kenilworth Avenue

Riverdale, Maryland 20737

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING**

Wednesday, December 20, 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 Open Session – November 15, 2017	(+*)	Page 3		
3.	General Announcements (9:35)				
a)	Prince George's Department of Parks and Recreation Winter Festival of Lights – Watkins Regional Park (November 24, 2017 – January 1, 2018)				
b)	Montgomery Parks Department "Holly Days" Garden of Lights Display – Brookside Gardens (November 24, 2017 – January 1, 2018)				
4.	Committee Minutes/Board Reports (For Information Only): (9:40)				
a)	Executive Committee Meeting – December 12, 2017	(LD)			
b)	Regular Board of Trustees Meeting Minutes – November	(+)	Page 7		
5.	Action and Presentation Items (9:45)				
a)	Resolution #17-33 Land Exchange between the Commission and Piscataway Clinton, LLC. (P Sun/H. Asan)	(+*)	Page 13		
b)	Resolution #17-38 Adoption of the Rock Spring Sector Plan (N. Sturgeon)	(+*)	Page 17		
c)	Comprehensive Annual Financial Report for the Fiscal Year End June 30, 2017 (C. Lehman/B. Seymour - SB and Company, LLC./B. Walsh)	(+)	Page 29		
d)	OPEB Valuation Presentation (Bolton Partners/B. Walsh)	(+)	Page 47		
e)	Resolution #17-36 Fiscal Year 2019 Proposed Budget Adoption (Kroll)	(H*)			
f)	Status Report Employee Program for People with Disabilities (Glover/Spencer)	(+)	Page 57		
6.	Officers' Reports (11:00)				
a)	Executive Director's Report (For Information Only) Employee Evaluations Not Completed by Due Date (November 2017)	(+)	Page 63		
b)	Secretary Treasurer Investment Report (October 2017)	(+)	Page 65		
c)	General Counsel				
1)	Litigation Report (November 2017)	(+)	Page 71		
2)	Legislative Update				

(+) Attachment

(++) Commissioners Only

(*) Vote

(H) Handout

(LD) Late Delivery



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

Commission Meeting
 Open Session Minutes
 November 15, 2017

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

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair
 Dorothy Bailey (arrived at 10:15 a.m.)
 Manuel Geraldo
 A. Shuanise Washington
 William Doerner

Montgomery County Commissioners

Casey Anderson, Vice-Chair
 Gerald Cichy
 Norman Dreyfuss
 Tina Patterson
 Natali Fani-Gonzalez

Chair Hewlett convened the meeting at 9:43 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Geraldo to approve the Commission agenda
 Seconded by Washington
 9 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

a) Open Session – October 18, 2017
 b) Closed Session – October 18, 2017
ACTION: Motion of Geraldo to approve the Commission minutes
 Seconded by Washington
 9 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Hewlett made the following announcements:

- Commission-wide Employee Open House at Newton White Mansion
 December 8, 2017 (11:00 a.m. – 3:00 p.m.)
- Prince George's Department of Parks and Recreation Winter Festival of Lights – Watkins Regional Park – (November 20th – January 1, 2018)
- Montgomery Parks Department "Holly Days" Garden of Lights Display – Brookside Gardens (November 24th – January 1, 2018)
- November is:
 - November 15th is "America Recycles Day"
 - November 16th is "The Great American Smoke Out" designated by the American Cancer Society to encourage someone you know to make the decision to quit smoking
 - American Lung Cancer Awareness Month
- Commissioner Bailey is receiving the Greater Washington Community Foundation of Prince George's County 2017 Civic Leadership Award for community leaders who work tirelessly to enhance the quality of life in the county.
- Commissioner Geraldo inquired whether the Commission is donating items to the Virgin Islands in addition to Puerto Rico, as both were affected by the recent hurricanes.
 Commissioner Washington inquired whether there could be a donation effort to all areas

affected by hurricanes. Chair Hewlett advised she will have her staff consider how to address additional areas affected by hurricanes.

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

- a) Executive Committee – Closed Session – November 1, 2017
- b) Regular Board of Trustees Meeting Minutes – September 5, 2017

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Fiscal Year 2018 GFOA Budget Award and Photo Op (Kroll)
The Commission received a distinguished presentation award for excellence from the Government Finance Officers Association (GFOA) of the United States and Canada. The Commission has received this award for 32 consecutive years. Chair Hewlett and Vice-Chair Anderson commended John Kroll, Corporate Budget Manager and all budget staff throughout the Commission who contributed to the compilation of the FY18 Budget. A group photo was taken.
- b) Resolution #17-34, Actuarial Valuation Presentation with a Recommendation to Approve an employer Contribution in the Amount of \$24,792,093.00 (Rose/Boomershine Consulting Group)
Andrea Rose, Administrator for the Employees' Retirement System and Senior Actuary, David S. Boomershine of Boomershine Consulting presented for approval the July 1, 2017 actuarial valuation which includes a change in the investment return assumption from 7.00% to 6.95%. In order to meet the Employees' Retirement System's funding objectives, the recommended employer contribution of \$24,792,093, is payable July 1, 2018 for fiscal year 2019. Suggestions/corrections which arose during the presentation as follows:
 - Commissioner Doerner requested that future reports reflect 10 year projections instead of 5 year projections in the next report. Mr. Boomershine confirmed that 10 year projections will be made available for the next report.
 - Mr. Boomershine announced a correction on page 14 of the Actuarial Review (page 29 of the Commission packet). Under 6/30/17 for the Net Pension Liability, the System's Net Pension Liability should state \$123,000,000.00 instead of \$150,000,000.00 and the Funding Ratio should state 88% instead of 90%.

ACTION: Motion of Cichy to approve Resolution #17-34
Seconded by Doerner
9 approved the motion

- c) Follow-up on Defined Contribution Plan (McDonald/Boomershine Consulting)
Jennifer McDonald, Health and Benefits Manager reported she was asked to follow up with Montgomery County Government and Montgomery College on how many employees choose their defined benefit versus their defined contribution plans. These groups reported that they did not maintain these statistics. Executive Director Barney indicated that she spoke with staff from Montgomery County Government's Department of Finance and learned that their MCGEO employees default to a defined benefit plan and non-union employees default to a defined contribution plan, but both have the option to select the other plan. Executive Director Barney will continue to try to get additional information from Montgomery County. Commissioner Dreyfuss mentioned that he would reach out to the Montgomery County Council for assistance with obtaining an estimate of the requested information. Commissioner Cichy commended Andrea Rose and the Board of Trustees for their excellent work with the pension program.

Senior Actuary, David Boomershine of Boomershine Consulting presented background on Alternative Retirement Plan Approaches for the Commission. The report outlined the

differences and benefits of defined benefit plans, defined contribution plans and cash balance plans. In his cost comparison, he stated that defined benefit plans cost an average 8.5% of payroll as compared to defined contribution plans which are at 9%. He also explained that typical benefit accrual patterns revealed higher accruals for defined contribution plan at an employee's earlier service years; however, at time of normal retirement, the benefit accrual under the defined benefit plan were considerably greater. The Commissioners discussed the various plans, costs and benefits, and determined that the background supported the agency's decision to offer the defined benefit plan. No further research was needed at this time.

- d) Resolution #17-35, Approval of Employees' Retirement System Plan Amendments for the Inspector General and Plan C Military Buy Back (Rose/Reynolds)
Andrea Rose introduced the approval of the plan document amendments for the Inspector General and Plan C Military Buy Back, effective October 1, 2017, as adopted by the Board of Trustees on November 1, 2017.
ACTION: Motion of Washington to approve Resolution #17-35
 Seconded Cichy
 10 approved the motion
- e) Classification and Compensation Study Briefing (Spencer/King/Cannon)
Boni King, Classification and Compensation Manager and William Spencer Corporate Human Resources Director provided an update of the M-NCPPC Classification Study Update. In 2015, priorities were established with input from the Department Heads on the order in which job classifications should be updated. Fifteen priorities were identified; the Classification and Compensation office is presently working through priorities one through six. An outside consultant is involved with reviewing specifications to make clear distinctions between the position levels. Commissioner Washington commented that the consultant should be working with the Department Heads to educate them on how to manage employee expectations of the process. Ms. King explained this was not part of the consultant's contract. Executive Director Barney indicated that team would look into how this can be incorporated into the consultant's work. Robin Cannon, Principal Classification and Compensation Specialist provided an update of the job allocation process as noted in the meeting packet.

At the conclusion of the review, Commissioner Cichy inquired of whether a provision could be added to the regulations to protect an employee from receiving a demotion in pay as a result of the classification review, which lowered his position Ms. King explained that the existing personnel regulations allow employees to retain their salaries for two years. Mr. Spencer explained that an appeal process currently exists and the position could always be reevaluated if the position duties changed during the two years.

- f) Sustainability Update (Aparicio/Poore)
Prince George's County Parks and Recreation Special Programs Division Chief Anthony Nolan introduced Sustainability Committee members: Montgomery County Parks Sustainability Coordinator Amanda Aparicio, Montgomery County Parks Facilities Management Division Chief Jim Poore, Montgomery County Parks Natural and Historic Research and Development Division Chief Chris Fanning, and Montgomery County Planning Special Projects Coordinator Christine McGrew.

Mr. Nolan and Ms. Aparicio presented the M-NCPPC July 2015 – June 2017 Sustainability Report and the July 2017 – June 2019 Montgomery County and Prince George's County Sustainability Plan. Mr. Nolan will post the Sustainability Plan on the M-NCPPC website.

Commissioner Doerner requested that the Sustainability Committee work with the Planning departments to ensure sustainability efforts are considered in zoning re-writes. Chair Hewlett and Vice-Chair Anderson thanked the Sustainability Committee for an outstanding report.

ITEM 6

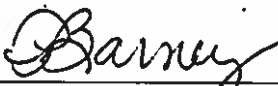
OFFICERS' REPORTS

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

- b) General Counsel (For information only)
 - 1) Litigation Report (October 2017)
 - 2) Legislative Update

Chair Hewlett adjourned the meeting at 11:58 a.m.


Deirdra S. Walker, Administrative Specialist


Patricia Colihan Barney, Executive Director



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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, November 7, 2017; 10:00 A.M.

ERS/Merit Board Conference Room

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, November 7, 2017 at 10:00 a.m. Voting members present were: Khalid Afzal, Patricia Barney, CPA, Howard Brown, Gerald R. Cichy, Pamela F. Gogol, Dr. Alicia Hart, Amy Millar, Sheila Morgan-Johnson, Barbara Walsh and Joe Zimmerman, CPA. Elizabeth M. Hewlett was absent.

ERS staff present were: Andrea L. Rose, Administrator; Heather D. Brown, Senior Administrative Specialist; Sheila S. Joynes, Accounting Manager; Eleanor Dagirmanjian, Retirement Benefits Analyst; Lisa Butler, Senior Retirement Benefits Analyst; Antonia Lanier, Member Relations Manager; and, Ann McCosby, Systems Manager.

Others present included: M-NCPPC Staff – John Kroll, Corporate Budget Manager and Anju Bennett, Chief of Corporate Policy & Management Operations and Wilshire Associates - Bradley A. Baker, Vice President (via conference call).

Presentations by Boomershine Consulting Group- David S. Boomershine, Senior Consulting Actuary and President; and, M-NCPPC Legal Department - LaTonya Reynolds, Senior Counsel.

In the absence of the Chairman, VICE CHAIRMAN CICHY opened the meeting.

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 November 7, 2017 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, September 5, 2017
- C. Disbursements Granted Reports – August and September 2017

The November 7, 2017 Board of Trustees Meeting Agenda was revised to include Section 3-305(b)(7) to consult with legal counsel to Item 7 Closed Session.

MS. BARNEY made a motion, seconded by MS. WALSH to approve the Consent Agenda which includes the revision to the November 7, 2017 Board of Trustees Meeting Agenda. The motion PASSED unanimously (10-0). (Motion #17-52)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary
- B. 2017 Public Pension Funding Forum Report by Andrea Rose and Patricia Barney, CPA

3. MISCELLANEOUS

No miscellaneous reported.

4. REPORTS/PRESENTATIONS

A. Boomershine Consulting Group

Presentation by David S. Boomershine, Senior Consulting Actuary and President

- i. M-NCPPC Trustee Education November 2017
- ii. Actuarial Valuation Review as of July 1, 2017
 - a. Recommendation to Approve an Employer Contribution of \$24,792,093 Payable July 1, 2018
- iii. Report: Annual Review and Actuarial Valuation as of July 1, 2017

David Boomershine conducted an actuarial educational session covering the mechanics and risks of pension funding and the role of the trustee.

Mr. Boomershine reviewed the results of the July 1, 2017 Actuarial Valuation which shows the funded ratio of the actuarial value of assets to the actuarial accrued liability for benefits was 90.7%, which was up from 90.2% in 2016.

To meet the funding objectives, a recommended employer contribution of \$24,792,093 (16.44% of covered payroll) is payable July 1, 2018 for fiscal year 2019 a slight decrease from \$24,822,301 (17.3% of covered payroll) for fiscal year 2018, primarily due to an actuarial gain.

The July 1, 2017 Actuarial Valuation includes a change in the investment return assumption from 7.00% to 6.95%, which was approved earlier this year following a review by Boomershine Consulting Group and Wilshire Associates.

MS. GOGOL made a motion, seconded by MS. BARNEY to approve an employer contribution of \$24,792,093 (16.44% of covered payroll) payable July 1, 2018 for fiscal year 2019. The motion PASSED unanimously (9-0). MS. WALSH was out of the room. (Motion #17-53)

MS. MORGAN-JOHNSON requested consideration of an actuarial audit every 5 years which is considered a best practice, as well as, consideration to change the Experience Study from every 5 years to every 2-3 years. The Board agreed these recommendations should be considered and requested the Administration & Personnel Oversight Committee add them to its work program.

B. M-NCPPC Legal Department

Presentation by LaTonya Reynolds, Senior Counsel

- i. Memorandum dated October 13, 2017 re: Plan Document Amendments: I. Plan C Purchase of Credited Service for Military Service and II. Plans B and E Addition of the New Inspector General as an Appointed Official
 - a. Recommendation to Approve Plan Amendments effective October 1, 2017

LaTonya Reynolds presented plan amendments that are required because of changes approved by the Maryland-National Capital Park and Planning Commission ("Commission") as the Plan Sponsor and recommended the Board adopt the revised Plan Document effective October 1, 2017 incorporating the following amendments:

The amended language in Sections C-3.1 Credited Service and C-3.5 Purchase of Credited Service allows Participants in Plan C the opportunity to purchase a maximum of two years Credited Service for time served in the U.S. military as previously approved by Commission Resolution 17-26, "Adoption of Amended Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30", and Resolution 17-28, "Purchase of Military Service – Pass through to Park Police Command Staff and Candidates". Participants must pay the entire actuarial value of the Credited Service to be purchased during a specified window of time from the adoption of the plan amendments, at hire or immediately prior to retirement.

The amended language in Plans B and E recognize the new position of Inspector General and require the position to participate in the Employees' Retirement System as a condition of employment as previously approved by Commission Resolution 17-29, "Amendments to the Maryland-National Capital Park and Planning Commission Employees' Retirement System – Inclusion of the Inspector General in Plans B and E". Since Plan B is closed to new members, only a person who is a Member or Participant in Plan B would be able to continue to accrue Credited Service in Plan B after appointment to the position of Inspector General. Plan E is modified to allow the Inspector General, who can serve no more than two 4-year terms, to vest in five years rather than ten years.

MS. BARNEY made a motion, seconded by MS. WALSH to adopt the Plan Document effective October 1, 2017 incorporating amendments to Plan C for purchase of credited service for military service and Plans B and E for the addition of the new Inspector General as an appointed official, as recommended by legal counsel. The motion PASSED unanimously (10-0). (Motion #17-54)

C. Andrea L. Rose, ERS Administrator

- i. Memorandum dated October 24, 2017 re: Amendment to Investment Management Agreement for Earnest Partners
 - a. Recommendation to Approve an Amendment to the Investment Management Agreement for Earnest Partners to Revise Exhibit B - Annual Fee Schedule
- ii. Memorandum dated October 24, 2017 re: Resolution for the Contingency of the Extended or Emergency Absence of the Administrator
 - a. Recommendation to Approve a Resolution for the Contingency of the Extended or Emergency Absence of the Administrator

At its September 5, 2017 meeting, the Board approved a new tiered fee schedule for Earnest Partners. Therefore, an Amendment to the Investment Management Agreement between the ERS and Earnest Partners which includes a revised Exhibit B - Annual Fee Schedule was prepared by legal counsel. Andrea Rose presented the Amendment for the Board's review and approval.

MS. MORGAN-JOHNSON recommended specifying a retroactive effective date for the new fee schedule, clarifying the fee terms and specifying that fees are based on the market value at the end

of each quarter. The Board agreed and asked legal counsel, LaTonya Reynolds, to revise the Amendment with the recommendations prior to finalizing.

MS. BARNEY made a motion, seconded by MS. MILLAR to Approve the Amendment to the Investment Management Agreement for Earnest Partners which includes a revised Exhibit B - Annual Fee Schedule and recommended changes. The motion PASSED unanimously (10-0). (Motion #17-55)

Ms. Rose recommended approval of a Resolution for the Contingency of the Extended or Emergency Absence of the Administrator which authorizes the Secretary-Treasurer to instruct the custodian bank and investment managers and exercise signature authority in the absence of the Administrator or in emergency situations when the Administrator is unavailable.

VICE CHAIRMAN CICHY told Ms. Rose to ensure the Secretary-Treasurer was bonded in this capacity.

MS. BARNEY made a motion, seconded by MS. WALSH to approve the Resolution for the Contingency of the Extended or Emergency Absence of the Administrator which authorizes the Secretary-Treasurer to instruct the custodian bank and investment managers and exercise signature authority in the absence of the Administrator or in emergency situations when the Administrator is unavailable. The motion PASSED (9-0-1) MS. MORGAN-JOHNSON abstained. (Motion #17-56)

MS. MORGAN-JOHNSON abstained because she preferred expansion/clarification of the definition of emergency. Ms. Rose agreed to clarify/expand the definition of an emergency and present a revised Resolution at the December board meeting.

5. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated October 23, 2017

Andrea Rose presented the Administrator's Report dated October 23, 2017.

Due to the middle market direct lending presentations at the December 5, 2017 Board meeting, Ms. Rose recommended the meeting start at 9:00 a.m. The Board agreed with this recommendation.

Ms. Rose presented the Comprehensive Annual Financial Report (CAFR) and the Popular Annual Financial Report ("Annual Report") which are available on the ERS' website at <http://ers.mncppc.org>. Hard copies are available upon request. Heather Brown, Senior Administrative Specialist, and Sheila Joynes, Accounting Manager, were recognized for the preparation of these reports.

Ms. Rose informed the Board of SB & Company's (SB) self-assessment services which includes a Board Self-Assessment Tool that could be adapted to the specific needs of the Board. The Board agreed to have the Administration & Personnel Oversight Committee explore the self-assessments provided by SB and Pamela Gogol, Board Member, and make a recommendation for a workplan, timeline, and self-assessment questionnaire, as well as, SB's role as an independent third party.

6. COMMITTEE REPORTS/RECOMMENDATIONS

A. Audit Committee

Presentation by Committee Chairman, Barbara Walsh

- i. Regular Report of October 17, 2017

MS. WALSH presented the regular report for the Audit Committee meeting of October 17, 2017.

The Audit Committee met with SB & Company ("SB") for the results of the June 30, 2017 audit. William Seymour, Engagement Partner, explained that the Scope of Services with SB included an audit of the June 30, 2017 financial statements; review of the Comprehensive Annual Financial Report (CAFR); recommendations and observations noted during the audit process; and, year-round discussions on accounting and auditing issues. As of June 30, 2017, and June 30, 2016, the ERS had a Fiduciary Net Position Restricted for Pensions of \$868,155,816 and \$776,338,424, respectively. During 2017 the Fiduciary Net Position Held in Trust for Pension Benefits increased by \$91.8 million due to investment gains. SB issued a clean opinion on the financial statements. There were no material weaknesses or instances of fraud identified and SB received full cooperation from management.

B. Investment Monitoring Group Committee

Presentation by Committee Chairman, Sheila Morgan-Johnson

- i. Regular Report of September 19, 2017
- ii. Regular Report of October 17, 2017

MS. MORGAN-JOHNSON presented the regular reports for the Investment Monitoring Group meetings of September 19 and October 17, 2017.

At its September 19, 2017 meeting, the IMG met with Eaton Vance for a performance review. Eaton Vance discussed significant changes to the diversified fixed income team. Vishal Khanduja, CFA and Brian Ellis, CFA assumed co-portfolio management responsibility for the core bond strategy in which the ERS is invested. Mr. Khanduja and Mr. Ellis have industry experience of 12 years and 11 years, respectively, and less than one year at Eaton Vance since they came from the newly acquired Calvert Group. The IMG agreed to monitoring Eaton Vance in the coming quarters; changing the guidelines to allow BB securities, as requested by Eaton Vance; and awaiting a response on a request for a fee reduction. In addition, Wilshire Associates will be updating the Core Fixed Income Analysis to include C.S. McKee and others in the core fixed income space.

At its October 17, 2017 meeting, the IMG met with C.S. McKee for a performance review and discussed two revisions to the investment guidelines, including removal of the allowed use of derivatives and modification of the timeframe for corrective action for a downgraded security.

7. CLOSED SESSION

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

MS. GOGOL made a motion, seconded by MS. MILLAR to go in to Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) for

investment of public funds and to consult with legal counsel. The motion PASSED unanimously (10-0). (Motion #17-57)

The Board of Trustees meeting of November 7, 2017 adjourned at 12:15 p.m.

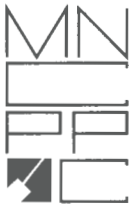
Respectfully,



Heather D. Brown
Senior Administrative Specialist



Andrea L. Rose
Administrator



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


Department of Parks and Recreation, Prince George's County

6600 Kenilworth Avenue • Riverdale, Maryland 20737

November 17, 2017

SUBJECT: PGCPB Resolution No. 17-127 (M-NCPPC No.17-33) for Full Commission Review (**Surratt House Historic Site**)

TO: The Maryland-National Capital Park and Planning Commission

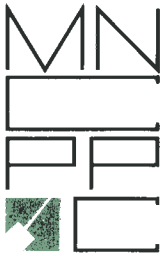
FROM: Helen Asan 
Acting Land Acquisition Supervisor
Park Planning and Development Division

Attached, please find the above-referenced Resolution regarding the land exchange between the Commission and Piscataway Clinton, LLC. The Commission and Piscataway Clinton, LLC, desire a mutual exchange of a 0.96 ± acre portion of the Commission Property (the “**Park Property**”) for 5.83 ± acres of the Piscataway Clinton, LLC Property (the “**Private Property**”). In addition, Piscataway Clinton, LLC will provide park improvement services for the **Surratt House Historic Site** in Clinton. The value of said improvements is valued at **\$319,000**.

The Resolution has been scheduled for Full Commission on December 20, 2017.

Attachment

- M-NCPPC Resolution No. 17-33



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

PGCPB No. 17-127
MNCPPC No. 17-33

RESOLUTION

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

WHEREAS, the Commission owns certain property, located on the west side of Old Branch Avenues across from the Surratt House Historic Site in Clinton, Maryland, identified on Tax Map 116, Grid C-3, as Parcel 85 containing approximately 0.96 ± acres, and approximately 0.032 ± acres immediately adjacent to Parcel 85 and further described in Liber 29455, folio 493 (collectively, the “Park Property”); and

WHEREAS, Piscataway Clinton, LLC, (the “Owner”) owns certain property located in Clinton, Maryland, identified as 9405 Brandywine Road, Clinton, Maryland 20735 (Tax Account No. 09-0975300), containing 15.41 ± total acres; and

WHEREAS, the Owner and the Commission desire to exchange a 5.83 ± acre portion of the Owner’s property (“Private Property”) and the Park Property.

NOW, THEREFORE, BE IT RESOLVED, that, subject to the approval of the Full Commission, the Commission transfer the Park Property to the Owner in exchange for the Owner’s (1) transfer of the Private Property to the Commission; (2) executed Recreation Facilities Agreement (“RFA”) to provide park improvement services at 9110 Brandywine Road (Surratt House). The value of said improvements is valued at **\$319,000**.

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, and all such certificates, 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 resolutions, without limitation, and the taking of such actions shall be conclusively to be authorized hereby.

PGCPB No. 17-127
MNCPPC No. 17-33
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, and Hewlett voting in favor of the action, with Commissioner Doerner temporarily absent and Commissioner Washington absent, at its regular meeting on Thursday, September 21, 2017, Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of October, 2017.

APPROVED AS TO LEGAL SUFFICIENCY

Shanta D. Maxwell
M-NCPPC Legal Department

Date 10/30/17

Elizabeth M. Hewlett
Chairman

Jessica Jones

By: Jessica Jones
Planning Board Administrator



Resolution of Adoption of the Approved Rock Spring Sector Plan



Nancy Sturgeon, Supervisor, Master Plan Team, Area 2 Division, nancy.sturgeon@montgomeryplanning.org, 301.495.1308



Carrie Sanders, Chief, Area 2 Division, carrie.sanders@montgomeryplanning.org, 301.495.4653

Completed: 12/13/17

Recommendation

Approve the Resolution of Adoption.

Summary

Attached for your review and approval is M-NCPPC Resolution Number 17-38 to adopt the Rock Spring Sector Plan. The Montgomery County Council, sitting as the District Council, approved the Rock Spring Sector Plan by Resolution Number 18-964 on November 14, 2017. The Montgomery County Planning Board is scheduled to approve the adoption of the Rock Spring Sector Plan by Resolution Number 17-121 on December 14, 2017.

Attachments:

1. Montgomery County Planning Board Resolution No. 17-121; M-NCPPC Resolution No. 17-38
2. Montgomery County Council Resolution No. 18-964



ATTACHMENT 1

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB NO. 17-121
M-NCPPC NO. 17-38

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and 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, pursuant to procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on December 1, 2016 on the Public Hearing Draft Rock Spring Master Plan, being also an amendment to portions of the approved and adopted 1992 *North Bethesda/Garrett Park Master Plan* and portions of the 2002 *Potomac Subregion Master Plan*, as amended, *The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*, as amended; the *Master Plan of Highways and Transitways*, as amended; and the *Countywide Bikeways Functional Master Plan*, as amended.

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on March 30, 2017, approved the Planning Board Draft Rock Spring Master Plan, recommended that it be approved by the District Council, and forwarded it to the County Executive for recommendations and analysis; 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 June 20, 2017, wherein testimony was received concerning the Planning Board Draft Rock Spring Master Plan; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Rock Spring Master Plan and forwarded those recommendations and analysis to the District Council on July 5, 2017; and

WHEREAS, the District Council, on November 14, 2017 approved the Planning Board Draft Rock Spring Master Plan subject to the modifications and revisions set forth in Resolution No. 18-964. Note that District Council Resolution No. 18-964 changed the name of the Rock Spring Plan from "Master Plan" to "Sector Plan."

APPROVED AS TO LEGAL SUFFICIENCY

Christina Smith 12/13/17
M-NCPPC LEGAL DEPARTMENT

ATTACHMENT 2

Resolution No.: 18-964
Introduced: November 14, 2017
Adopted: November 14, 2017

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Approval of March 2017 Rock Spring Master Plan

1. On April 14, 2017, the Montgomery County Planning Board transmitted to the County Executive and the County Council the March 2017 Planning Board Draft Rock Spring Master Plan.
2. The March 2017 Planning Board Draft Rock Spring Master Plan contains the text and supporting maps for an amendment to portions of the approved and adopted 1992 North Bethesda/Garrett Park Master Plan and portions of the 2002 Potomac Subregion Master Plan, as amended. It also amends The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties, as amended; the Master Plan of Highways and Transitways, as amended; and the Countywide Bikeways Functional Master Plan, as amended.
3. On June 20, 2017, the County Council held a public hearing on the March 2017 Planning Board Draft Rock Spring Master Plan. The Master Plan was referred to the Council's Planning, Housing, and Economic Development Committee for review and recommendations.
4. On July 5, 2017, the Office of Management and Budget transmitted to the County Council a corrected version of the Executive's Fiscal Impact Statement for the March 2017 Planning Board Draft Rock Spring Master Plan.
5. On July 10 and July 17, 2017, the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the Planning Board Draft Rock Spring Master Plan.
6. On October 31, 2017, the County Council reviewed the Planning Board Draft Rock Spring Master Plan and the recommendations of the Planning, Housing, and Economic Development Committee.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Planning Board Draft Rock Spring Master Plan, dated March 2017, is approved with revisions. County Council revisions to the Planning Board Draft Rock Spring Master Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring. All page references are to the March 2017 Planning Board Draft Rock Spring Master Plan.

Throughout the Plan, change the term “Master Plan” to “Sector Plan”.

Page 14: Delete the last sentence of the third paragraph and the bullets as follows:

Meeting discussions addressed linking parks and open spaces, school facility demands and options, transportation networks and connectivity, land uses, and placemaking amenities. In addition, property owners made presentations about approved and prospective plans for their sites. [All of the following meetings were held at Walter Johnson High School, with the exception of the June 6, 2016 meeting at Luxmanor Elementary, and introduced a variety of topics:

- September 17, 2015: Schools.
- October 28, 2015: Presentations by property owners.
- December 14, 2015: Placemaking.
- February 25, 2016: Parks and Transportation.
- May 23, 2016: Plan Concepts, Land Use Scenarios, and Transportation Modeling.
- June 6, 2016: Schools Follow-up.
- July 18, 2016: Preliminary Recommendations.]

Page 15: Add the following sentence at the end of the fourth paragraph as follows:

The recent emergence of new residential development within the office park further signals the readiness of the area for its repositioning as a well-integrated, amenity-rich district for existing employers and future residents. The townhouses currently under construction, along with the significant developments that have been approved at other sites, particularly Rock Spring Centre, have the potential to create a more connected, walkable, mixed-use community. As new residential development occurs, the Plan recommends the creation of affordable housing. For any new residential projects that develop under the optional method, the Plan recommends fifteen percent Moderately Priced Dwelling Units (MPDUs) be provided as a public benefit.

Page 21: Update the map to reflect Council-recommended zoning changes.

Page 24: Revise the third sentence in the third paragraph as follows:

According to Montgomery County Public Schools (MCPS), [current] in the fall of 2017 enrollment at Walter Johnson High School [is] was 2,498, and the school's capacity [is] was 2,330. [MCPS is currently conducting a feasibility study to analyze the potential for adding classrooms to the high school.]

Page 26: Delete the second sentence under "Walter Johnson High School" as follows:

Walter Johnson High School opened in 1956 and sits on approximately 31 acres of land. [MCPS is currently conducting a feasibility study to analyze the potential for adding classrooms to the high school.] Any expansion should take into consideration, as feasible under MCPS regulations and guidelines, integrating new development into the surrounding context and contributing to the advancement of a more pedestrian and bicyclist friendly area. Public schools are discussed in further detail in the Community Facilities section of this Plan.

Page 27: Add a new sentence to the end of the first full paragraph and change the zoning recommendation as follows:

The property at Rock Spring Centre offers unique potential to advance the repositioning of the Rock Spring area. Very few such large, contiguous, undeveloped properties remain downcounty, and in such a central location. The Adequate Public Facilities (APF) validity period for the approved preliminary plan expires in November 2019. Since the time of the property's original approvals, the area has changed and grown. Community facility needs have risen to the forefront of local citizens' concerns during this planning process. Should the APF expire or other amendments to approved plans be applied for, it is recommended, to the extent possible, that the property owners work with Planning staff and the Planning Board to modify the project in a manner that could address current and future community needs. This effort could include exploring the feasibility of incorporating a local community center/meeting space into the project that serves current and future residents of the area. The Plan recommends a small increase in residential FAR to encourage amendments to the existing plans.

Recommendation:

- [Confirm the existing] Rezone the property from the CR-1.5, C-0.75, R-0.75, H-275 Zone to the CR-1.5, C-0.75, R-1.0, H-275 Zone.

Page 28: Amend the third sub-bullet under the first bullet as follows:

- [Consistent with a binding element from a previous approval, provide] Provide a green space of at least 30 feet in width measured from the public right-of-way on the Aubinoe property along Berkshire Drive, and on the Wildwood Shopping Center, provide a green space of 40 feet in width measured from the curb along Berkshire Drive. This green space should act as a buffer to screen the adjacent single-family neighborhood from surface parking areas and other more intense commercial or mixed-uses on this property. The only construction to be permitted within this area shall be to provide screening, landscaping, or to provide elements to support the passive recreational use of the area, such as seating areas or trails.

Page 28: Amend the fourth sub-bullet under Georgetown Square Shopping Center as follows:

- Provide a public or private street along the western side of the property as an alternative access, with connections to the existing public high school to the west.

Page 30: Modify the last sentence of the first paragraph as follows:

For properties west of Old Georgetown Road, [Additional] additional flexibility is provided with the option of transferring density through the FAR averaging provision in the CR Zone. This area is designated as a density transfer area.

Page 30: Revise the third sentence of the second paragraph as follows:

Any application for a CRF Zone must include major public benefits [such as a school site, a park, a significant recreational amenity, funding for public transit, a library, or a recreation center] as described in Chapter 6.

Page 31: Update the map key to reflect Council-recommended zoning changes.

Page 32: Amend the first and fourth bullets as follows:

- Democracy Center (6901 Rockledge Drive): CR-1.5, C-1.25, R-0.75, H-[150] 200
- Rockledge Executive Plaza (6600 and 6610 Rockledge Drive): CR-1.5, C-1.0, R-0.75, H-[100] 200

Page 43: Delete the fifth paragraph and replace it with the following paragraph as follows:

[If there is redevelopment within the Rock Spring Master Plan area, several sites may be appropriate for consideration for a public school through an optional method development project. Each and every site should be thoroughly evaluated for a potential school site under the optional method process, notwithstanding any previous development approvals.]

Residential development in the Rock Spring, White Flint, White Flint 2, and Grosvenor-Strathmore master and sector plans has the potential to impact school enrollment. Several potential means of adding school capacity are noted in the sections below. In addition, if there is a major development or redevelopment within these planning areas, several sites or combinations of sites may be appropriate for consideration of a public school. Each and every development application should be thoroughly evaluated for a potential school site, notwithstanding any previous development approvals. It is this Plan's direction that the Planning Board will negotiate for maximum dedication of land for a school and that this be the top priority amenity under the review process for projects proceeding under these plans.

Page 44: Update the figure in the third sentence of the first bullet as follows:

Ashburton Elementary School, which serves the Rock Spring Plan area, has an addition planned that will increase its capacity to [881] 770 students.

Page 44: Update the last sentence of the first bullet as follows:

Therefore, all cluster schools will be at the high end of the range of student enrollment, with capacities ranging from [729] 714 to [881] 777, and no further additions will be considered.

Page 45: Revise the third sentence under the first bullet of “Middle Schools” as follows:

This increase will address projected enrollment through [2021-2022] 2023-2024.

Page 46: Modify the sub-bullet under the first bullet as follows:

- Construct a new middle school. There [are two] is one future middle school [sites] site in the vicinity of the Walter Johnson Cluster: the Brickyard Middle School site is in the Winston Churchill Cluster [and the King Farm Middle School site is in the Richard Montgomery Cluster]. If building a new school at [these locations] this location is not considered feasible, then the purchase of a middle school site could be considered.

Page 46: Revise the first bullet under “High Schools” as follows:

- Build an addition at Walter Johnson High School. The high school [currently has] had a capacity in the fall of 2017 of [2,335] 2,330 students. [Long] However, long-term enrollment projections for the school show enrollment reaching [3,500] 4,010 students by the year [2045] 2032. This projected enrollment does not include [any] all of the students that would be generated by the White Flint 2 and Rock Spring plans. [If the high school capacity was increased to 3,500 students or more, it may be possible to accommodate the build-out of the White Flint 2 and Rock Spring plans.]

Page 51: Add a new sentence to the end of the first paragraph as follows:

To implement these four goals for parks, trails, and open space, additional private open space and public parkland will be necessary to meet the needs of the residents and employees in this area. The recreational needs in this Plan area are currently not met by existing parkland and open space. The demand that will be generated by potential new residential development in the Plan area will create different open space needs, which will be partially met by the regulatory requirements of the zoning. Each and every site should be thoroughly evaluated for potential park and recreation facilities when optional method projects are reviewed. Multi-family residential development should be encouraged over townhouses, where appropriate, to maximize the opportunities for open space.

Page 52: Amend the sub-bullet under the second bullet and add another sub-bullet as follows:

- Community Open Space and Active Recreation at the Democracy Center property (existing private green space with basketball court and walking trail):
 - Should the existing structures on the site be razed and the property redeveloped, [or if infill is contemplated under optional method development, removal of] the existing open space on the northern portion of the site should be [discouraged. This existing open space should be] considered for the public uses described in Chapter 6, including parkland, [as a public benefit,] either through dedication, or acquisition by the County or Department of Parks. [Multi-family residential development should be encouraged over townhouses.] Any such dedication should qualify either as a public benefit or as fulfillment of the public open space requirement under optional method development.
 - If infill is contemplated under optional method development, complete removal of the existing open space on the northern portion of the site should be discouraged. The portion of the northern open space to be preserved should be considered for conversion to parkland, either through dedication as part of the public open space requirement or a public benefit, or through acquisition by the Department of Parks.

Page 52: Amend the first two bullets under “Sub-area B: Rock Spring Centre” as follows:

- Market conditions have changed since the Rock Spring Centre site plan was approved. Should the site’s Adequate Public Facilities approvals expire and/or an amendment to the approved plans be requested, the opportunity should be taken to explore the possibility of an adjustment to the development proposal that includes, subject to Chapter 6, the creation of a recreational open space to address unmet athletic field needs in the area.
- If the opportunity arises, staff at the Department of Parks and the Planning Department should work with the property owner to incorporate and potentially expand the existing publicly owned land at the former recreation center site with, subject to Chapter 6, the creation of recreational public open space on this site for athletic fields and other community amenities such as a dog park. Given the potential expansion of Walter Johnson High School, and the significant proposed development at the Rock Spring Centre site, additional recreational open space is needed in the area to serve the unmet needs of the surrounding community and the high school. Department of Parks and Planning Department staff will work with the property owner during the development or redevelopment process to create the most appropriate public recreational space. Acquisition of additional land in this sub-area may be considered to create the necessary park and recreation amenities.

Page 58: Remove the fourth paragraph as follows:

[This Plan recommends that the North Bethesda Transitway become a high-priority transit corridor to link the area with its closest Metrorail station, at Grosvenor-Strathmore, to enhance its viability, and signal to area employers and employees that the County values Rock Spring as an important office location.]

Page 59: Add a sentence to the end of the second paragraph as follows:

Old Georgetown Road and Democracy Boulevard are two major highways that form the eastern and southern boundaries of the Plan area. Westlake Drive is an arterial road (from Democracy Boulevard to Westlake Terrace) that forms the western boundary of the Plan area. Within the Plan boundaries, the only roads that are currently classified are Fernwood Road and Rock Spring Drive, which are arterials. (See Figure 17 and Table 2.) Rockledge Drive (both the north-south and curved segments), Rockledge Boulevard, Motor City Drive, and Auto Park Avenue were not designated in the 1992 Master Plan and are not currently classified in the Master Plan of Highways and Transitways (MPOHT). This Plan recommends that all public roads within the Plan area be designated as Business District Streets, as shown on Figure 17 and Table 2. This classification provides roadway design flexibility to better accommodate bicycle facilities, narrow travel lanes, lower design speeds, provide on-street parking, and consider traffic calming methods. In the long term, solutions may need to be found to bring several intersections into compliance with the Subdivision Staging Policy's congestion standard, particularly Old Georgetown Road at Democracy Boulevard and Old Georgetown Road at Tuckerman Lane.

Page 68: Modify the third and fourth paragraphs as follows:

The portion of the Plan area east of the I-270 spur is located within the North Bethesda Transportation Management District (TMD). The North Bethesda TMD, originally recommended in the 1992 *North Bethesda/Garrett Park Master Plan* and subsequently established by the County in 1994, covers all of North Bethesda, including the White Flint, Twinbrook, and Grosvenor-Strathmore Metrorail stations, as well as Rock Spring. TMD staff works in coordination with employers to develop supportive transportation demand management (TDM) programs (e.g., shuttles, carsharing, bikesharing, vanpooling, flexible work schedules, teleworking, parking policies, transit subsidies, etc.) to reduce the number of single-occupant vehicles.

Non-auto driver mode share (NADMS) is the metric used to measure the percentage of commuters who are not the driver of a single-occupant vehicle. Based on 2015 survey data provided by the Montgomery County Department of Transportation (MCDOT) Commuter Services Division, the entire North Bethesda TMD has a current NADMS of 28.2 percent. [This Plan does not recommend increasing the current North Bethesda TMD NADMS goal of 39 percent for the Rock Spring Master Plan area.] This Plan recommends an NADMS goal of 41 percent for trips from home and 23 percent for trips to work in the Rock Spring area at buildout. [However, this Plan does recommend implementation of high quality BRT service linking to Metrorail and recognizes this transit will be critical in substantially increasing the area's NADMS.] This Plan recognizes that increasing the area's NADMS will require a range of transportation management measures and recommends a high quality BRT connection to Metrorail and more frequent bus service generally.

Page 69: Modify the last paragraph and the bullets at the bottom of the page as follows:

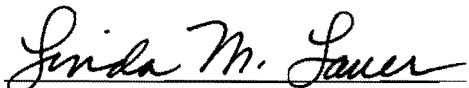
Public benefits provided under the optional method must be chosen from categories outlined in the Zoning Ordinance. The Planning Board must determine public benefit points under optional method development from the following categories: major public facility, transit proximity, connectivity and mobility, diversity of uses and activities, quality building and site design, protection and enhancement of the natural environment, and building reuse. All public benefits requested by the developer will be analyzed to make sure they are the most suitable for the Plan area, that they are consistent with the Plan's vision, and that they satisfy the changing needs of the area over time. [While applicants for the optional method of development may propose any of the public benefits listed in Section 4.7.2 of the Zoning Ordinance, there are certain benefits that should be prioritized for this Plan area, including the following:] The following public benefits are priorities for this Plan area:

- Dedication of land for needed school sites is the highest priority public amenity.
- Providing fifteen (15) percent Moderately Priced Dwelling Units (MPDUs) is the highest priority public amenity for new residential development, unless the property is required to dedicate land for a school or athletic fields that can be used by MCPS and approximate the size of a local park.
- Other than school sites, [Major] major public facilities include, but are not limited to, [a school,] land for parks and school athletic fields, significant dedications for the North Bethesda Transitway easement, a library, recreation center, County service center, [bike share station,] public transportation or utility upgrade. Major public facilities provide public services at a convenient location where increased density creates a greater need for civic uses and greater demands on public infrastructure.

General

All illustrations and tables included in the Plan will be revised to reflect the District Council changes to the Planning Board Draft Rock Spring Master Plan (March 2017). The text and graphics will be revised as necessary to achieve and improve clarity and consistency, to update factual information, and to convey the actions of the District Council. Graphics and tables will be revised and re-numbered, where necessary, to be consistent with the text and titles.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

The Maryland-National Capital Park And Planning Commission



Comprehensive Annual Financial Report
for the Fiscal Year Ended June 30, 2017

ITEM 5c

1

Land Use Article Requirements

- Section 15-115
 - Commission must publish an annual financial report certified by independent certified public accountants.
- Section 15-116
 - Commission must publish an annual report setting forth the work of the Commission for the year.

Auditor's Opinion

- Received an unqualified (clean) opinion from SB & Company, LLC

Commission Wide Activity (Millions)

	Business-		
	Governmental	type	Total
	Activities	Activities	
Revenues	\$429.2	\$20.1	\$449.3
Expenses	(381.8)	(30.9)	(412.7)
Transfers	(9.1)	9.1	-
Change in Net Position	\$ 38.3	\$ (1.7)	\$ 36.6

MONTGOMERY COUNTY ADMINISTRATION ACCOUNT- GENERAL FUND (Thousands)			
	Final Budget	Actual	Variance
Revenues:			
Total Revenues	\$ 28,370.5	\$ 28,230.1	\$ (140.4)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	29,964.2	27,325.3	2,638.9
Revenues over (under) Expenditures	(1,593.7)	904.8	2,498.5
Transfer to Park Fund	(500.0)	(500.0)	-
Change in Fund Balance	\$ (2,093.7)	404.8	\$ 2,498.5
Fund Balance - Budget Basis, Beginning		5,404.0	
Fund Balance - Budget Basis, Ending		\$ 5,808.8	

Fund balance, budget basis

Assigned (Designated for FY 2018 Budget) \$ 1,880.3

Unassigned (Designated for Contingencies) 927.9

Unassigned (net of Contingency Designation) 3,000.6

Total Unassigned 3,928.5

Total fund balance, budget basis \$5,808.8

MONTGOMERY COUNTY PARK ACCOUNT- GENERAL FUND (Thousands)			
	Final Budget	Actual	Variance with Variance
Revenues:			
Total Revenues	\$ 96,208.1	\$ 95,198.0	\$ (1,010.1)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	92,489.5	90,376.9	2,112.6
Revenues over (under) Expenditures	3,718.6	4,821.1	1,102.5
Transfers In (Out)			
Capital Project Funds	25.0	22.2	(2.8)
Debt Service	(4,847.0)	(4,838.9)	8.1
Capital Project Funds - Development	(350.0)	(350.0)	-
Special Revenue	-	(2.6)	(2.6)
Total Transfers	(5,172.0)	(5,169.3)	2.7
Change in Fund Balance	\$ (1,453.4)	(348.2)	\$ 1,105.2
Fund Balance - Budget Basis, Beginning		8,228.7	
Fund Balance - Budget Basis, Ending		\$ 7,880.5	

Fund balance, budget basis

Assigned (Designated for FY 2018 Budget)

\$ 807.5

Unassigned (Designated for Contingencies)

2,865.0

Unassigned (net of Contingency Designation)

4,208.0

Total Unassigned

7,073.0

Total fund balance, budget basis

\$7,880.5

**PRINCE GEORGE'S COUNTY
ADMINISTRATION ACCOUNT- GENERAL FUND (Thousands)**

	Final Budget	Actual	Variance with Variance
Revenues:			
Total Revenues	\$ 48,319.0	\$ 50,886.3	\$ 2,567.3
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	48,990.5	41,443.0	7,547.5
Revenues over (under) Expenditures	(671.5)	9,443.3	10,114.8
Transfer to Special Revenue Fund	(30.0)	(30.0)	-
Change in Fund Balance	(701.5)	9,413.3	\$ 10,114.8
Fund Balance - Budget Basis, Beginning		23,527.6	
Fund Balance - Budget Basis, Ending		<u>\$ 32,940.9</u>	

Fund balance, budget basis

Assigned (Designated for FY 2018 Budget)

\$ 0

Unassigned (Designated for Contingencies)

2,529.1

Unassigned (net of Contingency Designation)

30,411.8

Total Unassigned

32,940.9

Total fund balance, budget basis

\$ 32,940.9

PRINCE GEORGE'S COUNTY PARK ACCOUNT- GENERAL FUND (Thousands)			
	Final Budget	Actual	Variance with Variance
Revenues:			
Total Revenues	132,618.0	139,849.7	7,231.7
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	117,936.3	113,856.6	4,079.7
Revenues over (under) Expenditures	14,681.7	25,993.1	11,311.4
Transfers In (Out)			
Capital Project Funds - Interest	150.0	348.6	198.6
Debt Service	(11,539.6)	(10,830.8)	708.8
Capital Project Funds - Development	(6,661.0)	(6,661.0)	-
Total Transfers	(18,050.6)	(17,143.2)	907.4
Change in Fund Balance	\$ (3,368.9)	8,849.9	\$ 12,218.8
Fund Balance - Budget Basis, Beginning		118,796.9	
Fund Balance - Budget Basis, Ending		<u>\$ 127,646.8</u>	

Fund balance, budget basis

Assigned (Designated for FY 2018 Budget) \$3,011.0

Unassigned (Designated for Contingencies) 6,148.5

Unassigned (net of Contingency Designation) 118,487.3

Total Unassigned 124,635.8

Total fund balance, budget basis \$ 127,646.8

PRINCE GEORGE'S COUNTY RECREATION ACCOUNT- GENERAL FUND (Thousands)			
	Final Budget	Actual	Variance with Variance
Revenues:			
Total Revenues	\$ 76,336.3	\$ 79,834.0	\$ 3,497.7
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	63,061.0	58,732.4	4,328.6
Revenues over (under) Expenditures	13,275.3	21,101.6	7,826.3
Transfer Out - Enterprise	(9,070.3)	(9,070.3)	-
Change in Fund Balance	4,205.0	12,031.3	\$ 7,826.3
Fund Balance - Budget Basis, Beginning		25,058.5	
Fund Balance - Budget Basis, Ending		<u>\$ 37,089.8</u>	

Fund balance, budget basis

Assigned (Designated for FY 2018 Budget) \$ 0.0

Unassigned (Designated for Contingencies) 3,891.2

Unassigned (net of Contingency Designation) 33,198.6

Total Unassigned 37,089.8

Total fund balance, budget basis \$ 37,089.8

Enterprise Funds (Thousands)

	Montgomery County	Prince George's County
Operating revenues	\$ 10,671	\$ 9,228
Operating expenses, excluding depreciation	8,796	18,974
Operating income (loss), excluding depreciation	1,875	(9,746)
Depreciation	1,110	1,970
Operating Income (loss)	765	(11,716)
Nonoperating revenue (expense)	117	48
Transfers/Contributions	---	9,071
Changes in Net Position	\$ 882	\$ (2,597)

Montgomery County
Fund Balance Policy
General Fund Accounts

Goal: Fund Balance 3 – 5% of budgeted expenditures

Administration Fund:

Actual available Fund Balance \$3,928,553
13.11% of FY17 budgeted expenditures

Park Fund:

Actual available Fund Balance \$7,072,968
7.65% of FY17 budgeted expenditures

Prince George's County
Fund Balance Policy
General Fund Accounts

Goal: Fund Balance 3 – 5% of expenditures

Administration Fund:

Actual available Fund Balance \$32,940,901
67.24% of FY17 budgeted expenditures

Park Fund:

Actual available Fund Balance \$124,635,790
105.68% of FY17 budgeted expenditures

Recreation Fund:

Actual available Fund Balance \$37,089,825
58.82% of FY17 budgeted expenditures

Montgomery County Cash
Balance Policy
Enterprise Fund

Goal: Cash Balance equal to 10% of operating expenses

Minimum required cash	\$	990,597
Cash as of June 30, 2017		8,408,670
Cash as Percentage of operating expenses		84.88%

Prince George's County Cash
Balance Policy
Enterprise Fund

Goal: Cash Balance equal to 10% of operating expenses

Minimum required cash	\$ 2,094,374
Cash as of June 30, 2017	4,816,072
Cash as Percentage of operating expenses	23.00%

Montgomery County
Fund Balance Policy
Special Revenue Fund

Goal: Fund Balance 15% of expenditures

Actual ending Fund Balance \$5,153,314
89.60% of budgeted expenditures

Prince George's County
Fund Balance Policy
Special Revenue Fund

Goal: Fund Balance 10% of expenditures

Actual ending Fund Balance \$8,770,086
95.98% of budgeted expenditures

Fund Balance Policy –
Risk Management Fund

Goal – reserve net position equal to at least 2% of
prior year (2016) operating expenses

Montgomery County Fund Net Position: \$5,866,040
Percentage of 2016 Operating Expenses: 3.64%

Prince George’s County Fund Net Position: \$10,891,703
Percentage of 2016 Operating Expenses: 4.11%

Maryland-National Capital Park and Planning Commission

Other Post Employment Benefits (OPEB)



 The Maryland-National Capital Park and Planning Commission

December 20, 2017

Kevin Binder

BOLTON  **PARTNERS**

ITEM 5d

Outline

2

- Background
- Plan Changes
- Changes in Assumptions
- 5 Year Forecast
- Reconciliation
- Actuarial Certification

Background

3

- Actuarial Valuations Performed Annually
- Accounting Rules (GASB) No Longer Address “funding”
- The Report is to Provide MNCPPC a Recommended Contribution
- Accounting Results Were Provided Based on Prior Report

Plan Changes

4

- Employer Subsidy for Police Hired after 2013 decreased from 80 to 78 percent
- Employer Subsidy for General Employees Hired after 2012 or Police Hired after 2013 now depends on Service at Retirement starting at 50 percent with 10 Years of Service, 75 percent Maximum for General Employees after 25 years of service, and 78 Percent Maximum after 22 Years of Service for Police

Assumption Changes

5

- Higher Medical Trend (Similar to Montgomery County Assumption)
- Discount Rate Reduced from 7.00 to 6.95 Percent
- Claims Updated

Budget Forecast

6

	07/01/2017	07/01/2018	07/01/2019	07/01/2020	07/01/2021	07/01/2022
	-	-	-	-	-	-
	06/30/2018	06/30/2019	06/30/2020	06/30/2021	06/30/2022	06/30/2023
Unfunded Accrued Liability:						
APBO BOY	320,113,000	349,300,000	380,734,000	414,588,000	451,041,000	490,286,000
Assets BOY	61,342,780	73,943,780	87,600,780	102,645,780	119,295,780	137,852,780
Unfunded APBO	258,770,220	275,356,220	293,133,220	311,942,220	331,745,220	352,433,220
Percent Funded	19%	21%	23%	25%	26%	28%
BOY ADC (Actuarially Determined Contribution):						
Normal Cost	6,659,000	6,872,000	7,092,000	7,319,000	7,553,000	7,795,000
Amortization	15,503,000	16,790,000	18,213,000	19,774,000	21,484,000	23,352,000
Total (ADC)	22,162,000	23,662,000	25,305,000	27,093,000	29,037,000	31,147,000
Expected Employer Contributions:						
Implicit Subsidy	1,270,000	1,451,000	1,560,000	1,664,000	1,733,000	1,769,000
Net Explicit Subsidy	11,438,000	12,538,000	13,602,000	14,698,000	15,799,000	16,898,000
Additional Contribution	8,058,000	8,232,000	8,656,000	9,196,000	9,921,000	10,845,000
Total Contribution	20,766,000	22,221,000	23,818,000	25,558,000	27,453,000	29,512,000
Federal Subsidies	1,396,000	1,441,000	1,487,000	1,535,000	1,584,000	1,635,000
Total (ADC)	22,162,000	23,662,000	25,305,000	27,093,000	29,037,000	31,147,000

Reconciliation

Comparison of Current and Previous Valuation Data		
Data as of	07/01/2016	07/01/2017
Demographic Data		
Employees with Medical Coverage	1,808	1,822
Retirees	1,024	1,061
Reconciliation		
	ADC	Contribution
FYE 2017 (Previous Valuation Projection)	\$20,566,000	\$5,126,000
Increase/(Decrease) due to Asset Experience	(\$292,000)	(\$292,000)
Increase/(Decrease) due to Change in Federal Subsidy	\$0	\$373,000
Increase/(Decrease) due to Change in Employer Pay-Go Cost	\$0	\$963,000
Increase/(Decrease) due to Demographic and Claims Experience	(\$34,000)	(\$34,000)
Increase/(Decrease) due to Change in Trend	\$2,132,000	\$2,132,000
Increase/(Decrease) due to Change in Plan	(\$344,000)	(\$344,000)
Increase/(Decrease) due to Lowering Discount Rate from 7.00% to 6.95%	\$134,000	\$134,000
FYE 2017	\$22,162,000	\$8,058,000

iiiiii



Required ASOP 41 Disclosure

9

- This presentation has been prepared for the Maryland-National Capital Park and Planning Commission for the purposes of presenting the results of the actuarial valuation. It is neither intended nor necessarily suitable for other purposes. Bolton Partners is not responsible for the consequences of any other use. The Actuarial Valuation Report dated November 28, 2017, discloses the data we relied upon, the actuarial methods and assumptions, and include other required disclosures under Actuarial Standard of Practice (ASOP) #41.
- **Future medical care cost increase rates are unpredictable and could be volatile. They will depend upon the economy, future health care delivery systems and emerging technologies. The trend rate selected is based on an economic model developed by a health care economist for the Society of Actuaries. Future medical trend increases could vary significantly from the model. Model inputs will be updated periodically based on the best estimate of the economy at that time. Small changes in the model inputs can result in actuarial losses or gains of 5 to 15 percent of liabilities.**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

December 20, 2017

TO: Commission

VIA: William Spencer, Human Resources Director 
 Steven Kawakami, Supervisor, Recruitment Selection Services 

FROM:  Jeannette R. Glover, MSM, Program Manager

SUBJECT: Status Report - Employment Program for People with Disabilities

There's a huge need for the Employment Program for People with Disabilities, and yearly we receive over 100 applications.

Despite efforts made to include people with disabilities into the workforce, they continue to be the largest unemployed segment of the population locally and nationally.

In 2016, the United States had an estimated 41 million people with disabilities. Prince George's County had 87,000 or 9.7% noninstitutionalized people with disabilities and Montgomery County had 79,801 or 7.7%.

Source: U.S. Census Bureau, American Fact Finder, American Community Survey 1-Year Estimate, 2016.

2016 National Labor Force Characteristics for People with and without Disabilities

- 17.9% - of persons with a disability were employed
- 65.3% - of people without a disability were employed
- 10.5% - unemployment rate for people with a disability
- 4.6% - unemployment rate for those without a disability
- Of the 17.9% workers with a disability, 34% work part-time
- Of the 65.3% workers without a disability, 18% were employed part-time
- About 8 in 10 persons with a disability were not in the labor force
- About 3 in 10 persons without a disability were not in the labor force
- Notably, nearly half of all persons with a disability are age 65 and over

Source: U.S. Bureau of Labor Statistics, News Release, June 21, 2016.

Americans with Disabilities Act (ADA)

Signed into law in 1990, the Americans with Disabilities Act (ADA) is civil rights legislation that seeks to increase the inclusion of people with disabilities in all aspects of community life, including employment.

Since 1945, the US Department of Labor has celebrated National Disability Employment Awareness Month (NDEAM). This nationwide campaign takes place every October to raise awareness about disability employment issues and to celebrate the contributions by workers with disabilities. This year's theme "inclusion drives innovation" asserts that people with diverse perspectives working together to solve problems will strengthen a business, increase competition, and drive innovation.

Background – The Employment Program for People with Disabilities

The Program was launched in 1998 in response to community requests for greater access to employment opportunities for this population. Due to the nature of the work assignments, candidates must be high functioning.

Our integrated employment Program is making a difference in the lives of many by providing opportunities to do real work, not piece work, in workplace settings where most of the employees are not disabled. They are earning wages consistent with wages paid to workers without disabilities who are performing the same or similar work, they are earning at least minimum wage, and are paid directly by the employer.

As one parent explained, when her daughter began working her summer job she saw her personality blossom as she became more outgoing and vocal. She attributes her daughter's budding confidence and maturity to her working as a camp counselor for Prince George's County Parks and Recreation.

Providing employment opportunities to individuals with disabilities during secondary school years is a predictor of successful post-school employment.

Source: U.S. Department of Labor, Office of Disability Employment Policy, Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities, 2015.

Program Implementation 2017

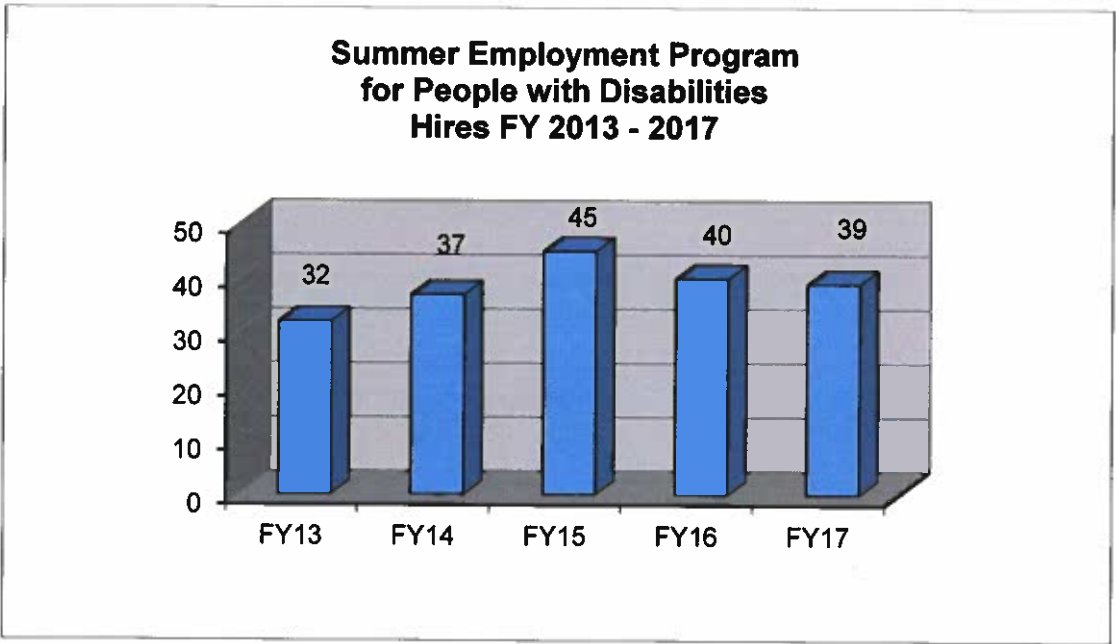
Department Heads receive a request to commit summer jobs to the Program in February/March. Once positions are identified, an email with job descriptions, applications, and instructions to schedule an interview are sent to advocacy agencies, school administrators, and individual citizens in Maryland, the District of Columbia, and Virginia. The current database has a total of 450 contacts.

This year, interviews were held May 8 through 15 and Prince George's Parks and Recreation Inclusion and Therapeutic Recreation staff sat on the interview panel. Once

selections were made, candidates were fingerprinted, then new hires received dates for in-service training.

Applicants have a variety of qualifications and skill sets. Some are high school students or recent high school graduates with little or no experience. We also receive applications from adults with work experience, degrees, and certifications.

This year 144 interviews were scheduled, 108 candidates were interviewed, and 39 positions were filled. Positions were filled for Playground/Camp Counselors, Playground Leaders/Aides, Inclusion Support Staff, Clerical, and Custodial. The largest number of hires were for the playground and camp programs.



The following chart reflects the number of employees hired per department from 2013 to 2017.

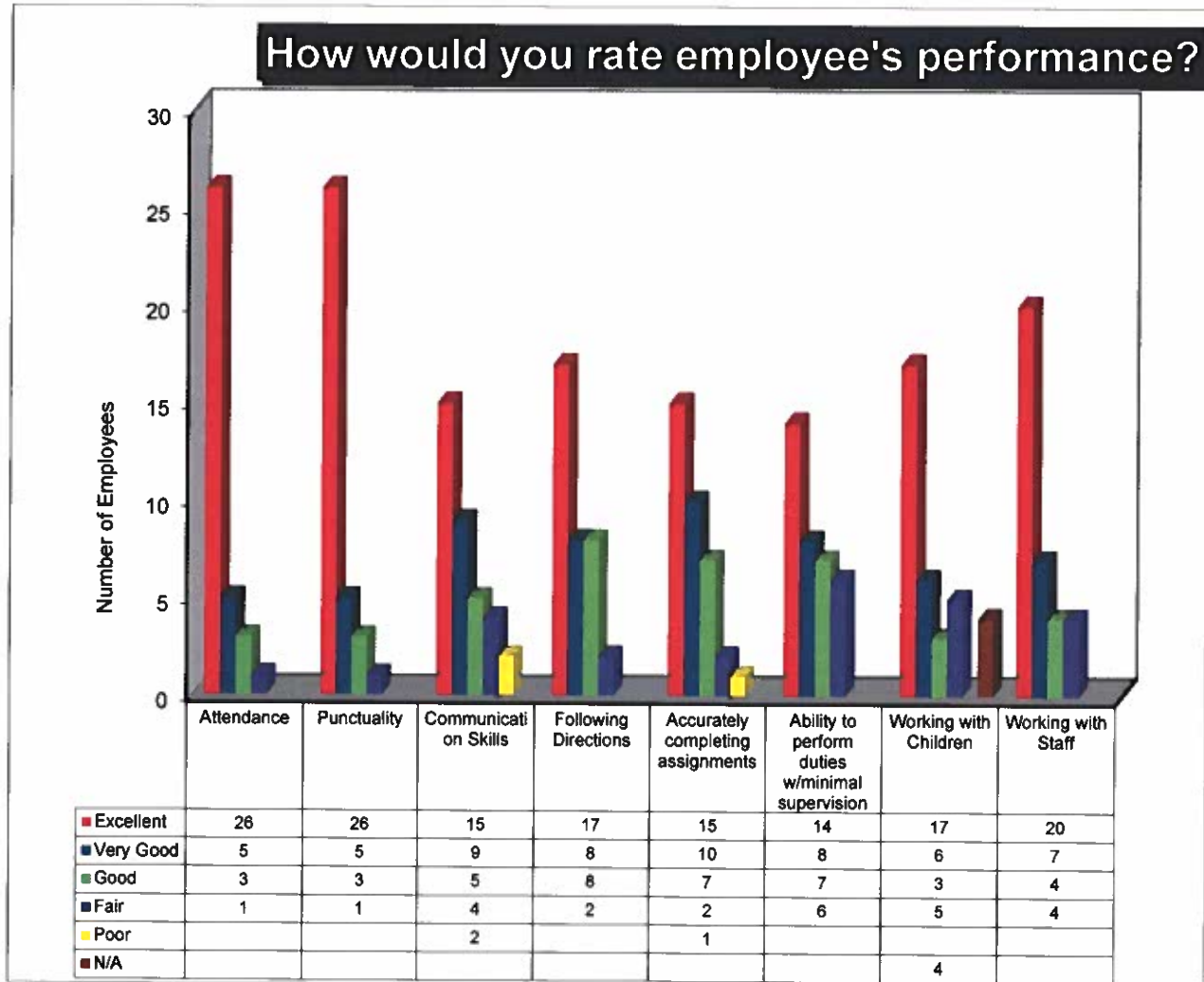
	2013	2014	2015	2016	2017
DHRM	2	1	1	0	0
Legal	0	0	0	0	0
Finance	0	0	0	0	0
Prince George's County Comm. Office	0	0	0	0	0
Prince George's County Parks and Recreation	25	33	41	37	36
Prince George's County Planning	3	3	2	2	3
Montgomery County Comm. Office	0.5	0	1	0	0
Montgomery County Parks	1	0	0	0	0
Montgomery County Planning	0.5	0	0	1	0
	32	37	45	40	39

It should be noted that the preceding chart does not reflect Montgomery County Parks' commitment to employing people with disabilities. They have a partnership with Montgomery County Government's disability employment program and have received recognition in the past for their participation. Over the past 4 years 13 interns have been hosted through the Montgomery Parks' program. Notably on October 18, 2017, the Montgomery County Department of Parks was awarded the 2017 *Employment Trailblazer Award* at the 3rd Annual Seeking Empowerment, Employment and Community (SEEC) Employer Networking and Recognition Breakfast for public and private organizations. "SEEC is a progressive nonprofit agency providing a wide range of community supports to help people with developmental disabilities direct their lives toward meaningful days and happy lives."

Positive Outcomes from M-NCPPC's Program

- Over the years, summer employees have been selected for Seasonal and Career positions within M-NCPPC.
- Many summer employees are invited back to work the next summer.
- After working for the summer in Prince George's Planning Department, one individual was hired into a full-time career position in the auto industry. Another was hired by the Federal Communications Commission.
- One person hired through the Program co-presented the 2016 Annual Report to the Maryland Department of Planning at the Prince George's County Planning Board. The employee is responsible for doing research for school sites, traffic studies for schools, land projects and he reviews and provides feedback for the zoning and subdivision rewrites.

Survey Responses from Staff Regarding Summer Hires



Observations

- We continue to have a shortfall from applicants living in the Laurel-Beltsville areas even though we are reaching out to the community, advocacy agencies, and to representatives from Laurel and High Point High Schools. We are investigating this issue further.
- The Program needs more clerical job opportunities.
- There have been several incidents where departments need to pay closer attention to accessibility for disabled employees, particularly those who use a wheelchair. For instance, can an employee open doors to gain access to their suite; and are they able to fit their wheelchair under their desk?

- Job commitments from the departments need to be received by mid to late February. This will reduce delays with fingerprint results for background checks when there is a high volume of applicants being processed.

Recommendations

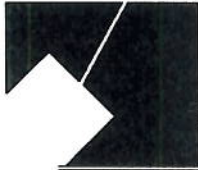
- Provide additional resources and expand ADA training for Commission managers and staff.
- Automate interview scheduling to eliminate staff involvement with scheduling.
- Explore options to expand employment opportunities for people with disabilities.

cc: Patricia C. Barney, Executive Director

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

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Oct-17	Nov-17	Oct-17	Nov-17	Oct-17	Nov-17	Oct-17	Nov-17
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	1	1	1	1
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	1	0	0	0	0	0	1	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	1	0	0	0	0	0	1
LEGAL DEPARTMENT	2	1	0	0	0	0	2	1
FINANCE DEPARTMENT	0	5	0	0	0	0	0	5
PRINCE GEORGE'S PLANNING	0	2	0	1	0	0	0	3
PRINCE GEORGE'S PARKS & RECREATION	5	8	2	6	0	0	7	14
MONTGOMERY COUNTY PARKS	4	6	1	1	0	0	5	7
MONTGOMERY COUNTY PLANNING	4	7	0	3	0	0	4	10
DEPARTMENT TOTAL BY DAYS LATE	16	30	3	11	1	1		
COMMISSION-WIDE TOTAL							20	42

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

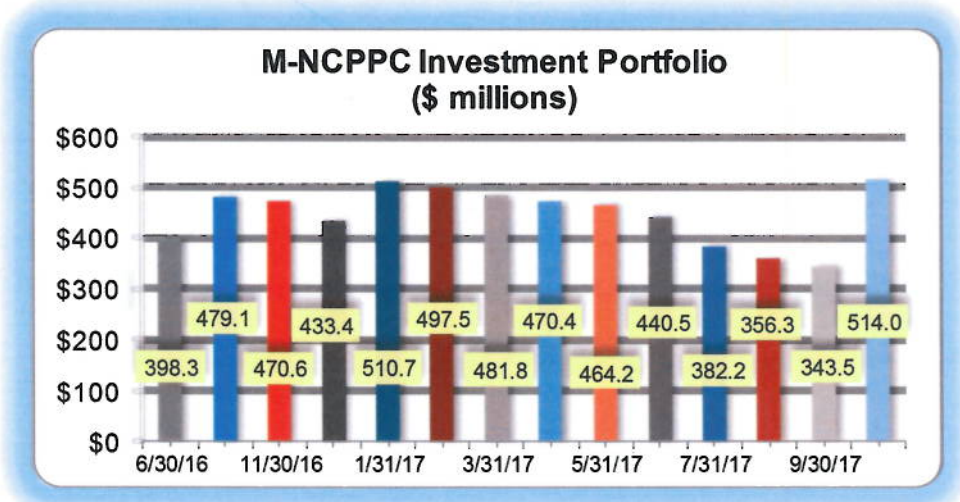


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

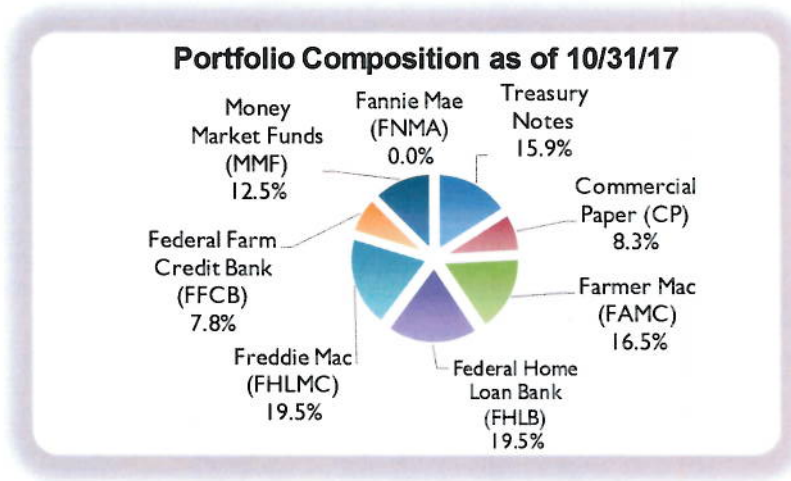
MEMO

TO: Executive Committee
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager
DATE: 11/8/2017
SUBJECT: Investment Report – October 2017

The Commission’s pooled cash investment portfolio totaled \$514.0 million as of October 31, 2017, with a 49.6% increase from September 30, 2017. Details are as follows:

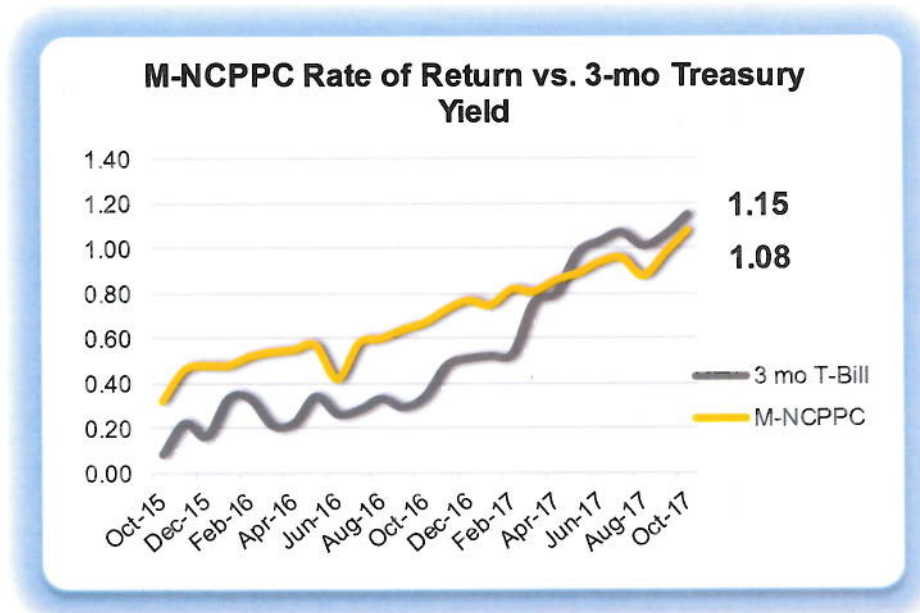


The composition of the pooled cash portfolio as of October 31, 2017 is summarized below:

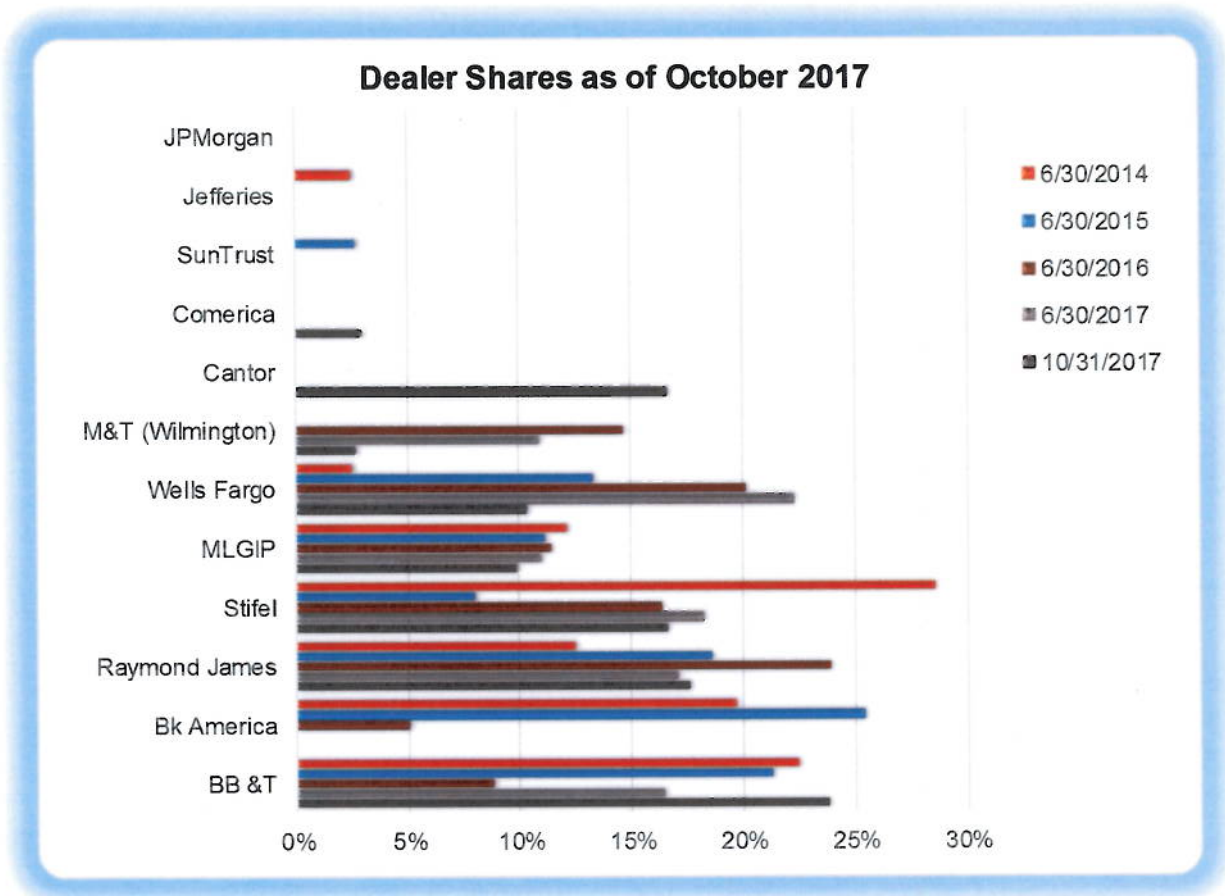


Current Investment Portfolio - October 2017					
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)	
Freddie Mac	20%	20%	\$ 100,000,000	1.26%	
Federal Home Loan Banks	20%	20%	100,000,000	1.15%	
Farmer Mac	20%	17%	85,000,000	1.23%	
Treasury Notes	100%	16%	82,000,000	1.00%	
Money Funds	25%	13%	64,021,047	n/a	
Commercial Paper	10%	8%	43,000,000	1.73%	
Federal Farm Credit Bureau	20%	8%	40,000,000	0.81%	
Fannie Mae	20%	0%	-		
Certificates of Deposit	50%	0%	-		
Bankers Acceptances	50%	0%	-		
Repurchase Agreements	60%	0%	-		
			\$ 514,021,047	1.20%	

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 - October 2017	
Prince George's County (PGC-2017A)	\$ 35,971,387
Montgomery County (MC-2017A)	4,152,016
	\$ 40,123,403

The Commission had no debt service payments during the month.

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

Debt Balances - October 2017					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	1,856,181	11%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	5,465,000	39%	Mar-10	May-21
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	6,135,000	54%	Jun-12	Jan-24
PGC-2014A	26,565,000	23,385,000	88%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	24,220,000	98%	Oct-15	Jan-36
PGC-2017A	33,000,000	33,000,000	100%	Jul-17	Jan-37
Total Prince George's County	\$ 127,185,000	\$ 94,061,181	74%		
Montgomery County					
LL-2	8,405,000	2,625,000	31%	May-09	Nov-20
MM-2	5,250,000	735,000	14%	May-09	Nov-19
MC-2012A (Refunded CC-2, FF-2)	12,505,000	10,045,000	80%	Apr-12	Dec-32
MC-2012B	3,000,000	2,505,000	84%	Apr-12	Dec-32
MC-2014A	14,000,000	12,495,000	89%	Jun-14	Jun-34
MC-2016A	12,000,000	11,580,000	97%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	6,120,000	100%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	1,020,000	95%	Apr-16	Nov-24
MC-2017A	8,000,000	8,000,000	100%	Apr-17	Nov-36
Total Montgomery County	\$ 70,355,000	\$ 55,125,000	78%		
Total	\$ 197,540,000	\$ 149,186,181	76%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2018 - **October 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.
US Federal Agencies - combined	60%				This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
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)					



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

Reply To

November 30, 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 November 2017

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, December 20, 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.

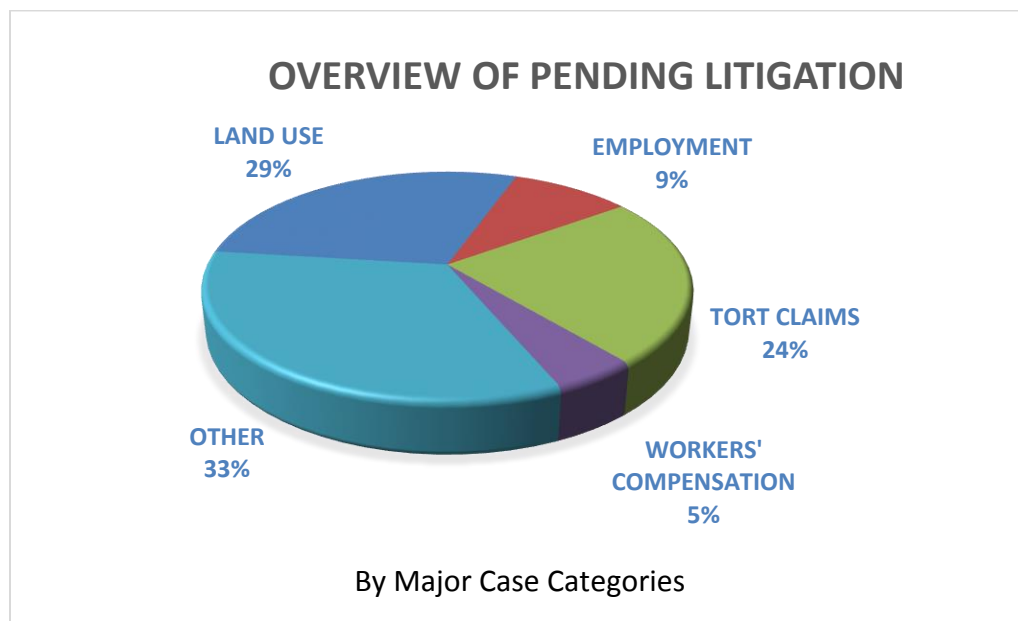
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November 2017 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	2			1			3
Admin Appeal: Other							0
Land Use Dispute					1		1
Tort Claim	5						5
Employment Dispute	1	1					2
Contract Dispute	3			1			4
Property Dispute				2			2
Civil Enforcement							0
Workers' Compensation	1						1
Debt Collection							0
Bankruptcy							0
Miscellaneous	2				1		3
Per Forum Totals	14	1	0	4	2	0	21



November 2017 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2018			
	Pending In Oct 2017	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	4		1	4		1	3
Admin Appeal: Other (AAO)	0			0			0
Land Use Disputes (LD)	0	1		1	1	1	1
Tort Claims (T)	8		3	6	3	4	5
Employment Disputes (ED)	2			1	1		2
Contract Disputes (CD)	4	1	1	2	3	1	4
Property Disputes (PD)	2			1	2*		2
Civil Enforcement (CE)	0			0			0
Workers' Compensation (WC)	1			2	1	2	1
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	4		1	5		2	3
Totals	25	2	6	22	11	11	21

*Please note that the Property Dispute calculation for October was inadvertently left out the Rounds Case (see Page 21) which was included but not counted in the October Litigation Report nor reported on the Index of YTD New Cases (See Page 3).

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

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Moore v. Thompson, et al	PG	Tort	July 17
Evans v. Commission	MC	Tort	Aug 17
Gregg v. Commission	PG	ED	Sept 17
Commission v. McCoy	PG	CD	Oct 17
Commission v. Clean Air Mechanical, Inc., et al	MC	CD	Oct 17
Commission v. Carillo-Cruz	MC	WC	Oct 17
Bundu v. Bowman	PG	Tort	Oct 17

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Rounds v. Commission	MC	PD	Sept 17
Rounds v. Commission	MC	PD	Oct 17
Fort Myers Construction Corp v. Commission	MC	CD	Nov 17
Pulte Home Corp. v. Montgomery County, et al	MC	LD	Nov 17

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

C. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Parker v. Commission	PG	WCC	July 2017
Commission v. Pollard	MC	WCC	Sept 2017
Pulte Home Corp., et al v. Mont. County, et al	MC	LD	Sept 2017
Green v. Commission	PG	Tort	Oct 2017
Swain v. Seay, et al	PG	Misc	Oct 2017
Shipe v. Louketis, et al	MC	Tort	Nov 2017
Tugwell v. Louketis, et al	MC	Tort	Nov 2017
Fort Myer Construction Corp v. Commission	MC	CD	Nov 2017
Rounds v. Commission, et al	MC	Tort	Nov 2017

D. Appellate Court Cases Resolved.

Cohn v. Commission	MC	Misc	Nov 2017
Friends of Croom Civic Assoc., et al v. Commission	PG	AALU	Nov 2017

Disposition of FY18 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Planning		
Rounds v. Commission, et al	Defense of claim for alleged slander of title regarding Farm Road easement.	08/25/17- Court grants Commission's Motion to Dismiss
Montgomery County Department of Parks		
Cohn v. Commission	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.	10/18/17- Court affirms decision of lower court that granted summary judgment in favor of Commission's authorization of bow hunting on its properties
Fort Myer Construction Corporation v. Commission	Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County	10/10/17- Court grants Commissions' Motion to Dismiss, case dismissed with prejudice
Montgomery County Park Police		
Shipe v. Louketis, et al	Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.	10/06/17 Voluntary dismissal in entirety with prejudice
Tugwell v. Louketis, et al	Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.	10/06/17 Voluntary dismissal in entirety with prejudice

Montgomery County Planning Board			
Pulte Home Corporation, et al v. Montgomery County, et al	Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.	08/25/17- Court grants Defendants' Motion for Judgment on Pleadings; case dismissed	
Prince George's County Department of Parks and Recreation			
Commission v. Pollard	Employer is seeking de novo judicial review of the WCC's decision that the Claimant had suffered a 39% worsening of condition regarding his right hip since the last permanency award and found no cause for apportionment to preexisting conditions.	07/28/17- Joint Motion to Remand to WCC	
Green, et al v. Commission	Defense of claim for personal injury involving fall by minor child from playground equipment at Peppermill Recreation Center.	08/30/17-Case dismissed with prejudice	
Parker v. Commission	Claimant/employee is seeking de novo judicial review of the WCC's decision denying she has an occupational disease.	6/26/17-Case settled and remanded to WCC	
Swain v. Seay, et al	Plaintiff files to foreclose a statutory attorney's lien on property with a Historic Agriculture Resource Preservation Program Deed of Easement.	09/01/17-Case voluntarily dismissed	
Prince George's County Planning Department			
Prince George's County Planning Board			
Friends of Croom Civic Association, et al v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.	05/08/17-Court affirmed judgment of Circuit Court for Prince George's County Planning Board	
Prince George's Park Police			

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Commission v. McCoy

Case #0502-0025950-2017 (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Complaint for property damage to Commission's golf cart.

Status: Case stayed.

Docket:

08/31/17	Complaint filed
11/17/17	Case stayed pending settlement negotiations

Milam v. Doe and Commission

Case No. 0502-0034226-2016(Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: Pending trial.

Docket:

12/27/16	Complaint filed
02/03/17	Subpoena served on Commission
03/22/17	Court issues notice of service on Commission
05/01/17	Commission requests re-issue for dormant service
05/19/17	Motion to Quash Service filed by Commission
06/05/17	Notice of Service stricken
09/28/17	Amended Complaint filed
12/04/17	Trial date

Moore v. Thompson, et al

Case No. 0502-0026594-2016(Tort)

Lead Counsel: Adams
Other Counsel:

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

Status: Complaint dismissed.

Docket:

09/30/16	Complaint filed
07/12/17	Summons served on Defendant Devillars
10/26/17	Case dismissed under Rule 3-506

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Bundu v. Bowman
CAL17-28259 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Defense of claim for personal injury involving motor vehicle accident in Prince George's County.

Status: Complaint filed.

Docket:

10/12/17	Complaint filed
11/02/17	Service of complaint on Commission

Burnette v. Commission
CAL16-35180 (ED)

Lead Counsel: Adams
Other Counsel: Dickerson

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

Status: Awaiting decision.

Docket:

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

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

Lead Counsel: Mills
Other Counsel:

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

Status: Awaiting decision.

Docket:

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

02/08/17	Pretrial conference
04/10/17	Defendant files Motion to Dismiss and/or Motion for Summary Judgment
04/19/17	Joint Response by Plaintiffs to Defendant's Motion to Dismiss and/or for Summary Judgment
06/21/17	Motions hearing; awaiting decision from Court

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

Lead Counsel: Johnson
Other Counsel: Borden

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

Status: Pending disposition hearing.

Docket:

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

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

Lead Counsel: Harvin
Other Counsel:

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

Status: Pending trial.

Docket:

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

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

Lead Counsel: Mills
Other Counsel: Borden

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

Status: Pending Argument.

Docket:

05/10/17	Petitioners' filed Petition for Judicial Review
06/09/17	Commission filed Response to Petition
01/19/18	Oral Argument

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

Lead Counsel: Gardner
Other Counsel: Dickerson

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

Status: Pending trial.

Docket:

09/30/16	Complaint filed
01/03/17	Motion to Dismiss or in the alternative, Motion for Summary Judgment filed by Defendant, P. G. County
01/06/17	Status Conference
01/31/17	Plaintiff's Opposition to Defendant, PG County's Motion to Dismiss
03/08/17	Defendant, PG County files answer to Complaint
04/24/17	Amended Complaint filed
05/03/17	Commission served with amended complaint
05/24/17	Commission files entry of appearance
06/13/17	Commission files Motion to Dismiss
06/30/17	Pretrial conference
07/07/17	Plaintiff's Opposition to Commission's Motion to Dismiss or in the alternative, Motion for Summary Judgment
09/19/17	Motions hearing; Motion to Dismiss denied by Court
10/02/17	Motion to Amend Judgment filed by County and County Council
10/16/17	Plaintiff's Opposition to Motion to Amend Judgment filed
10/23/17	Order of Court denying County and County Council's Motion to Amend Judgment
12/13/17	Trial

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

Lead Counsel: Dickerson
Other Counsel: Adams

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

Status: Complaint filed.
Docket:

02/28/17	Complaint filed but improperly served; awaiting proper re-service
06/20/17	Complaint properly served and accepted by Commission
08/21/17	Line filed extending responsive pleadings deadline
09/29/17	Defendant's Motion to Dismiss filed
11/03/17	Line filed extending Plaintiff's deadline to respond to Motion to Dismiss until November 22, 2017
11/17/17	Plaintiff files Opposition to Motion to Dismiss

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. Clean Air Mechanical Inc., et al

Case No. 438017-V (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Commission files complaint for breach of contract, fraud and misrepresentation arising out of purchase order for installation of three DDU units at Cabin John and Wheaton Ice rinks.

Status: Complaint filed.

Docket:

09/26/17	Complaint filed
07/12/18	Pretrial and settlement conference

Commission v. Carillo-Cruz

Case No. 439249-V (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Commission files petition for de novo review based on WCC's ruling that a compensable accident occurred on the grounds that driving a vehicle carries an increased risk of injury, without making a ruling on whether Claimant suffered an idiopathic condition.

Status: Petition filed.

Docket:

10/24/17	Petition for Judicial Review filed
11/03/17	Defendant's Response to Petition to Judicial Review
04/05/18	Status/Pretrial Conference

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

Lead Counsel: Harvin
Other Counsel:

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

Status: Complaint filed.

Docket:

08/11/17	Complaint filed
08/22/17	Service of complaint on Commission
09/19/17	Commission files Answer to Complaint
11/09/17	Plaintiff files Motion for Default against Defendant, Melara
11/28/17	Defendant Melara files Answer to Complaint
05/24/18	Pre-trial/settlement conference

MARYLAND COURT OF SPECIAL APPEALS

Brooks v. Commisison

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

Lead Counsel: Mills
Other Counsel: Borden

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

Status: Awaiting oral argument.

Docket:

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

Fort Myer Construction Corporation v. Commission

September Term, No. 1684 (CD)
(Originally filed under 399804-V in Montgomery County)

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

Abstract: Plaintiff appealed Circuit Court ruling granting dismissal of complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Status: Appeal noted.

Docket:

10/26/17	Notice of Appeal
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Rounds v. Montgomery County, MD, et al

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

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin

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

Status: Awaiting argument.

Docket:

02/03/17	Notice of Appeal filed
01/09/18	Oral Argument

Rounds v. Montgomery County, MD, et al

September Term, 2017, No.1561 (PD)
(Originally filed under #350954-V in Montgomery County)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin

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

Status: Appeal filed.

Docket:

09/25/17	Notice of Appeal filed
10/19/17	Court issued show cause for inquiry as to why Pre-hearing Information Report not filed
11/15/17	Court accepts Pre-hearing Information Report for filing

MARYLAND COURT OF APPEALS

No Pending Cases

U.S. DISTRICT COURT OF MARYLAND

Gregg v. Commission

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

Lead Counsel: Dickerson
Other Counsel: Harvin

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

Status: Case dismissed.

Docket:

07/28/17	Complaint filed
09/28/17	Commission files request to Extend Time to Respond to Complaint
10/04/17	Court extends Commission's response time until after mediation is completed
11/01/17	Mediation hearing scheduled
11/06/17	Case settled and dismissed.

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

American Humanist Association, et al v. Commission

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

Lead Counsel: Dickerson
Other Counsel: Gardner
Adams

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

Status: Reversed and remanded.

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
10/18/17	Court reverses and remands case back to the U. S. District Court of Maryland holding that the display and maintenance of the cross violates the Establishment Clause.
11/01/17	Commission filed Petition for Hearing En Banc
11/01/17	American Legion filed Petition for Hearing En Banc
11/09/17	Court directed Plaintiffs file responses to Petitions for Hearing En Banc
11/20/17	Plaintiffs file their Response to Petitions for Hearing En Banc

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

Case No. 17-2112 (LD)

(Originally filed under Case No 8:14-cv-03955)

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

Abstract: Plaintiff filed appeal following dismissal of complaint in U. S. District Court for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status:

Appeal filed.

Docket:

09/25/17	Notice of Removal and Complaint filed
10/10/17	Court files Briefing Order
11/20/17	Brief filed by Appellant Pulte Home Corporation
12/19/17	Response Brief due