



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

May 1, 2019
11:00 a.m. - 1:30 p.m.

*Rescheduled and combined
April & May 2019 Meetings*

Prince George's County
Parks and Recreation
Administration Building
Auditorium

6600 Kenilworth Avenue
Riverdale, Maryland 20737

This page intentionally left blank.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEETING AGENDA

Wednesday, May 1, 2019 (Rescheduled from April 17, 2019)

11:00 a.m. – 1:30 p.m.

PRA (Auditorium)

Lunch will be provided

ACTION	
Motion	Second

1. **Approval of Commission Agenda (11:00)** (+*) Page 1
2. **Approval of Commission Minutes (11:05 a.m.)**
 - a) Open Session – Combined meeting for February and March, on March 13, 2019 (+*) Page 3
 - b) Closed Session – Combined meeting for February and March, on March 13, 2019 (++)
3. **General Announcements (11:05 a.m.)**
 - a) Military Appreciation Month
 - b) Asian Pacific American Heritage Month
 - c) Jewish-American Heritage Month
 - d) National Fitness Month/Fitness Days in May – Commission Fitness Week May 12-18
 - e) National Prevention Week (mental and/or Substance Use Disorders) May 12-18
4. **Committee Minutes/Board Reports (For Information Only) (11:15 a.m.)**
 - a) Executive Committee Meeting – Open Session – April 8, 2019 (+) Page 9
 - b) Employees’ Retirement System Regular Board of Trustees Meeting – December 4, 2018 (+) Page 11
5. **Action and Presentation Items (11:15 a.m.)**
 - a) Resolution #19-02, In Recognition and Appreciation of Hogan Lovells US LLP and Neal Kumar Katyal for Distinguished Public Service (Gardner) (+*)Page 15
 - b) Resolution #19-03, Refunds to M-NCPPC’s Appropriate Non-Departmental Accounts for Fiscal Year 2019 Overpayments to M-NCPPC’s Group Insurance Fund (Zimmerman) (+*)Page 19
 - c) Budget Reductions to meet County Executive’s Budget (Kroll) (discussion item)
 - d) Commission-Wide IT Budget Adjustment – NeoGov Onboarding Project (Kroll) (+*)Page 21
 - e) Request for Use of Salary Savings:
 - a. Department of Human Resources and Management (Bennett) (+*)Page 23
 - b. Office of the General Counsel (Gardner) (+*)Page 25
 - c. Department of Finance (Zimmerman) (+*)Page 37
 - d. Office of the Inspector General (Kenney) (+*)Page 39
 - f) Revisions to Practice 1-40, Organization and Functions Legal Department (Gardner) (+*)Page 41
 - g) Acknowledge Elaine Stookey as the Bi-County Open Trustee to the Board of Trustees for the term ending June 30, 2020 (Rose) (+*) Page 55
 - h) I-495/I-270 Managed Lanes Study Update (Rubin/Borden) (LD)
6. **Officers’ Reports (12:45 p.m.)**
 - a) Executive Director’s Report
Late Evaluation Report (Mar 2019) (For Information Only) (+) Page 57
 - b) Secretary Treasurer (For Information Only)
Investment Reports, (October 2018 - March 2019) (+) Page 59
 - c) General Counsel (For Information Only)
Litigation Report (Feb-Mar 2019) (+) Page 89

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, conduct collective bargaining discussions, and consider matters that relate to negotiation.

7. **Closed Session Item (12:50 p.m.)**
 - a) Collective Bargaining Update (Bennett) (discussion item)
 - b) Pension Research (Harvin) (++)

(+) Attachment (++) Commissioners Only (*) Vote (H) Handout (LD) Late Delivery

This page intentionally left blank.



Commission Meeting
Open Session Minutes
March 13, 2019
For Combined February/March 2019 Meetings

The Maryland-National Capital Park and Planning Commission met at the Prince George's Parks and Recreation Administration Office Auditorium in Riverdale, Maryland.

PRESENT

Prince George's County Commissioners

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

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Tina Patterson

NOT PRESENT

Manuel Geraldo

Natali Fani-Gonzalez
Norman Dreyfuss

Chair Hewlett convened the meeting at 12:19 p.m.

ITEM 1

APPROVAL OF AMENDED COMMISSION AGENDA

ACTION: Motion of Bailey to approve the amended Commission agenda
Seconded by Doerner
7 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – January 16, 2019
ACTION: Motion of Bailey to approve the Commission minutes
Seconded by Doerner
6 approved the motion, Commissioner Patterson abstained.

ITEM 3

GENERAL ANNOUNCEMENTS

- a) Reminder regarding Financial Disclosure Statements (due April 30)
- b) March – Women's History Month
- c) April – Stress Awareness Month
- d) April – Alcohol Awareness Month

Chair Hewlett reminded Commissioners of the One-Commission Legislative Event on Wednesday March 20, 2019 from 3:30-5:30 pm in Annapolis. She commended the Diversity Council for the wonderful Women's History Month Event held on Friday, March 8, stating keynote speaker Commissioner Fani-Gonzalez did a great job.

Chair Hewlett also mentioned St. Patrick's Day, National Colorectal Awareness Month and National Nutrition Month.

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee – Open Session – February 12, 2019
- b) Executive Committee – Closed Session – February 12, 2019
- c) Employees’ Retirement System Board of Trustees Meeting – December 4, 2018
- d) Executive Committee -- Open Session – March 6, 2019
- e) Executive Committee – Closed Session – March 6, 2019

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Review of Standby Compensation Pilot Program and adoption of Resolution 19-01 for the program (Harvin/Beckham/Coburn)

Acting Executive Director Bennett asked the Commission to approve a 1-year pilot program for standby compensation to recognize after-hour coverage of critical programs for IT and trades managers. She added both unions have similar models to address critical coverage provided by police and service/labor employees. Department Heads and Executive Committee have recommended approval of the program. Acting CPMO Director Harvin and Policy Manager Beckham presented the Resolution, adding if adopted, operating procedures will be drafted. Mr. Beckham said the need for the standby program for certain non-represented positions was identified by Department Heads. Comprehensive review was conducted with operating departments representatives, IT sections, DHRM and Legal. After extensive review, Department Heads and staff determined that IT Staff and Trade Shop Supervisors below the Division Chief level are frequently required to provide regular after-hours coverage. Mr. Beckham described the proposed compensation program for after-hours support. The pilot program will be for one year, after which the needs will be re-evaluated.

Commissioner Patterson asked about compensating the employee with compensatory leave rather than pay and asked how much can be carried over from calendar year to calendar year. Acting Executive Director Bennett clarified the compensatory leave carryover. Commissioner Cichy asked if the week is considered Sunday to Saturday or can it float. Mr. Beckham replied it was fixed on Sunday to Saturday, to follow the pay period. Commissioner Doerner asked about the insurance aspects of the policy, in terms of travel time and the agency having any liability if the employee gets into an accident during after-hours work. Acting Executive Director Bennett replied employees are covered while performing assigned agency duties.

ACTION: Motion of Patterson to approve Resolution 19-01
Seconded by Doerner
7 approved the motion

- b) Literacy Program Update (Shearer)

Acting Executive Director Bennett introduced Management Analyst Nathan Shearer and described the Language and Literacy Program, which has seen considerable success after its re-launch and redesign. Mr. Shearer reviewed the program and current initiatives. He described some of the changes made to the program over the past few years, based on

feedback, including class time/scheduling, marketing and outreach, and data collection to measure success of the program over time. He noted the program has had a positive effect on career enhancements, noting 7% of program participants received promotions, compared to a 5.5% rate in the general workforce. Feedback from students and managers indicated participants felt more committed to their work, they were given new and increased responsibilities, and had greater job success.

Chair Hewlett praised the success of this program, approved of the marketing plans to boost enrollment, and suggested asking current participants to be ambassadors. Commissioner Washington added her congratulations and asked if there were any classification series where being bilingual was a requirement. Human Resources Director Spencer said none required it, but some position descriptions state that it is highly preferable. Commissioner Washington suggested positions would benefit from bilingual applicants. Commissioner Cichy asked how participants are prepped for advancement, wanting to know if they have any job or advancement coaching, or help filling out forms. Mr. Shearer reported the classes are designed toward reading regulations and increased comprehension but said the program could add that kind of help. Commissioners Doerner and Patterson suggested cross-marketing the program at various Hispanic Heritage month activities.

Vice-Chair Anderson added his praise for the program, saying this program, along with other self-improvement programs has made him incredibly proud of working with Chair Hewlett and for this agency. He said the Commission is a family, and this program conveys that we care about our employees' welfare as individuals and strengthens our community.

c) PMO Status Update (Chilet) (information item only)

No discussion.

d) Status Report – 2018 Summer Employment Program for People with Disabilities (Spencer/Glover)

Human Resources Director Spencer introduced updates on the Summer Employment Program for People with Disabilities, which he noted reflects the goals of the agency and aligns with the agency's vision as an organization. He introduced Program Manager Jeannette Glover, who provided more information. The program started 23 years ago and enables the agency to provide employment experiences for people with disabilities. In 2018, the M-NCPPC interviewed more than 100 people with disabilities for 50 positions identified for the program and filled 48 positions. Ms. Glover described the positions offered by departments for the program and conveyed stories of some of the participants. She reported most were in summer camp counselor and assistant counselor positions and noted there was a demand for more office and park maintenance positions. Ms. Glover described manager survey responses on employee performance, items that were working well in the program, and areas that could use improvement. She concluded by sharing that the 2019 program will kick off this month.

Commissioner Patterson praised Ms. Glover on the report and the program overall, adding that she hoped Montgomery County Departments can join the program in the future.

Commissioners Patterson and Washington asked about marketing efforts for the program. Ms. Glover replied the marketing focuses on high schools and advocacy/job coaching organizations such as Melwood and added the age range for participants included teenagers through people in their 50s. She also added people who apply with the support of advocacy organizations typically do better in the application process and are more likely to be hired. Commissioner Patterson suggested reaching out to senior centers as well. Commissioner Doerner asked about transportation assistance for the program, and if the agency subsidized it. Ms. Glover replied participants usually have family members transport them, or use Metro Access and public transportation, but the agency does not subsidize fees. Chair Hewlett clarified that Metro Access has a reduced charge. Commissioner Doerner suggesting transportation could be a determining factor and suggested the agency might offer a subsidy in order to increase the participation/application rate. Commissioner Cichy said program staff might contact representatives of Ride-on, Metro Access or The Bus. Human Resources Director Spencer said there is already keen interest in the program, and typically they do not have enough positions to give all applicants a job.

Human Resources Director Spencer stated program staff met with the therapeutic recreation staff in Parks and Recreation and they are considering evolving the program into an enrichment program for current employees as well as an employment program. Program staff will be asking for input from department representatives to determine the future direction of the program. Commissioner Washington suggested program staff should start measuring other factors to gauge the program's success and evolution, including transition and support to go on to career positions. There was discussion among Commissioners about using the term "high functioning" in hiring qualifications, and they suggested moving away from that term to something more quantitative and descriptive to best match a participant's ability level with the needs of the individual job.

e) Briefing on Preliminary FY20 Spending Affordability Guidelines for Montgomery County (Kroll)

Corporate Budget Manager Kroll presented on the agency's response to Spending Affordability Guidelines imposed by the Montgomery County government in February 2019. The agency is expecting a 5 percent reduction from the proposed budget, or approximately \$6.5M in Montgomery County funded departmental budgets, including bi-county departments. The agency would learn exact figures later in the week. Reductions will be complicated in the bi-county departments, since budget cuts will affect service levels for both counties.

Mr. Kroll stated departments were identifying potential cuts to meet the required reduction. He noted the agency used certain tools last year to reduce spending, but those strategies were not available this year. Bi-county budget staff are currently looking at operations and programs with the least impact, but cuts will be difficult. Staff will present to the Montgomery County Planning, Housing and Economic Development (PHED) Committee on April 24. Chair Hewlett thanked Mr. Kroll for the information. There were no questions.

ITEM 7

OFFICERS' REPORTS

- a) Executive Director's Report (For information only)
Employee Evaluations Not Completed by Due Date (January 2019)
Employee Evaluations Not Completed by Due Date (February 2019)

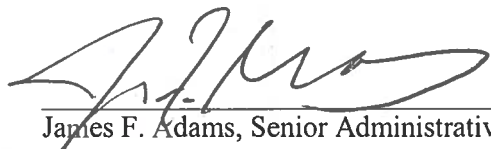
- b) Secretary Treasurer (For information only)
Investment Report, September 2018

- c) General Counsel (For information only)
Litigation Report, January 2019 – FY2019

Chair Hewlett asked for a motion to enter closed session at 1:29 p.m. Commissioner Washington moved, Commissioner Doerner seconded. 7 approved the motion.

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, conduct collective bargaining discussions, and consider matters that relate to negotiation.

Open session resumed at 2:39 p.m. There being no further business to discuss, the meeting ended at 2:39 p.m.


James F. Adams, Senior Administrative Specialist


Anju A. Bennett, Acting Executive Director

This page intentionally left blank.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES

April 8, 2019

On April 8, 2019, 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 Acting Executive Director Anju Bennett. Also present were:

Department Heads

Andree Green Checkley, Director, Prince George's County Planning

Darin Conforti, Acting Director, Prince George's County Parks and Recreation

Adrian Gardner, General Counsel

Mike Riley, Director, Montgomery County Parks

Robert Kronenberg, Deputy Director, Montgomery County Planning (for Director Gwen Wright)

Joseph Zimmerman, Secretary-Treasurer

Presenters/Staff

Mazen Chilet, CIO

Tracey Harvin, Acting Corporate Policy and Management Operations Director (CPMO)

John Kroll, Corporate Budget Director

Acting Executive Director Bennett convened the meeting at 2:09 p.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	Acting Executive Director Bennett added a discussion on the update to the Minimum Wage Legislation.
------------	---

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for April 17, 2019

Discussion	<p>Items to be added to the Commission Agenda:</p> <ul style="list-style-type: none"> • Add vote to the IT Budget Adjustment item • Update and Revisions to Commission Practice 1-40, Organization and Functions of the Legal Department (Gardner) • Resolution #19-02, Commendation for Public Service, Recognizing Neal Kumar Katyal and Hogan Lovells US LLP (Gardner) • Minimum Wage Legislative Update discussion (Harvin) <p>Items to remove from the Commission Agenda</p> <ul style="list-style-type: none"> • Update on Formula 2040
------------	--

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

Discussion	<p>Items to modify the Rolling Agenda:</p> <ul style="list-style-type: none"> • Add Resolution to Adjust OPEB contribution for retirees to May • Move Annual legislative update from May to June • Resolution for MC Bond in July, issue in September • Remove from July – Veteran's Hiring, Organizational Functions • Add CIO Quarterly report in July (information item)
------------	--

ITEM 2 – FEBRUARY 12, 2019 EXECUTIVE COMMITTEE MEETING MINUTES

ACTION	<p>March 6, 2019 Open Session</p> <p>March 6, 2019 Closed Session</p>
--------	---

DISCUSSION ITEM: Minimum Wage Legislative Update (Harvin)	
Discussion	<p>Acting CPMO Director Harvin reported that State legislation to increase the minimum wage to \$15/hour by 2025 has passed. The M-NCPPC is obliged to meet State wage standards and currently exceeds what is set by the State, matching Prince George's County minimum wage of \$11.50/hour. In FY18, Montgomery County enacted a minimum wage increase which exceeds the current State, M-NCPPC and Prince George's County minimum wage levels. The M-NCPPC will need to consider whether to stick to only implementing the changes mandated by State law or go beyond these requirements.</p> <p>Chair Hewlett stated that while the State and Montgomery County have made their wage plans clear, Prince George's County has not yet decided whether to adopt increases over the State's new rates, and the Commission must consider each county and the State when making a decision. Prince George's County's decision will have an impact on what the agency does, considering more than 80% of the M-NCPPC's minimum wage workers are in the Prince George's County Department of Parks and Recreation. Any change will have a large impact on the Prince George's budgets.</p> <p>Corporate Budget Director Kroll noted that the State law has no budgetary impact for FY20 and will have only minimal impact on FY21. But any increase, up to and including matching Montgomery County's minimum wage, will have a considerable impact.</p> <p>Both Chair and Vice-Chair noted it is beneficial to get the input of their respective County Councils.</p>
ANNOUNCEMENT	
Discussion	<p>General Counsel Gardner congratulated Acting CPMO Director Harvin in successfully defending the agency in a 3-day jury trial in Montgomery County Circuit Court.</p>

There being no further business to discuss, the meeting adjourned at 2:53 p.m.



 James F. Adams, Administrative Program Specialist II



 Anju A. Bennett, Acting Executive Director



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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, December 4, 2018; 10:00 A.M.
ERS/Merit Board Conference Room

The Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees met in the ERS/Merit Board Conference Room at its office in Riverdale, Maryland on Tuesday, December 4, 2018 and was called to order at 10:00 a.m. by VICE CHAIRMAN CICHY.

Board Members Present:

1. Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
2. Anju A. Bennett, M-NCPPC Acting Executive Director, Ex-Officio
3. Howard Brown, FOP Represented Trustee
4. Melissa D. Ford, Prince George's County Open Trustee
5. Rick Liu, Montgomery County Open Trustee
6. Amy Millar, MCGEO Represented Trustee
7. Sheila Morgan-Johnson, Prince George's County Public Member
8. Barbara Walsh, Bi-County Open Trustee
9. Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

In 10:13 a.m.

Board Members Not Present:

1. Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner
2. Pamela F. Gogol, Montgomery County Public Member

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

Presentations by: Cheiron - Janet H. Cranna, FSA, FCA, EA, MAAA, Principal Consulting Actuary and Matt Deveney, ASA, EA, Consulting Actuary; and, Wilshire Associates - Bradley A. Baker, Managing Director and Martell McDuffy, Senior Analyst.

Others present: M-NCPPC Montgomery County – Tina E. Patterson, Montgomery County Planning Board; M-NCPPC Finance Department - John Kroll, Budget Manager; M-NCPPC Legal Department – William Dickerson, Principal Counsel; and, Boomershine Consulting Group - Gregory M. Stump, Vice President and Senior Actuary.

1. CONSENT AGENDA

The following items are to be approved or accepted by vote on one motion unless a Board member requests separate consideration:

- A. Approval of the December 4, 2018 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, November 6, 2018
- C. Minutes of Closed Session Meeting, November 6, 2018 (**Confidential-Trustees Only**)
- D. Disbursements Granted Reports – October 2018

ACTION: MS. BENNETT made a motion, seconded by MS. WALSH to approve the Consent Agenda, as submitted. The motion PASSED unanimously (8-0). (Motion #18-59)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary
- B. NCPERS Public Safety Conference Report by Howard Brown

MINUTES, AS APPROVED, AT THE FEBRUARY 5, 2019 REGULAR BOARD OF TRUSTEES MEETING

- C. Letter dated November 16, 2018 from Robert E. Clarke III re: Employee Cost to Purchase Military Credited Service

MR. BROWN presented his conference report for the NCPERS Public Safety Conference.

Andrea Rose explained Item 2.C. was an informational item only. The Board's powers do not include modification of the benefit provisions but only to administer the current program established by the plan sponsor, the Commission.

3. MISCELLANEOUS

No miscellaneous reported.

4. MANAGER REPORTS/PRESENTATIONS

A. Cheiron

Presentations by Janet H. Cranna, FSA, FCA, EA, MAAA, Principal Consulting Actuary and Matt Deveney, ASA, EA, Consulting Actuary

- i. Audit Report of July 1, 2017 Actuarial Valuation
- ii. Presentation of the Audit Report of the July 1, 2017 Actuarial Valuation
- iii. Boomershine Consulting Group's Response to Cheiron's Actuarial Audit Summary of Recommendations dated November 2, 2018

MS. MILLAR arrived at 10:13 a.m.

Cheiron was retained to conduct a full-scope actuarial audit of the July 1, 2017 Actuarial Valuation and to review the most recent Experience Study covering July 1, 2011 to June 30, 2015 performed by Boomershine Consulting Group (BCG).

Janet Cranna reported that overall, Cheiron found the assumptions and methods used in the July 1, 2017 Actuarial Valuation generally sound and reasonable and that they conform to the appropriate Actuarial Standards of Practices (ASOPs). Cheiron made recommendations that certain assumptions be clarified and/or disclosed in future actuarial valuation reports and/or experience studies as detailed in Audit Report of the July 1, 2017 Actuarial Valuation.

Based on a full replication of the actuarial valuation, Cheiron found the calculations of the present value of future benefits, actuarial liability, and normal cost below the industry standard of 5% for some plans. As a result of these differences, Cheiron's calculations of the employer contributions was 70% of that of BCGs. Specific details are contained in the Audit Report of the July 1, 2017 Actuarial Valuation.

Ms. Rose asked if the calculation errors were corrected, would Cheiron's results be in the 5% reasonableness range. Ms. Cranna indicated that it is hard to tell and recommended having BCG re-run the July 1, 2017 Actuarial Valuation for the corrections.

Andrea Rose recommended the Board refer the results of the Actuarial Audit to the Administrative & Personnel Oversight Committee ("Personnel Committee") for review and recommendation. The Board agreed and asked the Personnel Committee to follow up with a recommendation.

B. Wilshire Associates

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

- i. Executive Summary of Investment Performance; as of September 30, 2018
- ii. Manager Comparison - 3yr and 5yr Rolling Returns; as of September 30, 2018
- iii. Summary of Investment Performance; September 30, 2018

Bradley Baker reported on the fund's performance for the quarter ending September 30, 2018. The ERS' total fund return was 2.41% (net of fees) for the quarter, underperforming the actual policy index return of 2.45%. The ERS fund return was 7.06% for the one-year ended, 10.45% for the three-years ended, and 6.86% for the five-years ended September 30, 2018 versus the actual policy index which returned 6.12%, 9.11% and 5.90%, respectively. The total market value through September 30, 2018 was \$957.9 million.

Mr. Baker agreed to add the peer median and total value paid-in to the Executive Summary - Private Assets Investment Review page and to revise the fixed income detail on the Monthly Summary page.

5. REPORT OF THE ADMINISTRATOR

Presentation by the Administrator, Andrea L. Rose

A. Administrator's Report dated November 26, 2018

- i. Recommendation to Amend Motion #18-48 and Adopt a Revised Employer Contribution of \$19,244,687 (12.3% of covered payroll) payable July 1, 2019 for fiscal year 2020
- ii. Recommendation to Approve the 2019 Board of Trustees Work Program and Meeting Dates

Andrea Rose presented the Administrator's Report dated November 26, 2018.

Ms. Rose informed the Board that following the November 6, 2018 Board meeting, an adjustment was discovered while preparing the final July 1, 2018 Actuarial Valuation Report which resulted in a revised employer contribution of \$19,244,687 (12.3% of covered payroll). This amount was approved by the Commission at its November 21, 2018 meeting. Ms. Rose asked for a motion to amend Motion #18-48 and adopt the revised employer contribution.

ACTION: MS. BENNETT made a motion, seconded by MS. WALSH to Amend Motion #18-48 and Adopt a Revised Employer Contribution of \$19,244,687 (12.3% of covered payroll) payable July 1, 2019 for fiscal year 2020.

The motion PASSED unanimously (9-0). (Motion #18-60)

Staff consulted with SB & Company regarding the actuarial error and recommended updates to the Comprehensive Financial Report (CAFR). The Schedule of Employer Contributions in the CAFR was updated to reflect the revised employer contribution. However, after reviewing the revised GASB 67 & 68 Report from BCG, SB & Company determined the changes related to GASB 67 & 68 to be immaterial. Since SB & Company had already signed off on the ERS' CAFR, only a change to the Schedule of Employer Contributions was recommended. Copies of the updated CAFR were provided along with the Popular Annual Financial Report which summarizes the CAFR. Both reports are available on the ERS' website for download.

Ms. Rose presented the 2019 Board of Trustees Work Program and Meeting Dates.

ACTION: MS. WALSH made a motion, seconded by MS. FORD to approve the 2019 Board of Trustees Work Program and Meeting Dates.

The motion PASSED unanimously (9-0). (Motion #18-61)

The Board of Trustees meeting of December 4, 2018 adjourned at 12:23 p.m.

Respectfully,



Heather D. Brown
Senior Administrative Specialist



Andrea L. Rose
Administrator

This page intentionally left blank.



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

MEMORANDUM

DATE: April 10, 2019

TO: The Maryland-National Capital Park and Planning Commission

FROM: Elizabeth M. Hewlett *E.M.H.*
Chair

RE: Resolution In Recognition of Distinguished Public Service

As you know from the reports by our General Counsel Adrian Gardner, the Maryland-National Capital Park and Planning Commission has been defending a lawsuit filed by the American Humanist Association and several individuals who object to our agency's ownership of the historic Peace Cross World War I memorial in Bladensburg, Maryland.

Last Spring, after the United States Court of Appeals for the Fourth Circuit issued an adverse decision in the case, the Prince George's County Planning Board decided to pursue an appeal in the Supreme Court of the United States. Toward that end, the General Counsel solicited proposals from a number of prominent legal service providers to represent our agency by filing a petition for certiorari and, if such a petition was granted, to handle the case on the merits. Neal Katyal, a partner in the international law firm of Hogan Lovells and professor of constitutional law at the Georgetown University Law Center, was among the practitioners whom Adrian invited to tender a proposal. Ultimately, Mr. Katyal responded and Adrian selected him and the firm for the engagement.

After a kick-off meeting at Riversdale Mansion with the Planning Board, Mr. Katyal, Senior Associate Mitchell Pearsall Reich and the rest of the Hogan Lovells team has been very busy and diligently working on our case. The Supreme Court granted our petition, and Mr. Katyal proceeded to argue the case last month, which I was able to observe with Commissioners Manny Geraldo, Will Doerner and a few people from our legal team. That was a profound experience that we will never forget.

For these reasons, I respectfully request that our Commission formally acknowledge and thank Mr. Katyal and Hogan Lovells for their contributions to our agency and the communities we serve. I will accordingly invite an appropriate motion to adopt the attached resolution during our meeting later this month.

Attachment: Resolution in Recognition and Appreciation



M-NCPPC 19-02
April 17, 2019

RESOLUTION

**IN RECOGNITION AND APPRECIATION OF
HOGAN LOVELLS US LLP AND NEAL KUMAR KATYAL
FOR DISTINGUISHED PUBLIC SERVICE**

WHEREAS, as an agency of the State of Maryland, the Maryland-National Capital Park and Planning Commission (“Commission”) is a curator and conservator of historic community resources within the territorial boundaries of the Maryland-Washington Regional District and Maryland-Washington Metropolitan District established under the Laws of Maryland; and

WHEREAS, the Commission is the public steward of an historic resource of significance to the community, commonly known as the Bladensburg Peace Cross monument (the “Peace Cross”), situated within both said districts in Bladensburg, Prince George’s County, Maryland;

WHEREAS, the Peace Cross was conceived in 1919 when a group of bereaved mothers and other residents of the County formed the Prince George’s County Memorial Committee for the purpose of honoring the 49 residents of the County who died in World War I;

WHEREAS, the American Legion completed the Peace Cross in 1925 and dedicated it to honoring the “men of Prince George’s County” who perished in the Great War and “fought for the sacred right of all to live in peace and security”;

WHEREAS, from its inception and up through the present day, the Peace Cross has consistently been used by the local community as the site of patriotic events to honor the Nation’s veterans;

WHEREAS, an advocacy group and handful of individuals sued the Commission seeking to remove, dismantle or disrupt the Commission’s stewardship of the Peace Cross, among other things;

WHEREAS, the Commission sought legal consultation from Hogan Lovells US LLP, a firm with roots dating to the late Nineteenth Century, and which has extensive experience in constitutional law and complex appellate litigation, among many other disciplines;

WHEREAS, Hogan Lovells partner Neal Kumar Katyal, a former Acting Solicitor General of the United States who has had more than three dozen career appearances before the United States Supreme Court, assumed oversight of the Commission’s litigation;

WHEREAS, Hogan Lovells and Neal Katyal have imparted exemplary wisdom and have demonstrated tremendous competence and capabilities regarding their handling of this Peace Cross matter;

WHEREAS, Hogan Lovells and Neal Katyal have conferred a remarkable benefit in service to the residents of Prince George’s County, the said Regional District and Metropolitan District, as well as the public more generally; and

WHEREAS, as a body corporate and politic of the State of Maryland, the Commission desires to express to Hogan Lovells and Neal Katyal the body’s enduring gratitude for the act of public service in undertaking the legal representation of the agency before the Supreme Court of the United States in the matter of *Maryland-National Capital Park and Planning Commission v. American Humanist Association et al.*, No. 18-18, October Term 2018, on Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit.

NOW, THEREFORE, BE IT RESOLVED, that the Commission formally recognizes, acknowledges and greatly appreciates the exemplary efforts of Hogan Lovells and Neal Katyal, and confers this resolution to memorialize the enduring gratitude and appreciation of the body for those efforts.

+++++

This page intentionally left blank.



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

M-NCPPC RESOLUTION NO. 19-03

REFUNDS TO M-NCPPC'S APPROPRIATE NON-DEPARTMENTAL
ACCOUNTS FOR FISCAL YEAR 2019 OVERPAYMENTS
TO M-NCPPC'S GROUP INSURANCE FUND

WHEREAS, the Maryland-National Capital Park and Planning Commission (the "Commission") each fiscal year transfers amounts to the M-NCPPC Group Insurance Fund (the "Fund") to pay the employer's share of the cost of providing retiree medical insurance and benefits ("Retiree Coverage") for each fiscal year based on an actuarial projection; and

WHEREAS, the use of the actuarial projections in this regard for providing the Retiree Coverage with respect to M-NCPPC's Adopted Budget for Fiscal Year 2019 ("FY 19") has resulted in an overpayment to the Fund; and

WHEREAS, the amount transferred to the Fund ultimately overfunded the obligation by \$3,179,924.00 for FY 19; and

WHEREAS, the Commission finds it prudent and appropriate that the amount of the FY 19 overpayments should be divested from the Group Insurance Fund and returned accordingly to the respective M-NCPPC Non-Departmental Accounts maintained by M-NCPPC for Retiree Coverage to the extent each account contributed to the overpayments; and

NOW, THEREFORE IT BE RESOLVED that the Commission Secretary-Treasurer and other Officers are authorized to make the necessary accounting entries to record the return of funds from the Fund to the accounts as described above.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date 4/18/19

This page intentionally left blank.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

DATE: April 17, 2019

TO: Commissioners

VIA: Mazen Chilet, Chief Information Officer
Darin Conforti, Acting Director, PGC Department of Parks & Recreation

FROM: John Kroll, Corporate Budget Director *JK*

SUBJECT: **Commission-Wide IT Budget Adjustment – NeoGov Onboarding Project**

Background:

NeoGov is the software the Commission utilizes for applicant tracking. In order to gain greater efficiency, the Commission proposes to interface this system with the Infor HR system. This would result in completing the automation of the entire recruitment management cycle.

The IT Council, after reviewing the details of this proposal, agreed to seek funding for it. PGC Department of Parks and Recreation, being the largest beneficiary of a more efficient hiring process, agreed to fund the cost.

Cost and Benefits:

One-time cost for the first year, including the NeoGov module, consultant (RPI) implementation, and training is \$92,600.

Benefits include:

- Automation and elimination of data entry duplication for all activities through workflows
- Digital forms and approval workflow will be completed in the system
- Visibility through coordinated process monitoring, notifications, alerts and escalations
- Recruitment administration of Commission-Wide content and support to departments as Subject Matter Expert on Module
- Process can be extended to Term Contract and Seasonal personnel – reduces variation in onboarding experience for all new hires
- Streamline “First Day” agenda to release new employees to departments earlier or to add new activities (such as revived One Commission Tour)

Action Requested:

Because the CIO's function is bi-county, the transfer of funds from the PGC Park and Recreation Funds, and the authorization to proceed with this project must come before the full Commission.

The request, therefore, is to transfer \$46,300 from the PGC Park Fund and \$46,300 from the PGC Recreation Fund to the Commission-Wide IT Initiatives (CWIT) Internal Service Fund, and authorize the expenditure of \$92,600 from the CWIT Fund.



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

April 19, 2019

AAB 19-33

To The Commission

From: Anju A. Bennett, Acting Executive Director *AB*
Katie Knaupe, Budget & Management Operations Chief *KKK*

Re: Use of FY19 Salary Savings for the Department of Human Resources and Management

Requested Action

In FY19, the Department of Human Resources and Management (DHRM) is projected to have approximately \$425,000 in savings in personnel costs due to unexpected retirements and other unanticipated position turnover. We are requesting approval of a budget transfer of \$375,000 to address priorities identified with operating departments and prefund areas affected by significant cuts the department must take in its proposed FY20 budget to meet reductions necessitated by Montgomery County's budget.

Due to the bi-county nature of services delivered by this department, reductions taken to Montgomery County funded services also require corresponding reductions in services which are delivered to Prince George's operations. Consequently, FY20 Proposed Budget reductions have a significant impact on the department's ability to deliver services that operating departments and Planning Boards have identified as critical. The use of salary savings will help us prefund areas including priorities communicated by Planning Boards. We appreciate your consideration and support of our request.

Proposed Use of Lapse/Savings

- Budget Planning Software and HRIS Support: \$55,000
Savings will be used toward the acquisition and implementation of updated agency-wide budget planning software. The current budget planning platform is no longer supported by its developer. Additionally, technical support is needed to test, streamline and improve reliability of the high volume personnel actions handled by the Human Resources Information System.
- Legal Services: \$105,000
Savings will be used to help prefund legal support needed for collective bargaining and other complex grievance investigations/arbitration matters.
- Consulting Services for Classification Study and Succession Planning: \$140,000
Savings will be used for consulting services to implement Commission-supported recommendations from the agency's Classification and Compensation Study and address critical succession planning needs for the agency.
- Consulting for Planner Diversity Study: \$25,000
Savings will be used in conjunction with savings from the Legal Department to fund an analysis of the diversity study of planning positions based on discussions with Department Heads and the Executive Committee.
- Needed Technology Support and Hardware: \$50,000:
Savings will be used to address needed technology to support official meetings of the agency, grievance hearings, training, remote interviews, new hire orientations and Merit Board meetings.

This page intentionally left blank.



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

Reply To

Adrian R. Gardner
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
(301) 454-1670 • (301) 454-1674 fax

April 10, 2019

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission
FROM: Adrian R. Gardner
General Counsel
SUBJECT: **Request to Reallocate FY 2019 Legal Department Salary Lapse**

This memorandum is to request your authorization to reallocate this year's expected salary lapse for the Legal Department for the purposes described below.

Background

The Legal Department is experiencing an ongoing spate of disruptions in its personnel complement this year. Taken together, a variety of staffing changes during FY 2019 has resulted in a projected salary lapse of approximately \$635,000. A breakdown of the major factors contributing to this number includes:

• Vacancies for temporary transfers of 2 lawyers to other operating departments (Mont. Co. Planning Department and DHRM)	\$286,000
• Lapse from turnover	\$187,000
• Favorable variances in starting compensation	\$53,000

For some perspective, each of the four major legal teams has experienced a vacancy at some point during the fiscal year for differing reasons.

Recommendations

I am recommending, and requesting Commission approval, to reallocate and apply the savings from FY 2019 projected salary lapse (Personnel Services) to the following non-personnel expenditure budget categories and uses:

1. Montgomery County FY19 Savings Plan.

We will apply a portion of the lapse to meet the Montgomery County mandate to trim FY 2019 spending – the “savings plan.” Contrary to our initial plan to use a one-county cut, we recognize that the reduction can be jointly allocated to the administrative fund (in both counties) without any impact to service levels or otherwise.

Acct: n/a \$32,500

2. Temporary Services.

The department has employed a strategy for mitigating the workload disruption from staff vacancies by utilizing temporary legal service firms to backfill (where feasible). This approach is expected to continue for the last quarter of the fiscal year.

Acct: 31000/7380 \$70,000

3. Disparity Research and New Procurement Regulations.

With the Commission’s support, the General Assembly enacted HB 1279 – entitled “**MNCPPC - Procurement - Source Selection**” – that authorizes the Commission to adopt programs for MBE and/or small-local business procurement. The Finance Department’s plan to implement this legislation involves two discrete phases that require professional services: (1) empirical research to evaluate the legal predicate for including preferences in the MBE procurement program and (2) technical consulting to rewrite the agency purchasing regulations. (See attached.)

Acct: 31000/7325 \$300,000

4. Planner Diversity Study.

Based on discussions among the HR Director, Executive Committee and Department Heads, the Legal Department has been tasked with leading an empirical analysis of agency-wide diversity outcomes among incumbents in professional planning jobs. The plan includes soliciting appropriate public interest partners – e.g., APA, University of Maryland, etc. – to consider engagement for delivering this project.

Acct: 31000/7325 \$25,000

5. Legal Fee Rebates.

Over the course of the year, both the Montgomery County Parks Department (MCPD) and Prince George’s County Department of Parks and Recreation (DPR) have incurred direct expenses to pay outside legal counsel involved in certain transactions or disputes. Given the existing and future budget pressures on each department – especially MCPD – we have determined that a portion of the FY 19 expenses for each department are eligible for a funding “swap” – using OGC’s lapse as the source for the rebate.

Acct: 31000/7316 or 31000/7325 \$100,000

6. Prefund Legal Fees for Outside Counsel.

The Commission has experienced a significant uptick in disputes over construction projects in both counties. This reallocation will defray future expenses that will otherwise be incurred directly by MCPD and/or DPR.

<input checked="" type="checkbox"/> Acct: 31000/7316 or 31000/7325	\$100,000
<hr/>	
Total ➡	\$627,500
<hr/>	

* * *

Thank you in advance for your consideration. Please do not hesitate to call me with any questions, comments or personal attacks.

cc: Corporate Budget Manager
Accounting Manager

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1279

(Montgomery County Delegation and Prince George's
County Delegation)

Health and Government Operations

Education, Health, and Environmental Affairs

**Maryland-National Capital Park and Planning Commission - Procurement -
Source Selection
MC/PG 112-19**

This bill authorizes the Maryland-National Capital Park and Planning Commission (M-NCPPC) to establish a minority business enterprise (MBE) program, under specified conditions, and a local small business enterprise (SBE) preference program. Authorization for the MBE program terminates October 1, 2022. M-NCPPC must also adopt procurement regulations consistent with standards and methods for source selection in State law. The bill requires specified State and local entities to provide specified support to M-NCPPC to implement the bill's provisions. **The bill takes effect June 1, 2019.**

Fiscal Summary

State Effect: None. Specified State agencies can provide assistance, as required under the bill, to M-NCPPC with existing resources. Revenues are not affected.

Local Effect: M-NCPPC expenditures may increase by \$300,000 in FY 2020 to conduct a disparity study, with ongoing costs of about \$120,000 for staffing beginning in FY 2021 to administer the MBE and SBE programs. No effect on revenues.

Small Business Effect: Meaningful.

Analysis

Bill Summary:

Definitions

“Local small business enterprise” means a business enterprise that has its principal place of operation in Montgomery County or Prince George’s County and has been certified as an SBE by either county.

“Minority business enterprise” has the same definition as in State law.

Disparity Study

Montgomery and Prince George’s counties may provide sufficient resources to implement the bill, including funding necessary to conduct a study or analysis required to determine whether MBEs or local small businesses have been underutilized. The Special Secretary of the Governor’s Office of Small, Minority, and Women Business Affairs and the Secretary of Transportation must ensure that M-NCPPC is provided with appropriate technical assistance and information related to the MBE disparity study conducted by the State in 2017. M-NCPPC may use the information to evaluate whether or the extent to which it may have underutilized MBEs.

Minority Business Enterprise Program

If, based on the results of the disparity study and other legally relevant data, M-NCPPC elects to establish an MBE program, the program may include:

- procedures to maximize notice to MBEs and the opportunity for them to participate in the procurement process;
- provisions to extend reasonable preferences or goals for certified MBEs, as specified; and
- to the extent practicable, provisions consistent with the State’s MBE program.

Small Business Enterprise Program

If M-NCPPC elects to establish a local SBE program to encourage local small businesses to participate in procurement activities, the program may include:

- procedures for reliable documentation of a business entity’s official designation as an SBE by either Montgomery County or Prince George’s County;

- procedures to maximize notice to SBEs and the opportunity for them to participate in the procurement process; and
- provisions to extend reasonable preferences and procurement goals for SBEs and to reserve particular procurement activities for local SBEs.

By October 31 of each year, M-NCPPC must report to the Montgomery County and Prince George’s County delegations on the effectiveness of any MBE or local SBE programs established under the bill.

Current Law: For a complete description of the State’s MBE program and the most recent disparity study, please see the **Appendix – Minority Business Enterprise Program**.

State Qualification as a Small Business

Chapter 75 of 2004 defined a “small business” as either a certified minority-owned business or a business other than a broker that is independently owned and operated, not a subsidiary of another firm, and not dominant in its field of operation. In addition, Chapters 538 and 539 of 2012 (as amended by Chapter 76 of 2014) established that, to qualify as a small business, a business must meet *either* of the following criteria in its most recently completed three fiscal years:

- the firm did not employ more than 25 people in its retail operations; 50 people in either its wholesale or construction operations; or 100 people in either its service, manufacturing, or architectural and engineering operations; *or*
- average gross sales did not exceed \$2.0 million for manufacturing operations, \$3.0 million for retail operations, \$4.0 million for wholesale operations, \$4.5 million for architectural and engineering services, \$7.0 million for construction operations, and \$10.0 million for service operations.

Small businesses self-report their small business status by registering on eMaryland Marketplace, the State’s online procurement portal. More than 6,000 businesses have self-qualified as small businesses.

Background: M-NCPPC is a bi-county agency responsible for a regional system of parks and land use planning in Montgomery and Prince George’s counties, as well as a public recreation program in Prince George’s County. M-NCPPC was first authorized to operate a Minority Business Enterprise Utilization Program in 1992, subject to the findings of a disparity study, but the program terminated September 30, 2013 (after multiple reauthorizations). According to the bill’s preamble, M-NCPPC has reported that its utilization of MBEs declined when its utilization program terminated.

Local Expenditures: M-NCPPC advises that its expenditures may increase by \$300,000 in fiscal 2020 to hire a consultant to conduct a disparity study using the data available from the State's study, and for other related costs. Beginning in fiscal 2021, M-NCPPC expenditures may increase by \$120,000 to employ a compliance officer to administer the MBE and local SBE programs.

Small Business Effect: Small, minority- and women-owned businesses in Montgomery and Prince George's counties may benefit from procurement preference and/or set-aside programs administered by M-NCPPC.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County; Maryland-National Capital Park and Planning Commission; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2019
mm/ljm Third Reader - March 19, 2019

Analysis by: Michael C. Rubenstein

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

Appendix – Minority Business Enterprise Program

The State’s Minority Business Enterprise (MBE) program requires that a statewide goal for MBE contract participation be established biennially through the regulatory process under the Administrative Procedure Act. The biennial statewide MBE goal is established by the Special Secretary for the Governor’s Office of Small, Minority, and Women Business Affairs (GOMA), in consultation with the Secretary of Transportation and the Attorney General. In a year in which there is a delay in establishing the overall goal, the previous year’s goal applies. The Special Secretary is also required to establish biennial guidelines for State procurement units to consider in deciding whether to establish subgoals for different minority groups recognized in statute. In a year in which there is a delay in issuing the guidelines, the previous year’s guidelines apply.

In August 2013, GOMA announced a new statewide goal of 29% MBE participation that applied to fiscal 2014 and 2015; as no new goal has been established, the 29% goal remains in effect for fiscal 2019. GOMA issued subgoal guidelines in July 2011, summarized in **Exhibit 1**, which are also still in effect. The guidelines state that subgoals may be used only when the overall MBE goal for a contract is greater than or equal to the sum of all recommended subgoals for the appropriate industry, plus two. In June 2014, new regulations took effect allowing MBE prime contractors to count their own work for up to 50% of a contract’s MBE goal and up to 100% of any contract subgoal. Previously, certified MBE prime contractors could not count their own participation toward any goal or subgoal on an individual contract, but their participation was counted toward the State’s MBE goal.

Exhibit 1 Subgoal Guidelines for MBE Participation

	<u>Construction</u>	<u>Architectural/ Engineering</u>	<u>Maintenance</u>	<u>Information Technology</u>	<u>Services</u>	<u>Supplies/ Equipment</u>
African						
American	7%	6%	8%	7%	7%	6%
Hispanic	-	2%	3%	2%	-	-
Asian	4%	-	3%	-	4%	5%
Women	-	9%	-	8%	12%	10%
Total	11%	17%	14%	17%	23%	21%
Total +2	13%	19%	16%	19%	25%	23%

MBE: Minority Business Enterprise

Source: Governor’s Office of Small, Minority, and Women Business Affairs

There are no penalties for agencies that fail to reach the statewide target. Instead, agencies are required to use race-neutral strategies to encourage greater MBE participation in State procurements.

History and Rationale of the Minority Business Enterprise Program

In 1989, the U.S. Supreme Court held in the *City of Richmond v. J.A. Croson Co.* that state or local MBE programs using race-based classifications are subject to strict scrutiny under the equal protection clause of the Fourteenth Amendment to the U.S. Constitution. In addition, the ruling held that an MBE program must demonstrate clear evidence that the program is narrowly tailored to address actual disparities in the marketplace for the jurisdiction that operates the program. As a result, prior to each reauthorization of the State's MBE program, the State conducts a disparity study to determine whether there is continued evidence that MBEs are underutilized in State contracting.

The most recent disparity study was completed in 2017 and serves as the basis for the most recent reauthorization of the MBE program. It found continued and ongoing disparities in the overall annual wages, business earnings, and rates of business formation between nonminority males and minorities and women in Maryland. For instance, average annual wages for African Americans (both men and women) were 37% lower than for comparable nonminority males; average annual wages for nonminority women were 33% lower than for comparable nonminority males. It also found continued disparities in the use of MBEs by the State compared to their availability in the marketplace to perform work in designated categories of work. For instance, African American-owned construction businesses were paid 5.1% of State construction contract dollars, but they made up 10.3% of the construction sector in the relevant State marketplace. Nonminority women-owned construction businesses were paid 7.5% of State construction contract dollars but made up 13.7% of the construction sector. According to the analysis, these differences were large and statistically significant.

The MBE program is scheduled to terminate July 1, 2022; it has been reauthorized eight times since 1990, the latest by Chapter 340 of 2017. **Exhibit 2** provides MBE participation rates for major Executive Branch agencies based on contract awards made during fiscal 2017, the most recent year for which data is available.

Exhibit 2
Minority Business Enterprise Participation Rates, by Agency
Fiscal 2017

<u>Cabinet Agency</u>	<u>% Participation</u>
Aging	0.4%
Agriculture	7.6%
Budget and Management	6.0%
Commerce	3.1%
Education	23.0%
Environment	57.4%
Executive Department	4.6%
General Services	19.5%
Health	11.5%
Higher Education Commission	16.1%
Housing and Community Development	32.0%
Human Services	8.3%
Information Technology	4.1%
Juvenile Services	7.1%
Labor, Licensing, and Regulation	13.1%
Military	30.2%
Natural Resources	3.9%
Planning	7.5%
State Police	11.9%
Public Safety and Correctional Services	53.9%
Transportation – Aviation Administration	23.1%
Transportation – Motor Vehicle Administration	11.3%
Transportation – Office of the Secretary	27.9%
Transportation – Port Administration	24.9%
Transportation – State Highway Administration	21.2%
Transportation – Transit Administration	16.5%
Transportation – Transportation Authority	22.2%
Statewide Total¹	21.0%

¹Includes the University System of Maryland, Morgan State University, St. Mary’s College of Maryland, and non-Cabinet agencies.

Source: Governor’s Office of Small, Minority, and Women Business Affairs

Requirements for Minority Business Enterprise Certification

An MBE is a legal entity, other than a joint venture, that is:

- organized to engage in commercial transactions;
- at least 51% owned and controlled by one or more individuals who are socially and economically disadvantaged; and
- managed by, and the daily business operations of which are controlled by, one or more of the socially and economically disadvantaged individuals who own it.

A socially and economically disadvantaged individual is defined as a citizen or legal U.S. resident who is African American, Native American, Asian, Hispanic, physically or mentally disabled, a woman, or otherwise found by the State's MBE certification agency to be socially and economically disadvantaged. An MBE owned by a woman who is also a member of an ethnic or racial minority group is certified as either owned by a woman or owned by a racial or ethnic minority but not both. The Maryland Department of Transportation is the State's MBE certification agency.

A socially disadvantaged individual is someone who has been subject to racial or ethnic prejudice or cultural bias within American society because of his or her membership in a group and without regard to individual qualities. An economically disadvantaged individual is someone who is socially disadvantaged whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities compared with those who are not socially disadvantaged. An individual with a personal net worth in excess of \$1.5 million, adjusted annually for inflation, is not considered economically disadvantaged. The inflation-adjusted limit for calendar 2019 is \$1,749,347.

This page intentionally left blank.



MEMO

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
Department of Finance, Office of Secretary-Treasurer

TO: Maryland-National Capital Park and Planning Commission

FROM: Joseph C. Zimmerman, CPA, Secretary-Treasurer

SUBJECT: Request to spend FY 2019 Personnel Services savings.

DATE: April 19, 2019

ACTION REQUESTED: Board approval to spend salary lapse

The Department of Finance (Including the former IT Division) expects to realize savings of approximately \$200,000 in its Personnel Services budget due to delay in filling critical positions. Approval is requested to allocate savings in this budget category to fund needed IT infrastructure and professional service needs in support Enterprise Wide efforts. Of critical importance is the need to replace the budget development software, which is underway but not adequately funded.

Thank you for your consideration of this proposal. I look forward to discussing this with you next week.

CC: Mazen Chilet

This page intentionally left blank.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Office of the Inspector General • 7833 Walker Drive, Suite 425 • Greenbelt, Maryland 20770

April 17, 2019

To: The Commission

From: Renee Kenney, Inspector General

Re: Budget Transfer for the Office of the Inspector General

For Your Approval

For FY19, the Office of the Inspector General (OIG) is projected to have approximately \$10,000.00 savings in personnel costs. The savings are a result of a decrease in actual hours worked as compared to budget for the OIG's part-time Administrative Assistant. We are requesting approval to use these funds to cover:

- OIG professional work paper software renewal costs;
- annual maintenance costs of the Commission's independent fraud, waste, and abuse hotline; and
- pre-approved professional membership costs.

We appreciate your consideration of our request.

This page intentionally left blank.



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

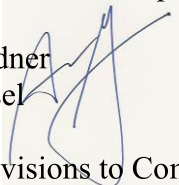
Reply To

April 10, 2019

Adrian R. Gardner
General Counsel
6611 Kenilworth Avenue, Suite 403
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: Update and Revisions to Commission Practice No. 1-40:
Organization and Functions of the Legal Department

I. Recommendation:

Approve the proposed update and revisions to: “*Commission Practice No. 1-40, Organization and Functions of the Legal Department*” set forth in Attachment A.

II. Background:

As a formal matter, the Office of the General Counsel (Legal Department) operates according to the Organizations and Function document contained in Commission Practice No. 1-40 (the “Practice”). In practical terms, this document operates as our department’s “charter” – explicating our mission and providing the framework that guides the assignment of roles and responsibilities among the General Counsel, staff attorneys, professional staff and respective teams.

I am proposing to update the Practice, and implement a handful of changes, for several reasons. First, although most provisions remain appropriate, the current version of this Practice has not been updated in almost a decade, and includes other provisions that have become outdated. Second, as we prepare the agency to weather a series of tough budget cycles – including the current one – part of my strategy involves managing cuts with enhanced legal horsepower to create more flexibility. Third, I am gravely concerned that our department’s ability to comply with applicable personnel and other administrative demands is being hampered by an organizational structure that simply is too flat. Fourth, I believe our organization will be better served if I am able to devote more time attending to substantive legal issues, and making focused changes to our service delivery methods.

III. Changes

The proposed revision includes an update to the pertinent statutory references and makes a number of stylistic revisions shown in the interlineations detailed in the attachment. Beyond those minor items, the substantive changes proposed for the Practice are highlighted as follows:

- Deputy General Counsel: As revised, the Practice would establish the authority for the General Counsel to appoint a Deputy General Counsel (DGC), and also to delegate appropriate legal and administrative work at that level. My current plan for a new position is to assign a DGC with leadership responsibility for both land use teams, as well as taking principal responsibility for our administrative program. The collateral impact of this change will be to free your General Counsel to devote more time that is needed with our corporate compliance, transactional and litigation work initiatives. With approval, a final organizational structure and reporting lines of authority will be developed after the General Counsel collects additional the input of the senior legal staff.

Of course, several factors will ultimately drive the final budget impact of making this change. Even so, and notwithstanding the FY 20 funding reductions expected for the Montgomery County Administrative Fund, our commitment in the short term is to accomplish this change: (1) on a budget-neutral basis; and (2) with an equal or better (than FY 19) service level for all OGC clients. Over the long term, I am convinced the change will improve overall service delivery and, equally important, improve the overall work experience for other Commission lawyers as well.

- New Business Units. The Practice includes references to several new business units that have evolved since the last revision. Specifically, the language is modified to acknowledge the General Counsel's role in advising the Audit Committee, Inspector General, OPEB Trust.
- Forest Conservation Enforcement: The Practice would also reflect the current reality whereby forest conservation enforcement cases are prosecuted by the Montgomery County Land Use Team. This assignment appropriately manages due process considerations for these civil penalty cases by maintaining a firewall among the MRO legal staff.
- Reporting Relationships: The Practice would also eliminate the mandatory organization chart. As indicated above, a final organizational structure with reporting lines will be developed with input after approval. As it has with other business units, Commissioners will have the regular opportunity to review the Legal Department's structure during the annual budget cycle.

IV. Conclusion.

For these reasons, I recommend and request approval of the proposed Practice. Upon its adoption, I intend to keep the Commission well informed of any consequential changes as they are implemented. Please do not hesitate to call me if you have any questions in advance of the Commission meeting.

Attachment - **Attachment A**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PRACTICE

No. 1-40

Effective date: 12 July 1978

(Rev. ~~15 July 2009~~ 17 April 2019)

SUBJECT:

ORGANIZATION AND FUNCTIONS OF
THE OFFICE OF THE GENERAL COUNSEL
(LEGAL DEPARTMENT)

[CERTIFICATION OF ADOPTION]

AUTHORITY

Annotated Code of Maryland, ~~Article 28 at § 2-106~~ Land Use Art. at § 15-109(a), and Business Occupations and Professions Article at § 10-101 et seq.

MISSION AND
PRIMARY
EMPHASIS

The mission of the Office of the General Counsel (Legal Department) is to provide cost-effective legal advice and representation of the highest quality to the Maryland-National Capital Park and Planning Commission as a corporate entity. Our attorneys place their primary emphasis on providing proactive counsel, advice and early intervention to support decision makers with a clear picture of all their lawful options.

ORGANIZATION

The Legal Department is headed by the General Counsel, appointed by the Commission, who reports to, is directed by, and serves at the pleasure of the Commission. Ordinary supervision of the General Counsel, including negotiation of the terms and conditions of employment upon appointment, is delegated jointly to the Chairman and Vice-Chairman of the Commission.

The Legal Department currently is organized into five specialized legal practice teams, and one department-wide administrative support team.

The five legal practice teams are enumerated as follows:

1. The Litigation and Employment Law Team;
2. The Prince George’s County Land Use Team;
3. The Montgomery County Land Use Team;
4. The Transactions Practice Team; and
5. The Legislative Management Team.

The General Counsel may designate one attorney as a Deputy General Counsel with such delegated duties and responsibilities as may be authorized under this Practice.

The General Counsel may **also** designate one attorney as a Team Leader with day-to-day responsibility for general supervision and leadership for each Team. Designated Team Leaders report directly to the General Counsel **or, if delegated, to the Deputy General Counsel**. Other attorneys, law clerks, paralegals and legal professionals assigned to support each team report directly to their respective Team Leader, **or the Deputy General Counsel, as the applicable case may be.**

Each Team Leader, **the Deputy General Counsel**, and every attorney who is a member of the Legal Department, will ensure that Commission clients are directed to the team most appropriate to address specific legal needs, and must maintain good and prompt cross-collaboration among all other teams whenever appropriate.

Administrative support for the Legal Department is assigned by the General Counsel **or Deputy General Counsel** to a **Chief Departmental Administrator business manager** who reports directly to the General Counsel **or Deputy General Counsel**. The **Chief Departmental Administrator business manager** oversees departmental compliance with the Commission's internal operating policies and procedures, including budget, finance, cash management, personnel, procurement, and other operating policies.

The **Chief Departmental Administrator business manager** also supervises the Legal Department's administrative support staff under a matrix management program that incorporates job performance information provided by attorneys and utilizes department-wide internal procedures.

The General Counsel should allocate and assign legal staff to provide services to Commission operating units and from multiple on-site office locations, subject to available space, funding and other reasonable considerations.

Organization Chart included as Attachment A.

FUNCTIONS

A. General Counsel

As the Commission's chief legal officer, the General Counsel performs the following duties:

1. Administers, supervises, organizes, coordinates, and directs the activities and staff of the Legal Department, and manages the disposition of legal matters including, but not limited to:
 - a. Representing the Commission in all civil and administrative proceedings to which the Commission is a party, retaining outside legal counsel as necessary and appropriate;
 - b. Carrying out condemnation proceedings pertaining to land for parks and open space under the power of eminent domain; acquisition of land sales activities of surplus land, with the exception of title and settlement work which may be handled by outside attorneys; and associated matters such as eviction proceedings;
 - c. Rendering of written and oral opinions, and recommending disposition of all requests for legal assistance to the Commission, Planning Boards, Executive Committee, Finance Committee, Audit Committee, department heads, and staff on questions of law involving the administration and exercise of the Commission's statutory and regulatory functions, jurisdiction, and power;
 - d. Drafting and/or approving for legal sufficiency contracts, deeds, leases, resolutions, and other documents to which the Commission is a party;
 - e. Preparing and reviewing state and local legislative matters, including testimony and attendance at work sessions;
 - f. analyzing, drafting, and redrafting of local ordinances and laws as requested by Commission staff and Planning Boards;
 - g. Maintaining intergovernmental liaison with members of the Maryland General Assembly and with other governmental bodies as directed by the Commission or Planning Boards;

- h. Developing appropriate performance measures, internal operating procedures, and appropriate management information tools to monitor Legal Department work performance; and,
 - i. Developing performance tracking reports and sharing departmental performance information as determined in his/her sole discretion to be appropriate and consistent with preserving attorney-client privilege.
 2. Provides legal counsel and advice to Commission management, the Board of Trustees of the Employees' Retirement System, **other employee benefit boards of trustees, Inspector General, the Audit Committee** and to other committees of the Commission, as required.
 3. Represents Commission management in proceedings before the Merit System Board, LEOBR Trial Boards, and other internal or external adjudicatory tribunals as required.
 4. Provides legal advice to management and staff on other matters, including equal employment opportunity (affirmative action) and human relations matters, and legal aspects of fiscal and budgetary matters.

B. Deputy General Counsel

The General Counsel may delegate to the Deputy General Counsel any lawful authority or responsibility of the office as the General Counsel may prescribe from time to time in writing as determined within his or her reasonable discretion. The Deputy General Counsel shall serve in the capacity as the Acting General Counsel in the event the General Counsel is incapacitated from discharging the duties of that office as a result of an extended absence or period of disability.

C. Teams

The General Counsel hereby delegates certain responsibilities to the respective legal teams provided in this Practice as follows:

1. **The Litigation and Employment Law Team.** The Litigation and Employment Law Team is assigned primary responsibility for providing legal representation in the

following matters:

- a. The prosecution and defense of civil trial and appellate litigation and ancillary civil court proceedings (not including actions for **declaratory relief or** judicial review of administrative decisions made by the Commission in land use cases);
- b. All Commission personnel functions and related management issues, including compliance with the Merit System Rules and Regulations, employment disputes, personnel records, practices and policies, employee benefit and retirement programs, collective bargaining activities, application of Law Enforcement Officers Bill of Rights (LEOBR), workers compensation claims, unemployment insurance claims, employment discrimination claims and similar matters;
- c. The prosecution and defense of administrative proceedings held before any internal, state or federal tribunal or similar authority convened to investigate or adjudicate employment-related disputes, including the Commission's Merit System Board, LEOBR trial boards, the Equal Employment Opportunity Commission, the Maryland Commission on Human Relations, any authorized arbitration tribunal, and the Maryland Division of Unemployment Insurance;
- ~~d. The prosecution of civil citations and other litigation to enforce the Montgomery County forest conservation ordinance and development approval regulations in proceedings before the Montgomery County Planning Board, other administrative bodies or officers or a court of competent jurisdiction;~~
- d. Advice, legal support, and coordination necessary to comply with or contest any subpoena seeking the testimony of a Commission employee or official, or any inquiry or subpoena issued in connection with a criminal investigation or external audit request;
- e. Advice and legal support for the Commission's

Practice 1-40
Organization and Functions
of the Legal Department
App. The Commission
Effective 12 July 1978
(Rev. ~~15 July 2009~~ 17 April 2019)

Employees' Retirement System;

- f. Advice and legal support for the Commission's safety, risk management and self-insurance functions, including evaluating liability issues throughout all Commission operations and activities;
 - g. Training to support the identification of liability issues as a component of reviewing documents for legal sufficiency;
 - h. Advice and legal support for the Commission's payroll and internal audit functions;
 - i. Advice and legal support for the Commission's Park Police functions, including inter-jurisdictional mutual aid agreements;
 - j. Advice and legal support for the development and promulgation of Commission-wide practices, policies, regulations and administrative procedures;
 - k. Advice, legal support, and coordination necessary to comply with or contest any request made under the Maryland Public Information Act that is related principally to a substantive matter assigned to the Team pursuant to this Practice;
 - l. Advice, legal support and preparation of any employment agreement, settlement agreement or document effectuating a liability release; and,
 - m. The management of outside legal counsel retained to represent the Commission in any substantive matter assigned to the Team pursuant to this Practice, including any outside counsel retained under the aegis of the self-insurance fund.
2. **The Prince George's County Land Use Team.** The Prince George's County Land Use Team is assigned primary responsibility for providing legal representation in the following matters:
- a. Advice and legal support for the Prince George's County Planning Board and Planning Department in

executing any administrative, quasi-legislative, or quasi-judicial function in a land use matter arising under the provisions of Maryland law or the local laws of Prince George's County, Maryland;

- b. Advice, legal support and timely legislative advocacy on behalf of the Prince George's County Planning Board and Planning Department appropriate to influence amendments proposed to local laws of Prince George's County that relate to the regulation of land use or the Commission's land use functions;
 - c. The prosecution and defense of lower court actions and related appellate litigation involving **declaratory relief or** judicial review of administrative decisions made by the Prince George's County Planning Board and Planning Department in land use cases;
 - d. Preparation of documents appropriate to support the regulatory activities of the Prince George's County Planning Board and Planning Department, including resolutions, deeds of dedication, terms of covenants and restrictive easements, and conditions of regulatory approval;
 - e. Advice, legal support, and coordination necessary to comply with or contest any request made under the Maryland Public Information Act that is related principally to a substantive matter assigned to the Team pursuant to this Practice; and,
 - f. The management of outside legal counsel retained to represent the Commission in any substantive matter assigned to the Team pursuant to this Practice.
3. **The Montgomery County Land Use Team.** The Montgomery County Land Use Team is assigned primary responsibility for providing legal representation in the following matters:
- a. Advice and legal support for the Montgomery County Planning Board and Planning Department in executing any administrative, quasi-legislative, or quasi-judicial function in a land use matter arising under the

provisions of Maryland law or the local laws of Montgomery County, Maryland;

- b. Advice, legal support and timely legislative advocacy on behalf of the Montgomery County Planning Board and Planning Department appropriate to influence amendments proposed to local laws of Montgomery County that relate to the regulation of land use or the Commission's land use functions;
 - c. **The prosecution of civil citations and other litigation to enforce the Montgomery County forest conservation ordinance and development approval regulations in proceedings before the Montgomery County Planning Board, other administrative bodies or officers or a court of competent jurisdiction;**
 - d. The prosecution and defense of lower court actions and related appellate litigation involving **declaratory relief or** judicial review of administrative decisions made by the Montgomery County Planning Board and Planning Department in land use cases;
 - e. Preparation of documents appropriate to support the regulatory activities of the Montgomery County Planning Board and Planning Department, including resolutions, deeds of dedication, terms of covenants and restrictive easements, and conditions of regulatory approval;
 - f. Advice, legal support, and coordination necessary to comply with or contest any request made under the Maryland Public Information Act that is related principally to a substantive matter assigned to the Team pursuant to this Practice; and,
 - g. The management of outside legal counsel retained to represent the Commission in any substantive matter assigned to the Team pursuant to this Practice.
4. **The Transactions Practice Team.** The Transactions Practice Team is assigned primary responsibility for providing legal

representation in the following matters:

- a. Advice, legal support and preparation of legal documents for the effective transaction of public business and related commercial arrangements between the Commission and private third parties. Examples of legal documents assigned to this Team include: purchase agreements, instruments covered under the Uniform Commercial Code, public-private partnership agreements, real estate and chattel leases, concession agreements, donation agreements, development agreements, and technology licensing agreements;
- b. Advice, legal support and preparation of legal documents for the effective transaction of public business between the Commission and other entities of government;
- c. The Team is not assigned primary responsibility for Commission agreements relating to settlements, employment, or police mutual aid;
- d. The prosecution and defense of administrative proceedings held before any internal, state or federal tribunal or similar authority convened to adjudicate a contract or procurement dispute;
- e. Promulgation of form documents appropriate to support the regulatory activities of the Commission, including form deeds of dedication, standard terms of covenants and restrictive easements, recreational facilities agreements, and conditions of approval relating to rights of the Commission in real property;
- f. Advice and legal support for transactions involving the Commission's information and communications technology functions;
- g. Advice and legal support for the Commission's procurement, treasury, finance, bond and cash management functions;
- h. Advice, legal support, and coordination necessary to

comply with or contest any request made under the Maryland Public Information Act that is related principally to a substantive matter assigned to the Team pursuant to this Practice; and,

- i. The management of outside legal counsel retained to represent the Commission in any substantive matter assigned to the Team pursuant to this Practice.

5. **The Legislative Management Team.** The Legislative Management Team is assigned primary responsibility for providing legal representation in the following matters:

- a. Advice, legal support and timely legislative advocacy on behalf of the Commission appropriate to influence amendments/proposed laws of the General Assembly and Congress that relate to Commission functions;
- b. Advice and legal support for the Commission on matters of legislative rules, practices, custom, protocol and procedures;
- c. Advice, legal support and analysis of legislative enactments and potential impact on Commission operations;
- d. Coordination and support of Commission staff assigned to monitor State and Federal legislative activities (Legislative Management Team);
- e. Advice, legal support, and coordination necessary to comply with or contest any request made under the Maryland Public Information Act that is related principally to a substantive matter assigned to the Team pursuant to this Practice; and,
- f. The management of outside legal counsel or lobbying professionals retained to represent the Commission in any substantive matter assigned to the Team pursuant to this Practice.

PROHIBITIONS

No attorney, employee, legal entity or other person (including outside counsel) may ~~engage in the practice of~~ law on any matter relating to Commission business without the approval by the General Counsel (or his designee as authorized in writing). For this

Practice 1-40
Organization and Functions
of the Legal Department
App. The Commission
Effective 12 July 1978
(Rev. ~~15 July 2009~~ 17 April 2019)

purpose, the term “practice of law” has the meaning provided from time to time under § 10-101(h) of the Business Occupations and Professions Article of the Maryland Annotated Code.

The General Counsel or any member of the Legal Department shall not provide legal assistance or representation to any Commission employee on any legal matter which is not within the scope of ~~their~~ **such employee’s** Commission employment, official duties and responsibilities, unless the Commission or a person authorized by the Commission specifically directs that such assistance or representation be given.

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>
ERSBoard@mncppc.org

Andrea L. Rose
 Administrator

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
 Vice Chairman Gerald R. Cichy

Anju Bennett
 Melissa Ford
 Rick Liu
 Sheila Morgan-Johnson
 Joseph C. Zimmerman, CPA

Howard Brown
 Pamela F. Gogol
 Amy Millar
 Barbara Walsh

To: The Commission Date: March 5, 2019

Via: Elizabeth M. Hewlett
 Chairman, ERS Board of Trustees *BMD*

From: Andrea L. Rose *AR* Administrator

Subject: Acknowledge Elaine Stookey as the Bi-County Open Trustee to the Board of Trustees for the term ending June 30, 2020

RECOMMENDATION

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

BACKGROUND

Due to the retirement of Bi-County Open Trustee Barbara Walsh, a Notice to All Bi-County Commission Employees was placed in Update, on the ERS' website, and the Commission's Intranet site in January 2019. Employees interested in the Bi-County Open Trustee seat on the ERS Board of Trustees for the remainder of the term ending June 30, 2020 were invited to submit an application by Friday, January 25, 2019.

Elaine Stookey submitted an application and no other applications were received. Ms. Stookey is determined to have won by acclamation. At its March 5, 2019 meeting, the ERS Board of Trustees acknowledged Elaine Stookey as the Bi-County Open Trustee for the remainder of the term ending June 30, 2020.

Ms. Stookey has worked in the Accounting Division of the Finance Department since July 2014 providing accounting support to Montgomery County with the Capital Improvement Project Fund and the Parks and Administration Funds and is heavily involved in financial statement preparation for the Commission's Comprehensive Annual Financial Report. Ms. Stookey has served as a City Finance Director/Treasurer with prior employers and received certification as a Certified Public Finance Administrator by the Association of Public Treasurers of the U.S. and Canada. Her experience with auditors, audit committees, actuaries and investment training will prove valuable to the Board of Trustees.

Thank you for your action.

This page intentionally left blank.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF MARCH 2019**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Feb-19	Mar-19	Feb-19	Mar-19	Feb-19	Mar-19	Feb-19	Mar-19
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	1	0	0	0	0	0	1	0
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.	0	1	0	0	0	0	0	1
LEGAL DEPARTMENT	2	1	1	2	1	1	4	4
FINANCE DEPARTMENT	1	3	2	2	0	0	3	5
PRINCE GEORGE'S PLANNING	1	2	5	5	2	3	8	10
PRINCE GEORGE'S PARKS & RECREATION	23	16	10	6	1	3	34	25
MONTGOMERY COUNTY PARKS	4	11	1	3	1	1	6	15
MONTGOMERY COUNTY PLANNING	3	4	0	3	0	0	3	7
DEPARTMENT TOTAL BY DAYS LATE	35	38	19	21	5	8		
COMMISSION-WIDE TOTAL							59	67

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.

Item 6a.

This page intentionally left blank.

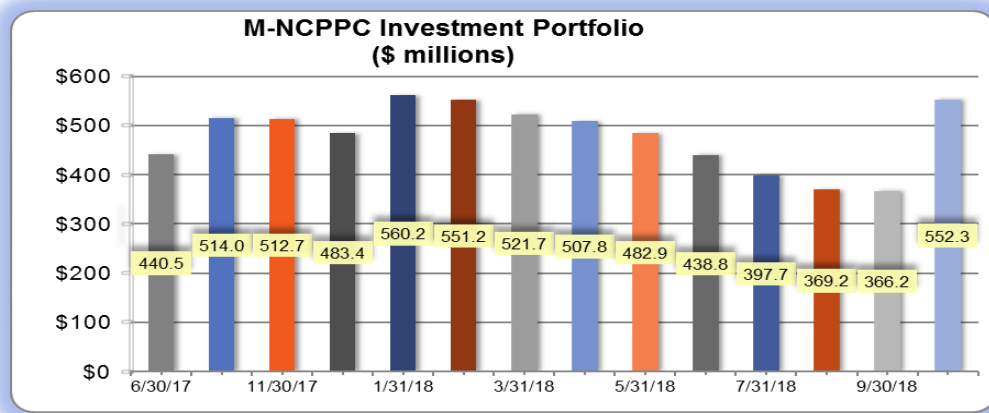


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1592 / Fax (301) 454-1637

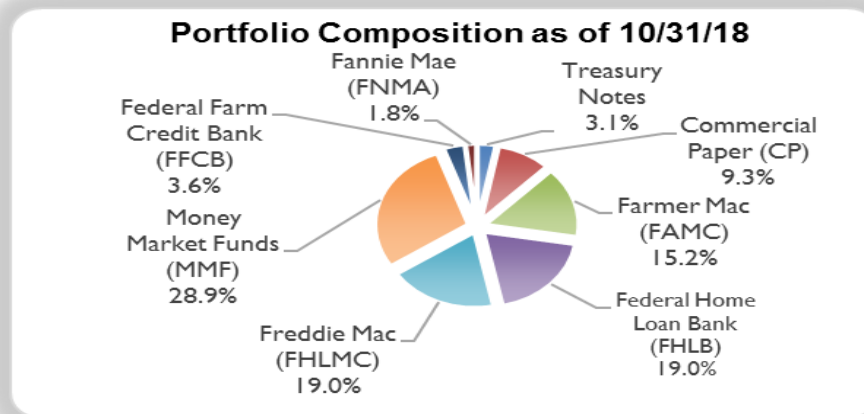
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Investment & Treasury Operations Manager *T.H.*
DATE: 3/1/2019
SUBJECT: Investment Report – **October 2018**

The Commission’s pooled cash investment portfolio totaled \$552.3 million as of October 31, 2018, with a 50.8% increase from September 30, 2018. Details are as follows:



The composition of the pooled cash portfolio as of October 31, 2018 is summarized below:

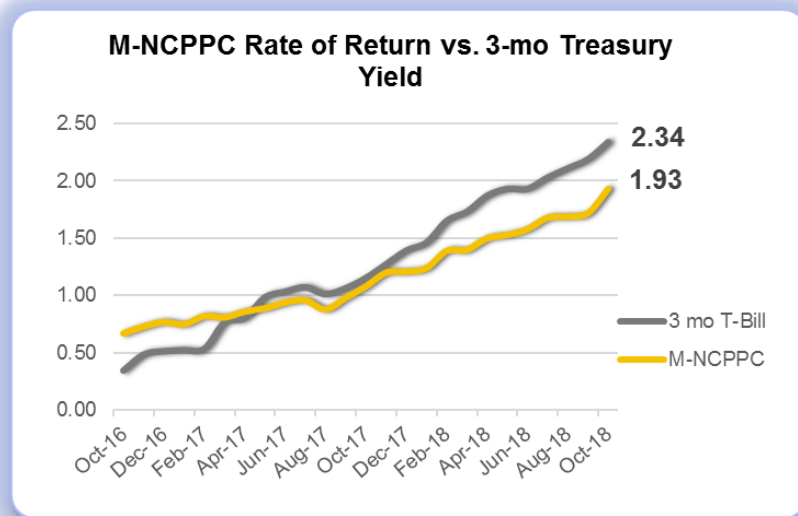


Current Investment Portfolio - October 2018

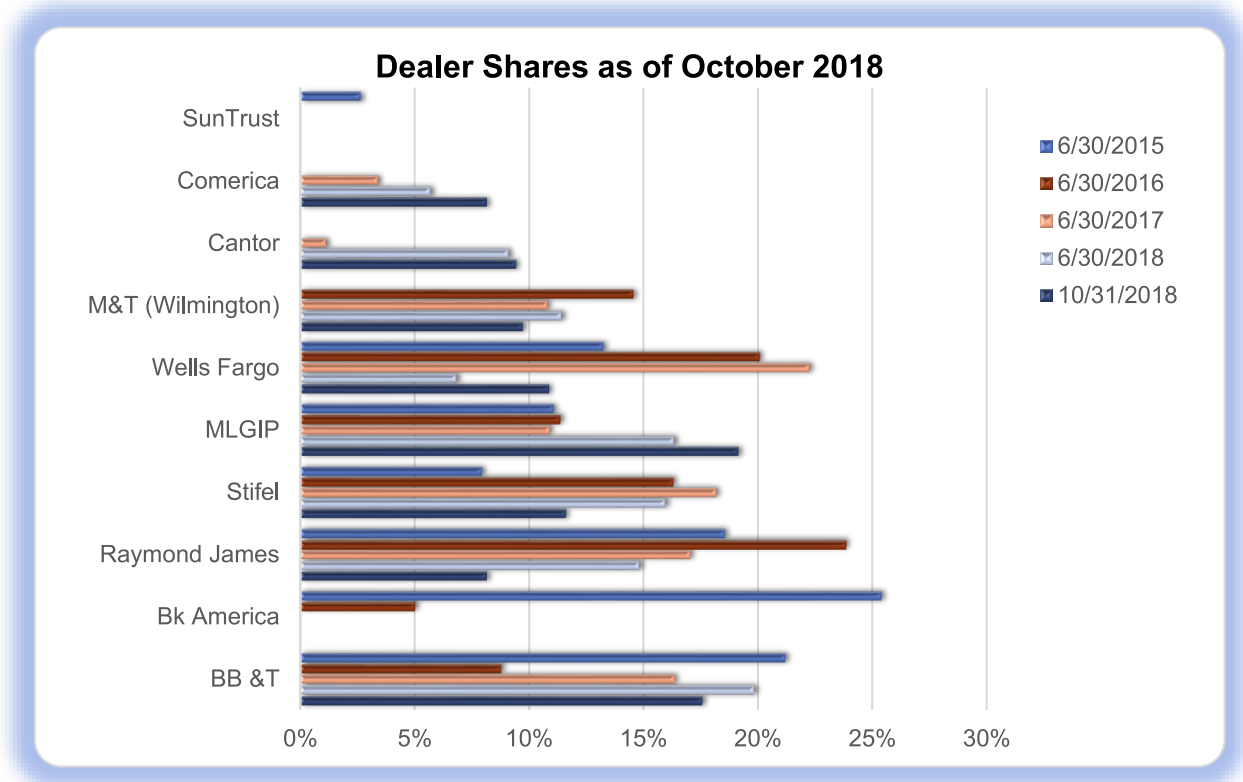
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Money Funds	* 25%	29%	\$ 159,347,360	1.82%
Federal Home Loan Banks	20%	19%	105,000,000	2.02%
Freddie Mac	20%	19%	105,000,000	1.97%
Farmer Mac	20%	15%	84,000,000	2.27%
Commercial Paper	10%	9%	52,000,000	2.84%
Federal Farm Credit Bureau	20%	4%	20,000,000	2.62%
Treasury Notes	100%	3%	17,000,000	1.07%
Fannie Mae	20%	2%	10,000,000	2.27%
Certificates of Deposit	50%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
		100%	\$ 552,347,360	2.16%

*As of 10/31/2018

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 - October 2018	
Prince George's County (PGC-2017A)	\$ 16,463,135
Montgomery County (MC-2018A)	16,176,093
	\$32,639,229

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of October 31, 2018 appear below:

Debt Balances - October 2018					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
NN-2 (Refunded Z-2)	14,080,000	4,070,000	29%	Mar-10	May-21
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	5,225,000	46%	Jun-12	Jan-24
PGC-2014A	26,565,000	22,400,000	84%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	23,135,000	93%	Oct-15	Jan-36
PGC-2017A	33,000,000	31,350,000	95%	Jul-17	Jan-37
Total Prince George's County	\$ 109,885,000	\$ 86,180,000	78%		
Montgomery County					
LL-2	8,405,000	1,710,000	20%	May-09	Nov-20
MM-2	5,250,000	525,000	10%	May-09	Nov-19
MC-2012A (Refunded CC-2, FF-2)	12,505,000	9,185,000	73%	Apr-12	Dec-32
MC-2012B	3,000,000	2,375,000	79%	Apr-12	Dec-32
MC-2014A	14,000,000	11,970,000	86%	Jun-14	Jun-34
MC-2016A	12,000,000	11,140,000	93%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	5,940,000	97%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	885,000	82%	Apr-16	Nov-24
MC-2017A	8,000,000	7,600,000	95%	Apr-17	Nov-36
MC-2018A 	12,000,000	12,000,000	100%	Oct-18	Nov-38
MC-2018B 	3,000,000	3,000,000	100%	Oct-18	Nov-23
Total Montgomery County	\$ 85,355,000	\$ 66,330,000	78%		
Total	\$ 195,240,000	\$ 152,510,000	78%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2019 – October 31, 2018

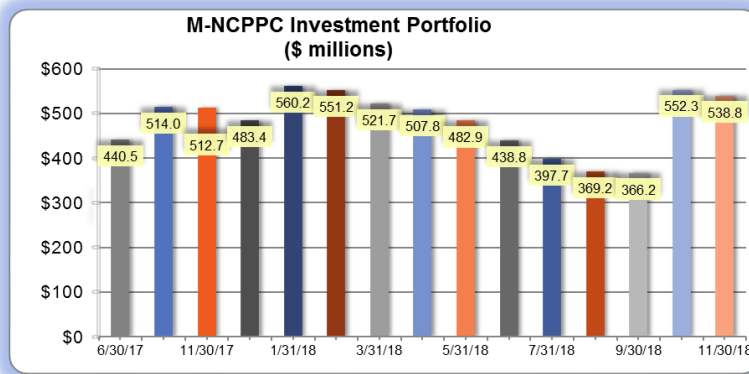
OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
Limiting types and amounts of securities	Limit	Yes	All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Government	100%		
US Federal Agencies - combined	60%		
US Federal Agencies - each	20%		
Repurchase Agreements	60%		
CD's and Time Deposits	50%		
Commercial Paper	10%		
Money Market Mutual Funds	25%		
MD Local Gov't Investment Pool	25%		
Investing Bond Proceeds:			
State and local agency securities	100%		
Money Market Mutual Funds	10%		
Bond Proceeds:		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 share 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	No		Less than market by 41 basis points
The pro-rated rates of return for T-bills and the portfolio were 2.34% and 1.93%, respectively.			



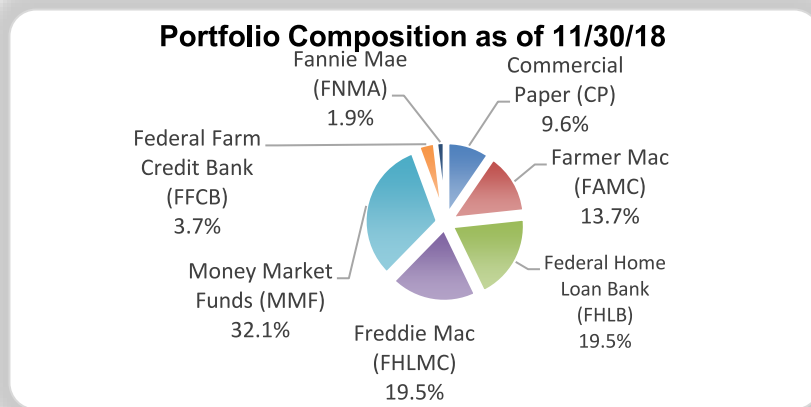
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Investment & Treasury Operations Manager *T.H.*
DATE: 3/1/2019
SUBJECT: Investment Report – **November 2018**

The Commission’s pooled cash investment portfolio totaled \$538.8 million as of November 30, 2018, with a 2.4% decrease from October 31, 2018. Details are as follows:



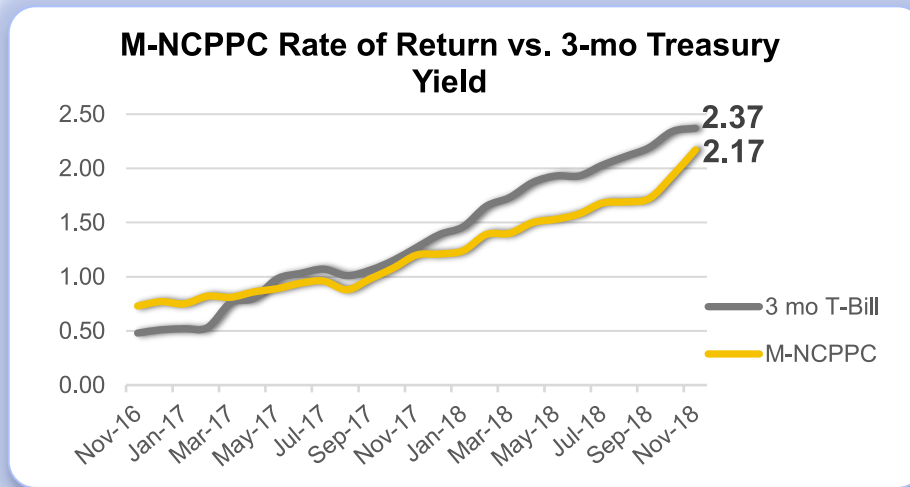
The composition of the pooled cash portfolio as of November 30, 2018 is summarized below:



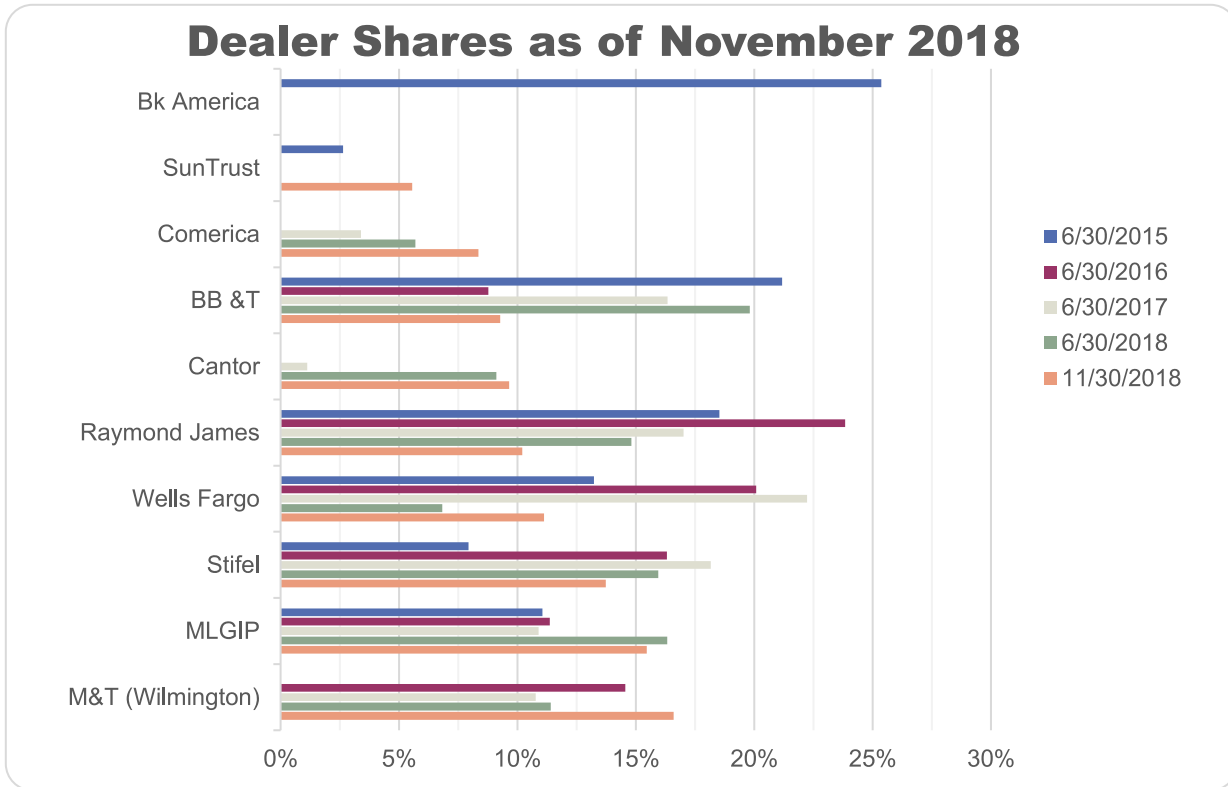
Current Investment Portfolio -November 2018					
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)	
	Limit	Actual			
Money Funds	* 25%	32%	\$ 172,745,947		2.15%
Federal Home Loan Banks	20%	20%	105,000,000		2.02%
Freddie Mac	20%	19%	105,000,000		1.97%
Farmer Mac	20%	14%	74,000,000		2.67%
Commercial Paper	10%	10%	52,000,000		2.84%
Federal Farm Credit Bank	20%	4%	20,000,000		2.62%
Fannie Mae	20%	2%	10,000,000		2.27%
Treasury Notes	100%	0%	-		0.00%
Certificates of Deposit	50%	0%	-		0.00%
Bankers Acceptances	50%	0%	-		0.00%
Repurchase Agreements	60%	0%	-		0.00%
		100%	\$ 538,745,947		2.32%

*As of 11/30/2018

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 - November 2018	
Prince George's County (PGC-2017A)	\$ 2,891,025
Montgomery County (MC-2018A)	16,209,749
	<u>\$19,100,774</u>

The Commission had debt service payments during the month totaling \$2,896,403 of which \$2,395,000 was principal and \$501,403 was interest.

Details by issue of debt outstanding as of November 30, 2018 appear below:

Debt Balances - November 2018					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
NN-2 (Refunded Z-2)	14,080,000	4,070,000	29%	Mar-10	May-21
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	5,225,000	46%	Jun-12	Jan-24
PGC-2014A	26,565,000	22,400,000	84%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	23,135,000	93%	Oct-15	Jan-36
PGC-2017A	33,000,000	31,350,000	95%	Jul-17	Jan-37
Total Prince George's County	\$ 109,885,000	\$ 86,180,000	78%		
Montgomery County					
LL-2	8,405,000	810,000	10%	May-09	Nov-20
MM-2	5,250,000	315,000	6%	May-09	Nov-19
MC-2012A (Refunded CC-2, FF-2)	12,505,000	9,185,000	73%	Apr-12	Dec-32
MC-2012B	3,000,000	2,375,000	79%	Apr-12	Dec-32
MC-2014A	14,000,000	11,970,000	86%	Jun-14	Jun-34
MC-2016A	12,000,000	10,680,000	89%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	5,650,000	92%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	750,000	70%	Apr-16	Nov-24
MC-2017A	8,000,000	7,200,000	90%	Apr-17	Nov-36
MC-2018A	12,000,000	12,000,000	100%	Oct-18	Nov-38
MC-2018B	3,000,000	3,000,000	100%	Oct-18	Nov-23
Total Montgomery County	\$ 85,355,000	\$ 63,935,000	75%		
Total	\$ 195,240,000	\$ 150,115,000	77%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2019 – November 30, 2018

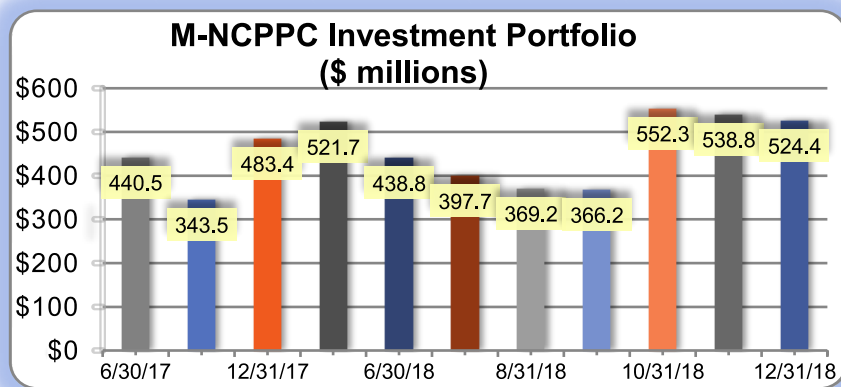
OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
Limiting types and amounts of securities	Limit	Yes	All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Government	100%		
US Federal Agencies - combined	60%		
US Federal Agencies - each	20%		
Repurchase Agreements	60%		
CD's and Time Deposits	50%		
Commercial Paper	10%		
Money Market Mutual Funds	25%		
MD Local Gov't Investment Pool	25%		
Investing Bond Proceeds:			
State and local agency securities	100%		
Money Market Mutual Funds	10%		
Bond Proceeds:		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 share 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	No		Less than market by 20 basis points
The pro-rated rates of return for T-bills and the portfolio were 2.37% and 2.17% , respectively.			



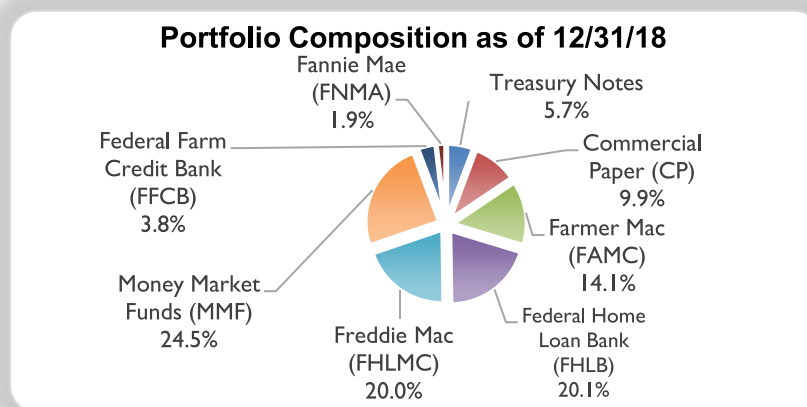
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Investment & Treasury Operations Manager *T.H.*
DATE: 3/8/2019
SUBJECT: Investment Report – **December 2018**

The Commission's pooled cash investment portfolio totaled \$524.4 million as of December 31, 2018, with a 2.7% decrease from November 30, 2018. Details are as follows:



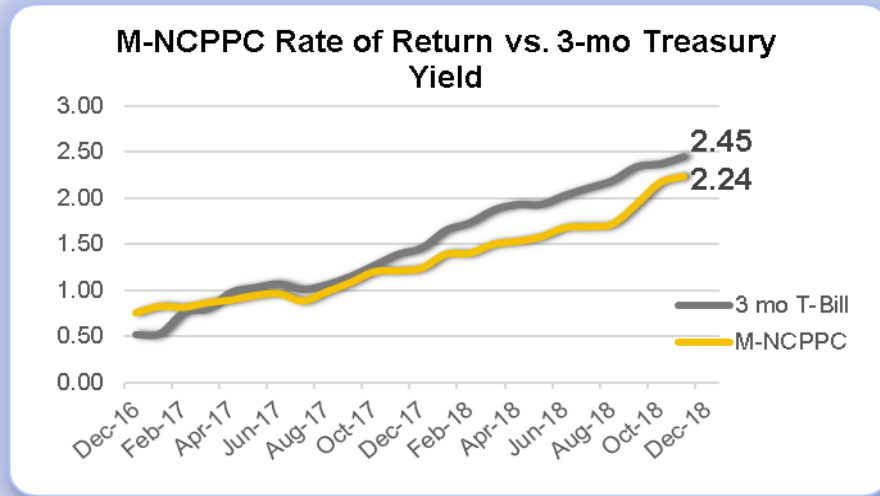
The composition of the pooled cash portfolio as of December 31, 2018 is summarized below:



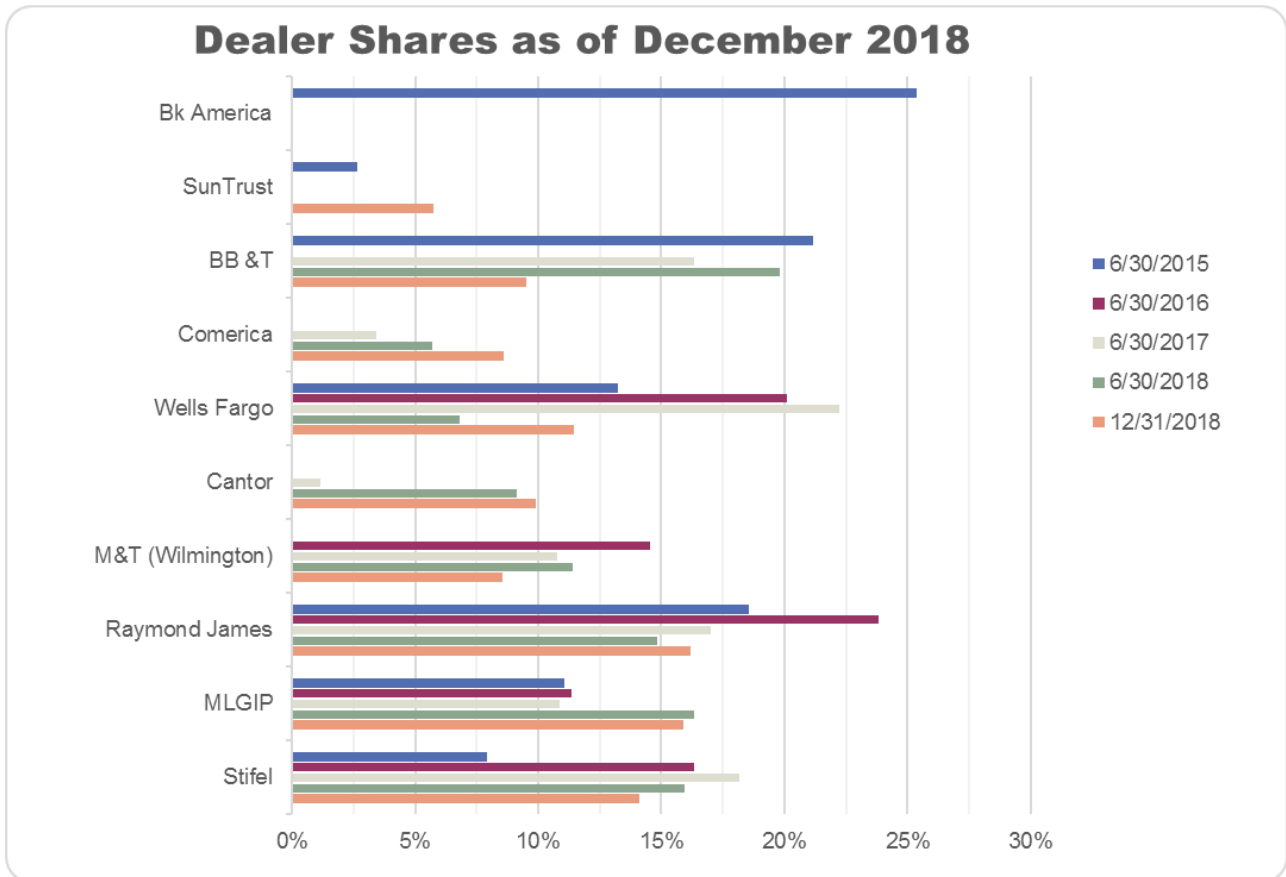
Current Investment Portfolio - December 2018					
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)	
	Limit	Actual			
Money Funds	*	25%	25%	\$ 128,385,420	2.15%
Federal Home Loan Banks		20%	20%	105,000,000	2.02%
Freddie Mac		20%	20%	105,000,000	1.97%
Farmer Mac		20%	14%	74,000,000	2.67%
Commercial Paper		10%	10%	52,000,000	2.84%
Treasury Notes		100%	6%	30,000,000	2.40%
Federal Farm Credit Bank		20%	4%	20,000,000	2.62%
Fannie Mae		20%	2%	10,000,000	2.27%
Certificates of Deposit		50%	0%	-	0.00%
Bankers Acceptances		50%	0%	-	0.00%
Repurchase Agreements		60%	0%	-	0.00%
			100%	\$ 524,385,420	2.32%

*As of 12/31/2018

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 - December 2018	
Prince George's County (PGC-2017A)	\$ 2,897,525
Prince George's County (PGC-2018A)	33,642,334
Montgomery County (MC-2018A)	16,233,281
	<u>\$52,773,140</u>

The Commission had debt service payments during the month totaling \$2,016,227 of which \$1,595,000 was principal and \$421,227 was interest.

Details by issue of debt outstanding as of December 31, 2018 appear below:

Debt Balances - December 2018					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
NN-2 (Refunded Z-2)	14,080,000	4,070,000	29%	Mar-10	May-21
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	5,225,000	46%	Jun-12	Jan-24
PGC-2014A	26,565,000	22,400,000	84%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	23,135,000	93%	Oct-15	Jan-36
PGC-2017A	33,000,000	31,350,000	95%	Jul-17	Jan-37
PGC-2018A 	31,000,000	31,000,000	100%	Nov-19	Nov-38
Total Prince George's County	\$ 140,885,000	\$ 117,180,000	83%		
Montgomery County					
LL-2	8,405,000	810,000	10%	May-09	Nov-20
MM-2	5,250,000	315,000	6%	May-09	Nov-19
MC-2012A (Refunded CC-2, FF-2)	12,505,000	8,265,000	66%	Apr-12	Dec-32
MC-2012B	3,000,000	2,245,000	75%	Apr-12	Dec-32
MC-2014A	14,000,000	11,425,000	82%	Jun-14	Jun-34
MC-2016A	12,000,000	10,680,000	89%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	5,650,000	92%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	750,000	70%	Apr-16	Nov-24
MC-2017A	8,000,000	7,200,000	90%	Apr-17	Nov-36
MC-2018A	12,000,000	12,000,000	100%	Oct-18	Nov-38
MC-2018B	3,000,000	3,000,000	100%	Oct-18	Nov-23
Total Montgomery County	\$ 85,355,000	\$ 62,340,000	73%		
Total	\$ 226,240,000	\$ 179,520,000	79%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2019 – December 31, 2018

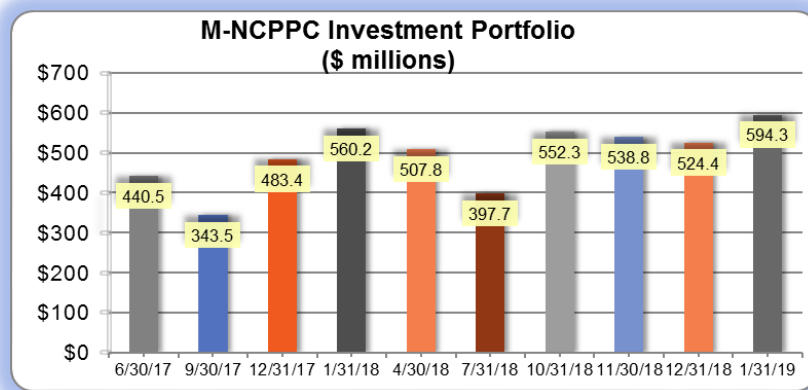
OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
Limiting types and amounts of securities	Limit	Yes	All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Government	100%		
US Federal Agencies - combined	60%		
US Federal Agencies - each	20%		
Repurchase Agreements	60%		
CD's and Time Deposits	50%		
Commercial Paper	10%		
Money Market Mutual Funds	25%		
MD Local Gov't Investment Pool	25%		
Investing Bond Proceeds:			
State and local agency securities	100%		
Money Market Mutual Funds	10%		
Bond Proceeds:		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 share 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	No		Less than market by 21 basis points
The pro-rated rates of return for T-bills and the portfolio were 2.45% and 2.24%, respectively.			



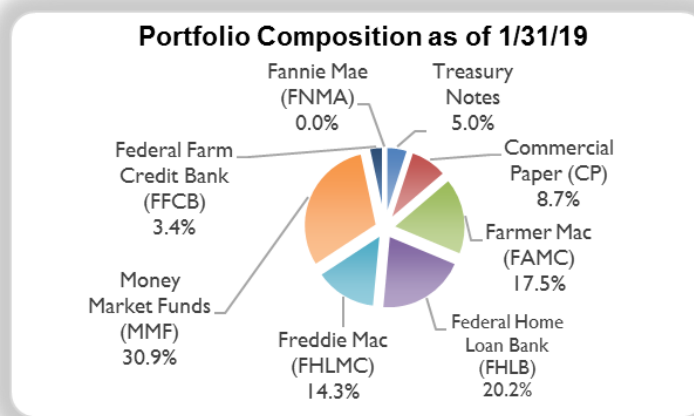
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Investment & Treasury Operations Manager *T.H.*
DATE: 3/8/2019
SUBJECT: Investment Report – January 2019

The Commission's pooled cash investment portfolio totaled \$594.3 million as of January 31, 2019, with a 13.3% increase from December 31, 2018. Details are as follows:



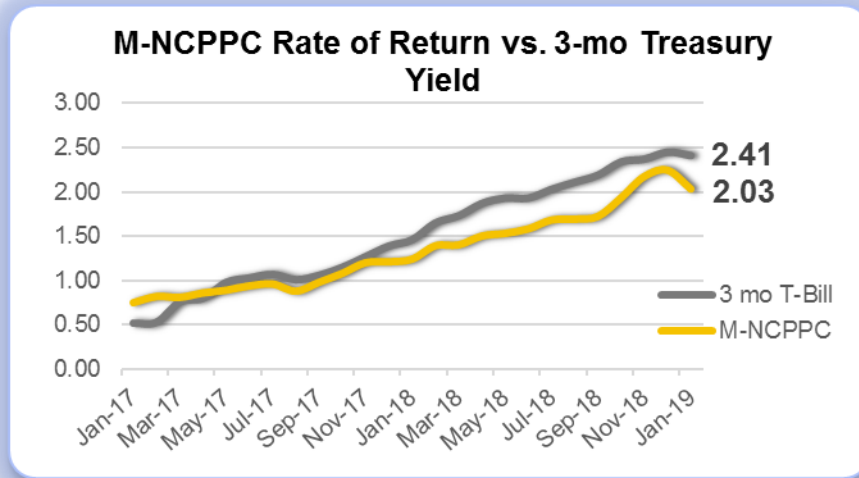
The composition of the pooled cash portfolio as of January 31, 2019 is summarized below:



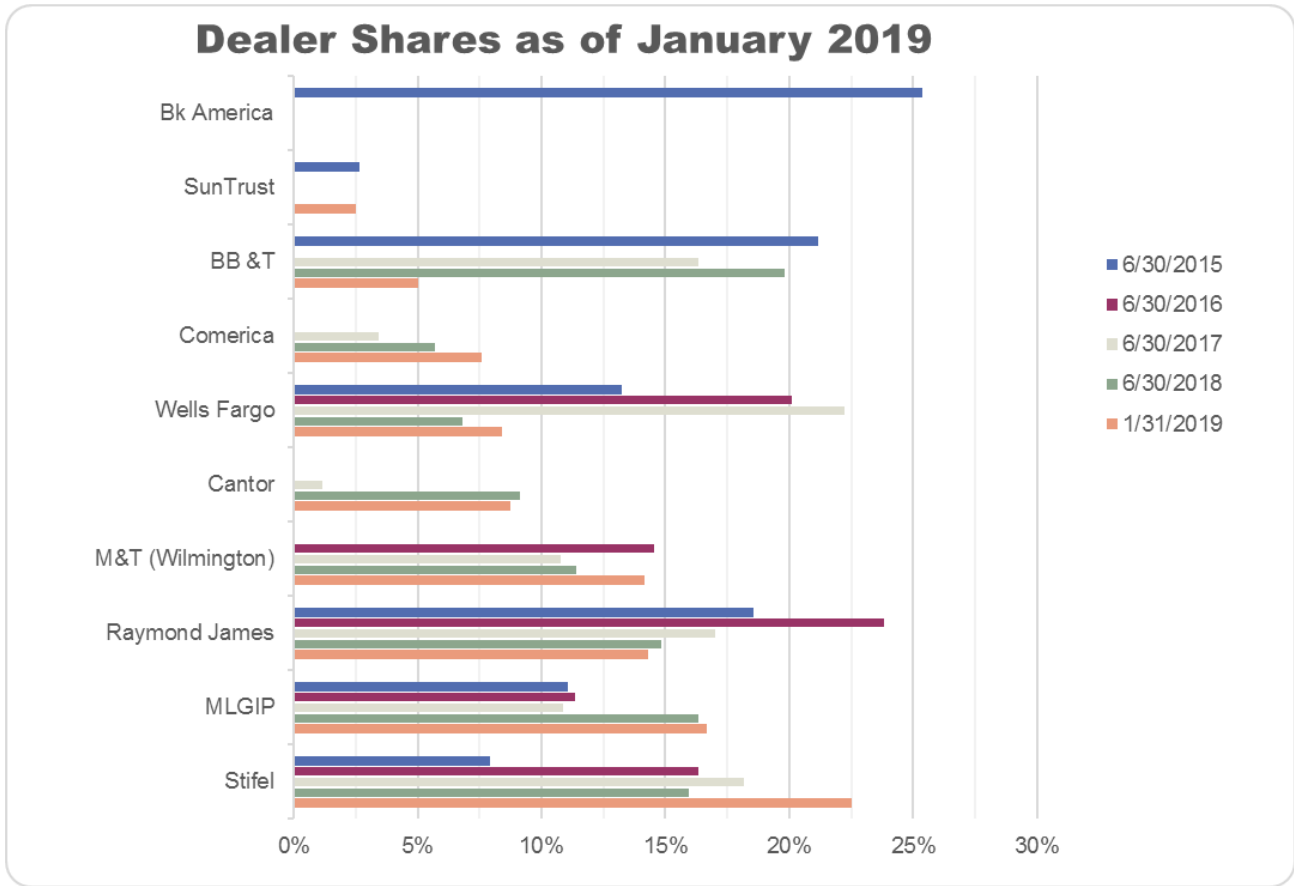
Current Investment Portfolio - January 2019					
Instrument	Policy		Par Value	Wtd. Avg.	
	Limit	Actual		Return (B/E)	
Money Funds	* 25%	31%	\$ 183,333,747	2.22%	
Federal Home Loan Banks	20%	20%	120,000,000	2.07%	
Farmer Mac	20%	18%	104,000,000	2.65%	
Freddie Mac	20%	14%	85,000,000	2.11%	
Commercial Paper	10%	9%	52,000,000	2.84%	
Treasury Notes	100%	5%	30,000,000	2.40%	
Federal Farm Credit Bank	20%	3%	20,000,000	2.62%	
Fannie Mae	20%	0%	-	0.00%	
Certificates of Deposit	50%	0%	-	0.00%	
Bankers Acceptances	50%	0%	-	0.00%	
Repurchase Agreements	60%	0%	-	0.00%	
		100%	\$ 594,333,747	2.37%	

*As of 1/31/2019

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 - January 2019	
Prince George's County (PGC-2017A)	\$ 2,903,803
Prince George's County (PGC-2018A)	33,713,164
Montgomery County (MC-2018A)	16,242,101
	<u>\$ 52,859,068</u>

The Commission had debt service payments during the month totaling \$6,371,866 of which \$4,770,000 was principal and \$1,601,866 was interest.

Details by issue of debt outstanding as of January 31, 2019 appear below:

Debt Balances - January 2019					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
NN-2 (<i>Refunded Z-2</i>)	14,080,000	4,070,000	29%	Mar-10	May-21
PGC-2012A (<i>Refunded P-2, M-2, EE-2</i>)	11,420,000	4,340,000	38%	Jun-12	Jan-24
PGC-2014A	26,565,000	21,385,000	81%	May-14	Jan-34
PGC-2015A (<i>Refunded JJ-2</i>)*	24,820,000	21,915,000	88%	Oct-15	Jan-36
PGC-2017A	33,000,000	29,700,000	90%	Jul-17	Jan-37
PGC-2018A	31,000,000	31,000,000	100%	Nov-19	Nov-38
Total Prince George's County	\$ 140,885,000	\$ 112,410,000	80%		
Montgomery County					
LL-2	8,405,000	810,000	10%	May-09	Nov-20
MM-2	5,250,000	315,000	6%	May-09	Nov-19
MC-2012A (<i>Refunded CC-2, FF-2</i>)	12,505,000	8,265,000	66%	Apr-12	Dec-32
MC-2012B	3,000,000	2,245,000	75%	Apr-12	Dec-32
MC-2014A	14,000,000	11,425,000	82%	Jun-14	Jun-34
MC-2016A	12,000,000	10,680,000	89%	Apr-16	Nov-35
MC-2016B (<i>Refunded FF-2, II-2, MM-2</i>)	6,120,000	5,650,000	92%	Apr-16	Nov-28
MC-2016C (<i>Refunded FF-2 ALA of 2004</i>)	1,075,000	750,000	70%	Apr-16	Nov-24
MC-2017A	8,000,000	7,200,000	90%	Apr-17	Nov-36
MC-2018A	12,000,000	12,000,000	100%	Oct-18	Nov-38
MC-2018B	3,000,000	3,000,000	100%	Oct-18	Nov-23
Total Montgomery County	\$ 85,355,000	\$ 62,340,000	73%		
Total	\$ 226,240,000	\$ 174,750,000	77%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2019 – January 31, 2019

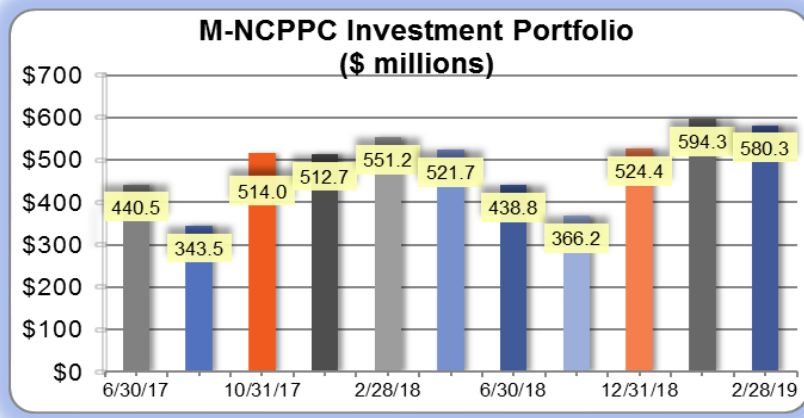
OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
Limiting types and amounts of securities	Limit	Yes	
US Government	100%		
US Federal Agencies - combined	60%		
US Federal Agencies - each	20%		
Repurchase Agreements	60%		
CD's and Time Deposits	50%		
Commercial Paper	10%		
Money Market Mutual Funds	25%		
MD Local Gov't Investment Pool	25%		
Investing Bond Proceeds:			
State and local agency securities	100%		
Money Market Mutual Funds	10%		
Bond Proceeds:			
Highly-rated state / local agency securities		Yes	T. Rowe Price managed all funds within limits
Highly-rated money market mutual funds			
(Max. 10% in lower-rated funds)			
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers		Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants	30%	Yes	No dealer share exceeded 30%
Competitive Bidding		Yes	All purchases awarded competitively.
Diversification of Maturities		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	No		Less than market by 38 basis points
The pro-rated rates of return for T-bills and the portfolio were 2.41% and 2.03%, respectively.			



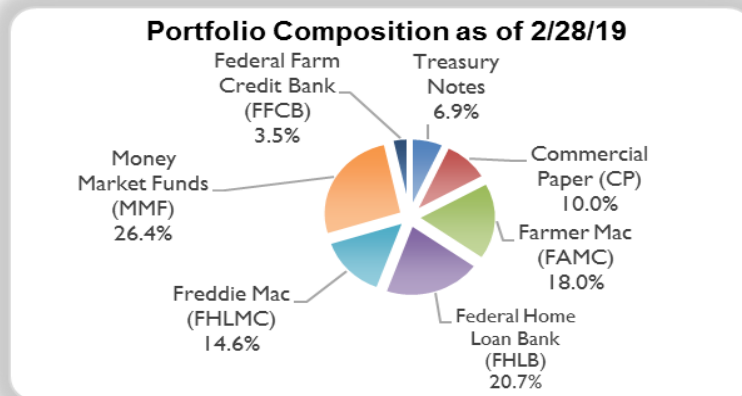
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Investment & Treasury Operations Manager *T.H.*
DATE: 4/12/2019
SUBJECT: Investment Report – February 2019

The Commission’s pooled cash investment portfolio totaled \$580.3 million as of February 28, 2019, with a 2.4% decrease from January 31, 2019. Details are as follows:



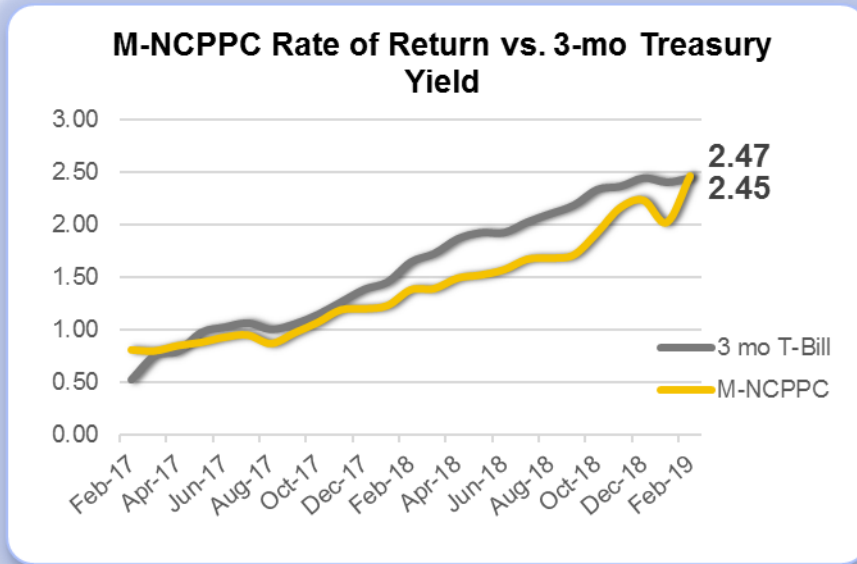
The composition of the pooled cash portfolio as of February 28, 2019 is summarized below:



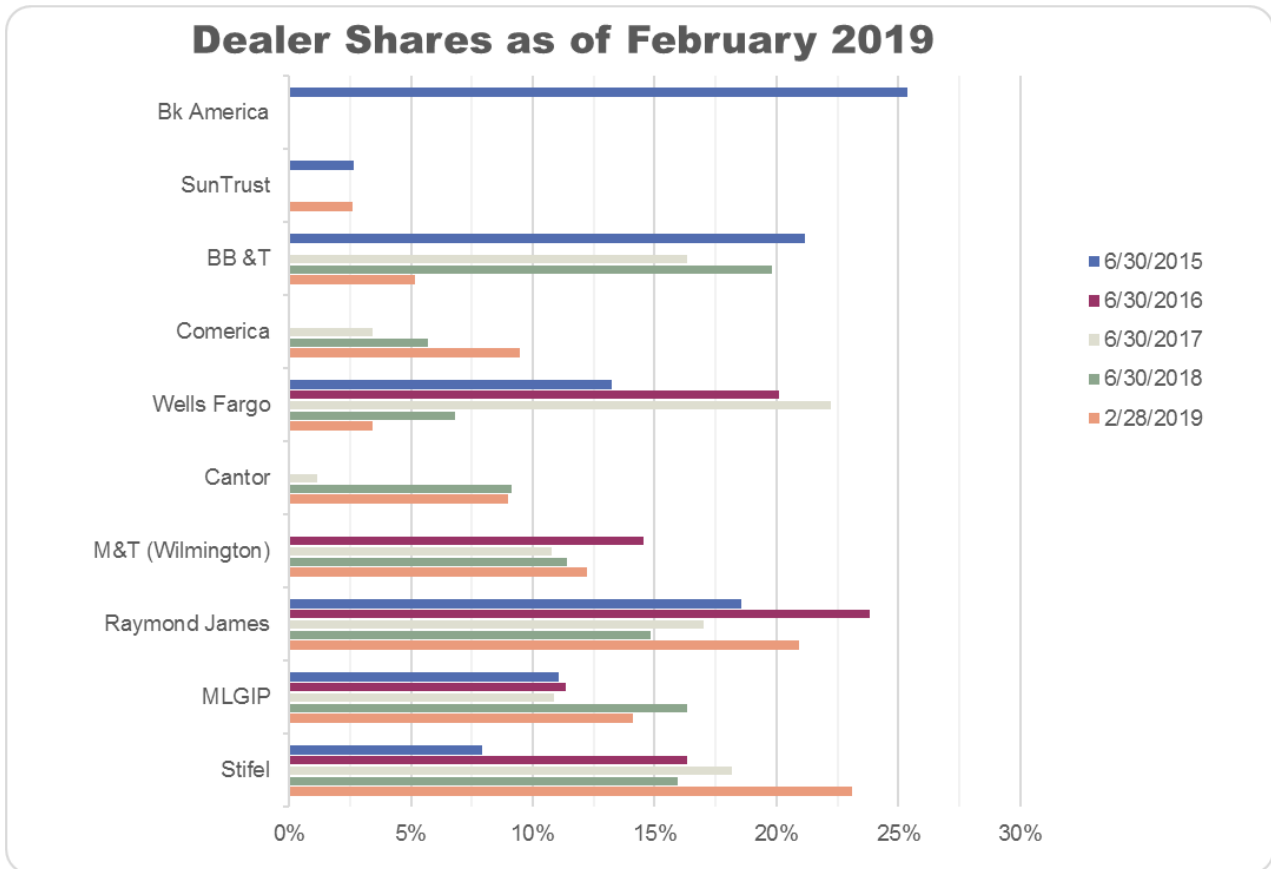
Current Investment Portfolio - February 2019					
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)	
	Limit	Actual			
Money Funds	* 25%	26.4%	\$ 152,736,936		2.28%
Federal Home Loan Banks	20%	20.7%	120,000,000		2.07%
Farmer Mac	20%	18.0%	104,000,000		2.65%
Freddie Mac	20%	14.6%	85,000,000		2.11%
Commercial Paper	10%	10.0%	58,500,000		2.86%
Treasury Notes	100%	6.9%	40,000,000		2.41%
Federal Farm Credit Bank	20%	3.5%	20,000,000		2.62%
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%	\$ 580,236,936		2.38%

*As of 2/28/2019

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 - February 2019	
Prince George's County (PGC-2017A)	\$ 2,909,069
Prince George's County (PGC-2018A)	33,749,352
Montgomery County (MC-2018A)	16,259,507
	<u>\$ 52,917,928</u>

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of February 28, 2019 appear below:

Debt Balances - February 2019					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
NN-2 (Refunded Z-2)	14,080,000	4,070,000	29%	Mar-10	May-21
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	4,340,000	38%	Jun-12	Jan-24
PGC-2014A	26,565,000	21,385,000	81%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	21,915,000	88%	Oct-15	Jan-36
PGC-2017A	33,000,000	29,700,000	90%	Jul-17	Jan-37
PGC-2018A	31,000,000	31,000,000	100%	Nov-19	Nov-38
Total Prince George's County	\$ 140,885,000	\$ 112,410,000	80%		
Montgomery County					
LL-2	8,405,000	810,000	10%	May-09	Nov-20
MM-2	5,250,000	315,000	6%	May-09	Nov-19
MC-2012A (Refunded CC-2, FF-2)	12,505,000	8,265,000	66%	Apr-12	Dec-32
MC-2012B	3,000,000	2,245,000	75%	Apr-12	Dec-32
MC-2014A	14,000,000	11,425,000	82%	Jun-14	Jun-34
MC-2016A	12,000,000	10,680,000	89%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	5,650,000	92%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	750,000	70%	Apr-16	Nov-24
MC-2017A	8,000,000	7,200,000	90%	Apr-17	Nov-36
MC-2018A	12,000,000	12,000,000	100%	Oct-18	Nov-38
MC-2018B	3,000,000	3,000,000	100%	Oct-18	Nov-23
Total Montgomery County	\$ 85,355,000	\$ 62,340,000	73%		
Total	\$ 226,240,000	\$ 174,750,000	77%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2019 – February 28, 2019

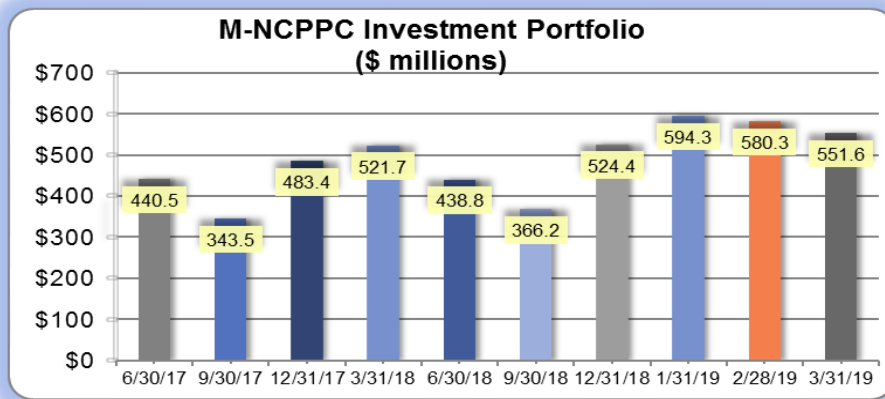
OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
Limiting types and amounts of securities	Limit	Yes	
US Government	100%		All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is 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 share exceeded 30%
Competitive Bidding		Yes	All purchases awarded competitively.
Diversification of Maturities	Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.	Yes	All maturities within limits
Require third-party collateral and safekeeping, and delivery-versus-payment settlement		Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity	Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return	No		Exceeded market by 2 basis points
The pro-rated rates of return for T-bills and the portfolio were 2.45% and 2.47%, respectively.			



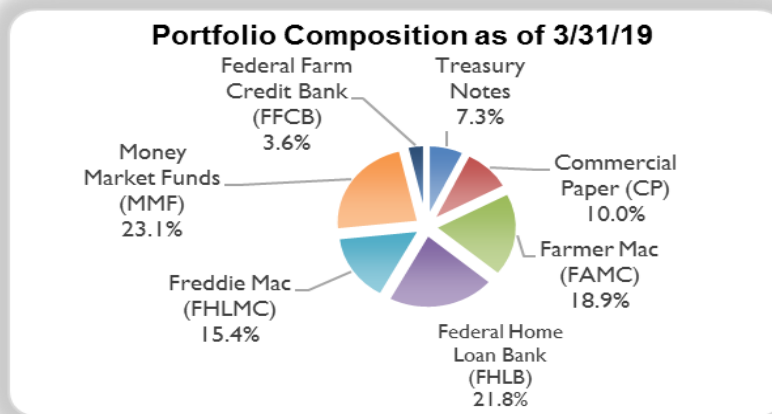
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Investment & Treasury Operations Manager *T.H.*
DATE: 4/12/2019
SUBJECT: Investment Report – **March 2019**

The Commission’s pooled cash investment portfolio totaled \$551.6 million as of March 31, 2019, with a 5.2% decrease from February 28, 2019. Details are as follows:



The composition of the pooled cash portfolio as of March 31, 2019 is summarized below:

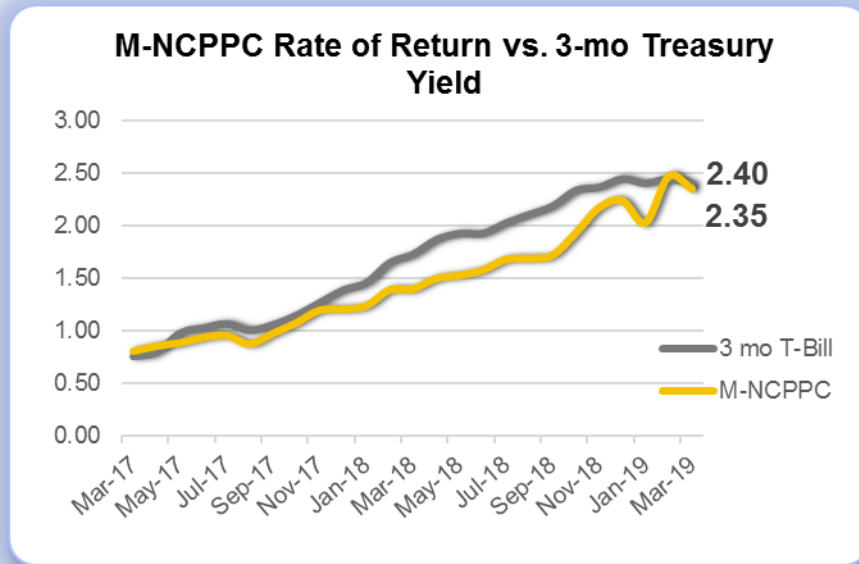


Current Investment Portfolio - March 2019

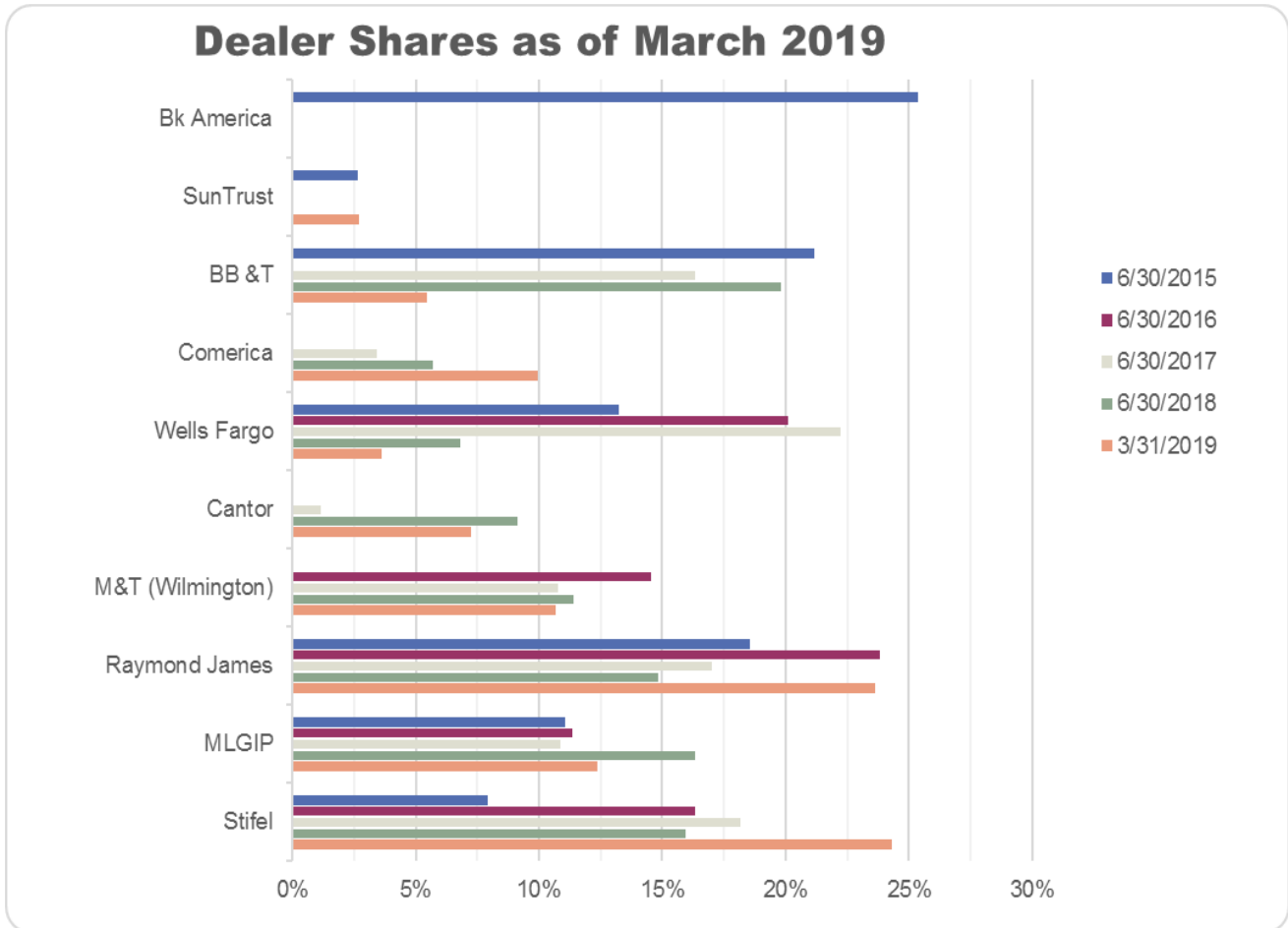
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Money Funds	* 25%	23.1%	\$ 127,133,016	2.16%
Federal Home Loan Banks	20%	21.8%	120,000,000	2.07%
Farmer Mac	20%	18.9%	104,000,000	2.65%
Freddie Mac	20%	15.4%	85,000,000	2.11%
Commercial Paper	10%	10.0%	55,500,000	2.71%
Treasury Notes	100%	7.3%	40,000,000	2.41%
Federal Farm Credit Bank	20%	3.6%	20,000,000	2.62%
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%	\$ 551,633,016	2.36%

*As of 3/31/2019

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 - March 2019	
Prince George's County (PGC-2017A)	\$ 2,901,880
Prince George's County (PGC-2018A)	33,771,579
Montgomery County (MC-2018A)	16,272,698
	\$ 52,946,157

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of March 31, 2019 appear below:

Debt Balances - March 2019					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
NN-2 (Refunded Z-2)	14,080,000	4,070,000	29%	Mar-10	May-21
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	4,340,000	38%	Jun-12	Jan-24
PGC-2014A	26,565,000	21,385,000	81%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	21,915,000	88%	Oct-15	Jan-36
PGC-2017A	33,000,000	29,700,000	90%	Jul-17	Jan-37
PGC-2018A	31,000,000	31,000,000	100%	Nov-19	Nov-38
Total Prince George's County	\$ 140,885,000	\$ 112,410,000	80%		
Montgomery County					
LL-2	8,405,000	810,000	10%	May-09	Nov-20
MM-2	5,250,000	315,000	6%	May-09	Nov-19
MC-2012A (Refunded CC-2, FF-2)	12,505,000	8,265,000	66%	Apr-12	Dec-32
MC-2012B	3,000,000	2,245,000	75%	Apr-12	Dec-32
MC-2014A	14,000,000	11,425,000	82%	Jun-14	Jun-34
MC-2016A	12,000,000	10,680,000	89%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	5,650,000	92%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	750,000	70%	Apr-16	Nov-24
MC-2017A	8,000,000	7,200,000	90%	Apr-17	Nov-36
MC-2018A	12,000,000	12,000,000	100%	Oct-18	Nov-38
MC-2018B	3,000,000	3,000,000	100%	Oct-18	Nov-23
Total Montgomery County	\$ 85,355,000	\$ 62,340,000	73%		
Total	\$ 226,240,000	\$ 174,750,000	77%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2019 – March 31, 2019

OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
Limiting types and amounts of securities	Limit	Yes	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 Government	100%		
US Federal Agencies - combined	60%		
US Federal Agencies - each	20%		
Repurchase Agreements	60%		
CD's and Time Deposits	50%		
Commercial Paper	10%		
Money Market Mutual Funds	25%		
MD Local Gov't Investment Pool	25%		
Investing Bond Proceeds:			
State and local agency securities	100%		
Money Market Mutual Funds	10%		
Bond Proceeds:		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 share exceeded 30%
Competitive Bidding		Yes	All purchases awarded competitively.
Diversification of Maturities	Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.	Yes	All maturities within limits
Require third-party collateral and safekeeping, and delivery-versus-payment settlement		Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity	Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return	No		Less than market by 5 basis points
The pro-rated rates of return for T-bills and the portfolio were 2.40% and 2.35%, respectively.			



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

Reply To

March 8, 2019

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 February 2019 – FY 2019

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, March 20, 2019. 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.

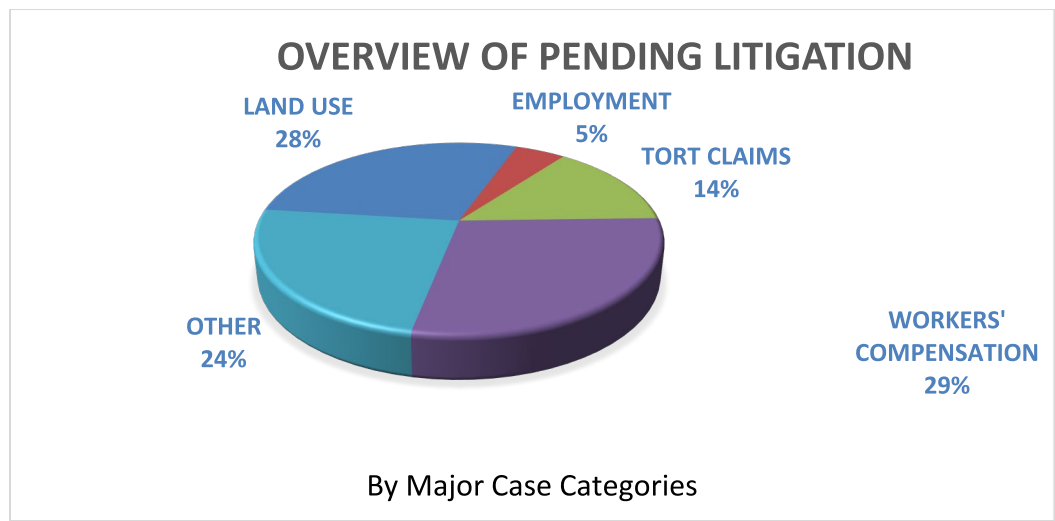
Table of Contents – February 2019 – FY 2019 Report

Composition of Pending Litigation..... Page 01
Overview of Pending Litigation (Chart)..... Page 01
Litigation Activity Summary Page 02
Index of New YTD Cases (FY19) Page 03
Index of Resolved YTD Cases (FY19) Page 04
Disposition of FY19 Closed Cases Sorted by Department Page 05
Index of Reported Cases Sorted by Jurisdiction..... Page 08
Litigation Report Ordered by Court Jurisdiction..... Page 09

February 2019 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	3		3				6
Admin Appeal: Other							
Land Use Dispute							
Tort Claim	3						3
Employment Dispute			1				1
Contract Dispute	1		1				2
Property Dispute			1				1
Civil Enforcement							
Workers' Compensation	6						6
Debt Collection							
Bankruptcy							
Miscellaneous				1		1	2
Per Forum Totals	13		6	1		1	21



February 2019 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2019			
	Pending In Jan. 2019	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	4	2		3	6	1	6
Admin Appeal: Other (AAO)				0			
Land Use Disputes (LD)				1			
Tort Claims (T)	3			6	3	3	3
Employment Disputes (ED)	1			1			1
Contract Disputes (CD)	2			6	1	3	2
Property Disputes (PD)	1			2		1	1
Civil Enforcement (CE)				0			
Workers' Compensation (WC)	6			2	2		6
Debt Collection (D)				0			
Bankruptcy (B)				0			
Miscellaneous (M)	4		2	4	1	3	2
Totals	21	2	2	25	13	10	21

**INDEX OF YTD NEW CASES
(7/1/2018 TO 6/30/19)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Gaspard v. Montgomery County Planning Bd.	MC	AALU	July 18
West Montgomery Citizens Association v. Montgomery County Planning Bd.	MC	AALU	July 18
State Farm v. Barney, et al.	MC	Tort	Aug 18
Commission v. Ferrante	MC	WC	Oct 18
Lovett v. Commission	PG	Tort	Oct 18
Stephanie Green v. Commission	PG	WC	Oct 18
Rose Green v. Commission	PG	Tort	Oct 18
Clark v. Montgomery County Planning Bd.	MC	AALU	Nov 18
Cox v. Commission	MC	WC	Nov 18
Cox v. Commission	MC	WC	Nov 18
Bradley Boulevard Citizens Assn., Inc. v. Montgomery County Planning Bd.	MC	AALU	Feb 19

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Bradley Boulevard Citizens Assn., Inc. v. Montgomery County Planning Board	MC	AALU	July 18
Town of Forest Heights v. Commission	PG	Misc.	July 18
Brooks v. Commission	PG	AALU	Aug 18
URS v. Commission	PG	CD	Aug 18

C. <u>New Supreme Court of the U.S. Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
---	--------------------	------------------------------	---------------------

**INDEX OF YTD RESOLVED CASES
(7/1/2018 TO 6/30/19)**

<u>A. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Sauer, Inv. v. Commission	PG	CD	July 18
Commission v. D.L. Boyd	PG	CD	Aug 18
Arnold v. Napier	PG	Tort	Sept 18
Rivers v. Fitts	PG	Tort	Sept 18
State Farm Fire & Casualty v. Barney, et al.	MC	Tort	Oct 18
Rose Green v. Commission	PG	Tort	Nov 18
West Montgomery Citizens Association v. Montgomery County Planning Bd.	MC	AALU	Nov 18
Commission v. McCoy	PG	CD	Dec 18
Lovett v. Commission	PG	Tort	Dec 18
Bundu v. Bowman	PG	Tort	Dec 18
Global Lifesci Development Corporation v. Montgomery County, et al.	MC	Misc.	Jan 19

<u>B. Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Brooks v. Commission	PG	AALU	July 18
URS Corporation v. Commission	PG	CD	July 18
Rounds v. Montgomery County, MD, et al	MC	PD	Aug 18
Price, et al. v. Prince George's County, et al.	PG	Misc.	Oct 18
Brooks v. Commission	PG	AALU	Oct 18
URS Corporation v. Commission	PG	CD	Oct 18
Pulte., et al. v. Montgomery County, et al.	MC	LD	Nov 18

Disposition of FY19 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Price, et al. v. Prince George's County, et al.	Appellate matter – Plaintiffs below filed a lawsuit for injunctive relief questioning validity of certain personal tax enactments involving the Commission and Prince George's County. The Commission did not file a brief in this matter.	10/2/18 – Appeal dismissed for failure to file a properly corrected brief
Department of Human Resources & Management		
Montgomery County Department of Planning		
Rounds v. Montgomery County, MD, et al.	Appeal from dismissal of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road Easement	08/24/18 – Judgment of Circuit Court affirmed
West Montgomery Citizens Association v. Montgomery County Planning Board	Petition for Judicial Review filed appealing the Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833	11/02/18 - Case consolidated with Gaspard v. Montgomery County Planning Board
Montgomery County Department of Parks		
Global Lifesci Development Corporation v. Montgomery County, et al.	Complaint for Declaratory Judgment, Quiet Title and Injunctive Relief.	01/15/19 – Plaintiff's Motion for Summary Judgment on Amended Complaint granted. All issues resolved. No adverse impact to Commission.
State Farm Fire & Casualty Co. A/S/O Yuenyee Lee v. Barney, et al.	Defense of Claim for property damage to home from tree on Commission property.	10/12/18 – Case settled and dismissed
Montgomery County Park Police		

Montgomery County Planning Board			
Pulte Home Corporation, et al v. Montgomery County, et al	Plaintiff filed appeal following dismissal of complaint in U. S. District Court for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland	11/29/18 - Decision of U.S. District Court affirmed.	
Prince George's County Department of Parks and Recreation			
Arnold v. Napier	Defense of Claim for personal injury involving vehicle owned by Commission.	09/10/18 – Case dismissed.	
Commission v. D.L. Boyd	Commission filed complaint for property damage to Commission property (mansion)	08/17/18 Case settled and dismissed.	
Commission v. McCoy	Commission filed complaint for property damage to Commission's golf cart	12/14/18 Complaint dismissed for lack of prosecution. Final payment made on 1/29/19.	
Lovett v. Commission	Defense of Claim for personal injury sustained while traveling in bus operated by Commission.	12/06/18 – Case voluntarily dismissed.	
Rivers v. Fitts	Defense of Claim for personal injury involving vehicle owned by Commission.	09/26/18 – Judgment for Plaintiff	
Rose Green v. Commission	Plaintiff filed a complaint for personal injuries allegedly occurring on Commission property.	11/09/18 Case dismissed prior to service upon the Commission	
Sauer, Inc. v. Commission	Plaintiff filed complaint for alleged delays and damages associated with the expansion of the Palmer Park Community Center in Prince George's County.	07/23/18 – Case settled and dismissed.	
URS Corporation v. Commission	URS appealed the Circuit Court Decision entering judgment in favor of the Commission as a result of URS breach of duty to defend	07/06/18 – Judgment of Circuit Court affirmed	
URS Corporation v. Commission	URS appeals the Circuit Court Decision entering judgment in favor of Commission as a result of URS breach of duty to defend.	10/26/18 - Petition for Writ of Certiorari denied	
Prince George's County Planning Department			

Prince George's County Planning Board			
Brooks v. Commission	Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County.	07/20/18 – Judgment of Circuit Court affirmed.	
Brooks v. Commission	Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County.	10/26/18 - Petition for Writ of Certiorari denied.	
Prince George's Park Police			
Bundu v. Bowman	Defense of Claim for personal injury involving accident in Prince George's County.	12/03/18 – Case dismissed with prejudice. Case settled.	
Office of Internal Audit			

INDEX OF CASES

DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND	9
DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND	9
CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND	9
Commission v. Clean Air Mechanical Inc., et al.....	9
Commission v. Ferrante.....	10
Commission v. Ferrante.....	10
Diggs v. Robinson, et al.	11
Green v. Commission	11
Gutierrez v. Commission.....	12
Ross v. Commission.	12
CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND	13
Bradley Boulevard Citizens Assn, Inc. v. Montgomery County Planning Board	13
Clark Office Building LLC v. Montgomery County Planning Board.....	13
Cox v. Commission.	14
Cox v. Commission.	14
Gaspard v. Montgomery County Planning Board	15
Melara, et al. v. Evans.....	15
MARYLAND COURT OF SPECIAL APPEALS	17
Bradley Boulevard Citizens Assn, Inc. v. Montgomery County Planning Board.....	17
Burnette v. Commission	17
Concernced Citizens of Cloveryl, et al. v. Montgomery County Planning Board.....	18
Fort Myer Construction Corporation v. Commission	18
Pletsch, et al v. Commission	19
Rounds v. Montgomery County, MD, et al	19
MARYLAND COURT OF APPEALS.....	20
The Town of Forest Heights v. Commission	20
U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND	20
U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT.....	20
SUPREME COURT OF THE UNITED STATES.....	21
Commission v. American Humanist Association.....	21

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

No Pending Cases

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Commission v. Clean Air Mechanical Inc., et al

Case No. CAL18-00211 (CD)

Lead Counsel: Adams
Other Counsel:

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

Status: Judgment for Commission.

Docket:

01/03/18	Case transferred to Circuit Court Prince George's County from Montgomery County (438017-V)
01/16/18	Answer to complaint and Motion to Dismiss and/or Motion for Summary Judgment filed by Defendants
02/02/18	Voluntary dismissal of Hudgins and Hardesty; Opposition to Motion for Summary Judgment filed; Amended Complaint filed
03/06/18	Motion to Dismiss, or in the Alternative, for Summary Judgment and Request for Hearing denied as Moot; matter shall continue in due course
05/14/18	Pretrial conference held
07/11/18	Counsel for Defendant's Motion to Withdraw appearance
07/30/18	Motion to Withdraw by Plaintiff's Counsel granted and Notice to Employ new counsel
10/30/18	Alternate Dispute Resolution Conference held. Defendant did not appear.
10/31/18	Order of Court – Alternate Dispute Resolution conference was not held. The case did not settle and shall proceed to trial as scheduled. Defendants failed to appear.
01/31/19	Motion for Summary Judgment and/or Default Judgment filed by Commission
02/11/19	Trial
02/15/19	Judgment granted in favor of M-NCPPC against Clean Air Mechanical Inc. and James Hardesty jointly and severally in the amount of \$315,233.14 for compensatory damages and \$3,000,000.00 in punitive damages.

Commission v. Ferrante
Case No. CAL 18-09401 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring MNCPPC to pay indemnity benefits corresponding to medical treatment.

Status: Awaiting trial.

Docket:

04/17/18	Petition for Judicial Review filed
05/07/18	Commission files response to Petition for Judicial Review
06/19/18	Pretrial date rescheduled by consent
06/26/18	Order of Court rescheduling Pretrial Conference
07/09/18	Pretrial Conference cancelled
11/28/18	Consent Motion to consolidate with CAL18-40683
12/27/18	Consent Motion to consolidate with CAL 18-40683 refiled
01/25/19	Motion to Consolidate granted. Case CAL18-09401 to be the lead case for purposes of filing.
02/20/19	Trial postponed – inclement weather
03/28/19	Trial

Commission v. Ferrante
Case No. CAL 18-40683 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring MNCPPC to pay indemnity benefits corresponding to medical treatment.

Status: Awaiting trial.

Docket:

10/30/18	Petition for Judicial Review filed
11/28/18	Consent Motion to Consolidate with CAL18-09401
12/27/18	Consent Motion to Consolidate with CAL18-09401 refiled
01/25/19	Motion to Consolidate granted. Case CAL18-09401 to be the lead case for purposes of filing.
02/20/19	Trial postponed – inclement weather
03/28/19	Trial

Diggs v. Robinson, et al
Case No. CAL17-40851(Tort)

Lead Counsel: Harvin
Other Counsel: Adams

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

Status: Case settled and dismissed.

Docket:

12/20/17	Complaint filed
01/08/18	Defendant Robinson served via certified mail
01/29/18	Plaintiff files Amended Complaint
02/02/18	Answer to Complaint filed
04/02/18	Plaintiff's Expert Designation filed
06/21/18	Pretrial Conference held
01/04/19	Alternate Dispute Resolution Conference
01/10/19	Case settled at ADR.
02/13/19	Joint Stipulation of Dismissal
02/21/19	Case Dismissed

Green v. Commission
Case No. CAL 18-40994 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring claimant/plaintiff to use Corvel's mail-in services for her prescription needs, effective December 1, 2018.

Status: In discovery.

Docket:

10/31/18	Petition for Judicial Review filed
11/28/18	Response to Petition for Judicial Review
04/11/19	Pretrial Conference

Gutierrez v. Commission
Case No. CAL18-15226 (Tort)

Lead Counsel: Harvin
Other Counsel: Adams

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

Status: In discovery.

Docket:

05/22/18	Complaint filed
06/15/18	Commission served
07/24/18	Answer filed
11/27/18	Pretrial Conference held
06/03/19	Alternative Dispute Resolution
08/26/19	Trial

Ross v. Commission
Case No. CAL18-12424 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant filed for judicial review of WCC Order which included a credit for the Commission for temporary total disability benefits paid and denied additional credit for vocational rehabilitation benefits paid.

Status: Pending trial.

Docket:

04/23/18	Petition for Judicial Review filed
05/04/18	Commission responds to Petition for Judicial Review
05/14/18	Commission's Cross-Petition for Judicial Review
06/01/18	WCC Notice of Cross Appeal
07/16/18	Commission's Motion for Partial Summary Judgment filed
07/24/18	Opposition to Motion for Partial Summary Judgment filed
09/06/18	Pretrial Conference
09/24/18	Motion for Partial Summary Judgment granted for additional credit for vocational rehabilitation benefits paid. Trial remains scheduled on issues of whether claimant is permanently totally disabled.
04/01/19	Trial

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Bradley Boulevard Citizens Association, Inc. v. Montgomery County Planning Board

Case No. 463263-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Petitioner appealed Montgomery County Planning Board approval of WMAL Site Plan 820170170.

Status: Petition filed.

Docket:

02/14/19	Petition for Judicial Review
02/15/19	Notice of Filing from Court

Clark Office Building LLC v. Montgomery County Planning Board

Case No. 458065-V (AALU)

Lead Counsel: Dumais
Other Counsel:

Abstract: Petitioner appealed Montgomery County Planning Board approval of 4 Bethesda Metro Center Sketch Plan 320180110

Status: Petition filed.

Docket:

11/15/18	Petition for Judicial Review
11/29/18	Response to Petition for Judicial Review
12/12/18	Notice of Hearing date
01/18/19	Motion to Intervene by BOP Bethesda Metro Center LLC
01/29/19	Plaintiff's Opposition to Motion to Intervene
02/12/19	Hearing on Motion to Intervene
02/15/19	Plaintiff's Memorandum of Law in Support of Petition for Judicial Review
02/26/19	Order of Court Granting Motion to Intervene
05/06/19	Oral Argument scheduled

Cox v. Commission
Case No. 457282-V (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant appealed decision of the WCC finding her to have a 5% permanent partial disability.

Status: Case settled.

Docket:

11/02/18	Petition for Judicial Review
11/09/18	Response to Petition for Judicial Review
11/26/18	Plaintiff's Motion to Include and Incorporate the WCC's revised order dated 10/24/18
12/06/18	Defendant's response to claimant's Motion to Include and Incorporate
12/26/18	Order for Appropriate Relief – Plaintiff's Motion to Include and Incorporate WCC's revised order dated 10/24/18 granted and entered.
01/30/19	Joint Motion to Dismiss and remand to the Workers' Compensation Commission. Settlement pending approval of WCC.
02/06/19	Order – Remand Case to the Workers' Compensation Commission for Consideration and Approval of Settlement Agreement

Cox v. Commission
Case No. 457283-V (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant appealed decision of the WCC which denied her petition to reopen for worsening of condition/increased permanent partial disability.

Status: Case settled.

Docket:

11/02/18	Petition for Judicial Review
11/09/18	Response to Petition for Judicial Review
01/30/19	Joint Motion to Dismiss and remand to the Workers' Compensation Commission. Settlement pending approval of WCC.
02/06/19	Order – Remand Case to the Workers' Compensation Commission for Consideration and Approval of Settlement Agreement

Gaspard v. Montgomery County Planning Board (see West Montgomery Citizens case below)

Case No. 451996-V (AALU)

Lead Counsel: Dumais

Other Counsel:

Abstract: Petition for Judicial Review filed of Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833

Status: Awaiting decision.

Docket:

07/31/18	Petition(s) for Judicial Review filed
08/10/18	Commission's Response to Petition
08/31/18	Response of S. Vazer to Petition for Judicial Review
09/04/18	Motion to Consolidate with Case 452024-V
09/21/18	West Montgomery Citizens Association's response to Motion to Consolidate
11/02/18	Order granting consolidation of cases. All future pleadings to be filed in case 451996V.
02/08/19	Hearing on Petitioner's Petition for Judicial Review – Court took matter under advisement

Melara, et al. v. Evans

Case No. 439733-V (Tort)

(originally filed in District Court of Montgomery County 0601-0011991-2017)

Lead Counsel: Harvin

Other Counsel: Adams

Abstract: Claim for personal injury following an automobile accident.

Status: In discovery.

Docket:

11/08/17	Case transferred from District Court
04/19/18	Pretrial conference held
05/24/18	Pre-trial/settlement conference held
05/24/18	Case Consolidated with Case No. 439733-V
05/25/18	Order of Consolidation – All future filings to be in this case
06/01/18	Answer of Erie Insurance and demand for Jury trial
07/02/18	Commission's Answer to Cross-Complaint
10/22/18	Erie's Consent Motion to Bifurcate issue of liability from damages
10/26/18	Stipulation of Partial Dismissal in Case No. 439733V as dismissed with prejudice. All claims asserted in the consolidated matter of Evans v. Melara, Case No. 435456V, remain pending.
11/01/18	Pre-trial Conference held

11/01/18	Court denies Erie's Consent Motion to Bifurcate issue of liability from damages
12/26/18	Commission's Response to Erie's Motion for Summary Judgment
12/26/18	Motion for Leave to Amend Complaint
01/07/19	MNCPPC's Opposition to Motion for Leave to File Second Amended Complaint
01/28/19	MNCPPC's Motion for Summary Judgment
02/06/19	Order granting leave to amend complaint
02/06/19	Second Amended Complaint accepted for filing
02/11/19	Erie's Opposition to M-NCPCC's Motion for Summary Judgment
02/22/19	M-NCPCC's Line regarding Plaintiff's Second Amended Complaint
03/05/19	Motions Hearing
04/01/19	Trial

MARYLAND COURT OF SPECIAL APPEALS

Bradley Boulevard Citizens Assn, Inc. v. Montgomery County Planning Board

September Term 2018, No. 1034 (AALU)
(Originally filed under 436463-V in Montgomery County)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Petitioner appealed Montgomery County Circuit Court June 4, 2018 Order affirming the Planning Board's approval of WMAL Preliminary Plan 120160290.

Status: Appeal filed.

Docket:

07/03/18	Civil Information Report filed
10/26/18	Order Appeal to proceed without a prehearing conference or ADR

Burnette v. Commission

September Term 2017, No.2258 (ED)
(Originally filed under CAL16-35180 in Prince George's County)

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Former park police officer appealed Circuit Court ruling affirming Administrative Hearing Board decision to terminate.

Status: Awaiting decision.

Docket:

01/23/18	Notice of Appeal
05/29/18	Appellant's Brief filed
06/26/18	Commission filed Brief
02/21/19	Oral Argument

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

September Term 2017, Case No. 2568 (AALU)
(Originally filed under 433722-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Petitioner appealed Montgomery County Circuit Court January 29, 2018 Order affirming the Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040.

Status: Awaiting oral argument.

Docket:

03/01/18	Civil Information Report filed
03/23/18	Order Appeal to proceed without a prehearing conference or ADR
09/18/18	Appellants' Brief and record Extract filed
12/14/18	Brief of Appellee, The Montgomery County Planning Board filed
12/14/18	Brief of Appellee, RCCG, Jesus House, DC filed
02/13/19	Appellant's Reply Brief filed
03/04/19	Oral Argument

Fort Myer Construction Corporation v. Commission

September Term 2017, No. 1684 (CD)
(Originally filed under 399804-V in Montgomery County)

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

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

Status: Awaiting decision.

Docket:

10/26/17	Notice of Appeal
12/03/18	Oral Argument held

Pletsch, et al v. Commission

September Term 2017, No. 2518 (AALU)
(Originally filed under CAL17-12150 in Prince George's County)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Two separate appeals filed. The Citizens filed an appeal of order affirming the underlying decision and resolution. The developer filed an appeal of the denial of the motion to dismiss for lack of standing. The Commission did not join in the appeal of the denial of the motion to dismiss.

Status: Appeals filed.

Docket:

02/16/18	Notice of Appeal filed by Pletsch, et al.
02/23/18	Notice of Appeal filed by St. John Properties, Inc.
01/23/19	Petitioner's Brief filed
01/23/19	Joint Record Extract filed
04/01/19	Commission's Brief due
05/01/19	Oral Argument no earlier than this date

Rounds v. Montgomery County, MD, et al

September Term, 2017, No.1561 (PD)
(Originally filed under #430530-V in Montgomery County)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin
Adams

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

Status: Awaiting decision.

Docket:

09/25/17	Notice of Appeal filed
10/19/17	Court issued show cause for inquiry as to why Plaintiffs'/Appellants' Pre-hearing Information Report not filed
11/15/17	Court accepts Pre-hearing Information Report for filing
12/12/18	Oral Argument held

MARYLAND COURT OF APPEALS

The Town of Forest Heights v. Commission
September Term 2018, Petition No. 105 (Misc.)

Lead Counsel: Borden
Other Counsel:

Abstract: Commission below filed a declaratory judgment against the Town of Forest Heights. The Town appealed.

Status: Awaiting decision.

Docket:

05/10/18	Petition for Cert filed by the Town of Forest Heights
05/15/18	Commission Answer to Petition for Writ of Cert
06/01/18	Petition for Writ of Certiorari granted
07/24/18	Town of Forest Heights Brief filed
08/31/18	Commission Brief filed
08/31/18	Amicus Curiae in Support of Appellant filed by The Maryland Municipal League, Inc.
09/20/18	Town of Forest Heights Reply Brief filed
10/04/18	Oral Argument held.

U.S. DISTRICT COURT OF MARYLAND

No Pending Cases

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

No Pending Cases

SUPREME COURT OF THE UNITED STATES

Commission v. American Humanist Association, et al

Case No. 17A1175 (Misc.)
17-1717 (American Legion)
18-18 (M-NCPPC)
(Appeal from Case No. 15-2597)

Lead Counsel: Hogan Lovells (Neal Kmar Katyal & Mitchell P. Reich)
Other Counsel: Gardner
Dickerson
Harvin

Abstract: The Commission intends to seek review by the Supreme Court of the decision of the Court of Appeals for the Fourth Circuit finding violation of establishment clause of Constitution.

Status: Awaiting decision.

Docket:

04/24/18	Commission's Application to extend the time to file a Petition for Writ of Certiorari
04/30/18	American Legion's Application to extend time to file a Petition for Writ of Certiorari
05/03/18	American Legion's Application to extend time granted
05/09/18	Commission's Application to extend time granted
06/25/18	American Legion's Petition for Writ of Cert. filed
06/29/18	Commission's Petition for Writ of Cert. filed
07/12/18	Blanket Consent filed by Respondents, The American Legion, the American Legion Department of Maryland, and The American Legion Colmar Manor Post 131
07/13/18	Blanket Consent filed by Petitioner, M-NCPPC
07/25/18	Amicus Brief American Center for Law and Justice
07/26/18	Amicus Brief Military Order of the Purple Heart
07/27/18	Amicus Brief 109 United States Senators and Members of the United States House of Representatives
07/27/18	Amicus Brief Major General Patrick Brady and Veterans Groups Erecting and Maintaining War Memorials
07/27/18	Amicus Brief The Town of Taos, New Mexico
07/27/18	Amicus Brief The Islam and Religious Freedom Action Team of the Religious Freedom Institute
07/27/18	Amicus Brief International Municipal Lawyers Association
07/27/18	Amicus Brief Veterans of Foreign Wars of the United States
07/27/18	Amicus Brief Medal of Honor Recipients
07/27/18	Amicus Brief Maryland Elected Officials
07/27/18	Amicus Brief State of West Virginia, 27 Other States & the Governor of Kentucky
07/27/18	Amicus Brief Retired Generals and Flag Officers
07/27/18	Amicus Brief Jewish Coalition for Religious Liberty
07/27/18	Amicus Brief The Becket Fund for Religious Liberty
08/01/18	Amicus Brief Foundation for Moral Law

08/02/18	Amicus Brief State of Maryland
08/02/18	Amicus Brief Veterans in Defense of Liberty
08/02/18	Amicus Brief Prince George's County, Maryland
08/02/18	Amicus Brief The Rutherford Institute
08/21/18	Reply of Commission
08/22/18	Distributed for Conference of 9/24/18
10/01/18	Distributed for Conference of 10/05/18
10/09/18	Distributed for Conference of 10/12/18
10/22/18	Distributed for Conference of 10/26/18
10/29/18	Distributed for Conference of 11/02/18
11/02/18	Certiorari granted.
12/17/18	Brief of petitioners The American Legion, et al.
12/17/18	Brief of petitioner M-NCPPC
12/17/18	Joint Appendix filed
12/18/18	Brief amici curiae of American Association of Christian Schools, et al.
12/19/18	Brief amicus curiae of Justice and Freedom Fund
12/19/18	Brief amicus curiae of Thomas More Law Center
12/19/18	Brief amicus curiae of Town of Taos, New Mexico
12/20/18	Brief amicus curiae of Wisconsin Institute for Law & Liberty
12/20/18	Brief amicus curiae of Foundation for Moral Law
12/20/18	Brief amicus curiae of State of Maryland
12/21/18	Set for Oral Argument on 2/27/19
12/21/18	Brief amici curia of The National Jewish Commission on Law and Public Affairs
12/21/18	Brief amicus curiae of Family Research Council
12/21/18	Brief amici curiae of Medal of Honor Recipients
12/21/18	Brief amici curiae of American Center for Law & Justice, et al.
12/21/18	Brief amici curiae of Retired Generals and Flag Officers
12/21/18	Brief amici curiae of Veterans of Foreign Wars of the United States, et al.
12/21/18	Brief amicus curiae of The Utah Highway Patrol Association
12/21/18	Brief amici curiae of Citizens United and Citizens United Foundation
12/21/18	Brief amici curiae of Family Members of Soldiers Named on the Peace Cross
12/21/18	Brief amicus curiae of Center for Constitutional Jurisprudence
12/21/18	Brief amici curiae of Public Advocate of the United States, et al.
12/21/18	Brief amicus curiae of Judicial Watch, Inc.
12/21/18	Brief amicus curiae of Liberty Counsel
12/21/18	Brief amici curiae of National Association of Counties, et al.
12/21/18	Brief amici curiae of Major General Patrick Brady and Veterans Groups Erecting and Maintaining War Memorials
12/21/18	Amicus brief of The Rutherford Institute
12/24/18	Brief amici curiae of State of West Virginia and 29 Other States
12/24/18	Brief amicus curiae of Cato Institute
12/24/18	Brief amicus curiae of The Becket Fund for Religious Liberty
12/26/18	Brief amicus curiae of Jewish Coalition for Religious Liberty

12/26/18	Brief amici curiae of 84 United States Senators and Members of the United States House of Representatives
12/26/18	Brief amicus curiae of The American Civil Rights Union
12/26/18	Brief amicus curiae of CatholicVote.org Education Fund
12/26/18	Brief amicus curiae of Kamal S. Kalsi
12/26/18	Brief amicus curiae of The Islam and Religious Freedom Action Team of the Religious Freedom Institute
12/26/18	Brief amici curiae of Various Professors
12/26/18	Brief amicus curiae of Military Order of the Purple Heart
12/26/18	Brief amici curiae of Maryland Elected Officials and Prince George's County
12/26/18	Brief amici curia of Professors Walter Dellinger and Martin S. Lederman in support of neither party
12/26/18	Brief amici curiae of Veterans in Defense of Liberty, et al.
12/26/18	Brief amicus curiae of United States
12/26/18	Amicus brief of Religious Denominations and Other Religious Institutions
01/09/19	Joint Motion of Petitioners for Enlargement of time for oral argument and for divided argument
01/09/19	Motion of the Acting Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument
01/22/19	Motion of the Acting Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument granted
01/22/19	Joint Motion of Petitioners for enlargement of time for oral argument and for divided argument granted
01/23/19	Brief of Respondent American Humanist Association et al. filed
01/30/19	Brief amici curiae of Religious and Civil-Rights Organizations filed
01/30/19	Brief amici curiae of Military Religious Freedom Foundation et al. filed
01/30/19	Brief amici curiae of Jewish War Veterans of the United States of America, Inc. filed
01/30/19	Brief amici curiae of Muslim Advocates filed
01/30/19	Brief amici curiae of Historians and Legal Scholars filed
01/30/19	Amicus brief of Law Professors filed
01/30/19	Amicus brief of Baptist Joint Committee for Religious Liberty et al. filed
01/30/19	Amicus brief of Freedom from Religion Foundation, Center for Inquiry, American Atheists, Inc., Military Association of Atheists and Freethinkers, Secular Coalition of America filed
02/13/19	Reply of Petitioners, The American Legion, et al.
02/21/19	Letter from State of Rhode Island regarding Amici Brief of State of West Virginia
02/27/19	Oral Argument



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

Reply To

April 5, 2019

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 March 2019 – FY 2019

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, April 17, 2019. 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.

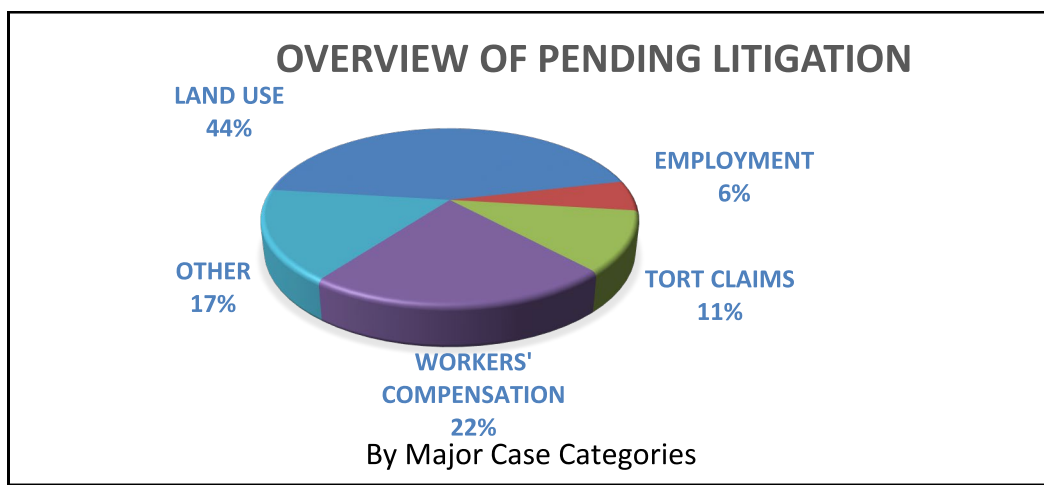
Table of Contents – March 2019 – FY 2019 Report

Composition of Pending Litigation..... Page 01
Overview of Pending Litigation (Chart)..... Page 01
Litigation Activity Summary Page 02
Index of New YTD Cases (FY19) Page 03
Index of Resolved YTD Cases (FY19) Page 04
Disposition of FY19 Closed Cases Sorted by Department Page 05
Index of Reported Cases Sorted by Jurisdiction..... Page 08
Litigation Report Ordered by Court Jurisdiction..... Page 09

March 2019 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	4	3					
Admin Appeal: Other							
Land Use Dispute							
Tort Claim	2						
Employment Dispute		1					
Contract Dispute		1					
Property Dispute		1					
Civil Enforcement							
Workers' Compensation	4						
Debt Collection							
Bankruptcy							
Miscellaneous			1			1	
Per Forum Totals	10	6	1			1	18



March 2019 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2019			
	Pending In Feb. 2019	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	6	1		3	7	1	7
Admin Appeal: Other (AAO)				0			
Land Use Disputes (LD)				1			
Tort Claims (T)	3		1	6	3	4	2
Employment Disputes (ED)	1			1			1
Contract Disputes (CD)	2		1	6	1	4	1
Property Disputes (PD)	1			2		2	1
Civil Enforcement (CE)				0			
Workers' Compensation (WC)	6		2	2	2		4
Debt Collection (D)				0			
Bankruptcy (B)				0			
Miscellaneous (M)	2			4	1	3	2
Totals	21	1	4	25	14	25	18

**INDEX OF YTD NEW CASES
(7/1/2018 TO 6/30/19)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Gaspard v. Montgomery County Planning Bd.	MC	AALU	July 18
West Montgomery Citizens Association v. Montgomery County Planning Bd.	MC	AALU	July 18
State Farm v. Barney, et al.	MC	Tort	Aug 18
Commission v. Ferrante	MC	WC	Oct 18
Lovett v. Commission	PG	Tort	Oct 18
Stephanie Green v. Commission	PG	WC	Oct 18
Rose Green v. Commission	PG	Tort	Oct 18
Clark v. Montgomery County Planning Bd.	MC	AALU	Nov 18
Cox v. Commission	MC	WC	Nov 18
Cox v. Commission	MC	WC	Nov 18
Bradley Boulevard Citizens Assn., Inc. v. Montgomery County Planning Bd.	MC	AALU	Feb 19
Critical Areal Commission v. MNCPPC	PG	AALU	Mar 19

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Bradley Boulevard Citizens Assn., Inc. v. Montgomery County Planning Board	MC	AALU	July 18
Town of Forest Heights v. Commission	PG	Misc.	July 18
Brooks v. Commission	PG	AALU	Aug 18
URS v. Commission	PG	CD	Aug 18

C. <u>New Supreme Court of the U.S. Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
---	--------------------	------------------------------	---------------------

**INDEX OF YTD RESOLVED CASES
(7/1/2018 TO 6/30/19)**

<u>A. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Sauer, Inv. v. Commission	PG	CD	July 18
Commission v. D.L. Boyd	PG	CD	Aug 18
Arnold v. Napier	PG	Tort	Sept 18
Rivers v. Fitts	PG	Tort	Sept 18
State Farm Fire & Casualty v. Barney, et al.	MC	Tort	Oct 18
Rose Green v. Commission	PG	Tort	Nov 18
West Montgomery Citizens Association v. Montgomery County Planning Bd.	MC	AALU	Nov 18
Commission v. McCoy	PG	CD	Dec 18
Lovett v. Commission	PG	Tort	Dec 18
Bundu v. Bowman	PG	Tort	Dec 18
Global Lifesci Development Corporation v. Montgomery County, et al.	MC	Misc.	Jan 19
Commission v. Clean Air Mechanical Inc., et al.	PG	CD	Feb 19
Diggs v. Robinson, et al.	PG	Tort	Feb 19
Cox v. Commission	MC	WC	Feb 19
Cox v. Commission	MC	WC	Feb 19

<u>B. Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Brooks v. Commission	PG	AALU	July 18
URS Corporation v. Commission	PG	CD	July 18
Rounds v. Montgomery County, MD, et al	MC	PD	Aug 18
Price, et al. v. Prince George's County, et al.	PG	Misc.	Oct 18
Brooks v. Commission	PG	AALU	Oct 18
URS Corporation v. Commission	PG	CD	Oct 18
Pulte., et al. v. Montgomery County, et al.	MC	LD	Nov 18

Disposition of FY19 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Price, et al. v. Prince George's County, et al.	Appellate matter – Plaintiffs below filed a lawsuit for injunctive relief questioning validity of certain personal tax enactments involving the Commission and Prince George's County. The Commission did not file a brief in this matter.	10/2/18 – Appeal dismissed for failure to file a properly corrected brief
Department of Human Resources & Management		
Montgomery County Department of Planning		
Rounds v. Montgomery County, MD, et al.	Appeal from dismissal of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road Easement	08/24/18 – Judgment of Circuit Court affirmed
West Montgomery Citizens Association v. Montgomery County Planning Board	Petition for Judicial Review filed appealing the Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833	11/02/18 - Case consolidated with Gaspard v. Montgomery County Planning Board
Montgomery County Department of Parks		
Cox v. Commission	Claimant appealed decision of the Workers' Compensation Commission finding her to have a 5% permanent partial disability.	02/06/19 Case remanded to Workers' Compensation Commission for Consideration and Approval of Settlement Agreement.
Cox v. Commission	Claimant appealed decision of the Workers' Compensation Commission which denied her petition to reopen for worsening of condition/increased permanent partial disability.	02/06/19 Case remanded to Workers' Compensation Commission for Consideration and Approval of Settlement Agreement.
State Farm Fire & Casualty Co. A/S/O Yuenyee Lee v. Barney, et al.	Defense of Claim for property damage to home from tree on Commission property.	10/12/18 – Case settled and dismissed

Montgomery County Park Police			
Montgomery County Planning Board			
Pulte Home Corporation, et al v. Montgomery County, et al	Plaintiff filed appeal following dismissal of complaint in U. S. District Court for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland		11/29/18 - Decision of U.S. District Court affirmed.
Prince George's County Department of Parks and Recreation			
Arnold v. Napier	Defense of Claim for personal injury involving vehicle owned by Commission.		09/10/18 – Case dismissed.
Commission v. Clean Air Mechanical Inc.	Commission files complaint for breach of contract, fraud and misrepresentation arising out of purchase order for installation of three DDU units at Cabin John and Wheaton Ice rinks.		02/15/19 – Judgment granted in favor of M-NCPPC in the amount of \$315,233.14 for compensatory damages and \$3,000,000.00 in punitive damages.
Commission v. D.L. Boyd	Commission filed complaint for property damage to Commission property (mansion)		08/17/18 Case settled and dismissed.
Commission v. McCoy	Commission filed complaint for property damage to Commission's golf cart		12/14/18 Complaint dismissed for lack of prosecution. Final payment made on 1/29/19.
Diggs v. Robinson, et al.	Defense of claim for personal injury following an automobile accident involving a Commission vehicle.		02/21/19 Case settled and dismissed.
Lovett v. Commission	Defense of Claim for personal injury sustained while traveling in bus operated by Commission.		12/06/18 – Case voluntarily dismissed.
Rivers v. Fitts	Defense of Claim for personal injury involving vehicle owned by Commission.		09/26/18 – Judgment for Plaintiff
Rose Green v. Commission	Plaintiff filed a complaint for personal injuries allegedly occurring on Commission property.		11/09/18 Case dismissed prior to service upon the Commission
Sauer, Inc. v. Commission	Plaintiff filed complaint for alleged delays and damages associated with the expansion of the Palmer Park Community Center in Prince George's County.		07/23/18 – Case settled and dismissed.

URS Corporation v. Commission	URS appealed the Circuit Court Decision entering judgment in favor of the Commission as a result of URS breach of duty to defend	07/06/18 – Judgment of Circuit Court affirmed
URS Corporation v. Commission	URS appeals the Circuit Court Decision entering judgment in favor of Commission as a result of URS breach of duty to defend.	10/26/18 - Petition for Writ of Certiorari denied
Prince George's County Planning Department		
Prince George's County Planning Board		
Brooks v. Commission	Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County.	07/20/18 – Judgment of Circuit Court affirmed.
Brooks v. Commission	Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County.	10/26/18 - Petition for Writ of Certiorari denied.
Prince George's Park Police		
Bundu v. Bowman	Defense of Claim for personal injury involving accident in Prince George's County.	12/03/18 – Case dismissed with prejudice. Case settled.
Office of Internal Audit		

INDEX OF CASES

DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND	9
DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND	9
CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND	9
Commission v. Ferrante.....	9
Commission v. Ferrante.....	9
Critical Area Commission v. MNCPPC	10
Green v. Commission	10
Gutierrez v. Commission.....	11
Ross v. Commission.....	11
CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND	12
Bradley Boulevard Citizens Assn, Inc. v. Montgomery County Planning Board	12
Clark Office Building LLC v. Montgomery County Planning Board.....	12
Gaspard v. Montgomery County Planning Board	13
Melara, et al. v. Evans.....	13
MARYLAND COURT OF SPECIAL APPEALS	15
Bradley Boulevard Citizens Assn, Inc. v. Montgomery County Planning Board.....	15
Burnette v. Commission	15
Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board.....	16
Fort Myer Construction Corporation v. Commission	16
Pletsch, et al v. Commission	17
Rounds v. Montgomery County, MD, et al	17
MARYLAND COURT OF APPEALS.....	18
The Town of Forest Heights v. Commission	18
U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND	18
U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT.....	18
SUPREME COURT OF THE UNITED STATES.....	19
Commission v. American Humanist Association.....	19

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

No Pending Cases

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Commission v. Ferrante

Case No. CAL 18-09401 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring MNCPPC to pay indemnity benefits corresponding to medical treatment.

Status: Awaiting Court's decision.

Docket:

04/17/18	Petition for Judicial Review filed
05/07/18	Commission files response to Petition for Judicial Review
06/19/18	Pretrial date rescheduled by consent
06/26/18	Order of Court rescheduling Pretrial Conference
07/09/18	Pretrial Conference cancelled
11/28/18	Consent Motion to consolidate with CAL18-40683
12/27/18	Consent Motion to consolidate with CAL 18-40683 refiled
01/25/19	Motion to Consolidate granted. Case CAL18-09401 to be the lead case for purposes of filing.
02/20/19	Trial postponed – inclement weather
03/28/19	Trial held. Court has taken matter under advisement.

Commission v. Ferrante

Case No. CAL 18-40683 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring MNCPPC to pay indemnity benefits corresponding to medical treatment.

Status: Awaiting Court's decision.

Docket:

10/30/18	Petition for Judicial Review filed
11/28/18	Consent Motion to Consolidate with CAL18-09401
12/27/18	Consent Motion to Consolidate with CAL18-09401 refiled

01/25/19	Motion to Consolidate granted. Case CAL18-09401 to be the lead case for purposes of filing.
02/20/19	Trial postponed – inclement weather
03/28/19	Trial held. Court has taken matter under advisement.

Critical Area Commission v. MNCPPC

Case No. CAL 19-05760 (AALU)

Lead Counsel: Borden
Other Counsel:

Abstract: Petition for Judicial review regarding the Prince George’s County Planning Board’s approval of the Indian Queen Overlook Conservation Plan CP-16002.

Status: Awaiting oral argument.

Docket:

02/15/19	Petition for Judicial Review filed
03/09/19	Commission served
03/19/19	Response of MNCPPC filed
07/26/19	Oral argument scheduled

Green v. Commission

Case No. CAL 18-40994 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Appeal from WCC Order requiring claimant/plaintiff to use Corvel’s mail-in services for her prescription needs, effective December 1, 2018.

Status: In discovery.

Docket:

10/31/18	Petition for Judicial Review filed
11/28/18	Response to Petition for Judicial Review
04/11/19	Pretrial Conference

Gutierrez v. Commission
Case No. CAL18-15226 (Tort)

Lead Counsel: Harvin
Other Counsel: Adams

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

Status: In discovery.

Docket:

05/22/18	Complaint filed
06/15/18	Commission served
07/24/18	Answer filed
11/27/18	Pretrial Conference held
06/03/19	Alternative Dispute Resolution
08/26/19	Trial

Ross v. Commission
Case No. CAL18-12424 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant filed for judicial review of WCC Order which included a credit for the Commission for temporary total disability benefits paid and denied additional credit for vocational rehabilitation benefits paid.

Status: Pending trial.

Docket:

04/23/18	Petition for Judicial Review filed
05/04/18	Commission responds to Petition for Judicial Review
05/14/18	Commission's Cross-Petition for Judicial Review
06/01/18	WCC Notice of Cross Appeal
07/16/18	Commission's Motion for Partial Summary Judgment filed
07/24/18	Opposition to Motion for Partial Summary Judgment filed
09/06/18	Pretrial Conference
09/24/18	Motion for Partial Summary Judgment granted for additional credit for vocational rehabilitation benefits paid. Trial remains scheduled on issues of whether claimant is permanently totally disabled.
02/13/19	M-NCPPC's Motion in Limine filed
03/07/19	Motion in Limine granted. No reference regarding the credit in the Employer's favor allowed at the trial of this matter.
04/01/19	Trial

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Bradley Boulevard Citizens Association, Inc. v. Montgomery County Planning Board

Case No. 463263-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Petitioner appealed Montgomery County Planning Board approval of WMAL Site Plan 820170170.

Status: Petition filed.

Docket:

02/14/19	Petition for Judicial Review
02/15/19	Notice of Filing from Court
03/07/19	MNCPPC's Answer filed
03/20/19	Toll Bros., Inc.'s response filed

Clark Office Building LLC v. Montgomery County Planning Board

Case No. 458065-V (AALU)

Lead Counsel: Dumais
Other Counsel:

Abstract: Petitioner appealed Montgomery County Planning Board approval of 4 Bethesda Metro Center Sketch Plan 320180110

Status: Awaiting oral argument.

Docket:

11/15/18	Petition for Judicial Review
11/29/18	Response to Petition for Judicial Review
12/12/18	Notice of Hearing date
01/18/19	Motion to Intervene by BOP Bethesda Metro Center LLC
01/29/19	Plaintiff's Opposition to Motion to Intervene
02/12/19	Hearing on Motion to Intervene
02/15/19	Plaintiff's Memorandum of Law in Support of Petition for Judicial Review
02/26/19	Order of Court Granting Motion to Intervene
03/19/19	MNCPPC's Answering Memorandum filed
03/19/19	MNCPPC's Motion to Strike Plaintiff's Exhibits filed
03/20/19	Defendant BOP Bethesda Metro Center LLC's Answering Memorandum filed.
05/06/19	Oral argument

Gaspard v. Montgomery County Planning Board (see West Montgomery Citizens case below)

Case No. 451996-V (AALU)

Lead Counsel: Dumais
Other Counsel:

Abstract: Petition for Judicial Review filed of Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833

Status: Awaiting decision.

Docket:

07/31/18	Petition(s) for Judicial Review filed
08/10/18	Commission's Response to Petition
08/31/18	Response of S. Vazer to Petition for Judicial Review
09/04/18	Motion to Consolidate with Case 452024-V
09/21/18	West Montgomery Citizens Association's response to Motion to Consolidate
11/02/18	Order granting consolidation of cases. All future pleadings to be filed in case 451996V.
02/08/19	Oral argument held.

Melara, et al. v. Evans

Case No. 439733-V (Tort)

(originally filed in District Court of Montgomery County 0601-0011991-2017)

Lead Counsel: Harvin
Other Counsel: Adams

Abstract: Claim for personal injury following an automobile accident.

Status: In discovery.

Docket:

11/08/17	Case transferred from District Court
04/19/18	Pretrial conference held
05/24/18	Pre-trial/settlement conference held
05/24/18	Case Consolidated with Case No. 439733-V
05/25/18	Order of Consolidation – All future filings to be in this case
06/01/18	Answer of Erie Insurance and demand for Jury trial
07/02/18	Commission's Answer to Cross-Complaint
10/22/18	Erie's Consent Motion to Bifurcate issue of liability from damages
10/26/18	Stipulation of Partial Dismissal in Case No. 439733V as dismissed with prejudice. All claims asserted in the consolidated matter of Evans v. Melara, Case No. 435456V, remain pending.
11/01/18	Pre-trial Conference held
11/01/18	Court denies Erie's Consent Motion to Bifurcate issue of liability from damages

12/26/18	Commission's Response to Erie's Motion for Summary Judgment
12/26/18	Motion for Leave to Amend Complaint
01/07/19	MNCPPC's Opposition to Motion for Leave to File Second Amended Complaint
01/28/19	MNCPPC's Motion for Summary Judgment
02/06/19	Order granting leave to amend complaint
02/06/19	Second Amended Complaint accepted for filing
02/11/19	Erie's Opposition to M-NCPCC's Motion for Summary Judgment
02/22/19	M-NCPCC's Line regarding Plaintiff's Second Amended Complaint
03/05/19	Motions Hearing
03/05/19	Erie's Motion for Summary Judgment denied
03/05/19	Motion for Postponement
03/19/19	Order of Court that Plaintiff's Consent Motion for Continuance denied as moot. Case bifurcated. Trial on liability shall remain on the trial docket for April 1, 2019 and the trial on damages shall be set on the trial docket for May 28, 2019.
03/25/19	Order of Court denying defendants Brian Melara and M-NCPCC's Motion for Summary Judgment.
03/25/19	Order of Court denying defendant Erie's Motion to Compel or in the Alternative to Strike Plaintiff's Expert Designation.
04/10/19	Trial

MARYLAND COURT OF SPECIAL APPEALS

Bradley Boulevard Citizens Assn, Inc. v. Montgomery County Planning Board

September Term 2018, No. 1034 (AALU)
(Originally filed under 436463-V in Montgomery County)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Petitioner appealed Montgomery County Circuit Court June 4, 2018 Order affirming the Planning Board's approval of WMAL Preliminary Plan 120160290.

Status: Appeal filed.

Docket:

07/03/18	Civil Information Report filed
10/26/18	Order Appeal to proceed without a prehearing conference or ADR
02/06/19	Stipulated Briefing Schedule filed
09/03/19	Oral Argument

Burnette v. Commission

September Term 2017, No.2258 (ED)
(Originally filed under CAL16-35180 in Prince George's County)

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Former park police officer appealed Circuit Court ruling affirming Administrative Hearing Board decision to terminate.

Status: Case affirmed.

Docket:

01/23/18	Notice of Appeal
05/29/18	Appellant's Brief filed
06/26/18	Commission filed Brief
02/21/19	Oral Argument
03/04/19	Judgment of Circuit Court Affirmed.

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

September Term 2017, Case No. 2568 (AALU)
(Originally filed under 433722-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Petitioner appealed Montgomery County Circuit Court January 29, 2018 Order affirming the Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040.

Status: Case remanded.

Docket:

03/01/18	Civil Information Report filed
03/23/18	Order Appeal to proceed without a prehearing conference or ADR
09/18/18	Appellants' Brief and record Extract filed
12/14/18	Brief of Appellee, The Montgomery County Planning Board filed
12/14/18	Brief of Appellee, RCCG, Jesus House, DC filed
02/13/19	Appellant's Reply Brief filed
03/04/19	Oral Argument
03/14/19	Judgment of the Circuit Court reversed with instructions to remand to the Planning Board for further proceedings consistent with COSA opinion.

Fort Myer Construction Corporation v. Commission

September Term 2017, No. 1684 (CD)
(Originally filed under 399804-V in Montgomery County)

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

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

Status: Awaiting decision.

Docket:

10/26/17	Notice of Appeal
12/03/18	Oral Argument held

Pletsch, et al v. Commission

September Term 2017, No. 2518 (AALU)
(Originally filed under CAL17-12150 in Prince George's County)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Two separate appeals filed. The Citizens filed an appeal of order affirming the underlying decision and resolution. The developer filed an appeal of the denial of the motion to dismiss for lack of standing. The Commission did not join in the appeal of the denial of the motion to dismiss.

Status: Appeals filed.

Docket:

02/16/18	Notice of Appeal filed by Pletsch, et al.
02/23/18	Notice of Appeal filed by St. John Properties, Inc.
01/23/19	Petitioner's Brief filed
01/23/19	Joint Record Extract filed
04/01/19	Commission's Brief due
05/01/19	Oral Argument no earlier than this date

Rounds v. Montgomery County, MD, et al

September Term, 2017, No.1561 (PD)
(Originally filed under #430530-V in Montgomery County)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin
Adams

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

Status: Awaiting decision.

Docket:

09/25/17	Notice of Appeal filed
10/19/17	Court issued show cause for inquiry as to why Plaintiffs'/Appellants' Pre-hearing Information Report not filed
11/15/17	Court accepts Pre-hearing Information Report for filing
12/12/18	Oral Argument held

MARYLAND COURT OF APPEALS

The Town of Forest Heights v. Commission
September Term 2018, Petition No. 105 (Misc.)

Lead Counsel: Borden
Other Counsel:

Abstract: Commission below filed a declaratory judgment against the Town of Forest Heights. The Town appealed.

Status: Awaiting decision.

Docket:

05/10/18	Petition for Cert filed by the Town of Forest Heights
05/15/18	Commission Answer to Petition for Writ of Cert
06/01/18	Petition for Writ of Certiorari granted
07/24/18	Town of Forest Heights Brief filed
08/31/18	Commission Brief filed
08/31/18	Amicus Curiae in Support of Appellant filed by The Maryland Municipal League, Inc.
09/20/18	Town of Forest Heights Reply Brief filed
10/04/18	Oral Argument held.

U.S. DISTRICT COURT OF MARYLAND

No Pending Cases

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

No Pending Cases

SUPREME COURT OF THE UNITED STATES

Commission v. American Humanist Association, et al

Case No. 17A1175 (Misc.)
17-1717 (American Legion)
18-18 (M-NCPPC)
(Appeal from Case No. 15-2597)

Lead Counsel: Hogan Lovells (Neal Kmar Katyal & Mitchell P. Reich)
Other Counsel: Gardner
Dickerson
Harvin

Abstract: The Commission intends to seek review by the Supreme Court of the decision of the Court of Appeals for the Fourth Circuit finding violation of establishment clause of Constitution.

Status: Awaiting decision.

Docket:

04/24/18	Commission's Application to extend the time to file a Petition for Writ of Certiorari
04/30/18	American Legion's Application to extend time to file a Petition for Writ of Certiorari
05/03/18	American Legion's Application to extend time granted
05/09/18	Commission's Application to extend time granted
06/25/18	American Legion's Petition for Writ of Cert. filed
06/29/18	Commission's Petition for Writ of Cert. filed
07/12/18	Blanket Consent filed by Respondents, The American Legion, the American Legion Department of Maryland, and The American Legion Colmar Manor Post 131
07/13/18	Blanket Consent filed by Petitioner, M-NCPPC
07/25/18	Amicus Brief American Center for Law and Justice
07/26/18	Amicus Brief Military Order of the Purple Heart
07/27/18	Amicus Brief 109 United States Senators and Members of the United States House of Representatives
07/27/18	Amicus Brief Major General Patrick Brady and Veterans Groups Erecting and Maintaining War Memorials
07/27/18	Amicus Brief The Town of Taos, New Mexico
07/27/18	Amicus Brief The Islam and Religious Freedom Action Team of the Religious Freedom Institute
07/27/18	Amicus Brief International Municipal Lawyers Association
07/27/18	Amicus Brief Veterans of Foreign Wars of the United States
07/27/18	Amicus Brief Medal of Honor Recipients
07/27/18	Amicus Brief Maryland Elected Officials
07/27/18	Amicus Brief State of West Virginia, 27 Other States & the Governor of Kentucky
07/27/18	Amicus Brief Retired Generals and Flag Officers
07/27/18	Amicus Brief Jewish Coalition for Religious Liberty
07/27/18	Amicus Brief The Becket Fund for Religious Liberty
08/01/18	Amicus Brief Foundation for Moral Law

08/02/18	Amicus Brief State of Maryland
08/02/18	Amicus Brief Veterans in Defense of Liberty
08/02/18	Amicus Brief Prince George's County, Maryland
08/02/18	Amicus Brief The Rutherford Institute
08/21/18	Reply of Commission
08/22/18	Distributed for Conference of 9/24/18
10/01/18	Distributed for Conference of 10/05/18
10/09/18	Distributed for Conference of 10/12/18
10/22/18	Distributed for Conference of 10/26/18
10/29/18	Distributed for Conference of 11/02/18
11/02/18	Certiorari granted.
12/17/18	Brief of petitioners The American Legion, et al.
12/17/18	Brief of petitioner M-NCPPC
12/17/18	Joint Appendix filed
12/18/18	Brief amici curiae of American Association of Christian Schools, et al.
12/19/18	Brief amicus curiae of Justice and Freedom Fund
12/19/18	Brief amicus curiae of Thomas More Law Center
12/19/18	Brief amicus curiae of Town of Taos, New Mexico
12/20/18	Brief amicus curiae of Wisconsin Institute for Law & Liberty
12/20/18	Brief amicus curiae of Foundation for Moral Law
12/20/18	Brief amicus curiae of State of Maryland
12/21/18	Set for Oral Argument on 2/27/19
12/21/18	Brief amici curia of The National Jewish Commission on Law and Public Affairs
12/21/18	Brief amicus curiae of Family Research Council
12/21/18	Brief amici curiae of Medal of Honor Recipients
12/21/18	Brief amici curiae of American Center for Law & Justice, et al.
12/21/18	Brief amici curiae of Retired Generals and Flag Officers
12/21/18	Brief amici curiae of Veterans of Foreign Wars of the United States, et al.
12/21/18	Brief amicus curiae of The Utah Highway Patrol Association
12/21/18	Brief amici curiae of Citizens United and Citizens United Foundation
12/21/18	Brief amici curiae of Family Members of Soldiers Named on the Peace Cross
12/21/18	Brief amicus curiae of Center for Constitutional Jurisprudence
12/21/18	Brief amici curiae of Public Advocate of the United States, et al.
12/21/18	Brief amicus curiae of Judicial Watch, Inc.
12/21/18	Brief amicus curiae of Liberty Counsel
12/21/18	Brief amici curiae of National Association of Counties, et al.
12/21/18	Brief amici curiae of Major General Patrick Brady and Veterans Groups Erecting and Maintaining War Memorials
12/21/18	Amicus brief of The Rutherford Institute
12/24/18	Brief amici curiae of State of West Virginia and 29 Other States
12/24/18	Brief amicus curiae of Cato Institute
12/24/18	Brief amicus curiae of The Becket Fund for Religious Liberty
12/26/18	Brief amicus curiae of Jewish Coalition for Religious Liberty

12/26/18	Brief amici curiae of 84 United States Senators and Members of the United States House of Representatives
12/26/18	Brief amicus curiae of The American Civil Rights Union
12/26/18	Brief amicus curiae of CatholicVote.org Education Fund
12/26/18	Brief amicus curiae of Kamal S. Kalsi
12/26/18	Brief amicus curiae of The Islam and Religious Freedom Action Team of the Religious Freedom Institute
12/26/18	Brief amici curiae of Various Professors
12/26/18	Brief amicus curiae of Military Order of the Purple Heart
12/26/18	Brief amici curiae of Maryland Elected Officials and Prince George's County
12/26/18	Brief amici curia of Professors Walter Dellinger and Martin S. Lederman in support of neither party
12/26/18	Brief amici curiae of Veterans in Defense of Liberty, et al.
12/26/18	Brief amicus curiae of United States
12/26/18	Amicus brief of Religious Denominations and Other Religious Institutions
01/09/19	Joint Motion of Petitioners for Enlargement of time for oral argument and for divided argument
01/09/19	Motion of the Acting Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument
01/22/19	Motion of the Acting Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument granted
01/22/19	Joint Motion of Petitioners for enlargement of time for oral argument and for divided argument granted
01/23/19	Brief of Respondent American Humanist Association et al. filed
01/30/19	Brief amici curiae of Religious and Civil-Rights Organizations filed
01/30/19	Brief amici curiae of Military Religious Freedom Foundation et al. filed
01/30/19	Brief amici curiae of Jewish War Veterans of the United States of America, Inc. filed
01/30/19	Brief amici curiae of Muslim Advocates filed
01/30/19	Brief amici curiae of Historians and Legal Scholars filed
01/30/19	Amicus brief of Law Professors filed
01/30/19	Amicus brief of Baptist Joint Committee for Religious Liberty et al. filed
01/30/19	Amicus brief of Freedom from Religion Foundation, Center for Inquiry, American Atheists, Inc., Military Association of Atheists and Freethinkers, Secular Coalition of America filed
02/13/19	Reply of Petitioners, The American Legion, et al.
02/21/19	Letter from State of Rhode Island regarding Amici Brief of State of West Virginia
02/27/19	Oral Argument held