



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

November 17, 2021
10:00 a.m. to 12 noon

**The Commission will be meeting by teleconference
and live-streamed from:**

Wheaton Headquarters

Auditorium

2425 Reddie Drive

Wheaton, Maryland 20902

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, November 17, 2021**

**Via videoconference live-streamed by
The Montgomery County Planning Department**

10:00 a.m. – 12 noon

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(+*)	Page 1
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – October 20, 2021	(+*)	Page 3
	b) Closed Session – October 20, 2021	(++*)	
3.	General Announcements (10:05 a.m.)		
	a) Thanksgiving & Employee Appreciation Day Holidays		
	b) National American Indian Heritage Month (Maryland American Indian Heritage Day Nov 2)		
	c) American Lung Cancer Awareness Month & Pancreatic Cancer Awareness Month		
	d) “Great American Smoke Out” Nov 18		
	e) Bereaved Siblings Month		
	f) Caregivers Month		
	g) National Adoption Month		
	h) Military Family Appreciation Month		
	i) Upcoming Festival of Lights and Winter Garden Walk through in Prince George’s and Montgomery Counties		
	j) Diversity Council Openings for 2022		
4.	Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)		
	a) Executive Committee Meeting – Open Session – November 3, 2021	(+)	Page 7
	b) Executive Committee Meeting – Closed Session – November 3, 2021	(++)	
	c) Employees’ Retirement System Board of Trustees – Regular Meeting – September 14, 2021	(+)	Page 11
5.	Action and Presentation Items (10:10 a.m.)		
	a) Resolution 21-25 Land Exchange and Mitigation between M-NCPPC and PGCPSS for Construction of Middle School at Glenridge Park (Sun)	(+*)	Page 15
	b) Resolution 21-26 ERS Employer Contributions (Rose/Cheiron)	(+*)	Page 43
	c) Resolution 21-27 Resolution of Appreciation for Joseph Zimmerman (Hewlett)	(+*)	Page 69
	d) Resolution 21-28 Appointment of Secretary-Treasurer Gavin Cohen (Hewlett)	(+*)	Page 71
	e) GFOA Award for CAFR/ACFR (Zimmerman)	(+)	Page 73
6.	Officers’ Reports (10:40 a.m.)		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, October 2021 (For Information Only)	(+)	Page 75
	<u>Secretary Treasurer</u>		
	b) 1st Quarter Investment Report	(+)	Page 77
	<u>General Counsel</u>		
	c) Litigation Report (For Information Only)	(+)	Page 83

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice and consider matters that relate to negotiation

7. Closed Session (10:40 a.m.)

- a) Vaccination Disclosure Mandate for Return-to-Work Update (Chiang-Smith/Spencer/Gardner) (++)

(+) Attachment

(++) Commissioners Only

(*) Vote

(H) Handout

(LD) Late Deliver



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
October 20, 2021

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the County Administration Building in Upper Marlboro, Maryland. The meeting was broadcast by the Prince George’s County Department of Parks and Recreation.

PRESENT

Prince George’s County Commissioners

Elizabeth M. Hewlett, Chair
Dorothy Bailey
William Doerner (arrived 10:02)
Manuel Geraldo
A. Shuanise Washington

Montgomery County Commissioners

Casey Anderson, Vice-Chair
Gerald Cichy
Tina Patterson
Partap Verma

Chair Hewlett called the meeting to order at 10:01 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

No changes

ACTION: Motion of Commissioner Geraldo to approve the amended agenda
Seconded by Commissioner Bailey
8 approved the motion (Doerner absent for the vote)

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – September 15, 2021

Closed Session – September 15, 2021

ACTION: Motion of Commissioner Geraldo to approve the minutes
Seconded by Commissioner Bailey
9 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

- a) Open Enrollment (October 25 to November 11)
- b) Breast Cancer Awareness Month
- c) National Pregnancy and Infancy Loss Awareness Month
- d) National AIDS Awareness Month
- e) Hiring People with Disabilities Month
- f) National Domestic Violence Awareness Month
- g) National Stop Bullying Month
- h) Italian American, German American, and Polish American Heritage Month
- g) Chair Hewlett wished a happy birthday to Vice Chair Anderson

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

- a) Executive Committee Meeting – Open Session, October 6, 2021
- b) Executive Committee Meeting – Closed Session, October 6, 2021

- c) Employees' Retirement System Board of Trustees Regular Meeting, July 13, 2021

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Resolution 21-24 Land Transfer to DPW&T over Piscataway Creek in Clinton, MD (Sun)

No discussion.

ACTION: Motion of Commissioner Geraldo to adopt Resolution 21-24

Seconded by Commissioner Bailey

9 approved the motion

- b) I-495/I-270 Managed Lanes Study, Staff Recommendation: Draft Environmental Impact Statement (Borden)

Deputy General Counsel Borden updated Commissioners on the I-495/I-270 Managed Lanes Study. In May 2021, the Maryland Department of Transportation State Highway Administration (MDOT SHA) announced it would only proceed with a National Environmental Policy Act (NEPA) study on a single segment of the project area, from I-495 at the American Legion Bridge, through I-270, stopping at I-370. The study will not include improvements from I-495 east of I-270 through Silver Spring, nor the segment from the I-95/I-495 split in Prince George's County through to the Woodrow Wilson Bridge.

Since the study will only cover areas in Montgomery County, future briefings will be made directly to the Montgomery County Planning Board (MCPB). Comments and information briefings will be brought to the full Commission, but actions will be decided by the MCPB.

Deputy General Counsel Borden said with the recent retirement of Managed Lanes Project Manager Carol Rubin, at the request of the MCPB, she will take over. Director Wright thanked Deputy General Counsel Borden and said she was confident the agency was in good hands. Chair Hewlett thanked both Ms. Rubin and Deputy General Counsel Borden for the work they both have done, adding special thanks to Deputy General Counsel for stepping up to the project.

- c) Life Insurance Benefit Update for All Employees (Chiang-Smith/Spencer/McDonald)

Corporate HR (CHR) Director Spencer provided background to Commissioners on the unfortunate passing of several agency employees. The losses were compounded when it was learned these employees were not enrolled in the agency's life insurance benefit, leaving families, some with small children, without added financial security after such a loss.

To encourage a higher rate of insured employees, the M-NCPC will be adding this benefit to all employees through an automatic enrollment process. The Benefits Office negotiated with the plan provider to waive proof of insurability (typically only done with enrollment at the time of hiring). The increased cost to both agency and employee is minimal. Moreover, if an employee does not want the insurance, they may opt out.

Employees will still split 20% of the cost of the premiums, with the M-NCPPC providing 80%. CHR Director Spencer said both collective bargaining units agreed to the change, and the benefit will begin for newly-enrolled employees in January 2022.

Executive Director Chiang-Smith praised CHR Director Spencer and his team for conducting a successful negotiation with the provider, especially for the waiving of insurability. She commended Director Spencer and the management team for successfully coming to an agreement with the MCGEO and FOP collective bargaining units on this topic.

Chair Hewlett and Commissioners praised CHR Director Spencer and his staff, along with the bargaining team.

Chair Hewlett also stressed to everyone the importance of taking care of yourself and your health, particularly with the spread of breakthrough cases, even if a person is vaccinated. Employees were reminded to please remain careful. Getting a vaccine is not just about protecting yourself; it's about protecting your family, protecting your friends and colleagues, and protecting your community.

ITEM 8

OFFICERS' REPORTS

Executive Director's Report

a) Late Evaluation Report (September 2021) (For information only)

Secretary-Treasurer Report

No Reports Scheduled

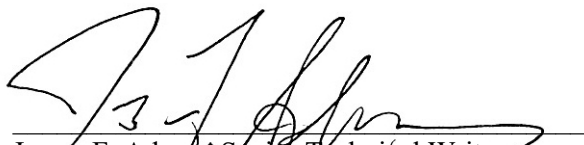
General Counsel Report

b) Litigation Report (For information only)

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) and (9), a closed session is proposed to consult with counsel to discuss personnel matters, to consult with counsel for legal advice, consider matters that relate to negotiation.

Chair Hewlett asked for a motion to move to closed session. Commissioner Geraldo moved, Commissioner Bailey seconded. All 9 Commissioners in attendance voted for the measure and the meeting moved to closed session at 10:19 a.m.

There being no further business to discuss, Chair Hewlett adjourned the meeting from closed session at 10:57 a.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES

November 3, 2021

On November 3, 2021, the Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Elizabeth M. Hewlett, Vice-Chair Casey Anderson, and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

- Andree Checkley, Director, Prince George’s County Planning (PGPL)
- Adrian Gardner, General Counsel
- Mike Riley, Director, Montgomery County Parks (MCPK)
- Bill Tyler, Director, Prince George’s County Parks and Recreation (PGPR)
- Gwen Wright, Director, Montgomery County Planning (MCPL)
- Joe Zimmerman, Secretary-Treasurer

Presenters/Staff

- Areaya Abebe, Policy Analyst, CPMO
- James Adams, Senior Technical Writer
- Michael Beckham, Acting Corporate Policy and Management Operations (CPMO) Director
- Debra Borden, Deputy General Counsel
- Mazen Chilet, Chief Information Officer
- Michael Doaks, Policy Analyst, CPMO
- John Kroll, Corporate Budget Director
- Jim Poore, Montgomery County Parks Department (for item 3a)
- William Spencer, Corporate Human Resources (CHR) Director

Chair Hewlett convened the meeting at 10:08 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	Chair Hewlett added an item on the Finance Department’s GFOA Award to the November 17 Commission meeting agenda. Secretary-Treasurer Zimmerman moved the CAFR presentation from February to January 2022 on the Rolling Agenda
ACTION	Chair Hewlett moved to approve items 1a-1c as amended; Vice-Chair Anderson seconded. Amended agendas approved unanimously

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for November 17, 2021

Discussion	See item 1a
ACTION/Follow-up	See item 1a

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	See item 1a
ACTION/Follow-up	See item 1a

ITEM 2 – APPROVAL OF EXECUTIVE COMMITTEE MEETING MINUTES	
Discussion	October 3, 2021 Open Session October 3, 2021 Closed Session
ACTION	Chair Hewlett moved to approve the minutes; Executive Director Chiang-Smith seconded. Approved unanimously.

ITEM 3 – DISCUSSION/PRESENTATION ITEMS	
Discussion	<p><u>3a. Stand-by Compensation Policy (Beckham)</u></p> <p>Acting CPMO Director Beckham returned to the Executive Committee to present the item deferred from the October 2021 meeting after a request to provide more background and analysis on the program and Department Directors’ opinions.</p> <p>The Executive Committee was asked to:</p> <ol style="list-style-type: none"> 1. Approve making the pilot program permanent; 2. Approve minor changes to the program; and 3. Consider compensation model options. <p>Mr. Beckham summarized the program, pending changes, and input collected from Department Heads from their meeting the week before as described in the packet. He described in detail the different compensation model options and the impacts of each. He said Department Heads supported the option to follow the status quo, noting Department Heads found the current system worked well. It was noted that adjusting to a different compensation model would create possible complications in implementation. The existing model compensates employees on standby assignments a flat 8 hours of straight pay or comp time.</p> <p>Vice-Chair Anderson said he was satisfied the team has examined the program, reconciled the rationalization of the approach, and supported the program, the changes, and the Department Heads’ recommendation for keeping the current compensation model.</p>
ACTION/follow-up	Chair Hewlett moved to adopt the recommendations. Vice-Chair Anderson seconded. Motion approved unanimously.
Discussion	<p><u>3b. Proposed Amendments to Administrative Practice 2-31 and Accompanying Procedures 03-06 (TAP/Tuition Assistance Program) (Beckham)</u></p> <p>Acting CPMO Director Beckham introduced Policy Analyst Michael Doaks who asked for Executive Committee support to adopt minor revisions to the policy to improve program operations and benefits for employees. Mr. Doaks asked Executive Committee support for the following items:</p> <ol style="list-style-type: none"> 1. Increase the annual tuition benefit for non-represented Merit System employees to mirror approved negotiated levels for MCGEO and FOP-represented employees. The annual benefit would increase to \$2000 for full-time employees and \$1000 for part-time employees; 2. Clarify that any school/institution used in the program must be accredited by an organization recognized by the US Department of Education. This would also apply to vocational, technical and trade schools. 3. Clarify the inclusion of foreign language/ASL classes for TAP eligibility.

	Mr. Doaks provided background and history of the program as reflected in the packet.
ACTION/Follow-up	Chair Hewlett moved to approve all three items. Vice-Chair seconded. Motion approved unanimously. Vice-Chair Anderson asked for a report on the use of the program, including information on patterns across departments, how broad is its use, what classes have been taken, what impact has it had on work programs. Mr. Doaks will provide a report based on information provided by the Finance Department and the Benefits office, and will present a use report next month.
Discussion	<u>3c. September 2021 Investment Report (Zimmerman) (information item only)</u> No discussion.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice and consider matters that relate to negotiation.

Chair Hewlett motioned for the meeting to move into Closed Session at 10:34 a.m. Vice-Chair Anderson seconded. Motion approved unanimously.

With no further business to discuss, the meeting adjourned from Closed Session at 12:02 a.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director

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

**BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, September 14, 2021; 10:00 a.m.
County Administration Building, Upper Marlboro, MD
(Due to COVID -19 Attend via Microsoft Teams)

Due to COVID-19, the Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually through Microsoft Teams with CHAIRMAN HEWLETT leading the call from the County Administration Building in Upper Marlboro, Maryland on Tuesday, September 14, 2021. The meeting was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George’s County Commissioner
Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
Howard Brown, FOP Represented Trustee
Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio
Melissa D. Ford, Prince George’s County Open Trustee Absent
Pamela F. Gogol, Montgomery County Public Member
Caroline McCarthy, Montgomery County Open Trustee Left at 11:00 a.m.
Amy Millar, MCGEO Represented Trustee
Sheila Morgan-Johnson, Prince George’s County Public Member Absent
Elaine A. Stookey, Bi-County Open Trustee
Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

ERS Staff Present

Andrea L. Rose, Administrator
Sheila S. Joynes, ERS Accounting Manager
Heather D. Van Wagner, Senior Administrative Specialist

Presentations

Wilshire Associates - Bradley A. Baker, Managing Director and Martel McDuffy, Senior Analyst

Legal Counsel Present

Groom Law Group – Kevin L. Walsh, Counsel
M-NCPPC Legal Department - William C. Dickerson, Principal Counsel

ITEM 1 APPROVAL OF THE SEPTEMBER 14, 2021 CONSENT AGENDA

Item 6 was moved to follow Item 4.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. GOGAL to approve the Consent Agenda, as revised. The motion PASSED unanimously (9-0). (Motion #21-44)

ITEM 2 CHAIRMAN’S ITEMS

ITEM 3 MISCELLANEOUS
No items reported.

ITEM 4 CLOSED SESSION

At 10:08 a.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(7) consult with counsel to obtain legal advice.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. MILLAR to go into Closed Session. The motion PASSED unanimously (9-0). (Motion #21-45)
During Closed Session, the following action was taken:

1. The Board approved a Side Letter Election Form with HarbourVest Credit Opportunities Fund II, L.P.
2. The Board approved an Amendment to the Amended and Restated Limited Partnership Agreement for HarbourVest Credit Opportunities Fund II, L.P.
3. The Board approved the Wilshire MNCPPC Employees' Retirement System Global, L.P. Second and Amended and Restated Agreement of Limited Partnership.

The Board moved back into Open Session at 10:37 a.m.

ACTION: MS. GOGOL made a motion, seconded by VICE CHAIRMAN CICHY to ratify the actions taken in Closed Session. The motion PASSED unanimously (9-0). (Motion #21-50)

ITEM 6 REPORT OF THE ADMINISTRATOR

Presentation by Andrea L. Rose, Administrator

- A. Andrea L. Rose presented the Administrator's Report dated September 2, 2021. Ms. Rose reviewed the Board's calendar for committee and board meetings for September and October. Given there were no agenda items for the October meeting, CHAIRMAN HEWLETT cancelled the October 5, 2021 Board meeting.

Ms. Rose recommended the Board approve salary adjustments consistent with the recent adjustments adopted by the Commission for non-represented employees.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. CHIANG-SMITH to approve a 3.5% increase for FY22 for eligible ERS employees; a 3.5% make-up increase for FY21 for eligible ERS employees paid the last pay period of FY22; a 1.75% increase for FY22 for eligible ERS employees at top of grade; and a 1.75% make-up increase for FY21 for eligible ERS employees at top of grade paid the last pay period of FY22, in accordance with the stipulations outlined in the Administrator's Report dated September 2, 2021. The motion PASSED unanimously (9-0). (Motion #21-51)

- B. Memorandum dated August 3, 2021 re: PREM Eligible Securities
Northern Trust advised the ERS of Century and Lehman Brothers securities in the ERS' account that have been non-transferable for more than 6 years. These securities are eligible for removal under the Position Removal or "PREM" function which allows registered owners to relinquish their positions in issues that have had no transfer agent activity for an extended period. The issuers of these securities are generally inactive or insolvent and the lack of transfer agent renders the security non-transferable. The Securities and Exchange Commission approved this program in 1994 which permits removal and

destruction of the certificates representing positions in these securities. Destroying these certificates reduces costs and eliminates the need to store the certificates, maintain accounts, and monitor the status of these securities. If Northern Trust is not directed to PREM the eligible securities, the ERS will be charged \$250 per year for each security that remains on the record.

Wilshire Associates, Western Asset and Loomis Sayles confirmed there is no market for these securities and Bloomberg lists them as “defaulted”. The cost of maintaining these certificates will exceed the value of these securities. Staff recommend the Board approve directing Northern Trust to proceed with removal of the Century and Lehman Brothers securities from the ERS’ assets.

ACTION: MR. ZIMMERMAN made a motion, seconded by VICE CHAIRMAN CICHY to direct Northern Trust to proceed with removal of the Century and Lehman Brothers securities from the ERS’ assets. The motion PASSED unanimously (9-0). (Motion #21-52)

ITEM 5 MANAGER REPORTS/PRESENTATIONS

A. Wilshire Associates

Presentation by Bradley A. Baker, Managing Director, and Martell McDuffy, Senior Analyst

The Statement of Investment Policy was revised to update the long-term assumptions in the Appendix as of June 2021. Mr. Baker confirmed the Statement of Investment Policy and assumptions are reviewed and updated periodically.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. MILLAR to approve the Revised Statement of Investment Policy, as recommended by Wilshire Associates. The Motion PASSED unanimously (9-0). (Motion #21-53)

Caroline McCarthy left at 11:00 a.m.

Brad Baker provided a Quarterly Executive Summary for the quarter ending June 30, 2021 and reported on the fund’s performance. The ERS’ total fund return was 5.2% (net of fees) for the quarter, outperforming the target policy index return of 4.7%. For the one, three, five, and ten-years ended June 30, 2021 the ERS fund return was 21.5%, 9.6%, 10.3%, and 8.0%, respectively, compared to the target policy return of 20.4%, 9.8%, 9.5%, and 7.6%, respectively. The total market value through June 30, 2021 was \$1,109.6 million.

In comparison to peers as of June 30, 2021, the ERS had much less exposure to US and global equity and was overweight to private real estate. While the ERS had lower returns than most peers, the ERS had a lower risk profile than 94% of peers and ranked in the top quartile in terms of return per unit of risk. Wilshire has no concerns in terms of individual managers and their respective strategies.

In an email dated July 2, 2021 Aberdeen Standard Investments reported Jim Gasperoni decided to depart the business effective July 31, 2021. Ryan Sullivan will maintain oversight of the current portfolio of real assets investments and funds and will lead indirect private markets investments in infrastructure going forward. The ERS’ current investments with Aberdeen will maintain their investment approach centered on investing across real estate, natural resources and infrastructure. These funds are in the liquidation phase and Wilshire is comfortable with the liquidation plan.

PGIM announced a fixed income organizational update on August 13, 2021. Nathan Sheets, Chief Economist and Head of Global Macroeconomic Research is departing PGIM on September 15, 2021. An external search for a replacement has been initiated. Wilshire has no concerns at present and will monitor the organization.

The Board meeting of September 14, 2021 adjourned at 11:30 a.m.

Respectfully,



Andrea L. Rose
Administrator



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: October 25, 2021

TO: The Maryland-National Capital Park and Planning, Full Commission

FROM: Paul J. Sun, Land Acquisition Specialist *PJS*
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: **PGCPB Resolution No. 2021-114 (M-NCPPC No. 21-25, for Full Commission)**

Attached, please find the above referenced Resolution regarding the disposal of Commission property to Prince George's County Public Schools (PGCPS) for the construction of a new middle school. The requested land is comprised land from Glenridge Park.

The Commission agrees to convey the required property to PGCPS as per a Land Exchange Agreement between PGCPS and the Commission. The Land Exchange Agreement specifies that the Commission will convey portions of Glenridge Park in exchange for other PGCPS properties. Additionally, PGCPS has agreed to mitigate for the loss of the existing recreational facilities that will be displaced as part of the new middle school construction.

We request that the Prince George's County Planning Board Resolution be scheduled for adoption by the Full Commission on November 17, 2021.

Thank you for your attention to this matter.

Attachment:

- M-NCPPC Resolution No. 2021-114
- Planning Board PowerPoint, September 15, 2021

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Prince George's County Planning Board Closed Session

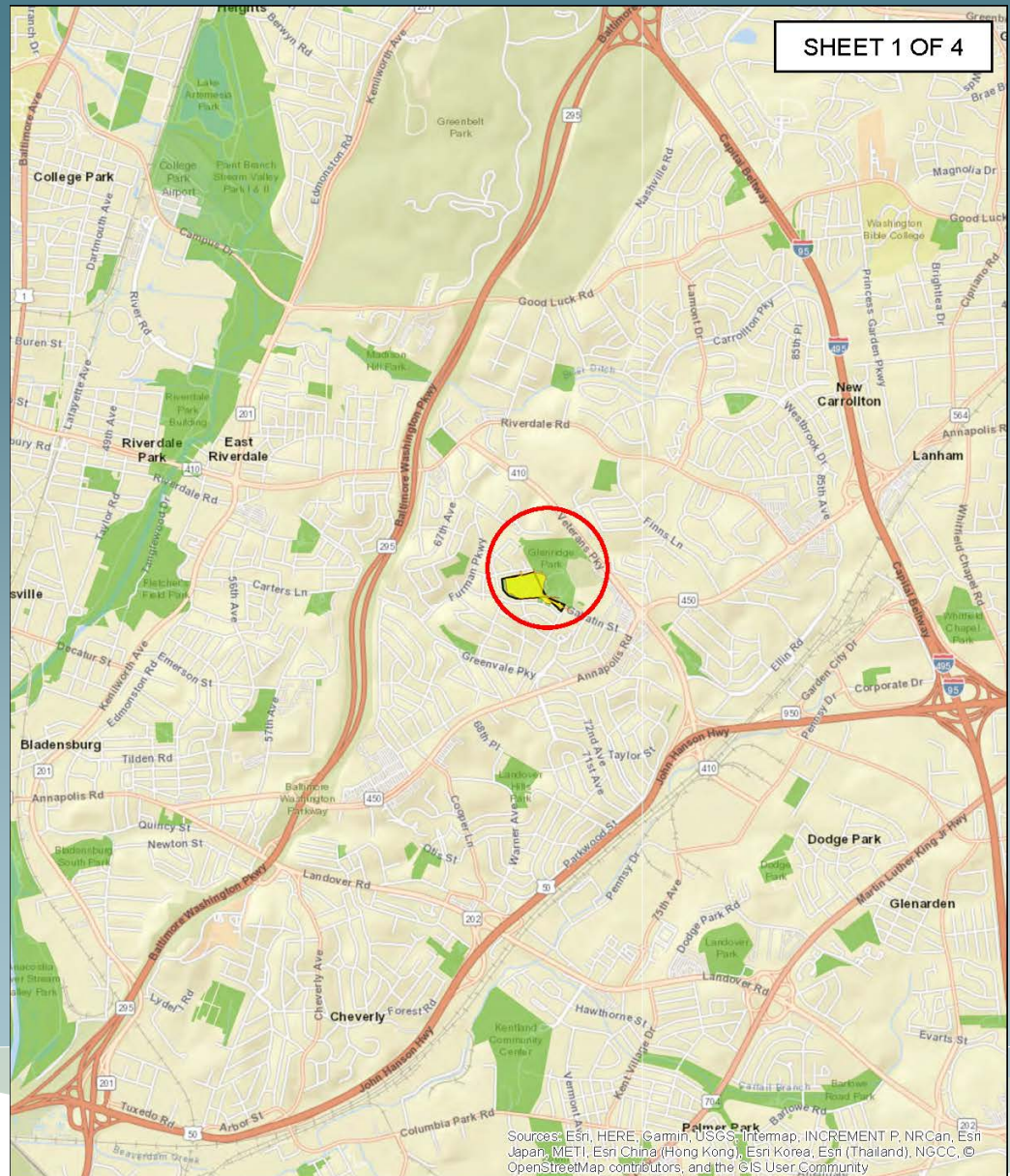
Glenridge Park: Land Exchange and Mitigation Package between PGCPS and M-NCPPC

September 16, 2021



Glenridge Park: Property of M-NCPPC

Approximately 47 acres
consisting of several parcels
of land



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

	<p>Parcel A and Part of Parcel 73 Limit of Disturbance</p> <p>18</p>	<p>This information may not be reproduced, stored in a retrieval system or transmitted in any form, including electronic or by photographic reproduction, without the express written permission of the Maryland National Capital Park and Planning Commission.</p>	<p>DATE: 04/05/2019</p> <p>SCALE: 3,000 Feet</p>	
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In 2018, PGCPS requested the conveyance of Commission property for their new Glenridge Middle School.



Proposed new middle school at Glenridge Park

Site Plan

Pedestrian Access
Flintridge Entrance
Gallatin Entrance
Greenland Street

Bus Entrance
Flintridge Drive

Car Entrance
Gallatin Street



Proposed new middle school at Glenridge Park

The School in the Park

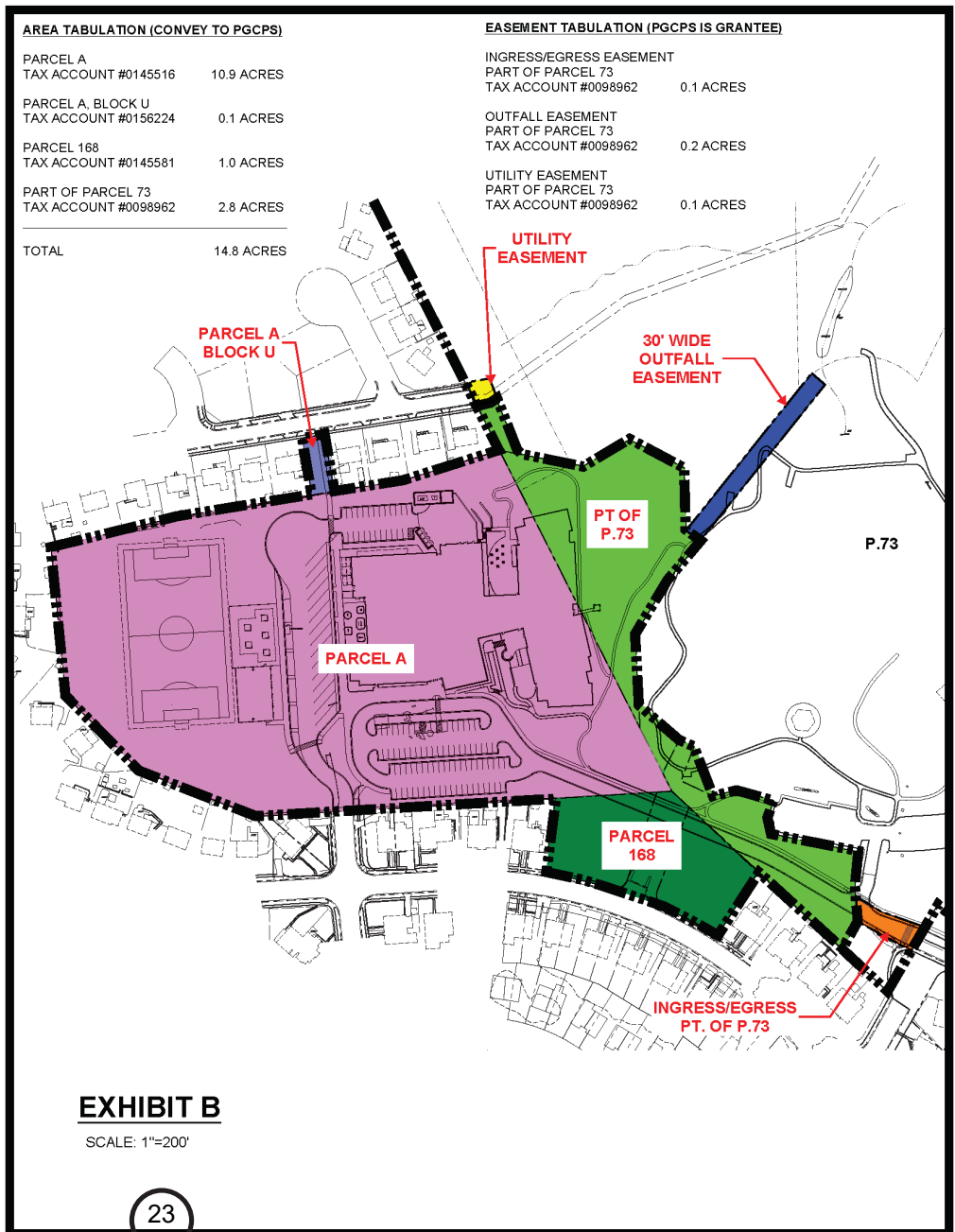


Land Exchange with PGCPS to allow for the Construction of the new Glenridge Middle School

- On November 21, 2019, the Planning Board was briefed on initial terms for the land exchange of needed properties.
- On September 17, 2020, Mandatory Referral (MR-1091F) was presented to the Planning Board.

Land Exchange with PGCPS

Maryland -National Capital
Park and Planning
Commission property
proposed for conveyance to
PGCPS (15 +/- acres)



Land Exchange with PGCPS

The needed property is comprised of:

1. 14.8 acres +/- of land in fee simple
 - 13.7 acres are encumbered with Program Open Space Covenants which requires sufficient replacement property subject to final approval by MD DNR
2. 0.4 acres +/- of associated easements for ingress/egress, storm drainage and utilities

PGCPS Properties To be conveyed to M-NCPPC



Land Exchange with PGCPS

Glenridge Elementary School Property

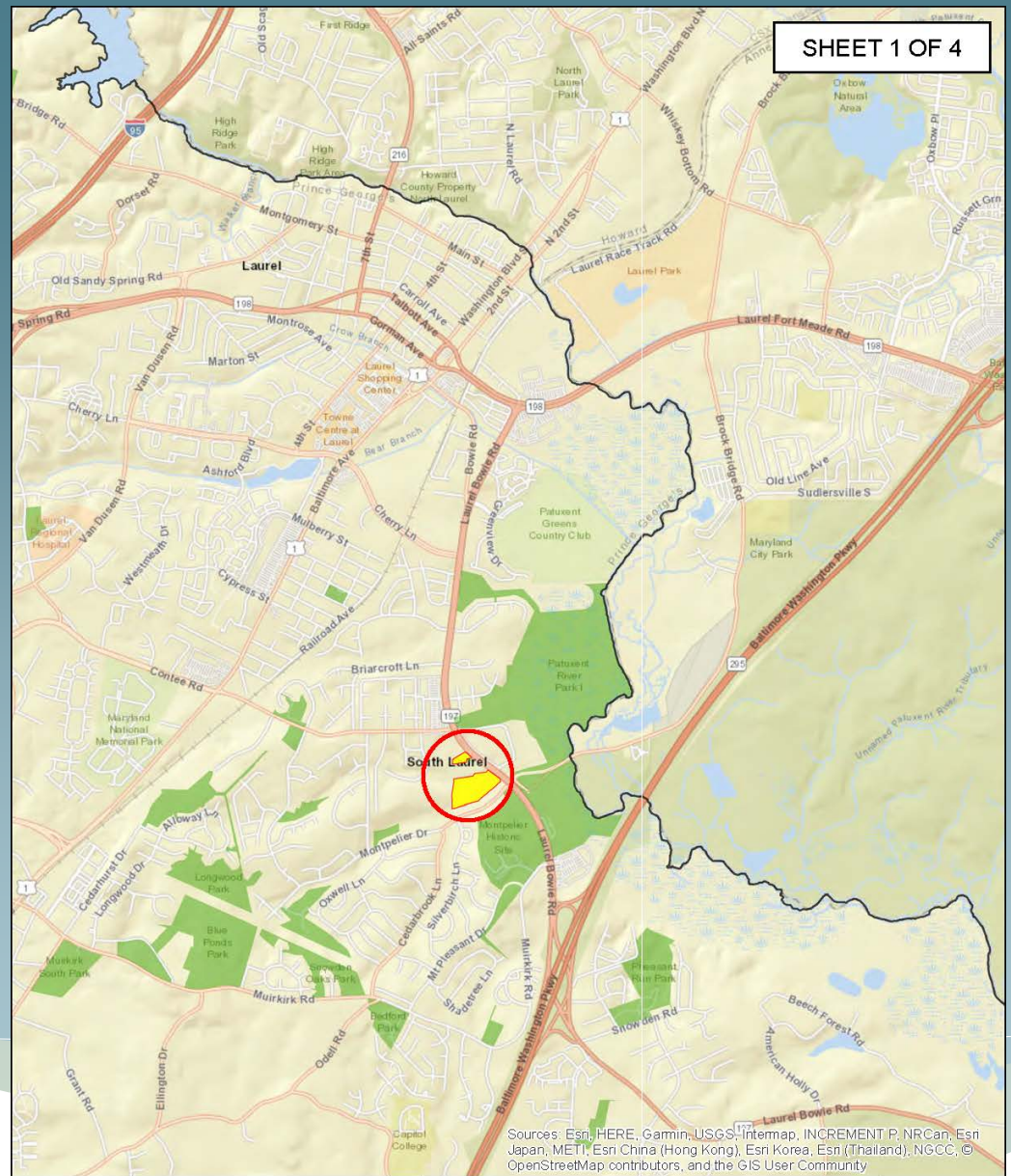
14.8 +/- acres in two phases:

1. 7.4 acres (rear fields) in 2022
2. 7.4 acres school portion within 8 years.



Land Exchange with PGCPS

Deerfield Run Elementary School, Laurel, MD



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Vicinity Map




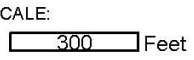
	<p>Parcel A Deerfield Run Elementary School Board of Education Property</p>	<p>This information may not be reproduced, stored in a retrieval system or transmitted in any form, including electronic or by photographic reproduction, without the express written permission of the Maryland National Capital Park and Planning Commission.</p>	<p>DATE: 03/08/2019</p>	
			<p>SCALE: 3,000 Feet</p>	

Land Exchange with PGCPS

Deerfield Run Elementary School Property

Portions of the property totaling
16.5 +/- acres



	Parcel A Deerfield Run Elementary School Board of Education Property	This information may not be reproduced, stored in a retrieval system or transmitted in any form, including electronic or by photographic reproduction, without the express written permission of the Maryland National Capital Park and Planning Commission.	DATE: 03/08/2019	
		SCALE: 		

Vicinity Map

PGCPS Proposed Mitigation for the Displacement of Existing M-NCPPC Facilities

November 21, 2019



Existing Facilities at Glenridge Park



Existing Park Facilities/ Amenities at Glenridge Park that are being removed or displaced as a result of the new Middle School Construction

1. Multipurpose – football/soccer field with backstop
baseball/softball overlay
2. Covered picnic pavilion
3. Parking lot and access road
4. Multi-age Playground (2-5 & 5-12 year old)
5. Two (2) - tennis courts
6. One (1) – Basketball Court
7. One (1) Sand Pit Volleyball Court
8. Portions of the existing trails at Glenridge Park

Mitigation Proposal by PGCPS for Glenridge Park

- PGCPS proposes to construct a replacement Multi-age Playground (2-5 & 5-12 year old) at the rear of the Glenridge Elementary School property.
- PGCPS shall execute a Recreational Facilities Agreement (RFA) for the construction of the Multi-age Playground, with an anticipated completion date in 2022.
- PGCPS will restripe the fields at Glenridge Elementary School for immediate use.
- The athletic fields at the new middle school will be available for shared use by the Commission.

Mitigation Proposal by PGCPS for Glenridge Park

- In addition, PGCPS has proffered a payment of \$920,000 as mitigation for the displacement of the additional facilities lost.
- With the receipt of the proffered payment, PPD has concept ideas for using the funds for new updated facilities, such as pickleball and futsal which are now in higher demand.
- The exact locations of these proposed facilities have not yet been determined.

SUMMARY

The new Glenridge Middle School will use approximately 15 acres of M-NCPPC property. PGCPS has agreed to a land exchange package consisting of the following:

- Conveyance of Glenridge Elementary School Site (14.8 acres) and portions of the Deerfield Elementary School (16.5 acres) **31.3 acres of land in total** (subject to final approval by MD DNR).
- Mitigation of the existing park facilities at our Glenridge Park Site shall include a fee payment and construction of a replacement multi-age playground.
- Based on the properties being conveyed to the Commission and the Mitigation Package proposed, the 15+/- acres at Glenridge Park, the 15 acres of Parkland will not be needed for Park Purposes.

In order to meet the demands for Middle Schools in Prince George's County, PGCPS is anticipating a start date of before the end of 2021 as soon as permits are obtained.

Next Steps



Land Exchange with PGCPS

- Approval of the Land Disposal by the Full Commission
- PGCPS will enter into a Right of Entry, Construction and Maintenance Agreement with DPR.
- Payment of the Facility Mitigation Fee (\$920,000) prior to the start of any construction on Park Property.
- Execution of the Land Exchange Agreement and RFA between PGCPS and the Commission by December 31, 2021.
- Obtain DNR approval for the POS replacement property prior to any Land Conveyances to PGCPS.

STAFF RECOMMENDATION

Approval of Land Exchange Agreement
(Subject to the Approval of the Full Commission)

(Tyler/Stesney/Ewing/Sun)

End

PGCPB No. 2021-114

MNCPPC No. 21-25

Land Exchange and Mitigation Package – Glenridge Middle School

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission (“Commission”) is authorized under the Maryland Annotated Code, Land Use Article § 17-101 to acquire land or other property located within the Metropolitan District for parks, parkways, forests, roads, and other public ways, grounds, or spaces, and for public recreation; and

WHEREAS, the Commission is authorized under the Maryland Annotated Code, Land Use Article § 17-206 to dispose of recreational facility no longer needed for public use and to exchange recreational land for other land held by another public body or agency which the Commission determines to be more suitable for recreational purposes; and

WHEREAS, the Commission owns Glenridge Park, approximately 47 acres, consisting of Tax Map 51, Grid C1, Tax Map 43 Grid D4, Glenridge Local Park Parcel A (tax account 0145516), Part of Parcel 73 (tax account 0098962), Parcel 168-Woodlawn- Feldmans Addition (tax account 0145581), and Parcel A, Block U Addition to Woodlawn (tax account 0156224); and

WHEREAS, Prince George’s County has a need for new middle schools and desires to site a new middle school at the Commission’s Glenridge Park; and

WHEREAS, in 2018, Prince George’s County Public Schools (“PGCPS”) proposed a land exchange with the Commission; and

WHEREAS, PGCPS requested that the Commission convey to it: (a) 14.8 ± acres of Glenridge Park in fee simple, 13.7± acres of which are encumbered with Maryland Department of Natural Resources (“DNR”) Program Open Space covenants, for which DNR will require sufficient replacement property acceptable to DNR; and (b) 0.4± acres of Glenridge Park for ingress/egress, storm drainage, and utility easements associated with the construction of the new school; and

WHEREAS, in exchange, PGCPS proposes to convey to Commission: (a) 14.80 ± acres of Glenridge Elementary School, Tax Map 51, Grid D1, Parcel 7 (tax account 2176782) in two (2) phases: first, 7.4 ± acres consisting of rear fields, and second, the remainder within eight (8) years of the date of the execution of the Land Exchange Agreement; and (b) 16.5 ± acre portion of Deerfield Run Elementary School, Tax Map 10, Grid D3, Parcel A Wilcox Tract (tax account 1004027); and

WHEREAS, at Glenridge Park, the Commission would lose a multipurpose football/soccer field with backstop baseball/softball overlay, covered picnic pavilion, parking lot and access road, multi-age playground, two (2) tennis courts, one (1) basketball court, one (1) sand pit volleyball court, and portions of existing trails; and

WHEREAS, as mitigation for the Commission’s amenities that would be lost, PGPCS proposes to: (a) construct a replacement multi-age playground at the rear of Glenridge Elementary; (b) restripe the fields at Glenridge Elementary School for immediate use by the Commission; (c) make the athletic fields at the new Glenridge Middle School available to the Commission when they are completed; and (d) pay the Commission \$920,000 as mitigation for the displacement of the facilities lost; and

WHEREAS, the Commission would use such \$920,000 to construct replacement facilities, which may include pickleball and futsal, at locations to be determined; and

WHEREAS, on November 21, 2019, the Commission’s Prince George’s County Planning Board (the “Planning Board”) received a briefing on the initial terms of the proposed land exchange; and

WHEREAS, on September 17, 2020, staff presented Mandatory Referral MR-1091F to the Planning Board; and

WHEREAS, among other reasons, public acquisition of the PGPCS property at Glenridge Elementary School is advisable because: (a) it is contiguous to the Commission’s Glenridge Park; (b) it is developable for active recreation; and (c) it would promote trail linkages and/or connections to other parkland or open spaces; and

WHEREAS, among other reasons, public acquisition of the PGPCS property at Deerfield Run Elementary School is advisable because it is developable for a replacement of or expansion of existing Deerfield Community Center and the preservation of the stream valley; and

WHEREAS, the Planning Board authorized DPR to negotiate for the disposal of the M-NCPPC property and acquisition of the PGPCS property; and

WHEREAS, PGPCS will enter into a Right of Entry, Construction and Maintenance Agreement with the Commission to allow it to begin construction; and

WHEREAS, the land exchange will be documented by a Land Exchange Agreement, and PGPCS’s construction of the playground and payment of the \$920,000 (due prior to the start of any construction on park property) will be documented by a Recreational Facilities Agreement, both documents to be executed by December 31, 2021; and

WHEREAS, the Commission will not convey any of its property to PGPCS before DNR approves of the replacement property.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George’s County Planning Board, at closed session during its meeting on **September 16, 2021**, finds that in light of the proposed acquisition of land at Glenridge and Deerfield Run Elementary Schools, the M-NCPPC property at Glenridge Park will not be needed for park purposes and may be disposed.

FURTHER RESOLVED, that the Planning Board hereby approves the land exchange with PGCPB (subject to approval of the full Commission) and the proffered mitigation package.


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

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Washington, Hewlett and Doerner voting in favor of the motion, during closed session at its regular meeting held on September 16, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George’s County Planning Board on this 30th day of September 2021.

Elizabeth Hewlett
Chair

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 10/1/21

By: 
Jessica Jones
Planning Board Administrator

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MEMORANDUM



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

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

Andrea L. Rose
 Administrator

TO: The Commission

DATE: November 2, 2021

VIA: Elizabeth M. Hewlett
 Chairman, Board of Trustees

FROM: Andrea L. Rose *Andrea L. Rose*
 ERS Administrator

Subject: **Resolution #21-26 - Recommendation to Approve an Employer Contribution in the Amount of \$25,682,999 for Fiscal Year 2023**

RECOMMENDATION

At its November 2, 2021 meeting, the Employees' Retirement System (ERS) Board of Trustees ("Board") accepted the June 30, 2021 Actuarial Valuation presented by Cheiron. As a result, the Board recommends the Commission approve Resolution #21-26 which adopts an employer contribution in the amount of \$25,682,999 (14.43% of covered payroll) for fiscal year 2023.

BACKGROUND

In accordance with the ERS' Plan Document, Section 2.3(g), the Board shall recommend to the Commission the contributions to be made by the Commission under the provisions of the ERS.

Each year the ERS has an independent actuarial valuation performed to determine the funding requirements for the ERS. The actuarial valuation is designed to measure the current and future cost of retiree benefits based on employee demographics, assets and liabilities, plan provisions, and actuarial assumptions and methods. The actuary recommends an employer contribution to ensure sufficient assets are available for future benefits.

A pension plan is well funded when it has enough money in reserve to meet all expected future obligations to participants. The ERS' funding objective is to meet long-term benefit promises through employee and employer contributions that remain approximately level as a percent of member payroll. The June 30, 2021 actuarial valuation indicated a funded ratio (based on the actuarial value of assets) of 92.6%, which is up from 91.2% in 2020.

The June 30, 2021 actuarial valuation includes demographic and economic changes, including a change in the investment return assumption from 6.80% to 6.75%, which were approved by the Board earlier this year following a five-year experience study.

To meet the ERS' funding objectives, the recommended employer contribution of \$25,682,999 (14.43% of covered payroll) is payable July 1, 2022 for fiscal year 2023. The recommended employer contribution decreased from \$26,174,744 (15.18% of covered payroll) as of July 1, 2020. The decrease in the employer contribution from 2020 to 2021 can be primarily attributed to: 1) a \$25.7 million actuarial gain on investments; 2) a \$6.8 million gain on the liabilities due to COLA increases being less than expected for retirees and salary increases being less than expected for active members; and 3) a \$11.3 million decrease in the unfunded actuarial liability which resulted from a large actuarial gain offset by the increase in liability due to the change in demographic and economic assumptions.

Cheiron's, Janet H. Cranna, FSA, EA, MAAA, Principal Consulting Actuary and Patrick Nelson, FSA, EA, MAAA, Associate Actuary will present the attached presentation at the Commission's November 17, 2021 meeting.

Thank you in advance for your consideration.

Attachment

1. Pension Actuarial Valuation as of June 30, 2021

Pension Actuarial Valuation as of June 30, 2021

November 17, 2021

Presented by

Janet Cranna, FSA, FCA, EA, MAAA

Patrick Nelson, FSA, CERA, EA, MAAA

Agenda

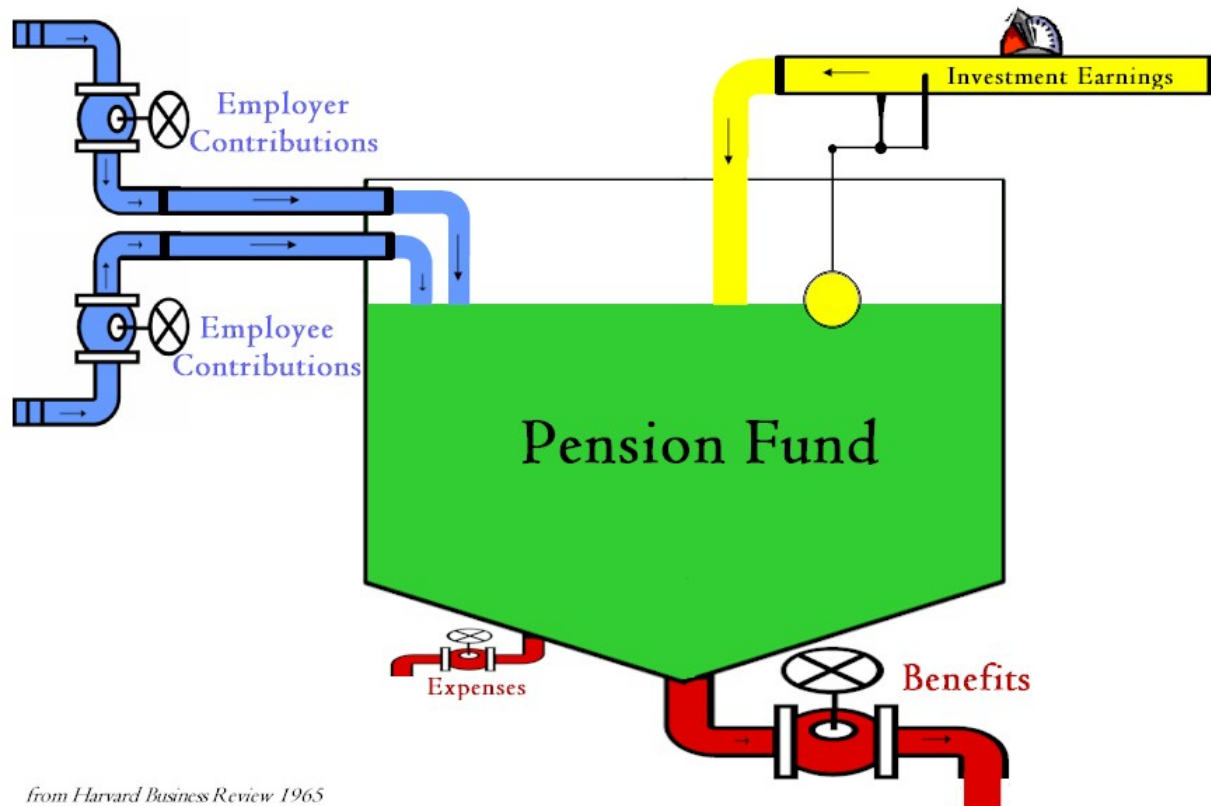


- Historical Review and Material Risks
- June 30, 2021 Actuarial Valuation Results
- Projections

The Actuarial Valuation Process



1. Collect information
 - Member data
 - Plan provisions
 - Asset information
2. Apply assumptions
 - Demographic
 - Economic
3. Project all future benefit payments
4. Determine a present value of the benefits
5. Compare to assets
6. Calculate employer and employee contributions



Actuarial Experience Study Recap



- Reviewed actuarial experience from July 1, 2015 through June 30, 2020 valuation
- Proposed changes were approved in May 4, 2021 meeting
- The assumption changes based on this experience study were first adopted for the June 30, 2021 actuarial valuation
- Demographic assumption changes resulted in an increase in the liability of \$14.8 million
- Discount rate decrease from 6.80% to 6.75% resulted in an increase in the liability of \$10.7 million

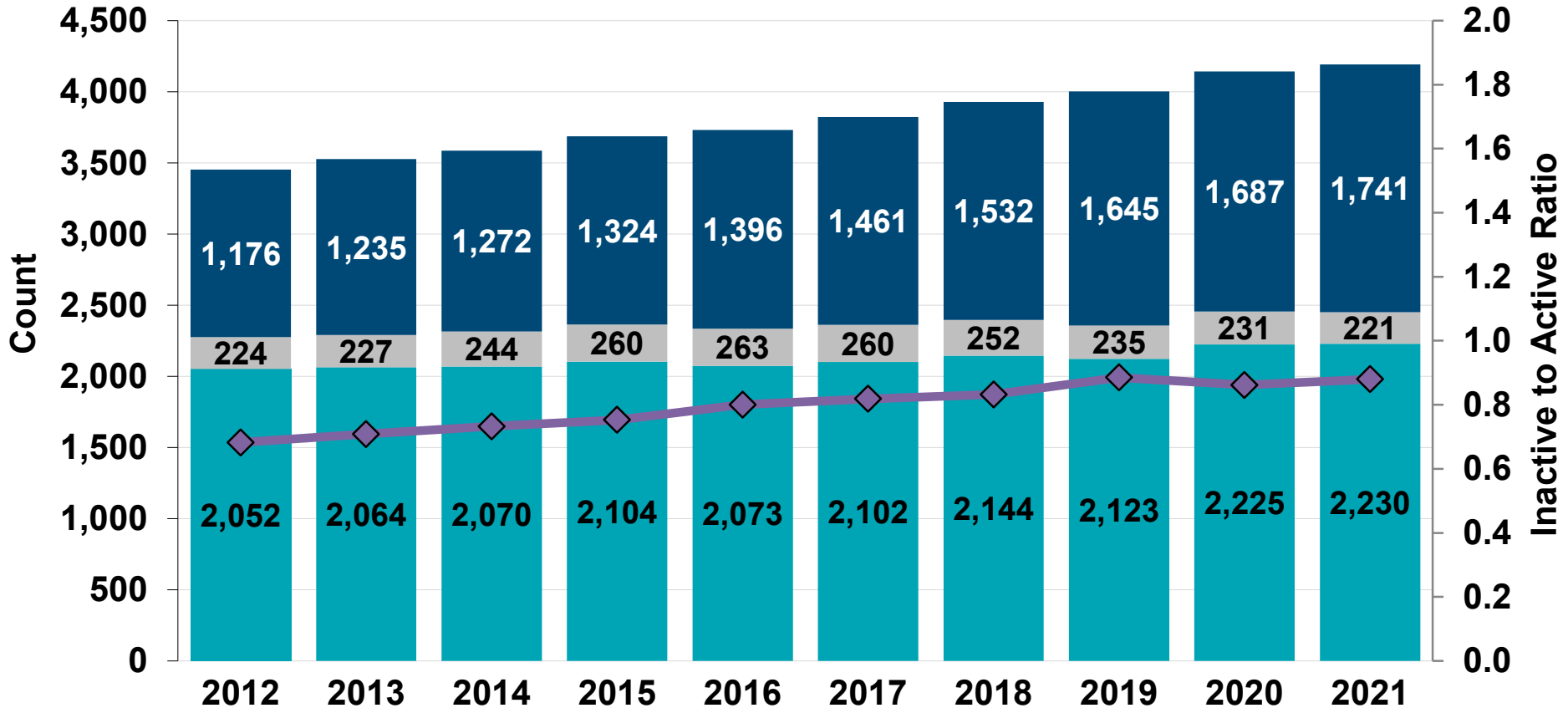


- Material risks identified:
 - **Investment Risk** – the potential for investment returns to be different than expected
 - **Longevity and other Demographic Risk** – the potential for mortality and other demographic experience to be different than expected
 - **Contribution Risk** – the potential that actual contributions will not adequately fund the Plan
 - **Plan Change Risk** – the potential for provisions of the plan to change and impact measurements
 - **Assumption Change Risk** – the potential for the environment to change such that future valuation assumptions are different than the current assumptions

Membership Trends

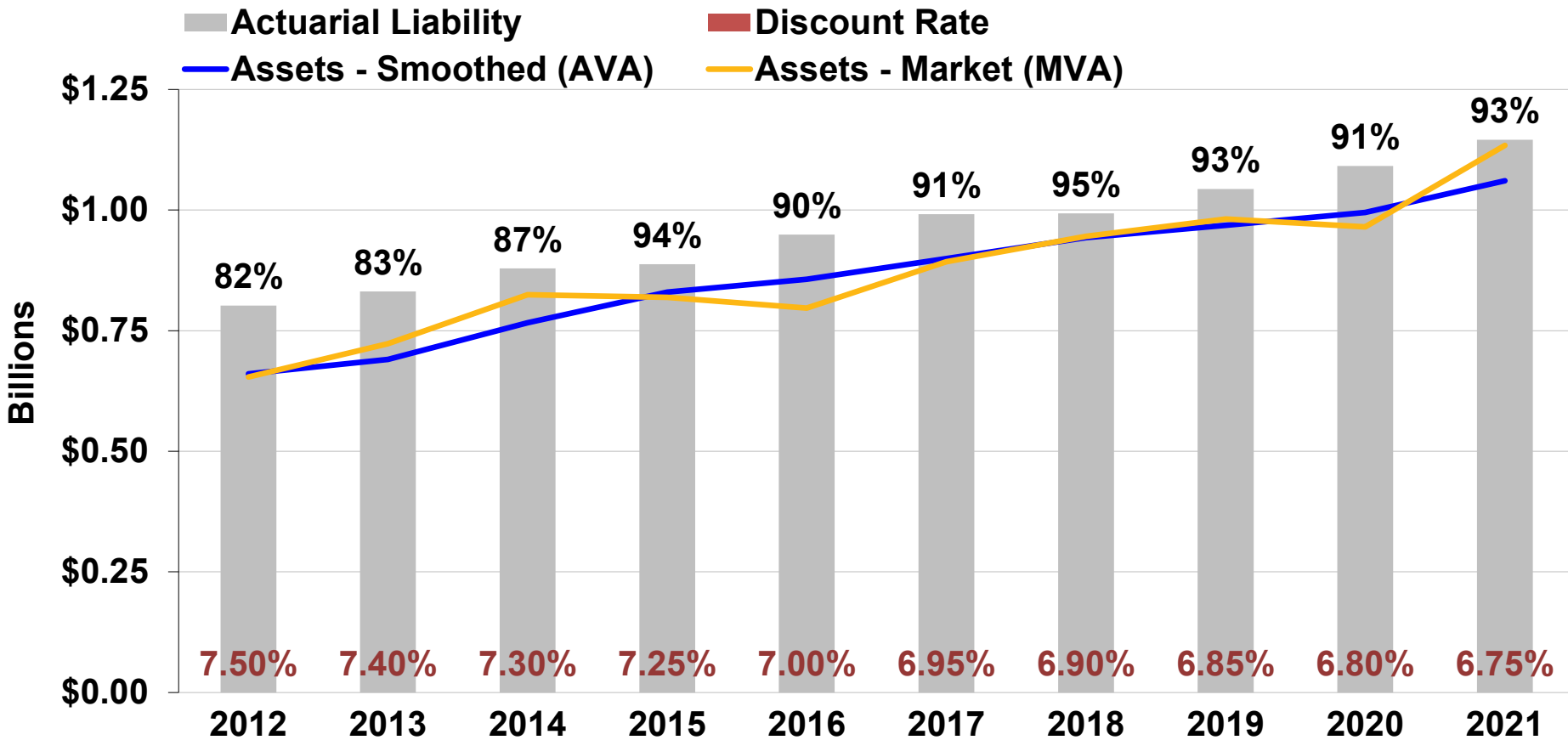


■ Actives
 ■ Terminated Vested
 ■ In Pay Status
 ◆ Support Ratio



Support Ratio is the ratio of the number of inactive members (Retirees and Deferred Vested) per active member.

Assets and Liabilities

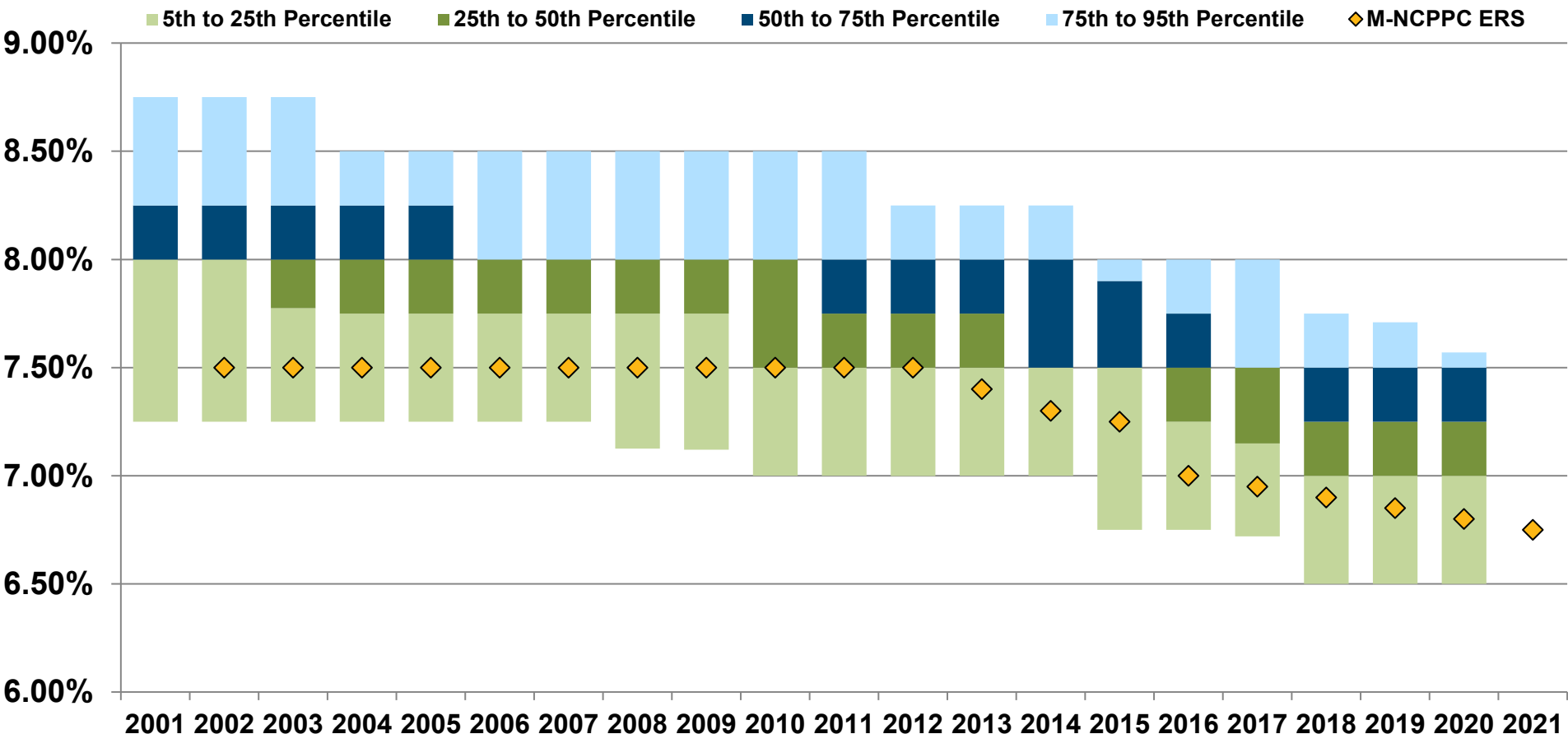


Funded status shown above bars is Actuarial Value of Assets divided by Actuarial Liability.

Discount Rate



Discount Rate

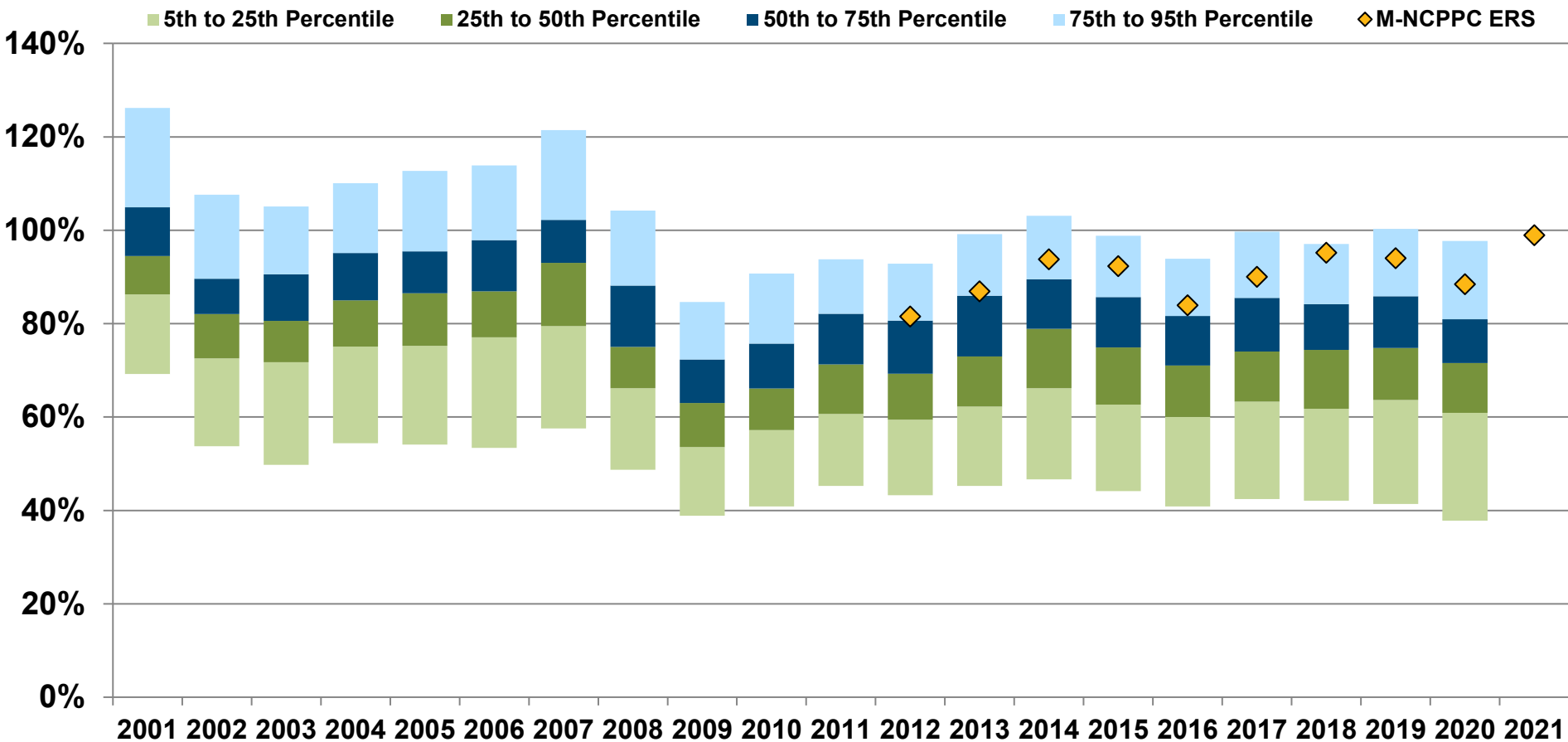


Survey Data from Public Plans Database as of 6/28/2021

MVA Funded Ratio



MVA Funded Ratio



Survey Data from Public Plans Database as of 6/28/2021

Member Counts



Member Status	As of July 1, 2020	As of June 30, 2021	% Change
Active	2,225	2,230	0.22%
Terminated Vested	231	221	-4.33%
Terminated Non-Vested ¹	449	499	11.14%
Retired, Beneficiaries, and Disabled	<u>1,687</u>	<u>1,741</u>	3.20%
Total	4,592	4,691	2.16%

¹ Members still due a refund of employee contributions

Assets and Liabilities Comparison



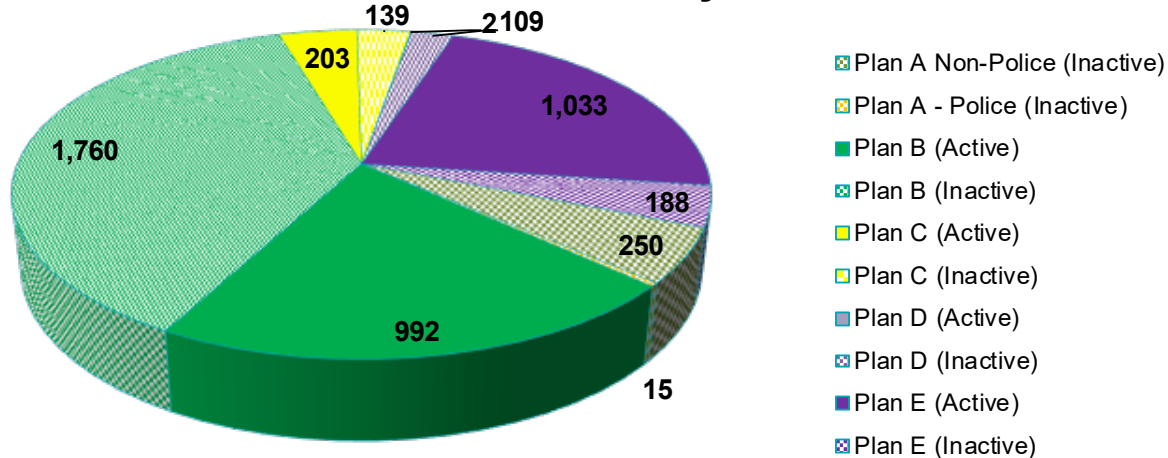
- Market Value of Assets (MVA) returned 20.74% and the Actuarial Value of Assets (AVA) returned 9.45% from July 1, 2020 to June 30, 2021, both above the assumed rate of 6.80%
 - Actuarial gain on investments was \$25.7 million
- Actuarial liability gain of \$6.8 million
- Change in the demographic assumptions from 2021 experience study increased liabilities by \$14.8 million
- Change in the discount rate from 6.80% to 6.75% increased liabilities by \$10.7 million

Assets and Liabilities	As of July 1, 2020	As of June 30, 2021	% Change
Actuarial Liability (AL)	\$ 1,091,238,867	\$ 1,145,821,511	5.00%
Actuarial Value of Assets (AVA)	\$ 995,043,914	\$ 1,060,873,621	6.62%
Unfunded Actuarial Liability (UAL)	\$ 96,194,953	\$ 84,947,890	-11.69%
Funded Ratio (AVA / AL)	91.18%	92.59%	1.41%
Market Value of Assets (MVA)	\$ 964,901,537	\$ 1,133,896,632	17.51%
Funded Ratio (MVA / AL)	88.42%	98.96%	10.54%

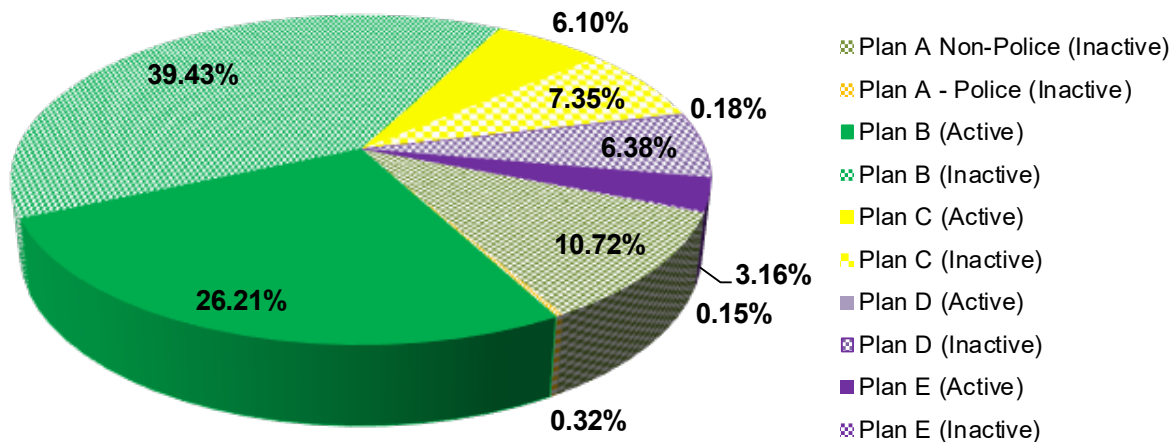
Membership and Liability By Plan



Number of Members by Plan



Actuarial Liability by Plan



Change in Liabilities



Source	(Gain) / Loss
Liabilities as of July 1, 2020	\$ 1,091,238,867
Change due to:	
Assumption Changes	25,498,819
Actuarial (Gain) / Loss	(6,831,275)
Benefits Accumulated and Other Sources	<u>35,915,100</u>
Total Liability Increase / (Decrease)	<u>54,582,644</u>
Liabilities as of June 30, 2021	\$ 1,145,821,511

Source	(Gain) / Loss	% of Liability
New members entering System	\$ 477,635	0.0%
Salary increases for prior year less than expected	(741,943)	-0.1%
Salary increases for current year less than expected	(2,157,843)	-0.2%
Active member decrements	1,323,546	0.1%
Inactive mortality	1,779,958	0.2%
COLA less than expected	(7,333,614)	-0.7%
Benefit payments different than expected	266,392	0.0%
Miscellaneous changes	<u>(445,406)</u>	<u>0.0%</u>
Total Actuarial Liability (Gain) / Loss	\$ (6,831,275)	-0.6%

Employer Contribution by Plan



	Non-Police Plan A	Police Plan A	Plan B	Plan C	Plan D	Plan E	Total
Active Member Payroll	\$ 0	\$ 0	\$ 86,298,118	\$ 17,997,819	\$ 223,324	\$ 73,488,347	\$ 178,007,608
Normal Costs							
Gross Normal Cost	\$ 0	\$ 0	\$ 8,908,074	\$ 3,983,958	\$ 20,118	\$ 8,200,801	\$ 21,112,951
Estimated Expenses	245,693	7,253	1,504,159	308,361	150,299	75,877	2,291,642
Reduction due to Expected Employee Contributions	<u>0</u>	<u>0</u>	<u>3,386,197</u>	<u>1,594,745</u>	<u>9,478</u>	<u>2,954,772</u>	<u>7,945,192</u>
Net Employer Normal Cost	\$ 245,693	\$ 7,253	\$ 7,026,036	\$ 2,697,574	\$ 160,939	\$ 5,321,906	\$ 15,459,401
--As a % of Payroll	0.00%	0.00%	8.14%	14.99%	72.07%	7.24%	8.68%
Amortization Payment							
Amortization Payment	\$ 0	\$ 0	\$ 6,320,979	\$ 1,472,348	\$ 43,650	\$ 762,636	\$ 8,599,613
--As a % of Payroll	0.00%	0.00%	7.32%	8.18%	19.55%	1.04%	4.83%
Actuarially Determined Employer Contribution payable at Beginning of Year							
Actuarially Determined Employer Contribution payable at Beginning of Year	\$ 245,693	\$ 7,253	\$ 13,347,015	\$ 4,169,922	\$ 204,589	\$ 6,084,542	\$ 24,059,014
--As a % of Payroll	0.00%	0.00%	15.47%	23.17%	91.61%	8.28%	13.52%
Actuarially Determined Employer Contribution payable at End of Year							
Actuarially Determined Employer Contribution payable at End of Year	\$ 262,277	\$ 7,743	\$ 14,247,939	\$ 4,451,392	\$ 218,399	\$ 6,495,249	\$ 25,682,999
--As a % of Payroll	0.00%	0.00%	16.51%	24.73%	97.79%	8.84%	14.43%

Contribution Allocation



	Contribution for FYE June 30, 2023		2021 Payroll	Contribution as % of Payroll
Non-Police	\$	21,005,465	\$ 159,786,465	13.15%
Park Police		<u>4,677,534</u>	<u>18,221,143</u>	25.67%
Total	\$	25,682,999	\$ 178,007,608	14.43%

Contribution Reconciliation



	FYE 2022	Exp Liability Exp Assets	Exp Liability Actual Assets	Baseline Liability Actual Assets	Demo Assump Updts Actual Assets	Salary Adjustment Actual Assets	FYE 2023 Disc Rate Change
AL	\$ 1,091.2	\$ 1,127.2	\$ 1,127.2	\$ 1,122.5	\$ 1,137.3	\$ 1,135.1	\$ 1,145.8
AVA	995.0	1,035.2	1,060.9	1,060.9	1,060.9	1,060.9	1,060.9
UAL	\$ 96.2	\$ 92.0	\$ 66.3	\$ 61.6	\$ 76.4	\$ 74.2	\$ 84.9
Payroll	\$ 172.4	\$ 176.7	\$ 176.7	\$ 178.0	\$ 178.0	\$ 178.0	\$ 178.0
Gross NC	\$ 20.3	\$ 20.9	\$ 20.9	\$ 20.9	\$ 21.0	\$ 20.9	\$ 21.1
Est Exp	2.2	2.3	2.3	2.2	2.3	2.3	2.3
EE Cont	7.7	8.0	8.0	7.9	7.9	7.9	7.9
Net NC	\$ 14.8	\$ 15.2	\$ 15.2	\$ 15.2	\$ 15.4	\$ 15.3	\$ 15.5
UAL Amort	\$ 9.8	\$ 9.3	\$ 6.7	\$ 6.3	\$ 7.8	\$ 7.5	\$ 8.6
ADC BOY	\$ 24.6	\$ 24.5	\$ 21.9	\$ 21.5	\$ 23.2	\$ 22.8	\$ 24.1
% of Pay	14.22%	13.83%	12.35%	12.08%	12.95%	12.77%	13.52%
ADC EOY	\$ 26.2	\$ 26.1	\$ 23.3	\$ 23.0	\$ 24.6	\$ 24.3	\$ 25.7
% of Pay	15.18%	14.77%	13.19%	12.90%	13.83%	13.64%	14.43%

\$ in millions

Projections – 6.75% Annual Return (Baseline)



Stress Testing

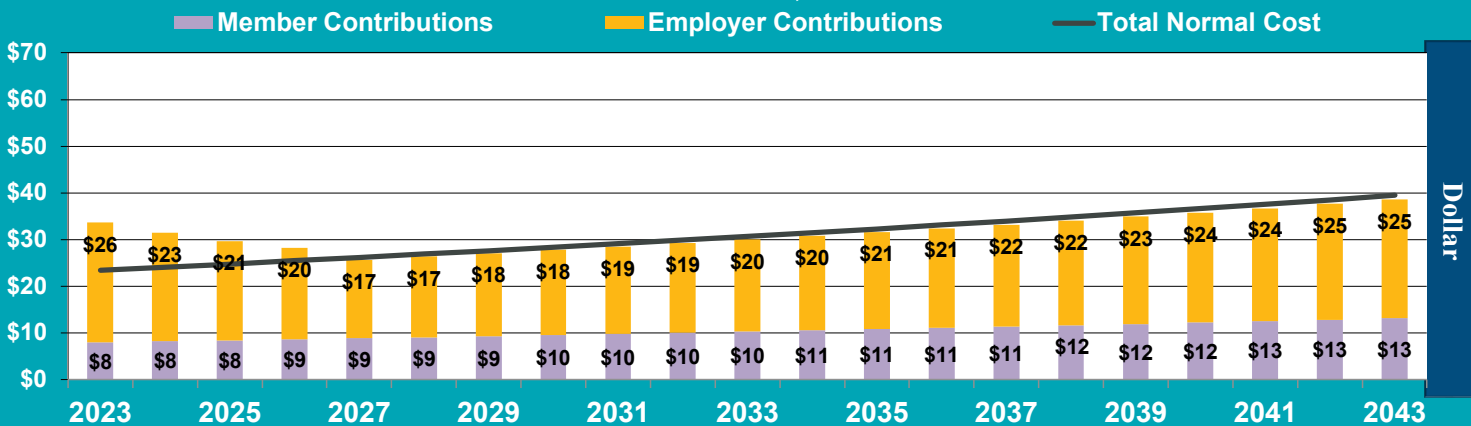
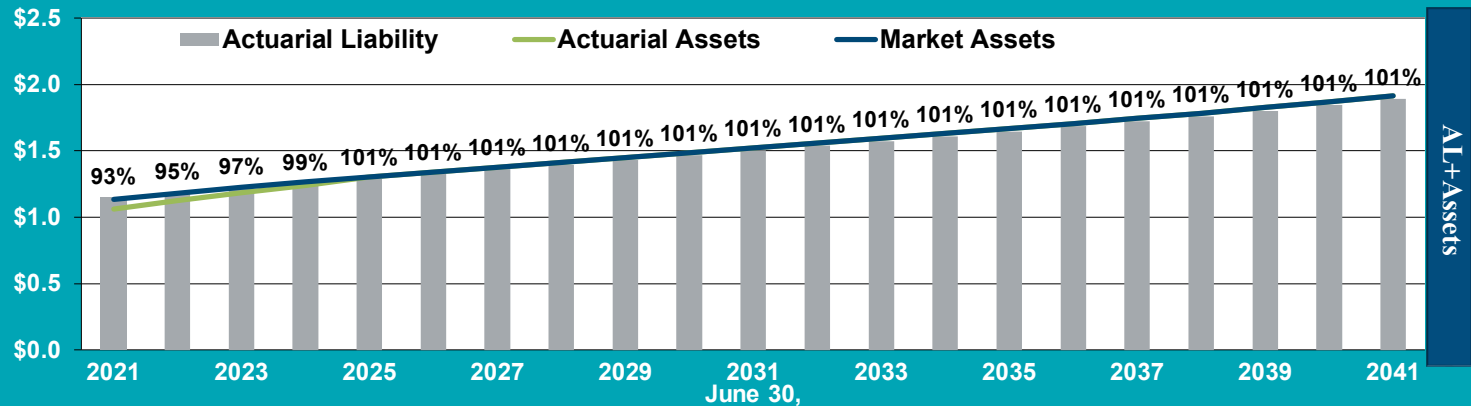
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PYE	Rate
2022	6.75%
2023	6.75%
2024	6.75%
2025	6.75%
2026	6.75%
2027	6.75%
2028	6.75%
2029	6.75%
2030	6.75%
2031	6.75%
2032	6.75%
2033	6.75%
2034	6.75%
2035	6.75%
2036	6.75%
2037	6.75%
2038	6.75%
2039	6.75%
2040	6.75%
2041	6.75%
Avg	6.75%

Baseline
 Historical
 1964

Amort Type: **Rolling**
 Amort Period: **15**
 Salary Increase: **0.0%**

20-Year Projected Contributions: **\$419.4 million**



Projected Cash Flows (Baseline)



10-Year Projection of Employer Costs (dollars in millions)

Fiscal Year Ending June 30,	Normal Cost	Amortization of UAL	Estimated Expenses	Interest to End of Year	Total Employer Contribution	Prior Year Payroll	Employer Contribution as % of Payroll
2023	\$ 13.17	\$ 8.60	\$ 2.29	\$ 1.62	\$ 25.68	\$ 178.01	14.43%
2024	13.50	5.90	2.36	1.47	23.23	182.46	12.73%
2025	13.89	3.59	2.44	1.34	21.27	187.02	11.37%
2026	14.30	1.48	2.51	1.23	19.52	191.69	10.18%
2027	14.71	(1.55)	2.58	1.06	16.81	196.49	8.55%
2028	15.13	(1.60)	2.65	1.09	17.28	201.40	8.58%
2029	15.56	(1.65)	2.72	1.12	17.75	206.43	8.60%
2030	15.99	(1.71)	2.79	1.15	18.23	211.60	8.62%
2031	16.44	(1.76)	2.86	1.18	18.72	216.88	8.63%
2032	16.89	(1.82)	2.93	1.22	19.22	222.31	8.65%
2033	17.35	(1.88)	3.00	1.25	19.73	227.86	8.66%

Assumptions

- Future investment returns of 6.75%
- Total payroll increases 2.50%
- No liability gains or losses

Projections – 5.25% Annual Return



Stress Testing

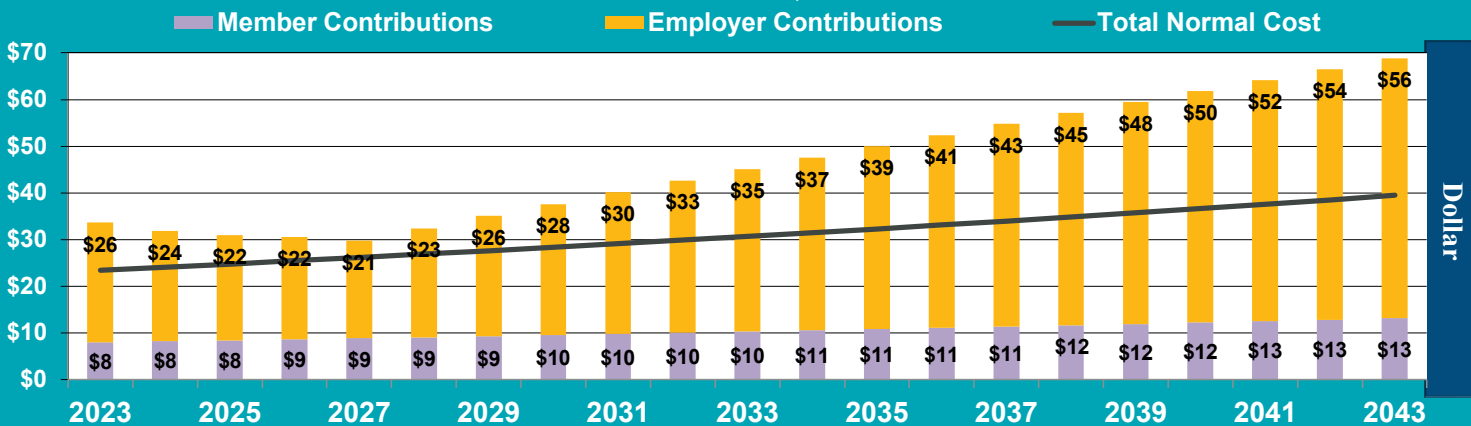
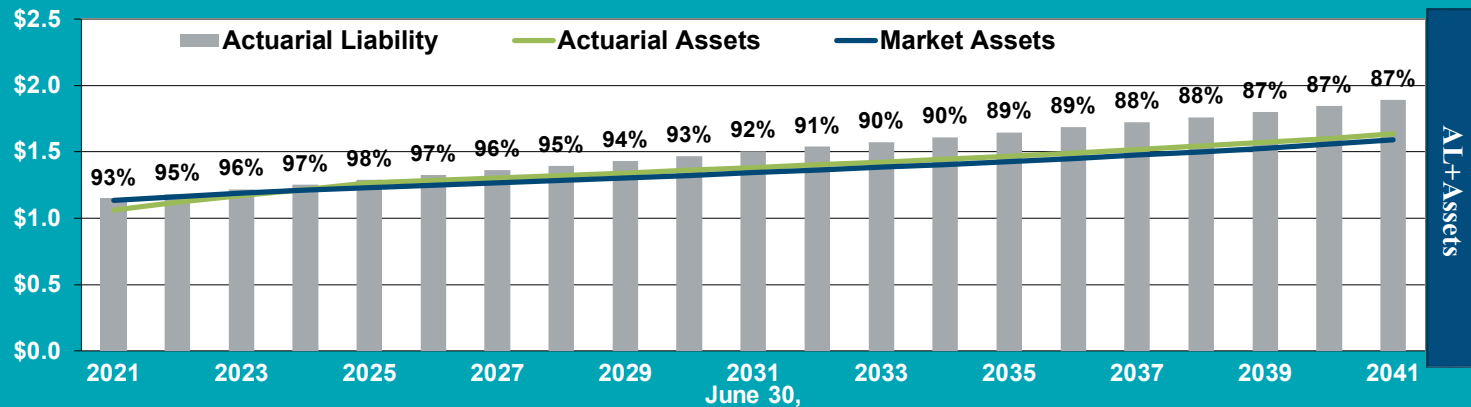
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PYE	Rate
2022	5.25%
2023	5.25%
2024	5.25%
2025	5.25%
2026	5.25%
2027	5.25%
2028	5.25%
2029	5.25%
2030	5.25%
2031	5.25%
2032	5.25%
2033	5.25%
2034	5.25%
2035	5.25%
2036	5.25%
2037	5.25%
2038	5.25%
2039	5.25%
2040	5.25%
2041	5.25%
Avg	5.25%

Baseline
 Historical
 1964

Amort Type: **Rolling**
 Amort Period: **15**
 Salary Increase: **0.0%**

20-Year Projected Contributions **\$728.4 million**



Projections – Historical Returns



Stress Testing

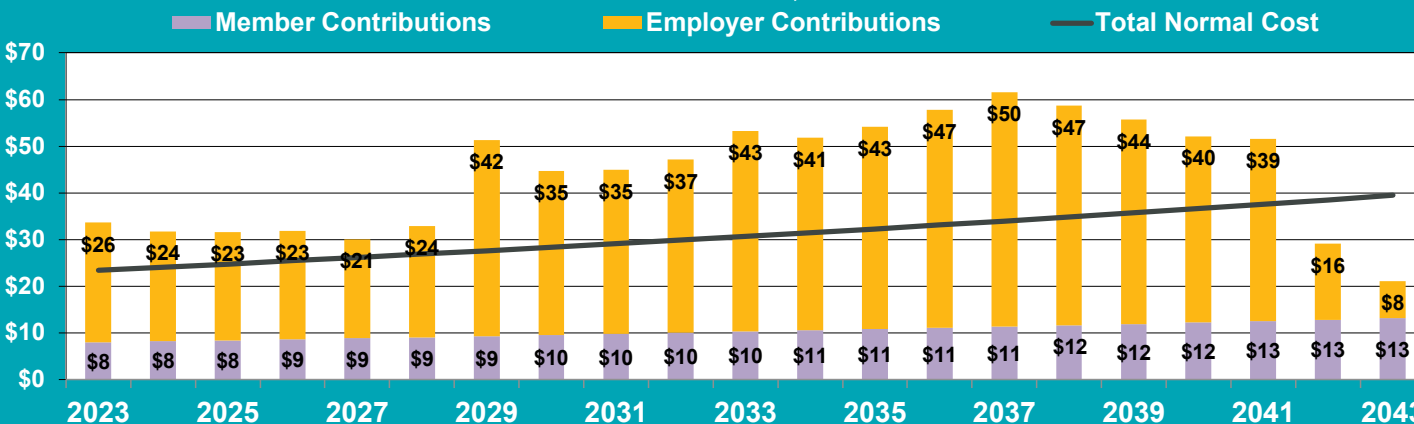
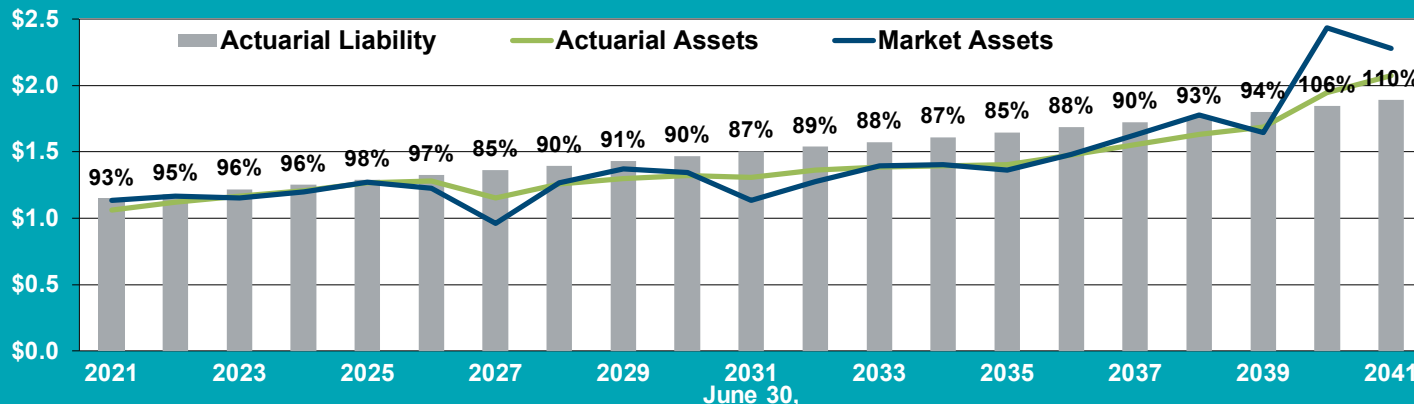
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PYE	Return
2022	5.42%
2023	1.90%
2024	7.37%
2025	9.64%
2026	0.14%
2027	-17.96%
2028	34.93%
2029	11.23%
2030	1.52%
2031	-12.31%
2032	15.75%
2033	13.09%
2034	4.10%
2035	0.37%
2036	11.89%
2037	13.15%
2038	12.78%
2039	-4.00%
2040	51.78%
2041	-2.75%
Avg	6.96%

Baseline
 Historical
 1964

Amort Type: **Rolling**
 Amort Period: **15**
 Salary Increase: **0.0%**

20-Year Projected Contributions **\$682.9 million**



Required Disclosures



The purpose of this presentation is to present the actuarial valuation results for the Maryland-National Capital Park and Planning Commission Employees' Retirement System (System). This presentation is for the use of the Board, System staff, and the Commission.

In preparing our presentation, we relied on information, some oral and some written, supplied by the System. This information includes, but is not limited to, the plan provisions, employee data, and financial information. We performed an informal examination of the obvious characteristics of the data for reasonableness and consistency in accordance with Actuarial Standard of Practice No. 23.

The actuarial assumptions and methods are outlined in the 2021 MNCPPC ERS Experience Study presentation on May 4, 2021. The census data provided to us by the System was as of June 30, 2021.

The assumptions reflect our understanding of the likely future experience of the System, and the assumptions as a whole represent our best estimate for the future experience of the System. The results of this presentation are dependent upon future experience conforming to these assumptions. To the extent that future experience deviates from the actuarial assumptions, the true cost of the System could vary from our results.

Cheiron utilizes and relies upon ProVal, an actuarial valuation software leased from Winklevoss Technologies for the intended purpose of calculating liabilities and projected benefit payments. Projected expected results of future valuations in this presentation were developed using P-scan, our proprietary tool for the intended purpose of developing projections. As part of the review process for this presentation, we have performed a number of tests to verify that the results are reasonable and appropriate. We are not aware of any material inconsistencies, unreasonable output resulting from the aggregation of assumptions, material limitations or known weaknesses that would affect this presentation.

This presentation and its contents have been prepared in accordance with generally recognized and accepted actuarial principles and our understanding of the Code of Professional Conduct and applicable Actuarial Standards of Practice set out by the Actuarial Standards Board as well as other applicable laws and regulations. Furthermore, as credentialed actuaries, we meet the Qualification Standards of the American Academy of Actuaries to render the opinion contained in this presentation. This presentation does not address any contractual or legal issues. We are not attorneys, and our firm does not provide any legal services or advice.

This presentation was prepared exclusively for the Maryland-National Capital Park and Planning Commission Employee's Retirement System for the purpose described herein. Other users of this presentation are not intended users as defined in the Actuarial Standards of Practice, and Cheiron assumes no duty or liability to such other users.

Janet Cranna, FSA, FCA, EA, MAAA
Principal Consulting Actuary

Patrick Nelson, FSA, CERA, EA, MAAA
Consulting Actuary



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M-NCPPC RESOLUTION NO. 21-26

**RECOMMENDATION TO APPROVE AN EMPLOYER RETIREMENT CONTRIBUTION
IN THE AMOUNT OF \$25,682,999 FOR FISCAL YEAR 2023**

WHEREAS, The Maryland-National Capital Park and Planning Commission (the “Commission”) as Plan Sponsor entered into a Pension Trust Agreement as of July 26, 1972 and amended on June 13, 1979 (“the Agreement”) with the Employees’ Retirement System of the Maryland-National Capital Park and Planning Commission (“ERS” or the “Plan”); and

WHEREAS, the “FIRST” section of the Agreement states that the Board of Trustees shall be responsible for the collection of contributions to the Plan; and

WHEREAS, Section 2.3(g) of the ERS Plan Document states that the Board of Trustees shall recommend to the Commission the contributions to be made by the Commission under the provisions of the Retirement System; and

WHEREAS, the Board of Trustees engaged Cheiron (“the Actuary”) to prepare an ERS Actuarial Valuation as of June 30, 2021; and

WHEREAS, the ERS Actuarial Valuation as of June 30, 2021 projected a Fiscal Year 2023 Plan Sponsor contribution in the amount of \$25,682,999.

NOW THEREFORE, BE IT RESOLVED, that the Commission as Plan Sponsor approves a \$25,682,999 payment to the ERS Trust Fund; and

BE IT FURTHER RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby authorize the Executive Director and other officers to take action as may be necessary to implement this resolution.

APPROVED FOR LEGAL SUFFICIENCY:

/s/Tracey Harvin

M-NCPPC Legal Department

Date: November 2, 2021

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution No. 21-27

RESOLUTION OF APPRECIATION FOR JOSEPH C. ZIMMERMAN

WHEREAS, Joseph C. Zimmerman has commendably served the Maryland-National Capital Park and Planning Commission for 11 years, in the capacity of Secretary-Treasurer and as the Director of the Department of Finance; and

WHEREAS, during his exemplary tenure, Joseph C. Zimmerman shared his extensive knowledge and expertise in the areas of financial management, corporate accounting, payroll administration, and procurement; and

WHEREAS, in his role of Secretary-Treasurer, Joseph C. Zimmerman carried out many distinguished roles oftentimes with a sense of wit, integrity, and dedication including as a member of the Board of Trustees for the Employee Retirement System, Chairman of the Audit Committee, Chairman of the Administration and Personnel Oversight Committee, as a member of the Investment Monitoring Group, and as a member of the Board of Trustees for the 115 Trust; and

WHEREAS, during his distinguished career, Joseph C. Zimmerman shared his vast knowledge in financial management and acted as an engaged fiduciary often challenging staff, advisors, investment managers, and vendors; and

WHEREAS, Joseph C. Zimmerman’s perspective, experience, and leadership skills were instrumental in the agency earning consistently earning a AAA bond rating from all three rating agencies over his tenure, receiving the Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report from the Government Finance Officers Association (GFOA) from 2010-2020 and contributed to the proud tradition of winning the Distinguished Budget Presentation Award from the GFOA for the past 33 consecutive years; and

WHEREAS, Joseph C. Zimmerman; is retiring from the Commission and will be sorely missed by his colleagues and many friends for his sage advice, leadership, steady presence, and humor; and

NOW, THEREFORE BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission congratulates Joseph C. Zimmerman on his dedicated service and his retirement; and extends best wishes, happiness, and luck in future endeavors.

APPROVED FOR LEGAL SUFFICIENCY:

William Dickerson,
M-NCPPC Legal Department,
November 10, 2021



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

RESOLUTION

M-NCPPC 21-28

WHEREAS, Land Use Article § 15-109 of the Annotated Code of Maryland provides for the position of Secretary-Treasurer of the Maryland-National Capital Park and Planning Commission;

WHEREAS, the position of Secretary-Treasurer will become vacant effective the close of business November 30, 2021;

WHEREAS, the Commission has recommended that Gavin Cohen be appointed to fill the position of Secretary-Treasurer; and

WHEREAS, the Commission deems Gavin Cohen qualified to perform the duties and responsibilities of the position of Secretary-Treasurer.

NOW, THEREFORE BE IT RESOLVED as follows:

1. That the Commission hereby appoints Gavin Cohen as Secretary-Treasurer to serve at the pleasure of the Commission, and the official status of Gavin Cohen to undertake the office of and to act as Secretary-Treasurer of The Maryland-National Capital Park and Planning Commission shall commence effective December 1, 2021;

2. That Gavin Cohen, during the time he serves as Secretary-Treasurer, is fully authorized to perform all those acts authorized by the Land Use Article, Annotated Code of Maryland, to be performed by the Secretary-Treasurer of the Commission and to perform all those acts necessarily implied to be performed by the Secretary-Treasurer of the Commission by virtue of the Land Use Article of the Annotated Code of Maryland and such other applicable laws, rules and regulations that may apply;

3. That Gavin Cohen, as Secretary-Treasurer, shall head the Department of Finance and shall give a bond in the sum of \$500,000 to cover his actions, duties and responsibilities for such office and department. Such bond shall be paid for by the Commission pursuant to its policies, rules and regulations;

4. That any bank which is a depository for funds of the Commission is hereby directed to recognize and honor the signature of Gavin Cohen as Secretary-Treasurer, and to pay all checks, drafts, notes, acceptances, or other orders for the payment of money, including those drawn to the individual order of a signer from the Commission’s account, and that said Gavin Cohen is authorized to endorse all notes, drafts, checks, bills, certificates of deposit, or other instruments, owed or held by the Commission, for deposit in the Commission’s account or for collection by any bank, and that any endorsement made for or on behalf of the Commission upon such checks, drafts,

notes, or instruments for deposit or collection, may be written or stamped endorsement of the Commission without any designation of the person making such endorsement; and

5. That the Secretary-Treasurer is authorized and directed to deliver to any bank which is a depository of the Commission, a certified copy of this Resolution, and the said bank shall be free from all liability and fully protected in relying on such a resolution, and shall be indemnified and saved harmless from any claims, demands, expenses, attorneys' fees, loss, damage, or liability whatsoever resulting from, or growing out of compliance with, the foregoing Paragraphs or honoring the signature of Gavin Cohen, or refusing to honor any other signature until the actual receipt by said bank of a written resolution by this Commission notifying the bank of any change of authorized signers.

APPROVED FOR LEGAL SUFFICIENCY

William Dickerson,
M-NCPPC Legal Department
November 8, 2021




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

TO: Commissioners

VIA: Joseph Zimmerman, Secretary-Treasurer

FROM: Abbey Rodman, Corporate Accounting Director 

DATE: November 8, 2021

SUBJECT: GFOA Certificate of Achievement: Annual Comprehensive Financial Report (ACFR)-FY2020

The Certificate of Achievement for Excellence in Financial Reporting has been awarded to The Maryland-National Capital Park and Planning Commission by the Government Finance Officers Association of the United States and Canada (GFOA) for its Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2020. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

GFOA considers the Maryland-National Capital Park and Planning Commission a Special District when compiling their results. Currently in this Category, the Commission has received this award the greatest number of times, now totaling 47.



Government Finance Officers Association

Certificate of
Achievement
for Excellence
in Financial
Reporting

Presented to

**Maryland-National Capital Park
and Planning Commission**

For its Annual Comprehensive
Financial Report
For the Fiscal Year Ended

June 30, 2020

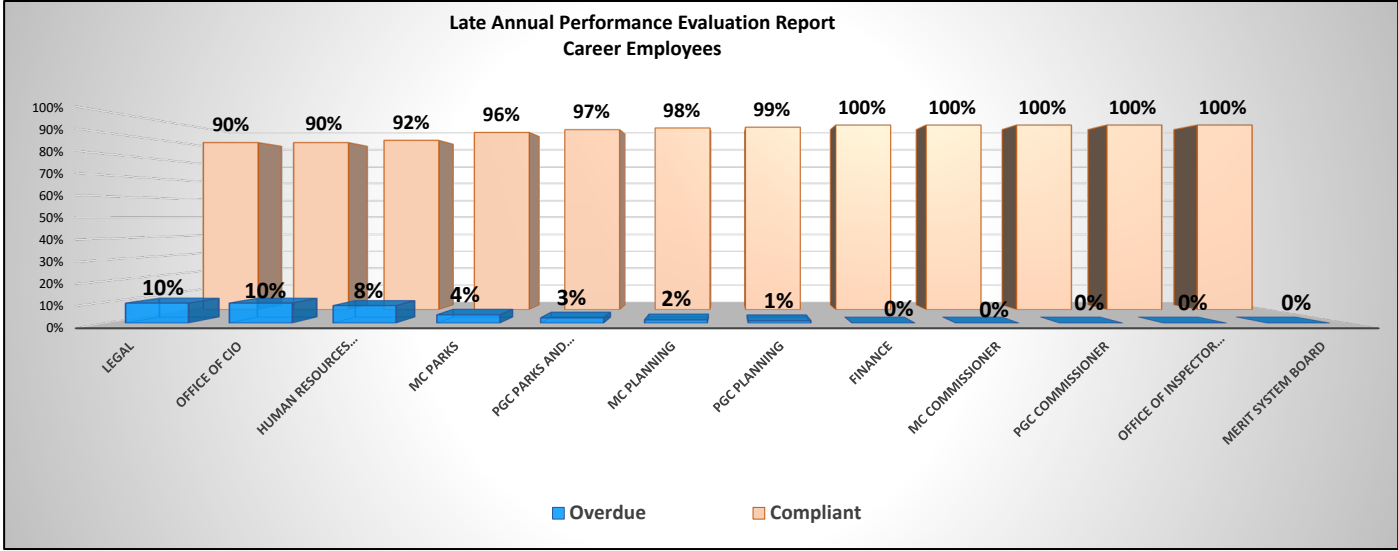
Christopher P. Morill

Executive Director/CEO

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF OCTOBER 2021**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Sep-21	Oct-21	Sep-21	Oct-21	Sep-21	Oct-21	Sep-21	Oct-21
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	1	0	0	1	0	1	2
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	3	2	0	0	2	2	5	4
LEGAL DEPARTMENT	0	2	0	0	0	0	0	2
FINANCE DEPARTMENT	1	0	1	0	1	0	3	0
PRINCE GEORGE'S PLANNING	4	2	0	0	0	0	4	2
PRINCE GEORGE'S PARKS & RECREATION	25	24	3	2	1	0	29	26
MONTGOMERY COUNTY PARKS	9	16	0	7	1	4	9	27
MONTGOMERY COUNTY PLANNING	1	2	0	0	0	0	1	2
DEPARTMENT TOTAL BY DAYS LATE	43	49	4	9	6	6		
COMMISSION-WIDE TOTAL							52	65

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data As Of October 31, 2021

Employee Count Department	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance		39	39
Human Resources and Mgt	4	44	48
Legal	2	19	21
MC Commissioner		5	5
MC Parks	27	654	681
MC Planning	2	126	128
Merit System Board		1	1
Office of CIO	2	19	21
Office of Inspector General		3	3
PGC Commissioner		9	9
PGC Parks and Recreation	26	1,006	1,032
PGC Planning	2	173	175
Total Employees	65	2,098	2,163

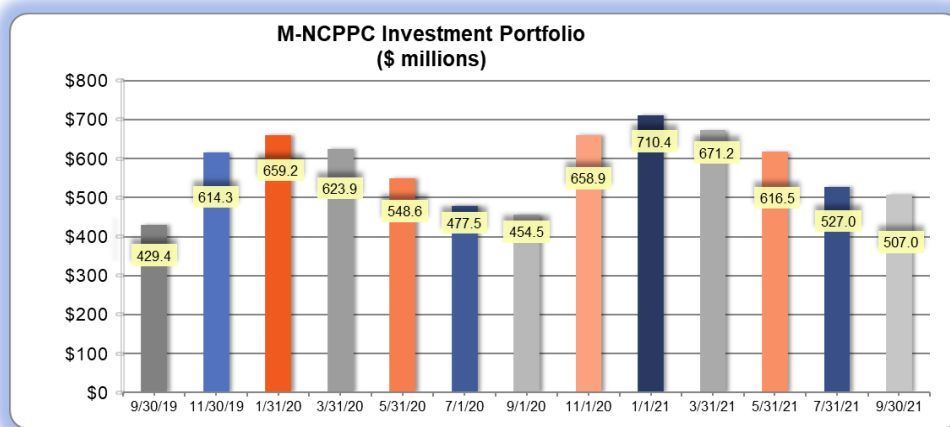


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 CORPORATE TREASURY & INVESTMENTS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1592 / Fax (301) 454-1637

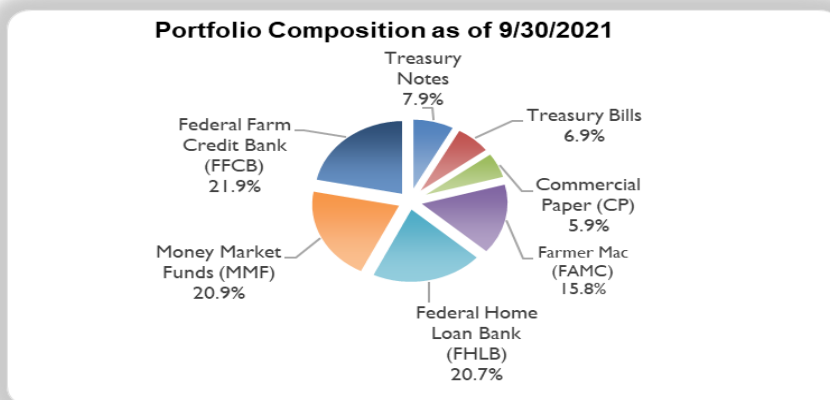
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Corporate Treasury & Investments Manager *T.H.*
DATE: 10/26/2021
SUBJECT: Investment Report – September 2021

The Commission’s pooled cash investment portfolio totaled \$507.0 million as of September 30, 2021, with a 0.8% decrease from August 31, 2021. Details are as follows:



The composition of the pooled cash portfolio as of September 30, 2021 is summarized below:

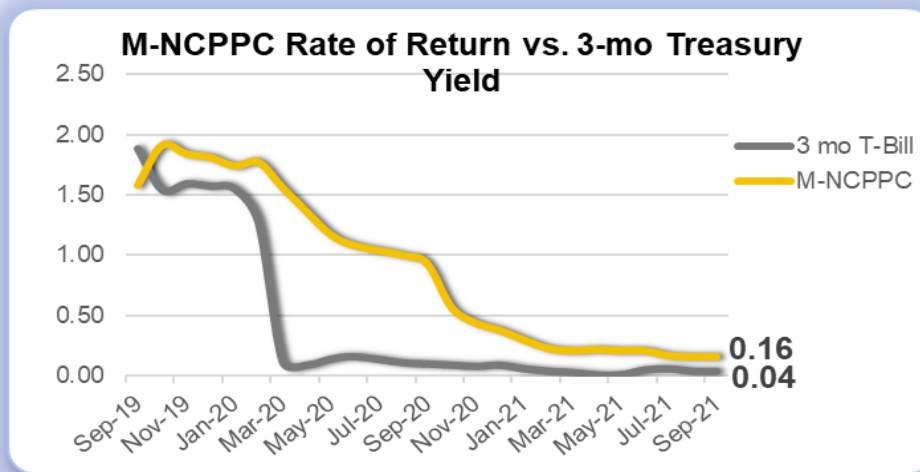


Current Investment Portfolio - September 2021

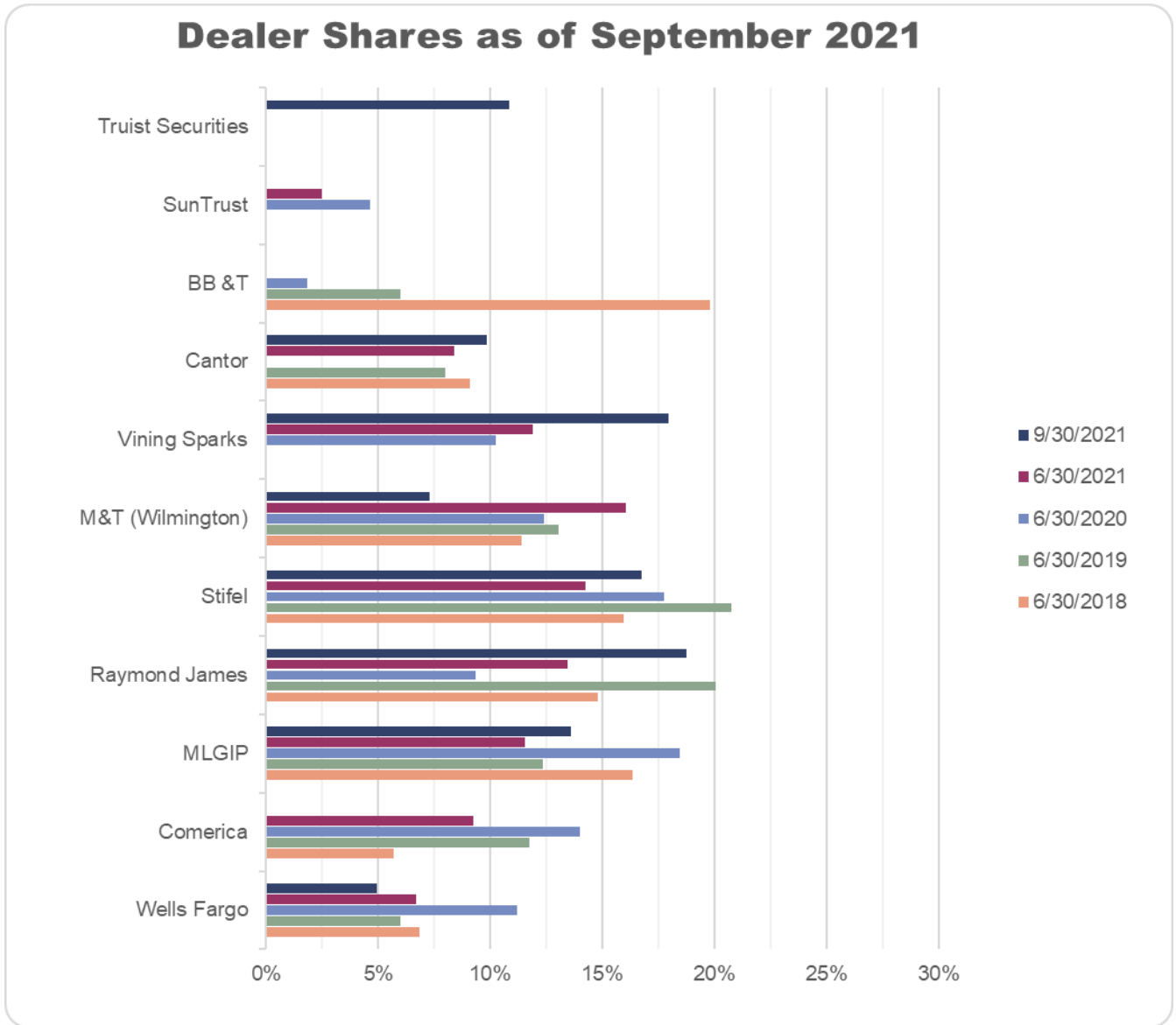
Instrument	Limit	Actual	Par Value	Return (B/E)
Federal Farm Credit Bank	20%	21.9%	\$ 111,000,000	0.16%
Money Funds	* 25%	20.9%	106,056,101	0.02%
Federal Home Loan Banks	20%	20.7%	105,000,000	0.15%
Farmer Mac	20%	15.8%	80,000,000	0.42%
Treasury Notes	100%	7.9%	40,000,000	0.17%
Treasury Bills	100%	6.9%	35,000,000	0.12%
Commercial Paper	10%	5.9%	30,000,000	0.19%
Freddie Mac	20%	0.0%	-	0.00%
Fannie Mae	20%	0.0%	-	0.00%
Certificates of Deposit	50%	0.0%	-	0.00%
Bankers Acceptances	50%	0.0%	-	0.00%
Repurchase Agreements	60%	0.0%	-	0.00%
		100%	\$507,056,101	0.20%

*As of 9/30/2021

The pooled cash portfolio complied with all policy limits with regards 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 - September 2021	
Prince George's County (PGC-2018A)	\$ 2,859,298
Montgomery County (MC-2020A)	8,092,404
	<u>\$ 10,951,701</u>

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of September 30, 2021 appear below:

Debt Balances - September 2021					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	2,600,000	23%	Jun-12	Jan-24
PGC-2014A	8,415,000	1,115,000	13%	May-14	Jan-22
PGC-2015A (Refunded JJ-2)*	24,820,000	19,360,000	78%	Oct-15	Jan-36
PGC-2017A	33,000,000	26,400,000	80%	Jul-17	Jan-37
PGC-2018A	31,000,000	27,900,000	90%	Nov-19	Nov-38
PGC-2020 (Refunded PGC-2014A)	19,119,615	19,002,957	99%	Oct-20	Jan-34
Total Prince George's County	\$ 127,774,615	\$ 96,377,957	75%		
Montgomery County					
MC-2012A (Refunded CC-2, FF-2)	8,035,000	1,915,000	24%	Apr-12	Dec-22
MC-2012B	1,300,000	280,000	22%	Apr-12	Dec-22
MC-2014A	5,045,000	1,295,000	26%	Jun-14	Dec-22
MC-2016A	12,000,000	9,700,000	81%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	4,740,000	77%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	490,000	46%	Apr-16	Nov-24
MC-2017A	8,000,000	6,400,000	80%	Apr-17	Nov-36
MC-2018A	12,000,000	10,800,000	90%	Oct-18	Nov-38
MC-2018B	3,000,000	1,800,000	60%	Oct-18	Nov-23
MC-2020A	10,000,000	10,000,000	100%	Jun-20	Nov-40
MC-2020B (Refunded MC-2012A)	4,895,487	4,895,487	100%	Oct-20	Dec-32
MC-2020C (Refunded MC-2012B)	1,866,095	1,866,095	100%	Oct-20	Dec-32
MC-2020D (Refunded MC-2014A)	9,655,588	9,655,588	100%	Oct-20	Dec-33
Total Montgomery County	\$ 82,992,170	\$ 63,837,170	77%		
Total	\$ 210,766,785	\$ 160,215,127	76%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2022 – September 30, 2021

OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
Limiting types and amounts of securities	Limit	Yes	
US Government	100%		All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%		
US Federal Agencies - each	20%		
Repurchase Agreements	60%		
CD's and Time Deposits	50%		
Commercial Paper	10%		
Money Market Mutual Funds	25%		
MD Local Gov't Investment Pool	25%		
Investing Bond Proceeds:			
State and local agency securities	100%		
Money Market Mutual Funds	10%		
Bond Proceeds:		Yes	T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities			
Highly-rated money market mutual funds			
(Max. 10% in lower-rated funds)			
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers		Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants	30%	Yes	No dealer shares exceeded 30%
Competitive Bidding		Yes	All purchases awarded competitively.
Diversification of Maturities		Yes	All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.			
Require third-party collateral and safekeeping, and delivery-versus-payment settlement		Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity		Yes	Sufficient funds available for all cash requirements during period
Attain a market rate of return		Yes	More than market by 12 basis points.
The pro-rated rates of return for T-bills and the portfolio were 0.04% and 0.16% , respectively.			

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

Reply To

November 2, 2021

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 October 2021 – FY 2022

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, November 17, 2021. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

Table of Contents – October 2021 – FY 2022 Report

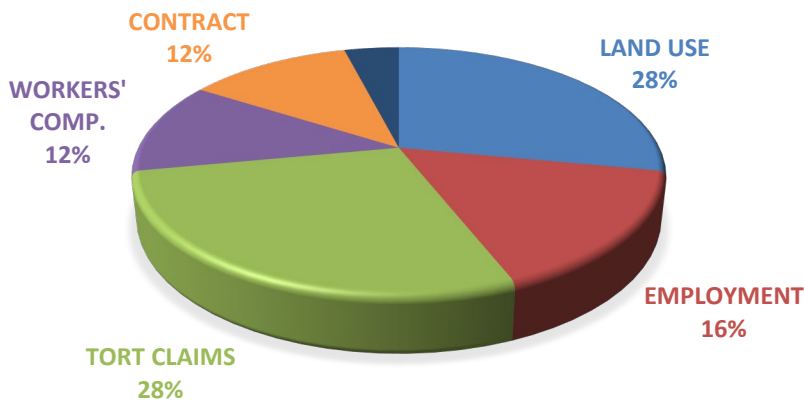
Composition of Pending Litigation.....Page 01
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October 2021
Composition of Pending Litigation
(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	5	2					7
ADMIN APPEAL: OTHER							
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	3						3
DEBT COLLECTION							
EMPLOYMENT DISPUTE	2			2			4
LAND USE DISPUTE							
MISCELLANEOUS	1						1
PROPERTY DISPUTE							
TORT CLAIM	7						7
WORKERS' COMPENSATION	3						3
PER FORUM TOTALS	21	2		2			25

OVERVIEW OF PENDING LITIGATION



October 2021 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2022			
	Pending Sept. 2021	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	8	1	2	10	2	5	7
Admin Appeal: Other (AAO)							
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	3			3			3
Debt Collection (D)							
Employment Disputes (ED)	4			4	1	1	4
Land Use Disputes (LD)							
Miscellaneous (M)	1			2		1	1
Property Disputes (PD)							
Tort Claims (T)	7			8	1	2	7
Workers' Compensation (WC)	5		2	7	1	5	3
Totals	28		4	34	4	10	24

**INDEX OF YTD NEW CASES
(7/1/2021 TO 6/30/22)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Izadjoo v. M-NCPPC	MC	ED	July 21
McGill v. Commission	PG	WC	Aug 21
Troublefield v. Commission	PG	Tort	July 21
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	MC	AALU	Oct. 21

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	July 21

**INDEX OF YTD RESOLVED CASES
(7/1/2021 TO 6/30/2022)**

A. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	MC	AALU	June 21
Commission v. Batson	PG	WC	June 21
Gibson v. Commission	PG	WC	June 21
Hoenig v. Commission	PG	WC	June 21
Simmons, et al. v. Prince George's Planning Bd.	PG	AALU	June 21
Frederick-Bey v. Dick, et al.	PG	Tort	July 21
Deutsche Bank National Trust Company v. Commission	PG	Misc.	July 21
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 21
Izadjoo v. Maryland-National Capital Park & Planning Commission	MC	ED	Aug. 21
Snoots v. Commission	MC	WC	Sep. 21
Murray v. Commission	MC	WC	Sep. 21

B. <u>Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Apr. 21
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Sep. 21
Benton v. Woodmore Overlook Commercial, LLC.	PG	AALU	Sep. 21

	Disposition of FY21-FY22 Closed Cases Sorted by Department	
CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Commission v. Batson	The Commission filed for Judicial Review on the record of WCC order regarding surgical authorization for leg causally related to accidental injury.	06/03/2021 - Order of the Court. Case Dismissed and Remanded to the Workers' Compensation Commission for consideration and approval of the Agreement of Final Compromise and Settlement.
Gibson v. Commission	Claimant seeks judicial review of an order from the Workers' Compensation Commission denying causal connection of back injury to the accidental injury of October 20, 2017.	06/10/2021 - Order of Court. Case remanded to Workers' Compensation Commission.
Hoenig v. Commission	Claimant seeks judicial review of February 7, 2020 order from the Workers' Compensation Commission regarding extent of disability.	06/02/2021 - Order of Court. Case Dismissed and Remanded to Workers' Compensation Commission.
Izadjoo v. Maryland-National Capital Park and Planning Commission	Izadjoo filed an appeal of the Merit Board decision of February 25, 2021 denying his appeal of the Montgomery County Department of Parks' denial of grievance 20-14 regarding his 2020 Annual Performance Evaluation.	08/23/2021 – Order of Court – Decision of Merit Board affirmed.
Snoots v. Commission	Petition for Judicial Review of Workers' Compensation Commission determination that not permanently totally disabled	09/01/2021 – Order of Court. Case remanded to Workers' Compensation Commission.
Murray v. Commission	Petition for Judicial Review of an order from the Workers' Compensation Commission that held claimant is not permanently and totally disabled.	09/01/2021 – Order of Court. Case remanded to Workers' Compensation Commission.

Montgomery County Department of Planning		
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board	Judicial Review of Montgomery County Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040.	06/04/21 - Planning Board's decision affirmed.
Montgomery County Department of Parks		
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	Subrogation suit for damages caused by a tulip poplar striking a home.	08/12/21 – Joint Stipulation of Dismissal with Prejudice.
Montgomery County Park Police		
Montgomery County Planning Board		
Prince George's County Department of Parks and Recreation		
Frederick-Bey v. Dick, et al.	Plaintiff claims injury in the course of using weight room at Allentown Splash and Fitness Center allegedly due a defect in the equipment as a result of negligence on the part of Commission staff and has sued a Commission employee who has not been properly served.	07/28/2021 – Order of the Court. Case Dismissed with Prejudice on grounds barred by statute of limitations.
Deutsche Bank National Trust Company v. Commission	Action seeking to quiet title as to alleged encroachment on Commission land.	07/08/2021 – Amended Complaint filed that no longer included the Commission as no encroachment on Commission land.
Prince George's County Planning Department		
Prince George's County Planning Board		
Simmons v. Prince George's County Planning Board	Judicial Review of Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-20006 (Freeway Airport)	06/17/2021 - Prince George's County Planning Board's Motion to Dismiss Granted.

Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration.	04/20/2021 - Mandate. Circuit Court decision affirmed. Costs to be paid by appellant.
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board on Preliminary Plan of Subdivision 4-18007, Woodmore Overlook Commercial. Before the parties filed legal memoranda, in the Circuit Court and before the court held oral argument, and before the Planning Board had a chance to transmit the agency record, the developer's attorney filed a motion to dismiss based on, among other things, lack of standing. The Circuit Court granted the motion to dismiss. Benton appealed.	09/01/2021 – Mandate. Motion for reconsideration denied.
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration	09/28/2021 – Petition Dismissed.
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CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board

Case No. 487649-V (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial Review of the Montgomery County Planning Board’s approval of Site Plan 820200160 – Creekside at Cabin Branch.

Status: Petition filed.

Docket:

10/12/2021	Petition for Judicial Review filed
10/27/2021	Response to Petition

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission

Case No. 483255-V (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Dispute over whether or not an allowance should be made, and additional monies paid regarding the measurement (and relative cost) of the retaining wall at Greenbriar Local Park.

Status: Awaiting trial.

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served
11/25/2020	Motion to Dismiss
12/28/2020	Opposition to Motion to Dismiss
03/12/2021	Consent motion to postpone hearing and stay case.
03/15/2021	Order of Court. Matter stayed for 90 days.
10/20/2021	Order of Court. Matter stayed until January 10, 2022.
03/07/2022	Trial.

Hitchcock v. Maryland-National Park and Planning Commission

Case No. 485337-V (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Hitchcock filed appeal of Workers' Compensation Commission determination that he did not sustain a compensable accidental injury on June 5, 2020.

Status: Mediation scheduled.

Docket:

04/06/2021	Petition for Judicial Review filed
04/06/2021	Response to Petition
09/10/2021	Pretrial hearing
11/10/2021	Mediation scheduled
02/08/2022	Trial.

Izadjoo v. Maryland-National Capital Park and Planning Commission

Case No. 486280-V (ED)

Lead Counsel: Dickerson
Other Counsel: Johnson

Abstract: Izadjoo filed an appeal of the Merit Board decision of June 7, 2021 denying his appeal of the Montgomery County Department of Parks' denial of grievance 20-06 regarding his Request for Reclassification.

Status: Oral Argument scheduled.

Docket:

07/01/2021	Petition for Judicial Review filed
07/30/2021	Response to Petition
09/29/2021	Petitioner's Memorandum of Law in Support of Petition for Judicial Review filed
10/28/2021	Commission's Response Memorandum of Law filed
12/01/2021	Oral Argument

Kosary v. Montgomery County Planning Board

Case No. 476283-V (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of Primrose School Preliminary Forest Conservation Plan CU-18-08.

Status: Summary Judgment in favor of Plaintiff granted.

Docket:

12/06/2019	Petition for Judicial Review filed
12/11/2019	Planning Board's Motion to Dismiss filed
12/12/2019	Response to Petition for Judicial Review filed
12/19/2019	Petitioner's Supplemental Petition for Judicial Review filed
12/23/2019	Petitioner's Response to Motion to Dismiss filed.
01/21/2020	Motion to Dismiss denied as moot.
01/22/2020	Petitioner's Motion for Stay and Request for Hearing.
02/06/2020	Primrose School Opposition to Motion to Stay.
02/28/2020	Motion for Stay Granted
03/03/2020	Case stayed pending resolution from County Hearing Examiner
03/26/2020	Petitioner's interim report on status of administrative proceedings
03/24/2021	Petitioner's second interim report on status of administrative proceedings.
03/24/2021	Petitioner's Motion to Defer entry of dismissal
03/26/2021	Order of Court. Motion to Defer dismissal granted.
08/09/2021	Plaintiff's Final Report on Status of Administrative Proceeding
08/13/2021	Plaintiff's Motion for Summary Judgment and Request for Hearing
10/15/2021	Hearing on Motion for Summary Judgment
10/19/2021	Summary Judgment in favor of Plaintiff granted.

Structural Engineering Group Inc. v. Maryland-National Capital Park and Planning Commission

Case No. 483234-V (CD)

Lead Counsel: Dickerson
Other Counsel: Adams; Johnson

Abstract: Construction change order dispute and time delay claim related to greenhouse at Brookside Gardens.

Status: Case stayed pending filing of Settlement Agreement.

Docket:

08/21/2020	Complaint filed.
08/31/2020	Commission served.
09/29/2020	Motion to Dismiss or in the Alternative for Summary Judgment filed.
10/09/2020	Opposition to Motion to Dismiss filed.

12/09/2020	Motions hearing held.
12/09/2020	Motion to Dismiss or in the alternative for Summary Judgment denied.
12/28/2020	Answer to Complaint filed.
09/13/2021	Joint Pretrial Statement filed.
10/04/2021	Case to be stayed for 60 days for parties to file settlement agreement.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

6525 Belcrest Road, LLC v. Dewey, L.C., et al.

Case No. CAE 20-11589 (AALU)

Lead Counsel: Dickerson
Other Counsel: Harvin

Abstract: Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contends that Defendants have misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff seeks to enjoin the Planning Board from approving a Detailed Site Plan.

Status: Awaiting Motions hearing.

Docket:

04/14/2020	Complaint filed
06/05/2020	Commission served
07/06/2020	Answer filed by Commission
07/21/2020	Motion to Dismiss filed by Defendant Dewey, L.C.
07/23/2020	Motion to Dismiss filed by BE UTC Dewey Parcel, LLC
08/20/2020	Opposition to Motion to Dismiss
09/14/2020	Defendant, Dewey, L.C.'s Reply Response in Support of its Motion to Dismiss or Stay and Request for hearing
09/16/2020	Defendant, BE UTC Dewey Parcel, LLC's Reply in Support of Motion to Dismiss and Request for hearing
10/22/2020	Motions Hearing continued
10/26/2020	Defendants Dewey L.C. and Bald Eagle Partners, Inc. Line Requesting Judicial Notice of Arbitrator's Decision
12/23/2020	Motions hearing held. Court takes under advisement.
01/11/2021	Order of Court - case is stayed pending resolution of the current arbitration proceedings; further ordered that a status hearing in this matter be scheduled.
02/17/2021	Arbitrator's decision filed.
04/02/2021	Status hearing.
05/20/2021	Suggestion of Bankruptcy filed.
05/24/2021	Case stayed.
06/28/2021	Defendants Dewey L.C. and Bald Eagle Partners, Inc.'s Request to Lift Stay.
07/26/2021	Order of Court – Stay Lifted

09/27/2021	Status Hearing held. Motions hearing set.
11/12/2021	Motions Hearing

Alexander v. Proctor
Case No. CAL19-37187 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Officer Proctor deployed his Commission issued pepper spray when an unknown individual was observed wearing police-type gear and approaching our police substation. The individual failed/refused to stop leading to the Officer deploying his pepper spray to stop and subsequently arrest the individual. Mr. Alexander (the individual) asserts that the stop was without Reasonable Articulate Suspicion/Probable Cause and therefore was unlawful and the amount of force used was excessive.

Status: In discovery.

Docket:

11/20/2019	Complaint filed
12/06/2019	Proctor served
12/09/2019	Commission served
01/03/2020	Commission's Motion to Dismiss filed
01/23/2020	Motion to Dismiss denied. Plaintiff to file Amended Complaint on or before 02/07/2020.
02/08/2020	Amended Complaint filed
02/21/2020	Motion to Strike Amended Complaint or in the alternative to Dismiss
03/09/2020	Opposition to Motion to Strike
03/27/2020	Court orders matter to be set in for hearing on Motion
05/06/2020	Motion to Quash and for Protective Order
05/06/2020	Plaintiff's Opposition to Motion to Quash and for Protective Order
05/22/2020	Order of Court – Motion to Quash and for Protective Order held in abeyance
09/16/2020	Motions Hearing held.
9/23/2020	Order of Court – Motion to Strike or in the alternative Motion to Dismiss denied. Motion to Quash and for Protective Order moot. Case to continue to due course.
9/30/2020	Answer to Amended Complaint filed.

Brown v. City of Bowie, et al.
Case No. CAL19-35931 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injuries resulting from an event at Trap and Skeet location owned by the Commission. Defendants include the individual who discharged a weapon, a volunteer assigned to the group that day and Shooting Stars Shotgun Sports, LLC, an entity that provides shooting instructors at that location.

Status: In discovery.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daughtery's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied. Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
12/08/2020	Answer to Complaint by Defendant Knode
02/16/2022	Trial

Coakley & Williams Construction v. Commission
Case No. CAL 20-13593 (CD)

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Breach of contract regarding work done at the Southern Area Aquatics Recreation Center.

Status: In discovery.

Docket:

07/15/2020	Complaint filed
09/15/2020	Commission served
10/08/2020	Motion to Dismiss filed
10/27/2020	Opposition to Motion to Dismiss
01/11/2021	Motion to Quash and for Protective Order

04/02/2021	Order of Court. Motion to Quash denied.
04/02/2021	Order of Court. Motion to Dismiss Granted in part. Plaintiff to amend complaint within 15 days to correct the legal name of Defendant. The remaining issues in the Motion to Dismiss are denied.
04/14/2021	First Amended Complaint filed
05/04/2021	Commission Answer to First Amended Complaint and Jury Demand
07/25/2021	Pretrial Conference held
07/29/2021	Withdrawal of Request for Jury Trial.
09/13/2021	Motion to Strike Second Amended Complaint
09/14/2021	Pretrial Statement filed
09/27/2021	Second Amended Complaint
10/5/2021	Answer to Second Amended Complaint and Line withdrawing Motion to Strike Second Amended Complaint
01/23/2023	Trial

Getnet v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-13268(Tort)

Lead Counsel: Harvin
Other Counsel: Johnson

Abstract: Tort suit for injuries allegedly sustained when visitor fell through decking at a historic property not owned by the Commission.

Status: Motions Pending.

Docket:

07/06/2020	Complaint filed
07/29/2020	Commission served
08/20/2020	Motion to Dismiss filed
09/10/2020	Amended Complaint
09/11/2020	Opposition to Motion to Dismiss
09/22/2020	Amended Complaint
10/09/2020	Answer filed.
11/02/2020	2 nd Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 nd Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only
03/04/2021	3 rd Amended Complaint filed
04/19/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's Crossclaim against Defendants/Cross-Defendants filed
05/19/2021	Robert Stillman Associates Answer to 3 rd Amended Complaint and Crossclaim
05/19/2021	Bell Architects Answer to 3 rd Amended Complaint and Crossclaim
10/15/2021	Defendant Bell Architects, PC and Robert Silman Associates Motion to Dismiss Plaintiff's Third Amended Complaint
02/22/2022	Trial

Heard v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-14095(AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.

Status: Awaiting decision.

Docket:

07/30/2020	Petition filed
08/16/2020	Commission notified by Court.
08/31/2020	Response to Petition for Judicial Review filed.
03/02/2021	Notice of Partial Voluntary Dismissal (MPIA claim) against Commission
09/24/2021	Oral Argument held.

Jackson v. Prince George's County Sports & Learning Complex

Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injury to a minor allegedly related to use of equipment at the Sports & Learning Complex.

Status: In discovery.

Docket:

07/15/2019	Complaint filed
01/22/2020	Commission accepted service
01/27/2020	Complaint to be amended to reflect Commission as party.
02/04/2020	Amended Complaint filed
03/18/2020	Commission served
04/08/2020	Commission's answer filed.
09/02/2022	Trial

King v. Commission

Case No. CAL 19-30096 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission denying authorization for neck surgery.

Status: Awaiting trial.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed Response to Petition.
04/7/2022	Trial

McGill v. Commission

Case No. CAL 21-08946 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Commission decision dated July 19, 2021 which determined he had not sustained an increase in permanent partial disability and denied further treatment.

Status: Awaiting trial.

Docket:

08/03/2021	Petition for Judicial Review filed
08/16/2021	Commission filed Response to Petition
10/26/2022	Trial

Melito v Commission

Case No. CAL 21-03760 (ED)

Lead Counsel: Dickerson
Other Counsel:

Abstract: Plaintiff seeks to secure administrative meeting or hearing on termination, former employee claims were denied.

Status: Motions pending.

Docket:

04/01/2021	Complaint filed
04/22/2021	Commission served
05/20/2021	Motion to Dismiss filed
06/04/2021	Plaintiff's Opposition to Motion to Dismiss filed.

Montague v. Newton White Mansion

Case No. CAL 20-05753 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Claim related to slip and fall on ice at Newton White Mansion.

Status: In discovery.

Docket:

02/13/2020	Complaint filed.
06/19/2020	Amended Complaint filed.
07/21/2020	Answer filed.
08/29/2022	Trial

Nuzback, Kathryn A., Revocable Trust v. Commission

Case No. CAL 20-13248 (Misc.)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Action filed against the Commission and Prince George's County to obtain documents pertaining to a Maryland Public Information Act request.

Status: Awaiting Trial.

Docket:

07/01/2020	Complaint filed.
10/09/2020	Commission Answer filed
01/14/2021	Line Requesting Order of Default against Prince George's County Department of Permitting Inspection Enforcement
05/25/2021	Order of Default against Defendant Prince George's County Department of Permitting Inspection Enforcement
05/27/2021	Certified Judgment Notice as to Prince George's County Department of Permitting Inspection and Enforcement
06/28/2021	Hearing held on Motion to Vacate Order of Default
06/30/2021	Order – Motion to Vacate Granted.
09/20/2021	Trial continued. Date to be set.
03/31/2022	Trial.

Snyder v. State of Maryland, et al.
Case No. CAL 20-13024 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained when tennis player allegedly tripped in hole of divider net and broke clavicle.

Status: In discovery.

Docket:

06/19/2020	Complaint filed.
07/27/2020	Commission's Motion to Dismiss
07/27/2020	Motion to Transfer Venue
08/11/2020	Opposition to Motion to Dismiss
08/25/2020	State of Maryland's Motion to Dismiss
09/10/2020	Amended Complaint.
10/30/2020	2 nd Amended Complaint filed
10/14/2020	Order of Court – Motion to Dismiss and Motion to Transfer Venue Moot.
05/04/2021	Commission and L. Gertzog's Answer to 2 nd Amended Complaint
08/22/2022	Trial

Troublefield v. Commission, et al.
Case No. CAL 21-02943 (Tort)

Lead Counsel: Mitchell
Other Counsel: Johnson

Abstract: Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Pace Arena. Prince George's County Public Schools handling defense subject to indemnification agreement.

Status: Court reversed dismissal and allowing for limited discovery to ascertain proper parties. Motion pending.

Docket:

03/12/2021	Complaint filed
07/21/2021	Commission served
08/20/2021	Motion to Dismiss filed by Commission
10/12/2021	Line of Dismissal with prejudice as to Prince George's County and Maryland-National Capital Park and Planning Commission
10/12/2021	Order of Court. Plaintiffs to file no more than five interrogatories and/or request for production of documents upon Prince George's County and the Commission by October 22, 2021. Defendants responses due by November

	23, 2021. Plaintiff has until December 8, 2021 to file a response to Commission's Motion to Dismiss.
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Wolf, et al. v. Planning Board of Prince George's County

Case No. CAL20-14895 (AALU)

Lead Counsel: Warner
 Other Counsel: Goldsmith

Abstract: Judicial Review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).

Status: Awaiting decision on Motions.
 Docket:

08/19/2020	Petition for Judicial Review filed.
09/29/2020	Notice of Intent to Participate
09/29/2020	Motion to Dismiss filed by Werrlein WSSC, LLC
10/13/2020	City of Hyattsville's Notice of Intent to Participate
10/19/2020	Response to Petition for Judicial Review
10/19/2020	Planning Board's Motion to Dismiss filed
10/27/2020	City of Hyattsville's Opposition to Motion to Dismiss filed
11/30/2020	Motion to Consolidate with cases CAL19-21492, City of Hyattsville v. Prince George's County District Council and CAL19-22819 Eisen v. Prince George's County District Council
12/28/2020	Opposition to Motion to Dismiss
03/03/2021	Motions hearing held. Taken under advisement.

MARYLAND COURT OF SPECIAL APPEALS

Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board

CSA-REG-0620-2021 (AALU)

(Originally file under 483411-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Appeal from Circuit Court decision affirming Montgomery County Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040

Status: Appeal filed.

Docket:

07/02/2021	Appeal filed
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Stewart, et al. v. Prince George's Planning Board, et al.

Case No. CSA-REG-0038-2021 (AALU)

(Originally filed as CAL20-11215 in Prince George's County)

Lead Counsel: Goldsmith
Other Counsel:

Abstract: Appeal from Circuit decision affirming Prince George's County Planning Board's approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No.4-19023

Status: Appeal filed.

Docket:

03/08/2021	Appeal filed
06/07/2021	Mediation held
11/09/2021	Oral Argument

MARYLAND COURT OF APPEALS

No Pending Cases

U.S. DISTRICT COURT OF MARYLAND

Beck v. Montgomery County Department of Parks, et al.

8:20-cv-03305 PX (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Plaintiff alleges discrimination on the basis of disability under the ADA and FMLA.

Status: In discovery.

Docket:

11/14/2020	Complaint filed
01/13/2021	Commission served
02/02/2021	Answer filed

Evans v. Commission, et al.

8:19-cv-02651 TJS (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.

Status: In discovery.

Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.
12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants

03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.
05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages
07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.
11/13/2020	Defendants' Motion to Dismiss granted in part. Counts 4, 5, part of 6 and 7 -10, part of 11, and 12 dismissed. Counts, 1 -3, part of 6 and 11, 13 -15 will proceed at this stage. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.
01/11/2021	Order – Case referred to Magistrate Judge Timothy J. Sullivan generally and to Magistrate Judge Jillyn K. Schulze for mediation
01/15/2021	Joint Consent to Proceed before Magistrate
01/28/2021	Order of Court re mediation week of May 17, 2021.
07/26/2021	Commission's Motion for Protective Order.
08/09/2021	Plaintiff's Opposition to Motion for Protective Order.
08/23/2021	Commission's Reply to Opposition for Protective Order.
10/05/2021	Informal Discovery Dispute Resolution Conference was held with the Judge to resolve issues raised in the Motion for Protective Order and Opposition. An Order was issued resolving several matters and requiring additional disclosure of information and/or documents