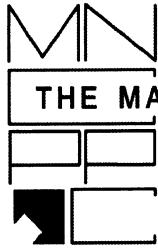


MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING
Wednesday, December 17, 2014
MRO 9:30 a.m. – 11:30 a.m.

				<u>ACTION</u>	
				Motion	Second
1.	Approval of Commission Agenda	(+*)	Page 1		
2.	Approval of Commission Minutes November 19, 2014 – Open Session	(+*)	Page 3		
3.	General Announcements				
4.	Committee/Board Reports (For Information Only):				
a)	Minutes – Executive Committee Open Session – November 5, 2014	(+*)	Page 9		
b)	Minutes – Executive Committee Closed Session – November 5, 2014	(+*)			
c)	Minutes – Executive Committee – December 3, 2014 (Cancelled)				
d)	Minutes of the Regular Board of Trustees Meeting December 9, 2014	(+)	Page 13		
5.	Action and Presentation Items				
a)	Resolution #14-31, Reappointment of Merit System Board Member Michael Strand (Barney)	(+*)	Page 17		
b)	Resolution #14-32, M-NCPPC FY16 Proposed Operating Budget (Barney/Kroll)	(LD*)			
c)	FY15 GFOA Budget Award (with photo) (Barney/Kroll)				
6.	Open Session - Officers' Reports				
a)	Executive Director – (For Information Only) Employee Evaluations Not Completed by Due Date – (November 2014).....(+)		Page 19		
b)	Secretary-Treasurer – (For Information Only) Enterprise Resource Planning (ERP) Briefing				
c)	General Counsel – (For Information Only)				
	1) Litigation Report (November 2014).....(+)		Page 21		
	2) Legislative Update.....(H)				

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
November 19, 2014

The Maryland National Capital Park and Planning Commission met on November 19, 2014, at the Prince George's County Parks and Recreation Auditorium, in Riverdale, Maryland.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair
Dorothy Bailey (arrived at 10:03 a.m.)
Manuel Geraldo
John Shoaff

Montgomery County Commissioners

Casey Anderson, Vice-Chair
Norman Dreyfuss
Natali Fani-Gonzalez

ABSENT

A. Shuanise Washington

Amy Presley
Marye Wells-Harley

Chair Hewlett convened the meeting at 9:50 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Geraldo

Second by Dreyfuss

6 Approved the motion (Commissioner Bailey was absent from the vote.)

ITEM 2 APPROVAL OF COMMISSION MINUTES

October 22, 2014 – Open Session

October 22, 2014 – Closed Session

ACTION: Motion of Dreyfuss

Second by Anderson

6 Approved the motion (Commissioner Bailey was absent from the vote.)

ITEM 3

GENERAL ANNOUNCEMENTS (Hewlett)

Chair Hewlett made the following announcements:

- a) She shared Thanksgiving wishes with everyone. She shared information on a number of events to raise awareness and celebrate:
 - Adoption Awareness Month. Vice-Chair Anderson shared support of this occasion by discussing his personal experience with adoption.
 - Native American Heritage Month. The Department of Parks and Recreation planned a wonderful festival honoring Native American Heritage Month.
 - National Peanut Butter Month.
 - The Prince George's Parks and Recreation Trot-for-a-Turkey event takes place on November 22nd. The registration fee is \$30.00 for this event. Donations are accepted as well.
 - The Annual Opening of the Festival of Lights takes place on November 24th at 6:00 p.m. at Watkins Regional Park in Prince George's County. All Commission employees are invited to participate. Canned good donations will be collected for people in need. Montgomery County Parks' Brookside Gardens will not have its annual light display because it is undergoing renovations.
- b) The Health Benefits Office, the Executive Director's Office, and employees who worked on the Wellness Initiative Campaign were commended for their efforts to promote health and wellness. Chair Hewlett shared that male employees over age 40 are invited to participate in the upcoming men's health event. Free PSA testing will be offered in Montgomery County at the following locations on December 1st: Montgomery Regional Office (9:00 a.m. – 12:00 noon), and Shady Grove Maintenance Yard (8:00 a.m. – 11:00 a.m.); they will be offered in Prince George's County on December 5th at the following locations: Randall Farm Maintenance and Development (8:00 a.m. – 11:00 a.m.), and at the Parks and Recreation Auditorium (9:00 a.m. – 12:00 noon). The Commissioners thanked Montgomery County Parks Deputy Director John Nissel for sharing his story to encourage men to get screenings.
- c) Chair Hewlett highlighted the *Update* newsletter article which featured Commissioner Fani-Gonzalez, the newest member of the Commission and Montgomery County Planning Board.
- d) The Parks and Recreation Department were commended for opening up warming centers throughout the County to help the community.
- e) Employees were reminded about the One-Commission holiday party scheduled for December 17, 2014, from 11:00 a.m. to 2:30 p.m., at the Civic Center in Silver Spring. Chair Hewlett and Vice-Chair Anderson discussed the event and how it will showcase downtown Silver Spring and its offerings to the community.

ITEM 4

COMMITTEE/BOARD REPORTS – (For Information Only)

- a) and b) Executive Committee Open and Closed Session Minutes – for November 5, 2014, will be included in the December Commission meeting packet as a Late Delivery (LD) because they were not completed in time for the November 19, 2014 Commission meeting.

- c) Minutes of the Regular Employees' Retirement System Board of Trustees Meeting, October 7, 2014.

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Resolution #14-30, Easement Termination – The Crescents at Largo (Gardner/Mills)
General Counsel Gardner and Associate General Counsel Matt Mills provided background on this Resolution.
ACTION: Motion of Anderson
Seconded by Shoaff
6 Approved the motion (Commissioner Bailey was absent from the vote.)
- b) Recommendation for Appointment of Golub Capital as a New Investment Manager for the Employees' Retirement System (A. Rose)
ACTION: Motion of Anderson
Seconded by Geraldo
6 Approved the motion (Commissioner Bailey was absent from the vote.)
- c) Recommendation for Adoption of the Employees' Retirement System Plan Document Restatement Effective January 1, 2015, Except as Specifically Provided with Section 7.5 Marital Status as Required by IRS Guidance (A. Rose)
ACTION: Motion of Anderson
Seconded by Shoaff
6 Approved the motion (Commissioner Bailey was absent from the vote.)
- d) Presentation: Recommendation to Approve an Employer Contribution in the Amount of \$27,191,305 for Fiscal Year 2016 (A. Rose, Employees' Retirement System Administrator; Dave Boomershine, President and Senior Consulting Actuary; and Greg Stump, Vice-President and Senior Actuary)

Employees' Retirement System (ERS) Administrator Andrea Rose shared that each year an independent actuarial valuation is performed to determine the funding requirements for the ERS in order to ensure sufficient assets are available for future benefits. The actuarial valuation is designed to measure the current and future cost of retiree benefits based on employee demographics, assets and liabilities, plan provisions, and actuarial assumptions and methods. Ms. Rose shared that the ERS actuary, Boomershine Consulting Group, presented its completed valuation report to the Employees' Retirement System (ERS) Board of Trustees on November 4, 2014. The ERS Board of Trustees recommends the Commission approve the actuary's determined employer contribution in the amount of \$27,191,305 (20.14% of the covered payroll) for FY16, which is lower than the FY15 contribution. In order to meet the ERS funding objectives, the recommended employer contribution of \$27,191,305 will be made on July 1, 2015, for FY16. The recommended employer contribution decreased slightly from \$28,149,976 (21.8% of covered payroll) as of July 1, 2013, primarily due to a gain in the actuarial asset value.

The PowerPoint presentation on the valuation was made by Boomershine Consulting Group President/Senior Consulting Actuary Dave Boomershine, and Vice President/Senior Actuary Greg Stump to explain the recommendation.

Boomershine Consulting Group (Actuary) reported that the ERS' funding objective is to meet long-term benefit promises through employee and employer contributions. The July 1, 2014 actuarial valuation indicated the funded ratio of the actuarial value of assets to the actuarial accrued liability for benefits was 87.2%, which is up from 83.1% in 2013. This reflects a greater funding of liability.

The Actuary explained the Baseline Contribution Projection graph on page 157 of the packet which assumes a 7.3% return on future investments. Executive Director Barney commented that in looking at a similar graph for the 2008/2009 timeframes, the outcome was not as favorable. She wanted to ensure that everyone understood that the rate of return on investments is not guaranteed as it will shift when the market drops or changes, and contributions may therefore be much higher than projected.

Vice-Chair Anderson asked if the Actuary has begun to look at adjusting the assumed investment return. Mr. Stump responded that the gradual reduction that the Commission has adopted is the correct way to make the adjustment. The amount was reduced by the Board of Trustees from 7.5% to 7.4% last year and to 7.3% this year.

In response to Commissioner Dreyfuss' question about the source of the contributions reported in the presentation, Mr. Stump clarified that the contributions listed in the report reflect employer contributions. Commissioner Dreyfuss inquired about the trend related to the percentage of the annual operating budget that is attributable to the employer contribution. Mr. Stump and Mr. Boomershine responded that there was a reduction in employer contributions. The dollar amounts associated with the contributions were listed in the Total Employer Cost column on page 155 of the packet. The report did not indicate the percentage of the budget.

Executive Director Barney explained that the employer contribution as a percentage of the total budget has been declining. She stated that several years ago, the contribution was between \$32 million and \$34 million. The agency's employer contribution is now \$27,191,305. She shared that additional details can be provided to the Commissioners if desired. She also stated the numbers contained in the report reflect retirement statistics and that the Other Post Employment Benefit (OPEB) presentation will be made next month.

Executive Director Barney mentioned that the lower contributions are in part, related to the Commission adopting a number of recommended changes to the pension program, some of which included greater employee sharing of contributions, 5 year averaging for benefit calculations, and changes in vesting. Changes affecting collective bargaining members were negotiated with the

Unions. As a result, M-NCPPC reduced costs while providing a reasonable benefit so employees can afford to retire.

Commissioner Dreyfuss inquired whether the Actuary is seeing public employers moving to defined contribution plans versus a defined benefit plan. Mr. Boomershine responded that there are very few public employers that have moved to a defined contribution plan design. He shared that defined contribution plans are more common in the private sector because of the changes in federal law, changes in accounting, and a significant amount of artificial intervention.

The Actuary shared that there have been a number of changes in governmental accounting standards for pensions, and changes are also expected in healthcare. The Actuary briefly reviewed some changes that are in process (contained on pages 158 and 159 of the Commission packet). Commissioner Geraldo suggested a footnote be added to the report to explain the funding ratio for GASB.

Executive Director Barney thanked the Employees' Retirement System (ERS) Board for recommending the contribution. She thanked the Commissioners as plan sponsors for the funding and authorizing decisions for the pension program. The ERS staff was commended for their work.

ACTION: Motion of Geraldo
Second by Bailey
7 Approved the motion

ITEM 6 OPEN SESSION – OFFICERS' REPORTS

- a) Executive Director (For Information Only)
Employee Evaluations Not Completed by Due Date (October 2014)
Executive Director Barney stated Directors are doing fine with completing evaluations and that the report is in the packet.
- b) Secretary–Treasurer (For Information Only)
Enterprise Resource Planning (ERP Briefing)
Secretary-Treasurer Zimmerman stated ERP continues to move forward. The Human Resources module is on target for implementation in December to cover the first pay date of January 2015.
- c) General Counsel (For Information Only)
 - 1) Litigation Report (October 2014)
 - 2) Legislative Update
General Counsel Gardner distributed two proposed legislative items for vote and provided background/bill numbers.
 - House Bill 1334/14 – ECM, MC/PG 109-15 Maryland-National Capital Park and Planning Commission – Regulations to Prohibit Smoking (Gardner). General Counsel Gardner shared a similar bill was proposed last year. M-NCPPC supported the bill in the prior legislative session and it is recommended that the agency support the bill again this year. General Counsel Gardner stated that the operating departments have no concern with implementation of the

bill, and M-NCPPC Park Rules and Regulations will be revised in the near future.

ACTION: Motion of Bailey

Seconded by Geraldo

7 approved the motion

- Montgomery County Delegation and Prince George's County Delegation Bill MC/PG 105-15 (Maryland-National Capital Park and Planning Commission – Montgomery County – Commission Terms
General Counsel Gardner requested a favorable position on Bill MC/PG 105-15 that was requested by the Montgomery County Council. A legal disagreement exists between Commission lawyers and the Council's lawyers over how to interpret the current law. The language in the bill may change; however, the concept of the bill is that the Montgomery County government should be allowed to have a Planning Board Chairperson who can serve two full terms -- even after serving some time as a member of the Commission (but not as Chair). As the law is currently interpreted by the County, it penalizes a member of the Commission who later becomes the Planning Board Chair. Chair Hewlett recommended this bill be monitored to ensure the language does not change during the legislative process.

ACTION: Motion of Geraldo

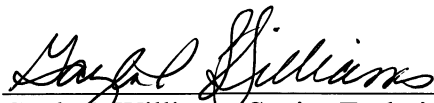
Seconded by Dreyfuss

7 approved the motion

On a separate matter, Chair Hewlett congratulated General Counsel Gardner for his outstanding argument on the Farm Road Case presented to the Court of Appeals.

At the end of the meeting, Chair Hewlett reminded the attendees of upcoming agency events. These are listed under General Announcements.

There being no further business to discuss, the meeting adjourned at 10:42 a.m.



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



Patricia Colihan Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Executive Committee Meeting
November 5, 2014
OPEN SESSION - MINUTES

The Maryland-National Capital Park and Planning Commission's Executive Committee met at 9:30 a.m., in the Merit System Board Conference Room, in Riverdale, Maryland. Present were Chair Elizabeth M. Hewlett, Vice-Chair Casey Anderson, and Executive Director Patricia C. Barney.

Department Directors/Deputies/Presenters/Staff

Adrian Gardner, General Counsel
Ronnie Gathers, Director, Prince George's County Parks and Recreation
Fern Piret, Director, Prince George's County Planning
Mike Riley, Director, Montgomery County Parks
Gwen Wright, Director, Montgomery County Planning
Joe Zimmerman, Secretary-Treasurer
Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief
William Spencer, Human Resources Director
Janis Thom-Grate, Corporate Policy and Records Manager

Marketing Team**

Amy Presley, Montgomery Planning Board Commissioner
Anju Bennett and Lisa Dupree representing CAS
Andrea Davey, Prince George's County Planning Board Public Affairs and Marketing Officer
John Hench, Montgomery County Park Planning and Stewardship Division Chief
Anita Pesses, Prince George's County Parks and Recreation Public Affairs & Marketing Division Chief
Bridget Schwiesow, Montgomery County Planning Public Affairs Officer
LMD Marketing consultants:

- Creative Services Vice President Scott Van Der Meid
- Account Manager Mary Ellen McCormack
- Research Director Kristen Newton

** Attended for the marketing presentation only.

Executive Director Barney convened the meeting at 9:30 a.m.

ITEM 1 AGENDA APPROVALS

a) NOVEMBER 5, 2014 EXECUTIVE COMMITTEE AGENDA (Barney)

The Executive Committee made the following revisions to the agenda:

- Added closed session Item 4(a) to discuss Commission activities at the holiday party relating to ice skating.

- Added closed session Item 4(b) to discuss a personnel issue for which participants will be limited: Chair Hewlett, Vice-Chair Anderson, Executive Director Barney, General Counsel Gardner, Prince George's County Parks and Recreation Director Gathers, and Human Resources Director William Spencer.
- b) NOVEMBER 19, 2014 COMMISSION MEETING AGENDA (REVISED) (Barney)
No changes were made.
- c) ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS (Barney)
No changes were made.

ITEM 2 MINUTES

- a) Executive Committee Open Session – October 1, 2014
- b) Executive Committee Closed Session – October 1, 2014

ITEM 3 DISCUSSION/REPORTS/PRESENTATIONS

(Please note, Item (3a) was presented after closed session Item 4(a))

- b) INVESTMENT REPORT – July 2014 (Zimmerman) Out of order
No handout was available. The agency is in compliance and earning little due to interest rates.
- c) ENTERPRISE RESOURCE PLANNING (ERP) BRIEFING (Zimmerman)
Secretary-Treasurer Zimmerman stated a meeting will be held today regarding major testing issues and a meeting will be held tomorrow to discuss CIP issues with department staff. Tasks and assignments will be distributed. The first paychecks on the new system will be cut on January 2nd if testing works. There is a plan B in place in the event the system does not work.

ACTION: Move to Closed Session. Motion of Chair Hewlett to move to closed session at 9:35 a.m.
Seconded by Executive Director Barney
3 Approved the motion.

ITEM 4 CLOSED SESSION

- a) Pursuant to the General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(1)(ii) & (7), a closed session is proposed to discuss any other personnel matter that affects one or more specific individuals and to consult with counsel to obtain legal advice.

ACTION: **Open session reconvened at 9:57 a.m.**

ITEM 3 DISCUSSION/REPORTS/PRESENTATIONS

- a) MARKETING/BRANDING BRIEFING – FOCUS GROUP FINDINGS (LMD Consultants and M-NCPPC Marketing Team) (Taken out of order)
Prince George's County Planning Board Public Affairs and Marketing Officer Andrea Davey introduced the M-NCPPC Internal Marketing Team (members listed on page 1 of minutes). She also introduced LMD Marketing Consultants Scott Van Der Meid, Mary Ellen McCormack, and Kristen Newton. Ms. Davey explained that the Internal Marketing Team has been working with LMD to implement focus groups in both

counties to help identify branding strategies that would be best received by our customers. Input from the focus groups was shared with Department Directors and is now being shared with the Executive Committee. The purpose of the presentation was to obtain support to move forward with the creative design portion of the branding study. Ms. Davey shared that Commissioner Amy Presley joined the team to assist with her marketing expertise.

LMD Consultants presented a PowerPoint briefing titled, “Phase 1 Research Focus Group Report”. A copy was provided in the Executive Committee packet.

LMD Consultants McCormack and Newton shared that the focus groups were held in both Montgomery and Prince George’s Counties. The presentation reviewed a number of findings.

Ms. Newton shared that the focus group:

- Was not in favor of retaining the current logo.
- Supported using a name different than M-NCPPC when referring to the agency. Also concerns were expressed about changing the name fully from M-NCPPC due to legal implications. General Counsel Gardner had discussed challenges pertaining to the State Code and that M-NCPPC may need to be retained legally, but an alternative name could be used operationally.
- Agreed that M-NCPPC delivers important services, programs and important benefits. On the Montgomery County Planning side, the focus group identified with the need for smart and controlled planning. On the Prince George’s side, the focus group related more to the community services/activities.
- Expressed trust in M-NCPPC to do the job and represent the interest of the community on the planning side. They agreed that M-NCPPC should spread the word about itself because of the valuable benefits it provides.
- Responded that the current websites are difficult to use.

LMD Consultant, Van Der Meid discussed ideas for the creative piece on brand identity. He shared the challenge in the branding aspect of developing the logo. Executive Director Barney mentioned that Prince George’s County Planning Director Fern Piret made a recommendation to use “Maryland Park and Planning” to achieve a broader context of park and planning; and as it is chartered by the State of Maryland and not a county agency. In discussing the key findings, Chair Hewlett agreed that the current websites need work; the current mission statement may need to be shortened for branding purposes; that M-NCPPC needs to be more proactive about telling its story; and the agency should work harder to address the unfavorable comments which were shared by the focus group.

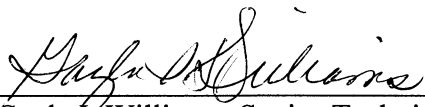
Vice-Chair Anderson commented that the organization needs to determine how to market the planning side to encourage a positive perception of the planning function and to calibrate the public’s expectations as to what planning encompasses.

Montgomery County Parks Director Mike Riley inquired whether the Internal Marketing team could write up a summary reminding Directors of the goals or the reason for the project. He would like to have something so he is able to respond to inquiries on the branding initiative. The Executive Committee thanked the team and shared that it looks forward to Phase 2 Creative Development.

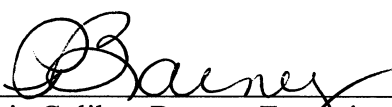
- ITEM 4 b) Pursuant to the General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(1)(ii) & (7), a closed session is proposed to discuss any other personnel matter that affects one or more specific individuals and to consult with counsel to obtain legal advice.

The Executive Committee meeting moved to closed session at 10:49 a.m. to cover Closed Discussion Item (4b), Personnel Issues, on the Agenda. Executive Director Barney will provide minutes for the second closed session regarding a personnel issue.

There being no further business to discuss, the meeting adjourned to closed session at 10:49 a.m.



Gayla F. Williams, Senior Technical Hearing/
Senior Management Analyst



Patricia Colihan Barney, Executive Director



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

REGULAR BOARD OF TRUSTEES MEETING
MINUTES
Tuesday, November 4, 2014; 10:00 A.M.
ERS/Merit Board Conference Room

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, November 4, 2014 at 10:00 a.m. Voting members present were: Khalid Afzal, Richard H. Bucher, Ph.D., Patricia Colihan Barney, CPA, Jenetha Facey, Pamela F. Gogol, Tracy Lieberman, Barbara Walsh, and Joseph C. Zimmerman, CPA. Josh Ardison, Mary Wells-Harley and Elizabeth M. Hewlett were absent.

ERS staff included: Andrea L. Rose, Administrator, and Sheila S. Joynes, Accounting Manager.

Presentations by M-NCPPC Legal Department - LaTonya Reynolds, Associate General Counsel, and Boomershine Consulting Group's David S. Boomershine, Senior Consulting Actuary and President; Gregory M. Stump, Vice President and Senior Actuary; and Sunita Bhatia, Senior Consultant and 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 October 7, 2014 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, September 2, 2014
- C. Minutes of Closed Session, September 2, 2014
- D. Minutes of Closed Session, May 6, 2014
- E. Administration & Personnel Oversight Committee's Confidential Report of February 6, 2014
- F. Disbursements Granted Reports – July 2014 and August 2014

Item 1.D – Minutes of Closed Session, May 6, 2014 and Item 1.E Administration & Personnel Oversight Committee's February 6, 2014 Confidential Report were removed from the consent agenda. DR. BUCHER apologized for the delay in providing these items.

DR. BUCHER made a motion, seconded by MR. AFZAL to approve the Consent Agenda, as revised. The motion PASSED unanimously (8-0). (Motion #14-50)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary

3. MISCELLANEOUS

There were no miscellaneous items to discuss.

4. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated October 27, 2014

- i. Comprehensive Annual Financial Report for Fiscal Years Ended June 30, 2014 and June 30, 2013

Andrea Rose presented the Administrator's Report dated October 27, 2014. The Comprehensive Annual Financial Report (CAFR) was submitted to the Government Finance Officers Association for consideration of a Certificate of Achievement for Excellence in Financial Reporting. Sheila Joynes was recognized for her lead role in preparation of the CAFR, especially with implementation of the new GASB 67 statement. In an effort to "Go Green", the Annual Report which is a summary of the CAFR will be available online. Annual Statements will be mailed to members in mid-November. The Investment Monitoring Group meeting on November 18, 2014 will begin at 9:00 a.m.

5. COMMITTEE REPORTS

A. Investment Monitoring Group

Presentation by Richard H. Bucher, Ph.D.

- i. Regular Report of October 21, 2014
- ii. Confidential Report of October 21, 2014 – *Confidential – Trustees Only*

MS. ROSE presented the regular report for the Investment Monitoring Group's (IMG) meeting of October 21, 2014. The IMG met with State Street Global Advisors' Rob Guiliano, Vice President and Senior Portfolio Manager, and James Thorsen, CFA, Vice President and Senior Relationship Manager for a performance review. The ERS' custom real assets strategy is passively managed and totaled \$88.1 million as of September 30, 2014. Net returns since inception (January 2013) were -2.28% vs. the Custom Index return of -8.84%. Real assets perform particularly well during a rising rate environment; are not as strong in a stable rate environment; and give up a bit in a declining rate environment. Recent underperformance can be attributed to fees and the cost of swaps/futures in the commodities index. The ERS is invested in real assets as an inflation hedge and for the diversification benefit. Wilshire is expecting better performance if/when there is an uptick in inflation. SSgA is holding more assets than targeted, but this is a parking place for funds for the private opportunities. Wilshire encouraged IMG members to be patient to see the benefit of this strategy. Real assets play a strategic role and match the ERS' risk tolerance and long-term horizon.

The IMG and Administration & Personnel Oversight Committees will meet bimonthly in 2015.

B. Audit Committee

Presentation by Committee Chairman, Barbara Walsh

- i. Regular Report of October 7, 2014

MS. WALSH presented the regular report for the Audit Committee's meeting of October 7, 2014. MS. WALSH reported CliftonLarsonAllen conducted a full scope audit for the fiscal year ended June 30, 2014 and issued an unmodified "clean" opinion on the ERS' financial statements. There were significant changes to the investment and actuarial disclosures due to implementation of GASB 67. There were no material weaknesses or significant deficiencies identified. The significant increase in

Net Position from \$693,968,157 as of June 30, 2013 to \$796,135,587 as of June 30, 2014 was primarily due to a net investment gain of \$107,897,795.

6. PLAN AMENDMENTS

Presentation by LaTonya Reynolds, Associate General Counsel

- A. Recommendation to Adopt Plan Restatement Effective January 1, 2015, Except As Specifically Provided with Section 7.5 Marital Status as Required by IRS Guidance
 - i. Office of the General Counsel Memo dated October 27, 2014
Re: Plan Document Amendments

MS. REYNOLDS discussed the Plan Document changes outlined in the Office of General Counsel Memo dated October 27, 2014 Re: Plan Document Amendments,

The amended language in Sections C-7.1 Employee Contributions and D-7.1 Employee Contributions increases the employee contributions by 0.5% effective March 1, 2015 and another 0.5% effective January 1, 2016 as previously approved by Commission Resolution No. 14-20.

The revision in Section 7.5 Marital Status clarifies that effective June 26, 2013 the ERS recognized Revenue Ruling 2013-17 in which the IRS held that the term spouse for all Federal tax purposes includes individuals, regardless of sex, who have entered into a legal marriage under the laws of the state or foreign country where the ceremony was performed.

MS. REYNOLDS recommended the Board adopt the attached Plan Document Restatement effective January 1, 2015, except as specifically provided with Section 7.5 Marital Status as required by IRS guidance.

DR. BUCHER made a motion, seconded by MS. GOGOL to adopt the attached Plan Document Restatement effective January 1, 2015, except as specifically provided with Section 7.5 Marital Status as required by IRS guidance. The motion PASSED unanimously (8-0). (Motion #14-51)

7. Manager Reports/Presentations

Presentation by Boomershine Consulting Group's David S. Boomershine, Senior Consulting Actuary and President; Gregory M. Stump, Vice President and Senior Actuary; and Sunita Bhatia, Senior Consultant and Actuary

- A. Recommendation to Approve an Employer Contribution of \$27,191,305 Payable July 1, 2015

Gregory M. Stump conducted a Trustee Education Session titled *Actuary 101* covering the key elements and primary outputs of a valuation, actuarial assumption setting, and the Governmental Accounting Standards Board.

Sunita Bhatia reviewed the results of the July 1, 2014 Actuarial Valuation which indicated the funded ratio of the actuarial value of assets to the actuarial accrued liability for benefits was 87.2%, which is up from 83.1% in 2013. As of July 1, 2014, the actuarial value of assets was \$766,531,514 and the actuarial accrued liability was \$879,190,389, which resulted in an unfunded actuarial accrued liability of \$112,658,875.

Dave Boomershine noted the July 1, 2014 actuarial valuation included an investment return assumption of 7.3% (down from 7.4%) and salary assumption of 2.8% (down from 2.9%) per year plus additional merit increases. An Experience Study will be conducted after the July 1, 2015 actuarial valuation with results presented in early 2016. The July 1, 2014 actuarial valuation also recognized employee contribution changes in Plans A and B. The recommended employer contribution decreased from 21.8% to 20.1% of payroll primarily due to a gain on the actuarial asset value. The recommended contribution payable July 1, 2015 is \$27,191,305 (20.1% of payroll).

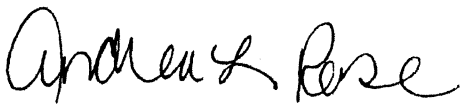
DR. BUCHER made a motion, seconded by MS. GOGOL to approve an employer contribution of \$27,191,305 (20.1% of payroll) payable July 1, 2015. The motion PASSED unanimously (8-0). (Motion #14-52)

Dave Boomershine recommended the Board reduce the investment return assumption from 7.3% to 7.25% for the July 1, 2015 actuarial valuation. The Board agreed to consider this recommendation in early spring with Boomershine Consulting Group and Wilshire Associates.

Ms. Rose recognized Tonia Lanier, Member Relations Manager, Lisa Butler, Senior Retirement Benefits Analyst, and Ann McCosby, IT Manager, for their respective roles and efforts in submission of the actuarial data to Boomershine Consulting Group. Mr. Boomershine complimented staff on the thoroughness of the data.

The Board of Trustees meeting of November 4, 2014 adjourned at 11:30 a.m.

Respectfully,

A handwritten signature in cursive script, appearing to read "Andrea L. Rose".

Andrea L. Rose
Administrator




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

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

November 7, 2014

TO: The Commission

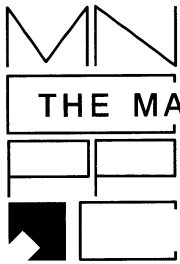
FROM: Patricia Colihan Barney, Executive Director 

SUBJECT: Reappointment of Michael Strand to the Merit System Board

The Commission reappointed Mr. Strand to fill a Merit System Board vacancy on December 1, 2010 as part of the Commission's Resolution 08-17. His appointment was for a term of four (4) years effective December 1, 2010 through December 1, 2014.

In accordance with Chapter 200, Section 222 of the Merit System Rules and Regulations, I am recommending the reappointment of Mr. Strand to a full four-year term of the Merit System Board effective December 1, 2014. All other terms and conditions of his contract remain the same.

cc: Steven R. Cohen, Chair Merit System Board



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC No 14-31

November 7, 2014

RESOLUTION

Merit System Board Member Reappointment – Michael Strand

WHEREAS, pursuant to the provisions of the Land Use Article of the Annotated Code of Maryland and the Merit System Rules and Regulations, the Maryland-National Capital Park and Planning Commission shall have the authority, obligation and responsibility to appoint a Merit System Board to oversee the Merit System; and,

WHEREAS, on January 19, 2011 the Commission appointed Mr. Michael Strand, Member for a term of four years effective December 1, 2010 through December 1, 2014;


WHEREAS, Mr. Strand has discharged the duties as a Member faithfully, and demonstrated substantial knowledge and experience in personnel matters; and

WHEREAS, Section 16-103(b) of the Land Use Article allows for the reappointment of Merit System Board Members at the pleasure of the Commission for a term of four years.

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby ratifies and memorializes the reappointment of Mr. Michael Strand to the Merit System Board for an additional four year term commencing on December 2, 2014 to December 1, 2018; and

IT IS FURTHER RESOLVED, that Mr. Strand's appointment to the Merit System Board shall be the same terms and conditions of his current contract, and/or as authorized by the Commission budget for each fiscal year.

APPROVED AS TO LEGAL SUFFICIENCY



Legal Department
12/10/14

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF NOVEMBER 2014

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	10/14	11/14	10/14	11/14	10/14	11/14	10/14	11/14
CHAIRMAN, MONTGOMERY COUNTY	0	1	0	0	0	0	0	1
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	0	0	1	0	0	1	1
LEGAL DEPARTMENT	0	3	0	0	0	0	0	3
FINANCE DEPARTMENT	0	0	0	0	0	0	0	0
PRINCE GEORGE'S PLANNING	2	0	0	0	0	0	2	0
PRINCE GEORGE'S PARKS & RECREATION	1	2	0	0	0	0	1	2
MONTGOMERY COUNTY PARKS	0	1	0	0	0	0	0	1
MONTGOMERY COUNTY PLANNING	3	1	0	3	0	0	3	4
DEPARTMENT TOTAL BY DAYS LATE	7	8	0	4	0	0	---	---
COMMISSION WIDE TOTAL:							7	12

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



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

Reply To

December 4, 2014

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 the Month of November, 2014

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, December 17, 2014. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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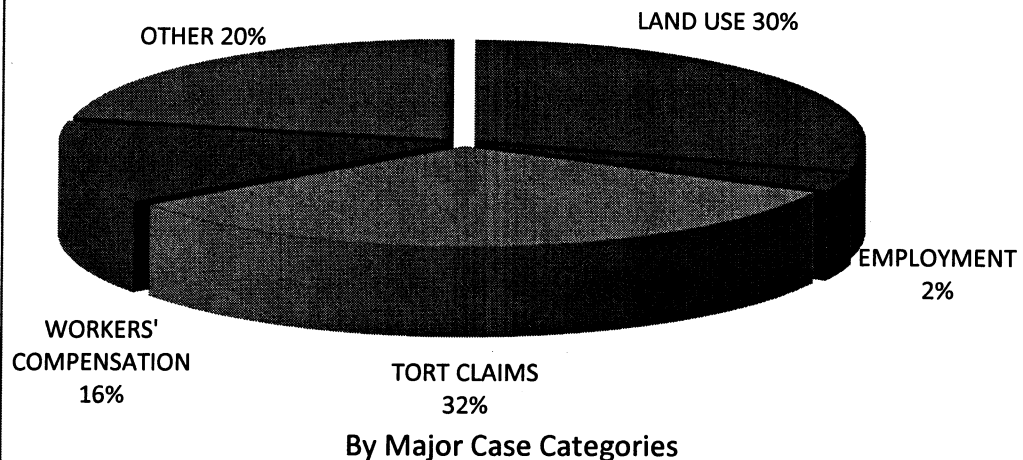
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November 2014 Composition of Pending Litigation

(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			5	1			6
Admin Appeal: Other							0
Land Use Dispute	1						1
Tort Claims	12						12
Employment Dispute					1		1
Contract Dispute	4				1		5
Property Dispute	2		1	1			4
Civil Enforcement	2						2
Workers' Compensation	5						5
Debt Collection							0
Bankruptcy							0
Miscellaneous					1		1
Per Forum Totals	26	0	6	2	3	0	37

OVERVIEW OF PENDING LITIGATION



November 2014 Litigation Activity Summary

	COUNT FOR MONTH				COUNT FOR FISCAL YEAR 2015		
	Pending Last Month	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			9	2	5	6
Admin Appeal: Other (AAO)	0			-			0
Land Use Disputes (LD)	1	1	1	1	1	1	1
Tort Claims (T)	13	2	3	10	8	5	12
Employment Disputes (ED)	1			1			1
Contract Disputes (CD)	5	1	1	4	4	3	5
Property Disputes (PD)	4			4			4
Civil Enforcement (CE)	2			1	1		2
Workers' Compensation (WC)	5			10		6	5
Debt Collection (D)	0			-			0
Bankruptcy (B)	0			-			0
Miscellaneous (M)	1			1			1
Totals	38	4	5	41	16	20	37

INDEX OF YTD NEW CASES (7/1/2014 TO 6/30/15)

<u>A. New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Glessner v. Commission	PGParks	Tort	July 2014
Jones v. Commission	PGParks	Tort	July 2014
Hawkins v. Commission	PGParks	Tort	July 2014
Howard Entertainment v. Commission	PGParks	CD	July 2014
Commission v. Paniagua	MC	CD	Aug 2014
Commission v. Pirtle	MC	CE	Aug 2014
Prince George's County v. Damell	PG	Tort	Aug 2014
Moore v. Perry, et al	PG	Tort	Sep 2014
Commission v. Kernan, et al	MC	CD	Oct 2014
Jackson v. Commission (D.Ct)	MCParks	Tort	Oct 2014
Tuckman-Barbee v. Commission	PG	CD	Nov 2014
Pulte v. Montgomery County, et al	MCPB	LD	Nov 2014
Jackson v. Commission (C.Ct)	MCParks	Tort	Nov 2014
Quick v. Commission	PGPR	Tort	Nov 2014
<u>B. New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Rock Creek Hills Citizens Assoc. v. Commission	MCPB	AALU	July 2014
Kaviani v. Montgomery County Planning Board	MCPB	AALU	Oct 2014

INDEX OF YTD RESOLVED CASES (7/1/2014 TO 6/30/15)

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Sweeney	PG	WC	July 2014
Commission v. Ferman	MC	WC	July 2014
Beatty v. Montgomery County, et al	MC	Tort	July 2014
Commission v. Rivera	PG	WC	July 2014
Bundi v. Soresi	PG	Tort	Aug 2014
Letke Security Contract v. Commission	MC	CD	Sept/Oct 2014
Commission v. Paniagua	MC	CD	Sept/Oct 2014
Reijerson v. Commission	PG	WC	Sept/Oct 2014
White v. Commission	PG	WC	Sept/Oct 2014
Kaviani v. Montgomery County Planning Board	MCPB	AALU	Oct 2014
Butler v. Commission	PGPR	Tort	Oct 2014
Jackson v. Commission (D. Ct.)	MCParks	Tort	Nov 2014
Bell v. Commission	PGPR	Tort	Nov 2014
Litrenta v. Commission	PGPR	Tort	Nov 2014
Duvall v. Commission	PGPB	LD	Nov 2014

D. Appellate Court Cases Resolved.

Slover et al. v. Montgomery County Planning Board	MCPB	AALU	July 2014
Rock Creek Hills Citizens Assoc. v. Commission	MCPB	AALU	July 2014
Arking, et al v. MCPB	MCPB	AALU	July 2014
Kelly Canavan, et al v. Commission	PGPB	AALU	Oct 2014
Fort Myers Construction Corp v. Commission	MCPB	CD	Nov 2014

Disposition of FY15 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources and Management		
Montgomery County Department of Planning Commission v. Paniagua	Claim for breach of rental contract	Dismissed on 09/10/14.
Kaviani v. Montgomery County Planning Board	Petition for judicial review of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.	Order of Court affirming Planning Board Decision on 8/25/14.
Letke Security Contract v. Commission	Defense of claim for breach of contract	Complaint dismissed on 09/03/14.
Slover et al. v. Montgomery County Planning Board	Petition for Judicial review of the Planning Board decision to approve two-lot subdivision located at 9490 River Road in Potomac filed by project opponents.	Order of Court of Special Appeals affirming Judgment on 06/20/14.
Rock Creek Hills Citizens Association, et al v. Commission	Declaratory Judgment in Montgomery County Circuit Court attempting to stop transfer & development of Commission owned property as Association lacks standing to pursue the Federal Land and Water Conservation Fund claims.	Opinion from Court of Special Appeals affirming Montgomery County judgment on 05/27/14.

Montgomery County Department of Parks		
Beatty v. Montgomery County, et al.	Claimant is suing for tort arising from slip and fall.	Order by Court of Special Appeals affirming Judgment on 06/4/14.
Commission v. Fermin	WCC awarded 15% permanent partial disability under "other cases" and Commission appealed.	Case Settled and Dismissed on 04/11/14.
Fort Myer Construction Corp v. Commission	Third party defendant noted appeal from Court's ruling in Commission's favor that URS owed the Commission duty to defend litigation.	Court of Special Appeals dismissed appeal on 09/25/14 with leave to file notice of appeal from a final judgment.
Jackson v. Commission	Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.	Jury trial prayed; case forwarded to Circuit Court on 11/06/14.
Montgomery County Park Police		
Montgomery County Planning Board		
Arking, et al. v. MCPB	Petition for writ of certiorari seeking review of Court of Special Appeals order affirming Planning Board re-subdivision approval.	Petition for Writ of Certiorari denied on 04/21/14.
Prince George's County Department of Parks and Recreation		
Bell v. Commission	Defense of claims seeking damages for injuries sustained at the Sports & Learning Complex.	Case settled and dismissed on 10/02/14.
Bundi v. Soresi	Defense of claim for injuries sustained in a motor vehicle accident in a vehicle allegedly operated by Commission employee.	Trial. Judgment for Plaintiff in amount of \$7,510.10 on 08/13/14.
Commission v. Rivera	Commission is appealing the WCC's decision regarding permanency award	Case dismissed on 06/25/14.

Commission v. Sweeney	WCC ordered temporary total disability and Commission appealed. CAL13-35118	Case settled and dismissed on 3/24/14.
Litrenta v. Commission	Defense of tort claim for personal injuries allegedly sustained when the plaintiff was the passenger on a Commission golf cart and fell out while his acquaintance was driving. The driver is also named as a defendant.	Case settled and dismissed on 10/08/14.
Reijerson v. Commission	WCC found claimant sustained 10% permanent partial disability under "other cases" and claimant appealed	Case remanded to WCC on 09/25/14.
White v. Commission	WCC ordered certain surgery not causally related to accident injury and claimant appealed	Case remanded to WCC on 09/24/14.
Prince George's County Planning Department		
Prince George's County Planning Board		
Kelly Canavan, et al v. Commission	Petition for writ of certiorari seeking review of Court of Special Appeals order affirming Prince George's County Circuit Court decision on 02/19/13 to uphold the Planning Board's approval of Saddle Creek's preliminary Plan of Subdivision.	Petition for Writ of Certiorari denied on 07/21/14.
Duvall v. Commission	Defense of claim for land dispute	Commission's Motion to Dismiss granted by Court.; case dismissed on 10/17/14.
Prince George's Park Police		
Butler v. Commission	Defense of claim seeking damages for injuries sustained in an accident with a vehicle driven by a Park Police officer	Case settled and dismissed on 08/22/14.

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

GEICO v. Ness, et al

Case No. 050200328172013 (T)

Lead Counsel: Harvin

Other Counsel:

Abstract: Defense of claim for property damage to a motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Case stayed; in arbitration.

Docket:

12/11/13	Complaint filed
08/22/14	Request to stay pending arbitration granted
11/25/14	Complaint dismissed under Rule 3-506

Prince George's County v. Darnell

Case No. 0502-0020253-2014 (Tort)

Lead Counsel: Harvin

Other Counsel:

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Pending Trial

Docket:

08/28/14	Complaint filed.
09/17/14	Notice of Intention to Defend filed.
01/14/15	Trial

Quick v. Commission

Case No. 0502-0023986-2014 (Tort)

Lead Counsel: Harvin

Other Counsel:

Abstract: Defense of claim for alleged violations of the American Disability Act.

Status: Pending Trial

Docket:

11/06/14	Complaint filed.
11/14/14	Service via certified mail
11/25/14	Notice of Intention to Defend filed by Commission
01/27/15	Trial

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. Kernan, et al

Case No. 34666 (CD)

Lead Counsel: Harvin

Other Counsel:

Abstract: Claim for breach of rental contract, seeking possession of property

Status: Case dismissed.

Docket:

10/08/14	Complaint filed
11/03/14	Case Dismissed; tenant vacated property.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Anderson v. Commission

Case No. CAL14-07980 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim seeking damages for injuries to a minor sustained in an altercation while attending Rollingcrest/Chillum Community Center Park.

Status: Complaint filed.

Docket:

04/07/14	Complaint filed
05/30/14	Motion to Dismiss filed by Commission
08/06/14	Motion to Dismiss denied.
01/27/15	Pretrial conference

Commission v. 6509 Rhode Island Realty Corp.

Case No. CAL 13-20939 (PD)

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Complaint filed.

Docket:

07/19/13	Complaint for condemnation filed
10/06/14	Summons reissued for service on Defendant

Commission v. Fleming

CAL 14-15514 (Tort)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission filed a lawsuit seeking subrogation recovery for amount due for personal injuries sustained by Commission employee.

Status: In discovery.

Docket:

06/20/14	Complaint filed
07/31/14	Defendant served via certified mail

08/29/14	Defendant filed answer
09/16/14	Court accepts Defendant's letter as answer to complaint
02/02/15	Pretrial conference

Commission v. MARCOPOLo GF Co.

Case No. CAL 13-20940 (PD)

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Pending settlement.

Docket:

07/19/13	Complaint for condemnation filed.
07/16/14	Motion for Order of Default filed.
08/29/14	Order of Default entered
09/23/14	Order of Default granted against MARCOPOLo GF Co.
11/14/14	Ex Parte Hearing on Damages, settlement reached
11/17/14	Continued 60 days pending settlement

Glessner v. Surratt House

CAL 14-17158 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of tort claim against a Commission employee and facility based on the alleged slander of authenticity regarding a photograph the plaintiff purports to be of Abraham Lincoln.

Status: Complaint filed-never served.

Docket:

07/02/14	Complaint filed; no summons issued for service on Commission.
08/06/14	Motion to Enter Judgment filed by Plaintiff, despite lack of service
10/21/14	Complaint filed; Court orders Request for Waiver of fees granted
11/14/14	Complaint filed.

Hawkins v. Commission

CAL14-17950 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of tort claim for claimed near drowning while taking swimming lessons at Prince George's Sports and Learning Center in Landover, Maryland.

Status: In discovery.

Docket:

05/30/14	Complaint filed.
09/05/14	Answer filed.
04/07/15	Pre-trial Conference

Jones v. Commission
CAL14-17154 (T)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Defense of claim for trip and fall on alleged broken concrete and loose gravel at Tucker Road Community Center.

Status: In discovery.

Docket:

07/15/14	Complaint filed.
08/22/14	Answer filed by Commission.
01/20/15	Pretrial conference scheduled.

Kelly v. Commission
CAL 14-13688 (T)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for injuries sustained in alleged slip and fall at Newton White Mansion.

Status: In discovery.

Docket:

06/12/14	Complaint filed; transferred from District Court, jury trial prayed
08/04/14	Answer filed.
10/23/14	Pre-trial conference
05/11/15	Trial

Moore v. Perry, et al
CAL14-22308(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving vehicle allegedly operated by Commission employee.

Status: In discovery.

Docket:

08/18/14	Complaint filed.
02/19/15	Pretrial conference

Phoenix v. Commission
Commission v. Greater Washington Umpires Association
Case No. CAL13-29010 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim seeking damages for injuries sustained during a baseball game at Fletcher's Field. Commission filed a third party complaint against game officials.

Status: Case settled.

Docket:

10/03/13	Complaint filed
12/09/13	Answer filed
04/10/14	3 rd Party Complaint filed
10/21/14	Pre-trial conference
11/25/14	Case settled without any payment from the Commission.

Rivera v. Commission
CAL13-37715 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanency award.

Status: Pending Pre-Trial Conference

Docket:

12/19/13	Petition filed
01/14/14	Response to Petition filed
05/15/15	Pre-trial conference.

Savoy, D. v. Commission
Case No. CAL14-09608 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 9% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

04/29/14	Petition for Judicial Review filed
05/08/14	Response to Petition filed
09/04/14	Pretrial statement and Expert Designation filed
09/09/14	Pre-trial conference.
06/04/15	Trial

Savoy, G. v. Commission
Case No. CAL14-09719 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 2% permanent partial disability of right hand and claimant appealed.

Status: Pending Trial

Docket:

05/02/14	Petition for Judicial Review filed
05/14/14	Response to Petition filed
10/15/14	Expert Witness and Pretrial statement filed by Commission
11/03/14	Pretrial Conference
05/12/15	Jury Trial

Tuckman-Barbee Construction Co., Inc. v. Commission
Case No. CAL14-28635 (CD)

Lead Counsel: Dickerson
Other Counsel: Chagrin

Abstract: Alleged breach of contract involving Southern Regional Technology and Recreation Complex in Fort Washington, Maryland.

Status: Complaint filed.

Docket:

10/15/14	Complaint filed
11/04/14	Service on Commission

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. Johnson

Case No. 366677-V (CE)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Further collection action.

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued
01/22/14	Order-Defendant must respond to Plaintiff's Interrogatories by 2/17/14

Commission v. Pirtle

Case No. 394157-V (CE)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Pending Motions hearing.

Docket:

08/12/14	Petition filed.
09/02/14	Affidavit of Service on Defendant filed.
10/07/14	Motion to Dismiss or in the alternative for Summary Judgment filed by Defendant
10/27/14	Commission's Motion in Opposition to Defendant's Motion to Dismiss filed; and Commission's Motion to Dismiss Counterclaim filed.
01/05/15	Motions Hearing

Fort Myer Construction Corporation v. Commission
Commission v. URS Corporation (Third-party claim by Commission)

Case No. 369478-V (CD)

Lead Counsel: Saul Ewing (Garry Boehlert)
Other Counsel: Dickerson; MarcusBonsib, LLC (Bruce L. Marcus)

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County. Commission filed third party complaint for alleged breach of contract seeking contribution and indemnity, and defense from URS Corporation.

Status:
Docket:

Awaiting decision on damages against Defendant URS.

10/12/12	Complaint filed
01/10/13	Motion to Dismiss for Failure to Exhaust Administrative Remedies
01/10/13	Motion to Dismiss for Insufficient Service
01/11/13	Scheduling Hearing
01/11/13	Plaintiff's Designation of Experts
01/28/13	Commission's Notice of Service of Discovery
01/28/13	Plaintiff's Opposition to Motions to Dismiss
01/30/13	Plaintiff's First Amended Response to Motions to Dismiss
02/04/13	Commission's Reply in Further Support of Motion to Dismiss
02/04/13	Commission's Reply to Plaintiff's Response to Motion to Dismiss
02/11/13	Orders Denying Commission's Motion to Dismiss
02/26/13	Commission's Answer
03/12/13	Commission's Designation of Experts
03/27/13	Commission's Third Party Complaint
05/09/13	Third Party's Answer to Third Party Complaint
11/19/13	Commission's Motion for Discovery Sanctions Against Ft. Myer filed
12/20/13	Hearing on pending discovery motions held and court refers case to Special Discovery Master for recommendations on appropriate sanctions against Ft. Myer and other pending discovery issues.
02/27/14	URS Motion to Dismiss Ft. Myer's Complaint against Commission, or alternatively Motion for Summary Judgment
03/31/14	Motions hearing held
03/31/14	Fort Myer's case dismissed without prejudice
03/31/14	Motions of URS and Commission regarding third party claim taken under advisement
04/11/14	Commission's Motion for Sanctions for Lack of Substantial Justification of Attorney's Fees and Costs against Fort Myers Construction
04/11/14	URS's Motion for Sanctions
04/28/14	Court granted Motion for Sanctions and awarded Commission's Attorney's Fees and Costs against Fort Myer Construction in the amount of \$376,597.68.
04/28/14	Court granted Motion for Sanctions by URS and awarded Attorney's Fees and Costs against Fort Myer Construction in the amount of \$248,638.31.
05/05/14	Court enters Judgment in amount of \$103,420 in favor of URS on Counterclaim against Commission.
05/05/14	Court rules in favor of Commission on Third Party Complaint against URS holding that URS owed Commission a duty to defend.
05/15/14	Commission files Motion to Set Hearing on damages associated with failure of URS to defend issue.
05/15/14	URS files notice of appeal on duty to defend issue
05/23/14	Appearance of new counsel entered for Fort Myer
05/30/14	URS files opposition to Commission's Motion to Set Hearing on

	Damages
06/02/14	Court enters judgment in favor of Commission and URS for sanctions Court awarded against Fort Myer.
06/02/14	Court denied Motion for Sanctions filed by Fort Myer.
06/04/14	Notice of Appeal filed with COSA by Plaintiff
06/12/14	Motion of Stay of Execution of Judgment filed by Plaintiffs.
06/16/14	Commission's reply to URS's Opposition to Commission's Motion to Set Hearing on Damages
07/14/14	Order of Court granting Stay of Execution of Judgment and acceptance of supersedeas bonds pending appeal.
08/27/14	Order of Court granting Commission's request for hearing on damages and denying Motion of URS to exclude evidence.
09/05/14	Motion for Appropriate Relief to determine liability issues filed by URS
09/23/14	Motion in Opposition filed by Commission
10/07/14	Court grants Motion for Appropriate Relief to determine liability issues
11/10/14	Motion for Reconsideration filed by Fort Myer
11/13/14	Evidentiary hearing to determine quantum of Commission's damages against URS, Court takes matter under advisement
12/18/14	Potential Hearing on Motion for Reconsideration filed by Fort Myers

Howard Entertainment, Inc. v. Commission

Case No. 393333-V (CD)

(Originally filed in District Court under Case #0602-0009462-2014)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Plaintiff filed complaint for breach of contract of payment for services for Southern Area Operations Festival of Nations

Status: In discovery.

Docket:

06/06/14	Complaint filed in District Court
07/14/14	Commission filed Intent to Defend and Request for Jury Trial
07/23/14	Bill of Complaint transferred to Circuit Court
12/30/14	Pretrial conference

Jackson v. Commission

Case No. 397287 V (Tort)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.

Status: Complaint filed

Docket:

11/06/14	Complaint filed
04/17/15	Status/Pre-trial conference.

Munoz-Saucedo v. Commission

Case No. 388096 -V (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 5% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

03/10/14	Petition for Judicial Review filed
03/19/14	Commission Response filed
08/15/14	Pre-Trial Conference
12/02/14	Trial continued by joint request

Munoz-Saucedo v. Commission

Case No. 388097 -V (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 5% permanent partial disability to first (index) finger on left hand and claimant appealed.

Status: Pending Trial

Docket:

03/10/14	Petition for Judicial Review filed
03/19/14	Commission Response filed
08/15/14	Pre-Trial Conference
12/02/14	Case stayed for a period of sixty days

Pulte Home Corporation, et al v. Montgomery County, et al
Case No. 397601V (LD)

Lead Counsel: Gardner/Dickerson
Other Counsel:

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status: Complaint filed.

Docket:

11/14/14	Complaint filed
02/13/15	Scheduling Hearing

MARYLAND COURT OF SPECIAL APPEALS

Bernardo Rene Flores v. Commission

September Term 2013, Case No. 01239(PD)

Lead Counsel: Mills
Other Counsel:

Abstract: Defense against Petition for Declaratory Judgment to invalidate Owner's Dedication of Green Space despite tax sale.

Status: Awaiting decision

Docket:

08/26/13	Notice of Appeal
09/02/14	Oral Argument held.

Hall, et al. v. Commission

September Term 2009, No. 01247 (AALU)

Lead Counsel: Johnson
Other Counsel:

Abstract: Defense against Petition for Judicial Review of Planning Board's decision to approve Bundy's Subdivision of Birdlawn Preliminary Plan 4-06158.

Status: Awaiting decision

Docket:

07/24/09	Petitioners Aimee Gray and the Estate of Affie Gray filed Notice of Appeal
09/11/14	Oral Argument held.

Kaviani v. Montgomery County Planning Board

September Term 2014, No. 01554 (AALU)

Lead Counsel: Dumais
Other Counsel: Lieb

Abstract: Appeal filed from the Circuit Court rule in the case of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.

Status: Appeal filed.

Docket:

09/23/14	Notice of Appeal
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McClure v. Montgomery County Planning Board

September Term 2013, No. 01031 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed from the Circuit Court ruling in the case of 21611 Ripplemead Drive; rejecting property owner's claim that lot not covered by conservation easement.

Status: Awaiting decision.

Docket:

08/01/13	Notice of Appeal
11/12/14	Oral argument.

Sahady v. Montgomery County Planning Board

September Term 2013, No. 01032 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive wherein Court rejected property owner's claim that his lot is not covered by a valid conservation easement

Status: Awaiting decision

Docket:

08/01/13	Notice of Appeal
06/04/14	Oral Argument held.

Smith v. Montgomery County Planning Board

September Term 2013, No. 00774 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Commission appealed Circuit Court ruling for forest conservation violations at 21627 Ripplemead Drive.

Status: Awaiting decision.

Docket:

06/21/13	Notice of Appeal filed
03/07/14	Commission's Brief filed
05/15/14	Reply Brief filed
06/11/14	Oral Argument held.

MARYLAND COURT OF APPEALS

Rock Creek Hills Citizens Association, et al v. Commission

September Term 2014, Petition Docket No. 213 (AALU)

Lead Counsel: Mills

Other Counsel:

Abstract: Declaratory Judgment attempting to stop transfer & development of Commission owned property

Status: Awaiting decision on Petition.

Docket:

06/09/14	Petition for Writ of Certiorari filed.
07/28/14	Commission's Response filed to Petition for Writ of Certiorari

Rounds v. Commission

September Term 2014, No. 00019 (PD)

Lead Counsel: Gardner

Other Counsel: Dickerson

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

Status: Awaiting decision.

Docket:

11/01/13	Petition for Writ of Certiorari
11/12/13	Answer in Opposition to Petition for Writ of Certiorari
12/20/13	Cert Granted
06/30/14	Order re-scheduling case to November, 2014 session
11/12/14	Oral Argument

U.S. DISTRICT COURT OF MARYLAND

American Humanist Association, et al v. Commission

Case #8:14-CV550-DKC (M)

Lead Counsel: Dickerson
Other Counsel: Gardner
Harvin

Abstract: Defense of claim alleging religious advancement on public property

Status: In discovery.

Docket:

02/25/14	Complaint filed in U. S. District Court for the District of MD
04/28/14	Answer filed
04/25/14	Motion for Leave to submit Amicus filed by interested Marylanders
05/01/14	Motion to Intervene filed by American Legion entities
05/06/14	Opposition filed by American Humanist Association
05/23/14	American Legion's Reply in Support of Motion to Intervene
09/18/14	Court grants Motion of Eleven Marylanders for Leave to Appear Jointly as Amicus Curiae in Support of Defendants and grants Motion to Intervene by The American Legion, The American Legion Department of Maryland and The American Legion Colmar Manor Post 131
09/18/14	Scheduling Order filed by Court
11/25/14	Order granting joint Motion to Amend Scheduling Order

Hartford Casualty Insurance Company v. Commission

Case No. 8:13-cv-01765 (CD)

Lead Counsel: Ober, Kaler, Grimes & Shriver (Michael A. Schollaert)
Other Counsel: Dickerson, Chagrin

Abstract: Plaintiff bonding company filed complaint seeking alleged damages associated with surety work after taking over Fort Washington Forest Park and the North Forestville Projects in Prince George's County.

Status: Case stayed for mediation.

Docket:

06/18/13	Complaint filed
05/27/14	Plaintiff filed Consent Motion to Stay
05/28/14	Court stays case
09/25/14	Joint Status Report filed.
09/26/14	Court extends stay through 01/23/15.

Streeter v. Commission
Case No. 12-CV-0976 RWT(ED)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination and retaliatory termination.

Status: Awaiting Court Order.

Docket:

01/17/12	Complaint filed in Circuit Court for Prince George's County
04/03/12	Case removed to U.S. District Court
04/10/12	Commission's Preliminary Motion to Dismiss filed
01/07/13	Motion granted with conditions
03/27/14	Commission's Motion to Dismiss Complaint w/prejudice filed

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