



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

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
November 18, 2015

The Maryland-National Capital Park and Planning Commission met on November 18, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair  
Dorothy Bailey  
A. Shuanise Washington

Montgomery County Commissioners

Casey Anderson, Vice-Chair  
Norman Dreyfuss  
Natali Fani-Gonzalez  
Amy Presley  
Marye Wells-Harley

ABSENT

Manuel Geraldo  
John Shoaff

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

ITEM 1      APPROVAL OF COMMISSION AGENDA

**ACTION:** Motion of Presley to approve the agenda  
Seconded by Bailey  
8 approved the motion (Commissioners Geraldo and Shoaff were not present for the vote)

ITEM 2      APPROVAL OF COMMISSION MINUTES

October 21, 2015 – Open Session  
October 21, 2015 – Closed Session  
**ACTION:** Motion of Washington to approve the minutes  
Seconded by Bailey  
8 approved the motion (Commissioners Geraldo and Shoaff were not present for the vote)

ITEM 3      GENERAL ANNOUNCEMENTS

a) Upcoming One-Commission Holiday Employee Appreciation Event – December 11, 2015 at Newton White Mansion.

- b) Prince George's Department of Parks and Recreation Winter Festival of Lights will be hosted at Watkins Regional Park, November 23, 2015, through January 1, 2016.
- c) Montgomery Parks Department Winter Garden Walk Through Holiday Light Display – Brookside Gardens, November 27, 2015, through January 3, 2016.

Employees and their families are invited to both events, and must R.S.V.P.

(Other Announcements Not listed on the Agenda)

- Chair Hewlett asked for a moment of silence for the victims and families of the Paris terrorist attack, and victims of any terrorist attack in the world.
- In honor of Veterans' Day, Chair Hewlett recognized the many veterans who have served and continue to serve the United States in the armed services.
- M-NCPPC is closing out its celebration of American Indian Heritage Month. The Prince George's County Department of Parks and Recreation opened its American Indian Village on the Piscataway River and Patuxent River Park and was very well received.
- The Commissioners welcomed Executive Director Patricia Barney back from extended leave.
- In recognition of National Hunger and Homeless Awareness Week (November 15<sup>th</sup> through November 22<sup>nd</sup>), the Prince George's County Department of Parks and Recreation is sponsoring a Teens and Jeans Walk-a-thon for the Homeless, on November 21st, at 11:00 a.m., in Bladensburg, Maryland.
- M-NCPPC will be sponsoring a Trot-for-a-Turkey on Saturday, November 21<sup>st</sup> to raise money to provide turkeys for families in need.
- The Prince George's County Department of Parks and Recreation opened its Wizard-of-Oz playground which has received landscape architect awards and recognition both nationally and internationally.
- The Commissioners thanked the Prince George's County Department of Parks and Recreation for bringing Art-O-Matic to the State of Maryland for the first time. The event features over 500 visual and performing artists and takes place in Hyattsville, Maryland. Chair Hewlett encouraged individuals to attend the event.
- The Commissioners congratulated the Montgomery County Planning Department on receiving a number of Design Excellence Awards. Vice-Chair Anderson briefed the Commissioners on the award winners and the vision of Planning under the leadership of Director Gwen Wright. He stated the Awards not only recognize some of the most talented architects and developers in Montgomery County, but also raises the bar on standards expected in the future for new construction and development in the county.
- Commissioner Wells-Harley announced that this year marks the 25<sup>th</sup> anniversary of the signing of the Americans with Disabilities Act. On November 8<sup>th</sup>, the Montgomery Department of Parks, the Montgomery Department of Recreation, and the cities of Rockville and Takoma Park held a celebration in honor of this law.
- Chair Hewlett announced Community Service activities in which the agency is involved. These will take place from November 9<sup>th</sup> to November 20<sup>th</sup> to support the community through So Others Might Eat (SOME), A Wider Circle Food, and New Socks and Washcloths drive. Donations for SOME take place on November

20<sup>th</sup> from 10:00 a.m. to 1:30 p.m. at the Montgomery Regional Office (MRO). Additional community service activities are scheduled for Thanksgiving week.

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

- a) Minutes – Executive Committee Open Session – November 4, 2015
- b) Minutes – Regular Employees’ Retirement System Board of Trustees Meeting – October 6, 2015
- d) 115 Trust (OPEB) – June 17, 2017

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Awards and Photos with Commissioners
  - 1) FY2014 CAFR Award (Zimmerman/Walsh)  
Chair Hewlett presented the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada (GFOA) which was awarded to M-NCPPC for its Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 30, 2014. This award is the highest form of recognition for governmental accounting and financial reporting. M-NCPPC is tied with the Chicago Metropolitan Water Reclamation District for the greatest number of times receiving this award, now totaling 41.
  - 1) FY16 GFOA Budget Award (Barney/Kroll)  
Chair Hewlett presented the Government Finance Officers Association’s (GFOA) Distinguished Budget Presentation Award received by the M-NCPPC for its annual budget. This award program recognizes budgets that are rated proficient as a policy document, a financial plan, an operations guide, and a communication’s device. M-NCPPC has received this award for its 30<sup>th</sup> consecutive year.
- b) Pension Actuarial Valuation Presentation (Rose)  
Employees’ Retirement System (ERS) Administrator Andrea Rose introduced actuary David Boomershine from Boomershine Consulting Group. Ms. Rose stated they were presenting on behalf of the ERS Board of Trustees a recommendation for the Employer Contribution to the Employees’ Retirement System for Fiscal Year 2017. Each year the Board requests an actuarial valuation on the funding requirements to the ERS. Mr. Boomershine explained that when his group conducts an actuarial valuation, four primary components are used in the model: employee demographics, assets in the plan, plan provisions, and actuarial assumptions used for future projections.

Mr. Boomershine stated that the recommended contribution for Fiscal Year 2017 is in the Amount of \$20,268,189. Mr. Boomershine also explained the 5-Year contribution projections as contained in the packet. He noted the Funding Basis using Actuarial Value of Assets increased from 87.2% to 93.5%, and the Accrued Benefit Basis using the Market Value of Assets increased from 99.3% to 99.7%. Mr. Boomershine also presented contribution projections which ranged from \$20.27 million for FY17 to \$24.92 million for FY21.

With regards to the plan assets, Commissioner Presley questioned what caused the decrease in the investment return, to which Mr. Boomershine responded that the

investment returns are consistent with trends experienced by other pension plans across the country, as the market returns did not do well last year. Mr. Boomershine also explained the new standards 67 and 68, as issued by the Government Accounting Standards Board.

Following the presentation, Executive Director Barney explained that the multi-year actuarial projections presented today assume a 7.25% return. Changes in the market affect the return rate, and consequently the overall pension assets and employer contribution. If the market has a downturn, the fund can become less than 90% or 100% funded. Years ago, the agency had a contribution ratio of \$34 million. This was the result of significant downturns in the investment market. Ms. Rose noted that after an agency gets above 90% funded, the employer contribution becomes more volatile.

c) Recommendation to Approve an Employer Contribution for Pension Plan In the Amount of \$20,268,189 for Fiscal Year 2017

Executive Director Barney confirmed the recommended contribution for the Pension Plan was \$20,268,189.

ACTION: Motion of Washington to approve the Pension Actuarial Valuation  
Seconded by Wells-Harley

8 approved the motion (Commissioners Geraldo and Shoaff were not present for the vote)

d) Appointment of the Carlyle Group as the new Private Real Assets Manager for the M-NCPPC Employees' Retirement System (Rose)

Ms. Rose presented a recommendation to approve the Carlyle Group as a new Private Real Assets Manager for the M-NCPPC Employees' Retirement System. The firm will manage a custom \$90 million dollar strategy for the ERS. This is the first time the ERS has been able to conduct a custom strategy due to the large allocation the agency is providing. The allocation has increased from 5% in 2007 to 15% in 2015. The custom strategy allows for continued commitments after the initial 3-year commitment, providing for implementation efficiencies, reduced fees, monitoring and ongoing due diligence.

ACTION: Motion of Presley  
Seconded by Washington

8 approved the recommendation (Commissioners Geraldo and Shoaff were not present for the vote)

(e-f) Corporate Policy and Management Operations Division Chief Anju Bennett requested the Commission's review of policy amendments affecting Merit System and Contract employees.

e) Final Policy Guidance Implementing the Commission's Decision on Family Medical Leave Act Program (Merit System Rules: Section 1640) (Bennett/Thom-Grate)

Ms. Bennett presented the recommended amendments to the Merit System Rules and Regulations to incorporate implementation guidance for recent changes to the Family and Medical Leave Act (FMLA) Program. Ms. Bennett explained that in September, Commissioners adopted Resolution #15-17 to recognize changes to the FMLA Program. Staff is now asking the Commission to adopt the specific policy standards that will help the agency apply the

changes. She shared policy changes to the Merit System Rules and Regulations require the support of the Merit System Board. The Merit Board's letter of support is provided in the Commission packet. The Board's support is based on its review of proposals and a review of any comments which are submitted during the mandatory 30-day review by all non-represented employees. Two policy areas were recommended for approval:

1. **Calculation of FMLA Eligibility Period: Move from Calendar Year to Rolling Year FMLA Leave Method**

Ms. Bennett explained that the agency will be moving to a rolling twelve-month period for purposes of calculating an employee's eligibility period, effective January 1, 2016. Ms. Bennett noted that Executive Director Barney and M-NCPPC's bargaining team have already negotiated this change with the unions. Executive Director Barney added that although the change will be effective at the beginning of the year, employees will be entitled to the full FMLA benefit (of up to 12 weeks) in the first year. The leave taken in 2015 will not be counted toward the 2016 FMLA leave, thus employees will have a year to transition to this new calculation method.

2. **Codification of Qualifying Exigency/Military Caregiver Leave Provisions**

The second policy change codifies the military leave benefits that the agency is already implementing. Ms. Bennett explained the Qualify Exigency Leave and Military Caregiver Leave provisions, as provided in the meeting packet. Commissioner Fani-Gonzales commended the agency for providing these benefits.

**ACTION: Motion of Washington to approve the recommended Merit System Rules and Regulations amendment  
Seconded by Fani-Gonzalez  
8 approved the motion (Commissioners Geraldo and Shoaff were not present for the vote)**

f) **Recommended Amendments to Contract Employee Policies (Practice 2-16 to Address Vendor Transition and Applicability of FMLA/ACA (Bennett/Thom-Grate)**

Corporate Policy and Corporate Records Manager Thom-Grate presented recommended updates to Administrative Practice 2-16 (Contract Employment) Seasonal/Intermittent, Temporary, and Term Employment for adoption. She informed the Commissioners that a broader review of Practice 2-16 is underway, but that the current proposed amendments are being presented for immediate adoption so they may be implemented by January 1, 2016. She reminded the Commissioners of Resolution #15-20 they adopted in October which implemented three new pay plans for vendors who converted to employee status. The proposed amendments focus on compensation equity, the implementation requirements of the Resolution, as well as communicate the agency's commitment to comply with applicable laws such as the Affordable Care Act, the FMLA, and workers' compensation laws, and clarify the existing overtime policies.

**ACTION: Motion of Wells-Harley to approve the recommended amendments  
Seconded by Bailey  
8 approved the motion (Commissioners Geraldo and Shoaff were not present for the vote)**

g) Discussion on the M-NCPPC Park Rules and Regulations Project (Gardner)  
General Counsel Gardner introduced Consultant Aisha Braveboy, Esq., who will be assisting with the Park Rules and Regulations (Park Rules) update. He stated the purpose of the discussion was to allow the Commissioners to provide input, at the beginning of this project, on changes to the agency's Park Rules. He shared that comments have been received from an employee survey of the Park Rules. He wanted to review those comments with the Commissioners so that direction can be provided to the project team. He shared updates must be adopted by July 1, 2016, due to smoking legislation which takes effect on that date. He noted that a transcript of this meeting would be created for the staff working on the rewrite so the project team would understand the Commissioners' perspective before preparing the next draft, and for posterity. Mr. Gardner stated the Park Rules were last updated March 2001. He provided a general overview of the current Park Rules, explained the impetus for the update, and legally required communications that must occur. Ms. Braveboy reviewed input submitted through the employee survey, as contained in the handout.

Areas Commissioners requested focus included:

- Significance of urban parks;
- Use of alcohol in the parks;
- Foundations/major fundraisers being made part of the scope of this project and in the thought process;
- Trends in recreation pursuits in terms of acceptable/permissible activities so standards encourage use by patrons; and
- Benchmarking against other agencies/jurisdictions

General Counsel Gardner added that other areas that will be reviewed include regulation of open space, 1<sup>st</sup> Amendment rights, managing public/private partnerships, and accommodations for transgendered individuals.

Following the presentation, General Counsel Gardner reviewed the next steps which must take place no later than April to complete the process by July 1:

- Scheduling of a meeting of the workgroup which will develop a draft that will be ready for public comment;
- Joint public hearing by the Commissioners;
- Formal promulgation of the Park Rules; and
- Posting and publishing of the Park Rules

ITEM 6      OPEN SESSION – OFFICERS' REPORTS – For Information Only

- a) Executive Director (Barney)  
Employee Evaluations Not Completed by Due Date – (As of October 2015)  
The report contains a few late evaluations. The Directors will be contacted to have the evaluations submitted before the next report is generated.
- b) Secretary-Treasurer (Zimmerman)  
1) Enterprise Resource Planning (ERP) Briefing  
No discussion on this topic.

2) 115 Trust FY2014

This report shows where the agency invests money for the future payment for Other Post-Employment Benefits insurance for retirees. M-NCPPC is approximately 13% to 14% funded for the end of this year for the entire liability. Compared to the agency's peers, M-NCPPC is a leader in the area of funding other post-employment benefits. This was not a stellar year for the investment performance; however, the agency's investment horizon for these funds is so long, that the ups and downs offset each other. There is no need for concern.

3) Investment Report (June 2015)

Mr. Zimmerman shared that the agency has reached a point with the new software that it can now reinstitute investment reporting and get it on a regular basis. For June 2015, the agency has earned 38 basis points of return. Laws restrict investment options which limits the ability to make money, but does meet the prime objective to preserve public funds.

c) General Counsel (Gardner)

1) Litigation Report – (October 2015)

No discussion on this topic. Report was provided in Commission packet.

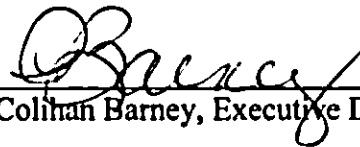
2) Legislative Update

No discussion on this topic.

There being no further business to discuss, the meeting adjourned at 11:29 a.m.



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



Patricia Colihan Barney, Executive Director