

***COMMISSION
MEETING***

June 19, 2013

9:30 a.m.

***MONTGOMERY REGIONAL
OFFICE***

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING
Wednesday, June 19, 2013
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	(+*) Page	3	_____	_____
	a) Open Session – May 15, 2013	(+*)		_____	_____
	b) Closed Session – May 15, 2013	(++*)		_____	_____
	c) Closed Special Session Teleconference – May 30, 2013	(++*)		_____	_____
3.	General Announcements				
	a) Appreciation of Rose Krasnow, Acting Director, Montgomery County Planning Acting Director				
	b) Retirement of Jay Vargo, Golf Course Maintenance Supervisor, Enterprise Golf Course				
	c) Acknowledgement – Employees’ Retirement System Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada for its Comprehensive Annual Financial Report for fiscal year ended June 30, 2012				
	d) Alliances for Workplace Excellence Award				
	e) National Recreation and Parks Association Finalist				
	f) Society of Outdoor Recreation Professionals 2013 Project Excellence Award - Montgomery Parks				
	g) Service Awards Program – Brookside Gardens (Commissioners, Directors, and Deputies – 12:00 p.m.)				
4.	Committee/Board Reports (For Information Only): Minutes of the meeting of the Employees’ Retirement System Board of Trustees – May 7, 2013	(+)	Page 9		
5.	Action Items				
	a) Recommendation to acknowledge the Re-appointment of Elizabeth M. Hewlett as the Prince George’s County Commissioner Pension Trustee for the term ending June 30, 2016	(+*)	Page 15	_____	_____
	b) Recommendation to acknowledge the re-appointment of Josh Ardison as the Municipal and County Government Employees Organization’s Represented Pension Trustee for the term ending June 30, 2016	(+*)	Page 17	_____	_____
	c) Recommendation to acknowledge the selection of Tracy Leiberman as the Fraternal Order of Police’s Represented Pension Trustee for the term ending June 30, 2016	(+*)	Page 19	_____	_____
	d) Recommendation to approve the ERS FY2014 Operating Budget of \$1,643,750, a 1.8% decrease from FY2013	(+*)	Page 21	_____	_____

				<u>ACTION</u>	
				Motion	Second
e)	Memorandum Explaining Proposed Resolutions (P. Barney)	(+)	Page 27		
	#13-07 – FY2014 Merit/Anniversary Wage Adjustments for Non-represented Merit System and Contract Employees	(+*)	Page 31		
	#13-08 – FY2014 Cost of Living Adjustments for Non-represented Merit System & Contract Employees	(+*)	Page 33		
	#13-09 – FY014 Cost of Living Adjustments for Employees Represented by the Municipal and County Govt. Employees Organization (MCGEO)	(+*)	Page 35		
	#13-10 – Approval of FY2014 Employer Contribution for Retiree Group Health Insurance	(+*)	Page 37		
	#13-11 – FY2015 Amendments to Maryland-National Capital Park and Planning Commission Employees’ Retirement System Plans A and B	(+*)	Page 39		
f)	Resolution #13-12 – Appointment of Manual Geraldo to the Board of Trustees for the Post-Employment Trust	(+*)	Page 41		
g)	Resolution #13-13 – Recognition of Shawna Facht for Heroic Action	(+*)	Page 43		
h)	Resolution #13-14 – Adoption of the Commission’s FY2014 Operating Budget	(+*)	Page 45		

6. **Officers’ Reports**

a) **Executive Director**

- 1. Late Employee Performance Evaluations – (May 2013)..... (+) Page 65
- 2. Status on Fraternal Order of Police (FOP) Collective Bargaining Labor Relations Administrator Hearing (Executive Director Barney).....

b) **Secretary-Treasurer**

- 1. Investment Report – (April and May 2013)..... (+) Page 67
- 2. MFD Statistics – Second Quarter FY 13..... (+) Page 79

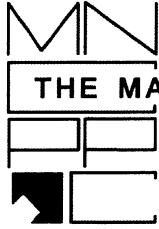
c) **General Counsel**

- Litigation Report – (May 2013)..... (+) Page 93

7. **Closed Discussion:**

Proposed: Closed Session – Pursuant to the State Government Article of the Annotated Code of Maryland Section 10-508(a)(7) and 10-508(a)(8) – For the purpose of discussions with legal counsel and/or consultation with staff, consultants or other individuals about pending litigation, potential claims and matters relating specifically to certain allegations regarding the Commission’s regulatory functions in Montgomery County.

(+) 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
May 15, 2013
Minutes

The Maryland-National Capital Park and Planning Commission met on May 15, 2013, in the Parks and Recreation Auditorium in Riverdale, Maryland.

PRESENT

Prince George’s County Commissioners

Elizabeth Hewlett, Chair
Dorothy Bailey
Manuel Geraldo
John Shoaff
A. Shuanise Washington

Montgomery County Commissioners

Françoise Carrier, Vice-Chair
Casey Anderson
Amy Presley
Mary Wells-Harley

ABSENT

Norman Dreyfuss

Chair Hewlett convened the meeting at 9:35 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

The following amendments were made to the agenda:

- Order of Item 6). Closed Discussion Action Items moved to be heard after Item 2.
- Item 6a) Resolution #13-04 – Ratification of Collective Bargaining Agreement and Item 6b) Recommendations on Non-represented Merit Employee and Contract Employee Compensation Adjustments for FY14, to Open Session Item 7a) and 7b).
- Item 7). Officers’ Reports changed to Item 8.

ACTION: Motion of Washington to approve the agenda as amended
Second by Anderson
9 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

- a) Commission Meeting Closed Session Minutes - January 16, 2013
- b) Commission Meeting Minutes – April 10, 2013
- c) Commission Meeting Closed Session Minutes – April 10, 2013
- d) Commission Special Meeting Minutes – April 25, 2013

- e) Commission Special Meeting Closed Session – April 25, 2013
- f) Commission Meeting Closed Session Teleconference – May 2, 2013

ACTION: Motion of Washington to approve the aforementioned Minutes
Second by Bailey
9 approved the motion

ITEM 6 CLOSED DISCUSSION ACTION ITEMS – Taken in amended order
Pursuant to Maryland State Government Article of the Annotated Code of Maryland, Section 10-508(a) (7) & (8), this session is closed to consult with counsel for legal advice, conduct collective bargaining discussions, and consider matters that relate to negotiations. (Executive Director Barney)

Chair Hewlett called for a vote to move to closed session at 9:41 a.m.

ACTION: Motion of Washington to move to Closed Session pursuant to Maryland State Government Article of the Annotated Code, Section 10-508(a) (7) & (8)
Second by Anderson
9 approved the motion

At 9:50 a.m., Chair Hewlett requested a vote to move back to Open Session.

ACTION: Motion of Washington to move to Open Session
Second by Wells-Harley
9 approved the motion

ITEM 7 a) RESOLUTION #13-04 – Ratification of Collective Bargaining Agreement (Executive Director Barney/Human Resources Director William Spencer)

ACTION: Motion of Washington
Second by Geraldo
9 approved the motion

b) Approve recommendations on Non-represented Merit Employee and Contract Employee Compensation Adjustments for FY14

ACTION: Motion of Bailey
Second by Geraldo
9 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Hewlett congratulated the Commission's management collective bargaining team on doing a superb job for our union and non-represented employees. Executive Director Barney thanked the members of the Team: Bill Spencer, Greg Kernan, John Nissel, and Labor Counsel Craig Ballew.

Chair Hewlett thanked the entire Commission and everyone who participated in Employee Fitness Day.

Chair Hewlett commended the Prince George's Departments of Parks & Recreation and Planning for participating and spearheading the National Historic Preservation Award. She congratulated Newton White Mansion and the Public Playhouse for receiving awards.

Commissioner Shoaff thanked Prince George's Department of Parks & Recreation for the Healthy Trails 5k event at National Harbor, the previous weekend.

General Counsel Gardner announced the return of William Dickerson to the Legal Department. He also introduced two existing attorneys in the department, Susan Chagrin and Rolando (Julio) Aleman.

ITEM 4

COMMITTEE/BOARD REPORTS (For Information Only):

- a) Executive Committee Open Session – April 3, 2013
No minutes required for the April 3, 2013 Closed Session
- b) Executive Committee Open Session – May 1, 2013
- c) Executive Committee Closed Session – May 1, 2013
- d) Minutes of the meeting of the Employees' Retirement System Board of Trustees – March 5, 2013
- e) Adopted Minutes of the meeting of the 115 Trust (OPEB) meeting – November 19, 2012

ITEM 5

COMMISSION PRESENTATIONS AND ACTIONS ITEMS

- a) RESOLUTION #13-02 – 2013 Greenbelt Metro Area and MD 193 Corridor Sector Plan and Sectional Map Amendment (Chad Williams)
ACTION: Motion of Washington
Second by Geraldo
9 approved the motion
- b) RESOLUTION #13-03 – Central Branch Avenue Corridor Revitalization Sector Plan (Chidy Umeozulu)
ACTION: Motion of Bailey
Second by Washington
9 approved the motion

ITEM 8

OFFICERS' REPORTS

- a) LATE EMPLOYEE PERFORMANCE EVALUATIONS - (APRIL 2013)
Executive Director Barney reviewed the report on late evaluations. Commissioner Washington questioned what consequences existed for not completing performance evaluations on time. Executive Director Barney responded if an individual fails to complete an employee's performance evaluation on time, it is factored into their own performance evaluation. Executive Director Barney added that late evaluations can also result from a

number of valid reasons such as an employee being out due to illness, other extended leave of absences, and differences of opinions where the parties need additional time to address the evaluation, or other reasons that are approved for an extension.

b) INVESTMENT REPORT – MARCH 2013

Secretary-Treasurer Zimmerman reported the Commission is in compliance with its policies and earned a .28% return, which is above the Commission's benchmark.

c) GENERAL COUNSEL

1. Litigation Report – (April 2013)
2. Legislative Update

General Counsel Gardner handed out a report of the 2013 session of the Maryland General Assembly. This report presented bi-county legislation and bills, the M-NCPPC's position, and the result/status of each. Mr. Gardner highlighted some areas relevant to M-NCPPC.

- HB 472 – Local Government Article: A recodification of Article 28 and 66B. (Passed)
- HB 409/SB 412 – Land Use – Comprehensive Planning and Zoning Cycle: On a given cycle, each planning agency in the state considers changing their comprehensive plans. Prince George's and Montgomery Counties refer to this plan as the General Plan. (Passed)
- HB 372/SB 202 – Recordation and Transfer Taxes – Transfer of Property Between Regulated Entities - Exemption: This bill will have a minor impact on the total available transfer taxes that are used for Program Open Space. (Passed)
- HB 896/SB 877 – Program Open Space – Use of Funds – Artificial Turf Surfaces: This bill prohibits the use of Program Open Space funding for synthetic turf surfaces. (Failed)
- HB 635 MC/PG 102-13 – MNCPPC – Restrictions on Commissioners from Montgomery County: This bill would have repealed the requirement that not more than three Commissioners of the Commission from Montgomery County be members of the same political party. (Withdrawn)
- HB 637 MC/PG 101-13 – MNCPPC – High Performance Buildings: This bill was initially drafted to apply to WSSC. It required certain green-building technologies when constructing and renovating Commission-owned buildings. (Passed)
- HB 639 MC/PG111-13 – MNCPPC – Boundaries – City of Laurel: This bill excludes the entire City of Laurel from the Maryland-Washington Regional District as it will have existed on July 1, 2013. (Passed)

ADDITIONAL ANNOUNCEMENTS

Commissioner Bailey commended the Prince George's Department of Parks & Recreation on an exceedingly well done job with Seat Pleasant Day, Hillcrest Heights Day, Suitland Day, and the

Harlem Renaissance Day. Chair Hewlett noted performers from the various events also gave positive feedback.


Chair Hewlett and Vice Chair Carrier thanked everyone who worked on the FY2014 Budget.

Vice Chair Carrier announced the Montgomery County Planning Department forwarded a redraft of the entire zoning ordinance to the County Council, which has been a four year project. Vice Chair Carrier announced Woodstock Equestrian Park, located on more than 600 acres of land, recently opened in Montgomery County.

Executive Director Barney introduced Curtis Johnson a new employee of the Corporate Policy and Management Services Division.

There being no further business to discuss, the meeting adjourned at 10:35 a.m.


Brenda D. Barge, Administrative Specialist


Patricia C. Barney, Executive Director



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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, May 7, 2013; 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, May 7, 2013 at 10:00 a.m. Voting members present were: Josh Ardison, Patricia Colihan Barney, Richard H. Bucher, Ph.D., LaKisha Giles, Elizabeth M. Hewlett, Elton King, Barbara Walsh and Joseph C. Zimmerman, CPA. Khalid Afzal arrived at 10:14 a.m. Casey Anderson and Guy Jones were not present.

ERS staff included: Andrea L. Rose, Administrator; Heather D. Brown, Administrative Assistant; and, Sheila S. Joynes, Accounting Manager.

ERS legal counsel included: M-NCPPC Legal Department – LaTonya Reynolds, Associate General Counsel and Presentation by the Groom Law Group – David N. Levine.

ERS Staff and the Commission's 115 Trust Board Members joined the meeting for the Ethics and Fiduciary Responsibility Training. ERS Staff included Antonia Lanier, Lisa Butler, Angela Griggs-Montero, Ann McCosby and Edward Sarkar. The 115 Trust Board Members included Abbey Rodman, Marye Wells-Harley and Bill Spencer.

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 May 7, 2013 Board of Trustees Meeting Revised Agenda
- B. Minutes of Regular Meeting, March 5, 2013
- C. Disbursements Granted Reports – February and March 2013

The May 7, 2013 Board of Trustees Meeting Agenda was revised to include Action Items 5.A.i.a. and 5.A.i.b.

DR. BUCHER made a motion, seconded by MS. BARNEY to approve the Consent Agenda which includes the May 7, 2013 Board of Trustees Meeting Revised Agenda. The motion PASSED unanimously (8-0). (Motion #13-18)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary

CHAIRMAN HEWLETT had no items to report.

3. MISCELLANEOUS

No miscellaneous items were brought before the Board.

MINUTES, AS SUBMITTED, AT THE JUNE 4, 2013 REGULAR BOARD OF TRUSTEES MEETING (DRAFT)

4. MANAGER PRESENTATIONS/TRAINING

- A. Groom Law Group
 - Presentation by David N. Levine
 - i. Mandatory Ethics and Fiduciary Responsibility Training

Item 4 was delayed to the end of the meeting to allow time for all participants to arrive.

David N. Levine conducted the annual Ethics and Fiduciary Responsibility Training that covered the Duty of Loyalty, the Duty to Act Prudently, Procedural Prudence, the Duty to Diversify, the Duty to Follow Governing Documents, Prohibited Transactions, Fiduciary Prohibitions, Conflicts of Interest and Transactions Involving Gifts/Kickbacks.

5. COMMITTEE REPORTS/RECOMMENDATIONS

- A. Administration & Personnel Oversight Committee
 - Presentation by Committee Chairman, Richard H. Bucher, Ph.D.
 - i. Regular Report of April 16, 2013
 - a. Recommendation to Approve the Revised Procurement Policy and Procedures
 - b. Recommendation to Approve Continuation of the Legal Services Agreement with the Groom Law Group

DR. BUCHER presented the regular report for the Administration & Personnel Oversight Committee ("Personnel Committee") meeting of April 16, 2013.

The FY2014 Proposed Operating Budget was reviewed and a final recommendation was postponed until the Personnel Committee's May 21, 2013 meeting.

Following review of the NCPERS Best Governance Practices for Public Retirement Systems, the Personnel Committee recommended staff develop a list of contracts, summaries of policies and guidelines and a mission statement. In researching best practices, Staff discovered many retirement agencies have a Governance or Policy Manual that incorporates the statutory authority, mission and value statement, board governance, various policies and procedures, and committee charters into one governing document. The Personnel Committee agreed a Governance or Policy Manual would be beneficial to trustees, staff and the members of the plan.

The ERS' Procurement Policy and Procedures Manual ("Policy") requires a competitive proposal process for all professional services over \$25,000 every five (5) years unless noted in the Exceptions Section of the Policy. The Personnel Committee discussed the requirement of a competitive process for legal services and noted that the Groom Law Group recently drafted the new plan design language and reviewed several new alternative investment manager agreements. The Personnel Committee agreed that the long-term relationship and institutional knowledge the Groom Law Group has with staff and trustees is essential for efficient operation and maintenance of the tax qualified status. As a result, the Personnel Committee recommended adding "Legal Services" to the Exceptions Section of the Policy. It was noted the Commission does not require competitive bidding every five (5) years for legal services.

DR. BUCHER made a motion, seconded by MS. WALSH to approve the Revised Procurement Policy and Procedures Manual which includes the addition of "Legal Services" under the Exceptions Section. The motion PASSED unanimously (8-0). (Motion #13-19)

MINUTES, AS SUBMITTED, AT THE JUNE 4, 2013 REGULAR BOARD OF TRUSTEES MEETING (DRAFT)

DR. BUCHER made a motion, seconded by MS. BARNEY to approve continuation of the Legal Services Agreement with the Groom Law Group. The motion PASSED unanimously (8-0). (Motion #13-20)

B. Investment Monitoring Group

- i. Regular Report of March 19, 2013
Presentation by Richard H. Bucher, Ph.D.
- ii. Regular Report of April 16, 2013
Presentation by Committee Chairman, Patricia Barney
 - a. Recommendation to Approve the Revised Investment Guidelines for Earnest Partners which allow for use of the Earnest Partners China Fund and allow Earnest Partners to maintain securities that screen for Sudan involvement after the initial purchase
 - b. Recommendation to Approve the Investment Guidelines for State Street Global Advisors, Wilshire MNCPPC Global, L.P., FLAG Real Assets Partners III, L.P., and Western Asset Global Multi-Sector, LLC
 - c. Recommendation to Approve the Engagement of a Passive Small Cap Growth Investment Manager

DR. BUCHER, in MS. BARNEY's absence at the March 19, 2013 meeting, presented the regular report for the Investment Monitoring Group (IMG) meeting of March 19, 2013.

MR. AFZAL arrived at 10:14 a.m.

The IMG conducted a performance review of Oaktree Capital Management's PPIP Private Fund, L.P. and Opportunities Fund VIII, L.P. and discussed Wilshire's Manager Review of Capital Guardian.

Staff provided the IMG a detailed report of the implementation tasks required for the revised asset allocation approved March 6, 2012. Target allocations were adopted over a 12-month period based on market liquidity and the Board manager selection process. Implementation of the new target allocations involved coordinating with the Groom Law Group, the M-NCPPC's Legal Department, Global Transition Solutions, Wilshire Associates, Northern Trust, and multiple investment managers. The majority of primary tasks were completed within the 12-month target. Completion of the remaining tasks is anticipated by June 2013.

MS. BARNEY presented the regular report for the IMG meeting of April 16, 2013.

The IMG reviewed the revised and new investment guidelines prepared by Wilshire Associates for the Earnest Partners China Fund, State Street Global Advisors, Wilshire MNCPPC Global, L.P., Flag Real Assets Partners III, L.P., and Western Asset Global Multi-Sector, LLC. Earnest Partners' Investment Guidelines were revised to allow for use of the Earnest Partners China Fund and allow Earnest Partners to maintain securities that screen for Sudan involvement after the initial purchase.

DR. BUCHER made a motion, seconded by MS. BARNEY to approve the revised investment guidelines for Earnest Partners and the new investment guidelines for State Street Global Advisors, Wilshire MNCPPC Global, L.P., Flag Real Assets Partners III, L.P., and Western Asset Global Multi-Sector, LLC, as prepared by Wilshire Associates. The motion PASSED unanimously (9-0). (Motion #13-21)

The IMG discussed with Mike Dudkowski an excerpt from Wilshire's 2012 Active Management Review which focused on small cap growth and detailed the disappointing short-and long-term results for small cap growth equity. The data showed a benchmark that performed well versus the universe of active managers. Investors needed to have a top quartile manager in small cap growth in order to beat the benchmark from the period December 31, 2005-2012. Given the data, the IMG discussed the probability of picking a top quartile manager that would remain a top quartile manager and whether the small cap growth allocation should be indexed. Mr. Dudkowski supported the IMG's decision to engage an active or passive manager in this space. The IMG recommended the Board engage a passive small cap growth investment manager.

DR. BUCHER made a motion, seconded by MS. BARNEY to approve the engagement of a passive small cap growth investment manager. The motion PASSED unanimously (9-0). (Motion #13-22)

MS. BARNEY reported that Oaktree Capital Management is offering a new Real Estate Debt Fund which seeks to generate attractive returns and income by combining a diversified portfolio of real estate debt investments (CMBS, first mortgages, subordinated secured debt, mezzanine debt and corporate debt). Oaktree Capital Management was asked to present at the Board's June 4, 2013 meeting.

The IMG discussed Wilshire's Manager Reviews for C.S. McKee Core Fixed Income and Loomis Sayles High Yield.

MS. BARNEY discussed options for monitoring Wilshire Private Markets Group. The IMG determined the next step was to explore with Wilshire Consulting how it would handle monitoring Wilshire Private Markets; how performance would be measured; and, how Wilshire Consulting would address the appearance of a conflict of interest.

- C. Audit Committee
 - Presentation by Committee Chairman, Barbara Walsh
 - i. Regular Report of April 16, 2013

MS. WALSH presented the regular report for the Audit Committee's meeting of April 16, 2013.

The Audit Committee met with CliftonLarsonAllen's Thomas Rey, Engagement Partner, and Heather Plitt, Engagement Director, regarding the engagement scope, work plan, critical audit areas, timing of work and a few upcoming issues were discussed. CliftonLarsonAllen will be available to assist the ERS staff with the new disclosure requirements. The final audit report is scheduled for completion in September 2013.

6. REPORT OF THE ADMINISTRATOR

- A. Administrator's Report dated April 25, 2013
 - Presentation by Administrator, Andrea L. Rose

Andrea Rose presented the Administrator's Report dated April 25, 2013.

The ERS received the Certificate of Achievement for Excellence in Financial Reporting Award from the Government Finance Officers Association of the United States and Canada for its Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2012. The Certificate

MINUTES, AS SUBMITTED, AT THE JUNE 4, 2013 REGULAR BOARD OF TRUSTEES MEETING (DRAFT)

of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. Sheila Joynes, Accounting Manager was recognized for leading the CAFR team.

ERS staff is conducting On-Site Workshops, One-on-One Counseling and in-service training sessions throughout the Commission. More than 142 members have benefit from these programs in 2013. These programs have become extremely popular and six onsite sessions have been scheduled for the fall of 2013. Tonia Lanier, Member Relations Manager and Lisa Butler, Senior Retirement Benefits Analyst were recognized for their efforts to reach out to the members across the Commission and provide these services.

Respectfully,



Heather D. Brown
Administrative Assistant



Andrea L. Rose
Administrator



EMPLOYEES' RETIREMENT SYSTEM
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Andrea L. Rose
Administrator

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
Vice Chairman Casey Anderson

Khalid Afzal
Patricia Colihan Barney
Lakisha Giles
Elton F. King
Joseph C. Zimmerman, CPA

Josh Ardison
Richard H. Bucher, Ph.D.
Guy Jones
Barbara Walsh

To: The Commission Date: June 10, 2013

Via: Elizabeth M. Hewlett, Chairman *Elizabeth M. Hewlett*

From: Andrea L. Rose, Administrator *Andrea L. Rose*

Subject: *Acknowledge the Re-Appointment of Elizabeth M. Hewlett as the Prince George's County Commissioner to the Board of Trustees for the term ending June 30, 2016*

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 the re-appointment of Elizabeth M. Hewlett as the Prince George's County Commissioner to the Board of Trustees for a three-year term ending June 30, 2016.

BACKGROUND

At its' May 16, 2013 meeting, the Prince George's County Planning Board approved Ms. Hewlett as the Prince George's County Commissioner to the ERS Board of Trustees.

At a Special Meeting of the Board of Trustees on June 10, 2013, the Board approved the appointment of Ms. Hewlett for the term ending June 30, 2016.

Thank you for your action.



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Andrea L. Rose
 Administrator

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
 Vice Chairman Casey Anderson

Khalid Afzal
 Patricia Colihan Barney
 Lakisha Giles
 Elton F. King
 Joseph C. Zimmerman, CPA

Josh Ardison
 Richard H. Bucher, Ph.D.
 Guy Jones
 Barbara Walsh

To: The Commission Date: June 10, 2013

Via: Elizabeth M. Hewlett, Chairman *Elizabeth M. Hewlett*

From: Andrea L. Rose, Administrator *Andrea L. Rose*

Subject: *Acknowledge the Appointment of Josh Ardison as the Municipal and County Government Employees' Organization Representative to the Board of Trustees for term ending June 30, 2016*

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 the appointment of Josh Ardison as the Municipal & County Government Employees' Organization ("MCGEO") Representative for the term ending June 30, 2016.

BACKGROUND

In accordance with Section 2.1.5(d) of the Plan Document, MCGEO President, Gino Renne appointed Josh Ardison to represent the union on the Board. At a Special Meeting of the Board of Trustees on June 10, 2013, the Board approved Mr. Ardison as the MCGEO Representative for his second term. Mr. Ardison has been representing the union on the Board since February 2011.

Thank you for your action.



EMPLOYEES' RETIREMENT SYSTEM
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ITEM 5c

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Andrea L. Rose
Administrator

BOARD OF TRUSTEES
 Chairman Elizabeth M. Hewlett
 Vice Chairman Casey Anderson

Khalid Afzal	Josh Ardison
Patricia Colihan Barney	Richard H. Bucher, Ph.D.
Lakisha Giles	Guy Jones
Elton F. King	Barbara Walsh
Joseph C. Zimmerman, CPA	

To: The Commission Date: June 10, 2013

Via: Elizabeth M. Hewlett, Chairman *Elizabeth M. Hewlett*

From: Andrea L. Rose, Administrator *Andrea L. Rose*

Subject: *Acknowledge the selection of Tracy Lieberman as the Fraternal Order of Police Representative to the Board of Trustees for term ending June 30, 2016*

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 the selection of Tracy Lieberman as the new Fraternal Order of Police (“FOP”) Representative for the term ending June 30, 2016.

BACKGROUND

In accordance with Section 2.1.5(b) of the Plan Document, Tracy Lieberman was selected to represent the FOP on the Board for a three-year term ending June 30, 2016. At a Special Meeting of the Board of Trustees on June 10, 2013, the Board approved Ms. Lieberman as the newly selected FOP Representative for the term ending June 30, 2016.

Thank you for your action.

MEMORANDUM



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

Chairman Elizabeth M. Hewlett
Vice Chairman Casey Anderson

Andrea L. Rose
Administrator

Khalid Afzal
Patricia Colihan Barney
Guy Jones
Elton F. King
Joseph C. Zimmerman, CPA
Josh Ardison
Richard H. Bucher, Ph.D.
Lakisha Giles
Barbara Walsh

TO: The Commission Date: June 10, 2013
VIA: Elizabeth M. Hewlett *Elizabeth M. Hewlett*
Chairman, Board of Trustees
FROM: Andrea L. Rose, Administrator *Andrea L. Rose*
Sheila S. Joynes, Accounting Manager
SUBJECT: FY2014 Operating Budget

RECOMMENDATION

The Board of Trustees (“Board”) of the Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) respectfully submits the FY2014 Operating Budget for approval. The budget provides for comprehensive services and communications in the administration of the Commission’s primary retirement program.

The FY2014 Operating Budget totals \$1,643,750. Compared to the FY13 Amended Budget, the FY14 Operating Budget is a 1.8% decrease.

BACKGROUND

The Commission established the ERS effective July 1, 1972, in accordance with the Trust Agreement between the Commission and the ERS’ Board. The Board’s primary responsibility is to administer the ERS for the sole benefit of the members in order to pay the promised benefits.

Annually, the Board prepares and presents an operating budget setting forth projected expenditures for the operation of the ERS for the Commission’s review and approval. The Board also prepares certain projected expenses, including banking, investment consulting and investment manager fees for the Commission’s information. The Board monitors closely the fees and expenses from consultants and professional advisors to ensure comparability to other public funds of the ERS’ size and complexity.

Although there is no formal restriction or budget guideline imposed by parties outside the Board, the Board is sensitive to the limitations imposed on the Commission by the two counties.

Historically, administrative expenses were equal to 1% of estimated covered payroll and the ERS consistently maintained its budget within this expense assumption. As the Commission payroll was reduced through management restructuring, the amount available for budget consideration using the 1% expense assumption decreased as work program requirements increased making it difficult to effectively manage the ERS' work program. After considerable analysis, at its February 5, 2013 meeting, the Board approved an operating budget each year based exclusively on the ERS' fiscal work program requirements which is consistent with other local retirement systems.

ANALYSIS

Staff examined each expenditure category and its funding. The FY2014 Operating Budget (Attachment 1) proposes overall spending at \$1,643,750 based on the work program requirements reflected below. The FY2014 Operating Budget is a decrease of 1.8% in spending from FY2013 to FY2014.

Personnel Services

Total Personnel Services are estimated to increase from FY2013 by 3.3%.

Authorized Positions

The ERS staff consists of eight career positions: the Administrator, six full-time and one part-time position. The position that supports the High Line Pension Administration System has been a part-time position budgeted at 30 hours per week or 75% full-time. During the latter part of FY2012 and FY2013, this position worked full-time with a work program including both the regular tasks of application support and additional tasks of implementing new plan design changes. In FY2014, this position will continue implementing plan design changes and will support the interface tasks required for the Commission's ERP project. Given the ongoing complexity of the pension administration system, this position is being converted from part-time to full-time effective July 1, 2013.

Employee Compensation

The FY14 Operating Budget includes plans for annual increases and cost-of-living adjustments. ERS employees have not received an annual salary or cost-of-living adjustment since July 1, 2009. Staff received a one-time \$2,000 bonus payment in FY2013. Employee compensation will follow suit with non-represented Commission employees.

Employee Benefits

Pension costs are increasing by 29.6% in FY2014 from 15.6% to 20.21% for the six employees in the defined benefit plan. Pension costs remain flat at 8% for the two employees in the ICMA 401(a) plan. Health insurance and OPEB costs are projected to increase by 10% and 7.5%, respectively.

Other Services & Charges

This category nets to an overall decrease of 13.3% and includes professional services (actuarial, auditing, and legal); education and training; insurance (fiduciary, general liability and a fidelity bond); and miscellaneous services (printing, rent, copier and software maintenance fees).

Actuarial Services

Actuarial services are projected at \$50,000 and include funding for the annual actuarial valuation, actuarial deficiency calculations for transfers, board and staff training, and an actuarial analysis of the effect of GASB Statement No. 67, *Financial Reporting for Pension Plans* and Statement No. 68, *Accounting and Financial Reporting for Pensions*.

Auditing/Tax Services

Auditing/Tax Services are projected at \$34,000 and include funding for the annual audit, tax advice related to the ERS' alternative investments, and assistance in navigating the filing and disclosure requirements for the ERS' international investments.

Legal Services

The Board continues to contract with outside pension law specialists, the Groom Law Group of Washington, D.C. Fees are projected at \$95,000 and include issues related to the new and existing alternative investment structures, electronic communication with plan members, complex plan issues and maintenance of the ERS' tax qualified status and preparation and submission of the IRS Determination Letter Application.

Computer Consulting

Computer Consulting includes \$50,000 for plan design enhancements to the pension software that were budgeted but may not be completed in FY2013. The cost-of-living adjustment (COLA) modifications are more complicated than anticipated and implementation is expected to carry into FY2014. The modifications affect all members retiring after July 1, 2012. The calculation requires a set of accumulated service 'buckets' be set up solely for the calculation of the COLA benefit. The pension system needs to accept two separate sick leave values, and incorporate those values into the future COLA calculation. These values also need to be reported annually to the actuary for proper valuation of future benefits. These changes cannot adversely affect the calculation of total service for retirement eligibility purposes. The most complicated part of the calculation is the recalculation of the benefit at the stepdown for Social Security. The new COLA calculation affects how the annual COLA increase is applied at the custodial bank, Northern Trust. In the past, the bank was able to apply a straight percentage increase to the current benefit amount. Now that the percent value is based on service, the increase must be calculated by the ERS and sent as an update file to Northern Trust. This requires additional work and lead-time on the part of ERS staff. The COLA modification has been the most difficult to estimate because of the inherent complexity and the volume of situations that must be tested.

It is unknown at this time if the ERS will incur additional fees with Northern Trust because the retiree COLA cannot be processed as a general percentage increase. Additional staff time is required to create a special file for Northern Trust with an earlier deadline. The COLA for July 1, 2013 is 2.1%; therefore, Northern Trust can apply the general percentage increase as in years past. If the COLA had been above 2.5%, additional calculations would have been required by staff.

Education & Training

The Board continues its commitment to trustee and staff education and training in order to maintain the highest standards of fiduciary accountability. Trustees are required to complete eight hours of investment and fiduciary training each year and to attend at least one educational conference every other year that will better enable trustees to perform their fiduciary duties.

Chargebacks

Finance

In July 2005, ERS technology operations were integrated with the CAS-IT Department in an effort to establish cross training, back up and enhanced services for the ERS and CAS-IT. The ERS reimburses Finance through a chargeback for these services in an amount of \$47,200. The Board continues to maintain Commission standards for hardware, software, security and access control provided funds are available.

Legal

The Commission's General Counsel's office provide legal services to the ERS in the areas of contract review and negotiation, litigation oversight, employee appeals and general plan advice. The ERS reimburses the General Counsel's Office through a chargeback of \$64,200 for these services.

Capital Outlay

There is no Capital Outlay anticipated in FY2014. During fiscal years FY2010, FY2011, and FY2012, the ERS upgraded workstations, hardware for ePersonality, and replaced servers and the high speed printer.

FY2014 Investment Services

Attachment 2 estimates fees for bank custodial services provided by The Northern Trust Company of Chicago, Illinois; investment consulting services provided by Wilshire Associates of Pittsburgh, Pennsylvania; an independent investment consultant to monitor the private equity allocation; and investment management services provided by investment managers investing in domestic equities, international equities, fixed income, alternatives, real estate and high yield income. Investment manager fees fluctuate based on the market value of the portfolio. Estimated fees are based on the December 31, 2012 portfolio value of \$687,407,000. The estimated fees assume a 7.5% return for 2013 and 2014 with fees estimated at 40 basis points.

Attachments

1. FY2014 Operating Budget
2. FY2014 Investment Services

The Maryland-National Capital Park and Planning Commission
Employees' Retirement System

FY 2014 Operating Budget

	FY11	FY2012	FY 2013		FY 2014	Variance		
	Actual as of 30-Jun-11	Actual as of 30-Jun-12	Amended Budget	Actual as of 31-Dec-12	Projected as of 6/30/13	Proposed	Amount	%
PERSONNEL SERVICES:								
SALARIES-FULL TIME	603,836	602,728	615,669	302,829	608,094	744,306	128,637	20.9%
SALARIES-PART TIME	87,699	96,825	108,991	53,633	108,991	0	(108,991)	-100.0%
TOTAL SALARIES	691,535	699,553	724,660	356,262	717,085	744,306	19,646	2.7%
EMPLOYEE BENEFITS	232,088	264,345	290,500	148,657	225,937	291,010	510	0.2%
OPEB BENEFITS	0	15,800	18,281	27,400	27,400	29,457	11,176	61.1%
RETIREE BENEFITS	11,993	11,831	13,583	0	11,900	9,910	(3,673)	-27.0%
TOTAL BENEFITS	244,081	291,776	322,364	176,057	265,237	330,377	8,013	2.5%
ACCRUED LEAVE	3,025	660	0	0	2,957	7,191	7,191	N/A
TOTAL PERSONNEL SERVICES	938,641	991,989	1,047,024	532,319	985,279	1,081,873	34,849	3.3%
SUPPLIES & MATERIALS:								
OFFICE SUPPLIES & FURNITURE	9,700	8,605	3,000	1,067	4,148	6,500	3,500	116.7%
COMPUTER SUPPLIES	4,515	152	3,000	0	3,000	6,500	3,500	116.7%
TOTAL SUPPLIES & MATERIALS	14,215	8,756	6,000	1,067	7,148	13,000	7,000	116.7%
OTHER SERVICES & CHARGES:								
PROFESSIONAL SERVICES:								
Actuarial	53,483	70,654	45,000	28,720	43,000	50,000	5,000	11.1%
Auditing & Tax Consulting	30,836	22,731	28,610	16,510	22,210	34,000	5,390	18.8%
Legal	6,531	56,205	127,000	93,349	127,000	95,000	(32,000)	-25.2%
Computer Consulting	1,200	500	104,000	0	51,250	50,000	(54,000)	-51.9%
EDUCATION AND TRAINING								
MEMBERS	0	482	500	68	500	500	0	0.0%
STAFF	10,358	5,255	10,000	179	7,610	10,000	0	0.0%
TRUSTEES	10,335	16,165	20,000	4,998	6,635	21,000	1,000	5.0%
SUBTOTAL EDUCATION AND TRAINING	20,693	21,902	30,500	5,242	14,745	31,500	1,000	3.3%
ADVERTISING	3,239	0	3,000	0	0	3,500	500	16.7%
COMMUNICATIONS	(246)	1,368	1,500	0	1,500	1,500	0	0.0%
POSTAGE	3,969	3,994	6,000	120	6,000	6,000	0	0.0%
INSURANCE								
FIDUCIARY LIABILITY	29,745	30,890	33,681	0	33,681	35,365	1,684	5.0%
BUSINESS/GENERAL LIABILITY	1,405	2,044	1,502	0	1,502	1,577	75	5.0%
FIDELITY BOND	1,523	1,688	1,688	0	1,688	1,740	52	3.1%
SUBTOTAL INSURANCE	32,673	34,622	36,871	0	36,871	38,682	1,811	4.9%
MEMBERSHIPS AND SUBSCRIPTIONS	1,905	2,112	2,000	1,329	2,000	2,550	550	27.5%
MISCELLANEOUS SERVICES:								
Payroll Services	2,715	2,907	3,200	1,422	3,200	3,200	0	0.0%
PRINTING & BINDING	7,621	6,138	6,500	6,130	6,917	7,800	1,300	20.0%
RENT:								
Office	66,500	73,780	79,890	38,087	79,890	78,560	(1,330)	-1.7%
Copier	7,644	4,098	2,325	0	8,796	6,500	4,175	179.6%
Renovations FY 2011	8,129	0	0	0	0	0	0	0.0%
REPAIRS & MAINTENANCE	22,827	24,024	25,111	929	23,509	24,684	(427)	-1.7%
OTHER	3,587	4,244	3,369	1,316	3,369	4,000	631	18.7%
TOTAL OTHER SERVICES & CHARGES	273,206	329,279	604,876	193,153	430,257	437,476	-67,400	-13.3%
CHARGEBACKS-M-NCPPC:								
CHARGEBACKS-FINANCE	47,200	47,200	47,200	47,200	47,200	47,200	0	0.0%
CHARGEBACKS-LEGAL	61,800	64,200	64,200	64,200	64,200	64,200	0	0.0%
TOTAL CHARGEBACKS	109,000	111,400	111,400	111,400	111,400	111,400	0	0.0%
CAPITAL OUTLAY:								
TOTAL CAPITAL OUTLAY	23,084	0	5,000	0	0	0	(5,000)	-100.0%
TOTAL	1,358,145	1,441,423	1,674,300	837,939	1,534,084	1,643,750	-30,550	-1.8%

6/3/2013

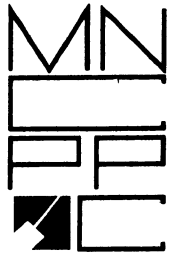
The Maryland-National Capital Park and Planning Commission
Employees' Retirement System

FY 2014 Investment Services

	Actual FY 2011	Actual FY 2012	Estimated FY 2013	Estimated FY 2014	% Increase
Bank Custodial Services	\$ 287,810	\$ 288,054	\$ 305,571	\$ 314,738	3.00%
Investment Consulting Services	\$ 179,900	\$ 186,300	\$ 189,400	\$ 257,000 ⁽²⁾	3.60%
Investment Management Services	\$ 1,998,930	\$ 1,907,590	\$ 2,955,850	\$ 3,177,539 ⁽¹⁾	
Total	\$ 2,466,640	\$ 2,381,944	\$ 3,450,821	\$ 3,749,277	

(1) Investment manager fees fluctuate based on the market value of the portfolio. The market value per Wilshires' report as of December 31, 2012 was \$687,407,000. Estimated fees of 40 basis points are based on a 7.5% return assumption for 2012 and a 7.5% return for 2014

(2) Investment Consulting services include fees for the primary investment consultant, Wilshire Associates, and a projected fee for an independent consultant to monitor the ERS' Private Equity allocation.



ITEM 5f


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

June 12, 2013

PCB13-24

TO: Commissioners

FROM: Patricia Colihan Barney,  Executive Director

SUBJECT: Resolutions for Compensation and Benefit adjustments and to authorize the amount of the Employer Contribution for prefunding the Other Post-Employment Insurance Benefits Program Trust Fund.

Recommendation: Approve the attached Commission resolutions related to compensation and benefit actions summarized below and the amount of the prefunding portion of the Employer's Contribution for Retiree Group Health Insurance to be paid to the Section 115 Trust in Fiscal Year 2014.

Background: During the May Commission meeting, Commissioners adopted Resolution #13-04 Collective Bargaining Agreement for Service/Labor, Trades, and Office Units of the United Food and Commercial Workers Local 1994/ Municipal and County Government Employees Organization (MCGEO). In addition, the Commission approved salary adjustments as presented in a memorandum for non-represented employees to be formalized by resolutions in June. Finally, our Post-Retirement Insurance Benefits Program Trust Agreement (for prefunding Other Post-Employment Benefits), requires that contributions to the Trust be obligated by resolution. Below is a short summary of each Resolution. The bolded language reflects points of clarification to information presented in May.

Resolution #13-07 Fiscal Year 2014 Merit/Anniversary and Re-Hire Wage Adjustments for Non-Represented (Merit System and Contract) Employees

Anniversary (Merit) Increase for Merit System Employees

The attached resolution provides for a maximum 3% anniversary increase for merit employees. The resolution provides for an exception to the Merit System Rules and Regulations, Chapter 1200 which awards an anniversary (merit) increase not to exceed 3.5% for successful job performance. Lowering the merit increase by .5% for Fiscal Year 2014 enabled the Commission to set the Fiscal Year 2014 COLA .5% higher so employees at top of grade could receive more in their base pay.

Anniversary Increase for Seasonal/Intermittent and Term Contract Employees –

The Commission approved a maximum 3% anniversary increase for Seasonal/Intermittent and Term Contract employees for Fiscal Year 2014.

Pay Adjustment Upon Rehire for Seasonal/Intermittent Aquatics

The previously suspended step increases for aquatics seasonal/intermittent employees will be reinstated.

Resolution #13-08 Fiscal Year 2014 Cost of Living Adjustments (COLA) for Non-represented Merit System and Contract Employees

Merit System and Term Contract Employees -

Merit System employees that have reached the top of their pay grade as of July 1, 2013 shall receive a 3% COLA effective the first pay period after October 1, 2013. **The General Service, Select Career IT, Park Police Command Officers/Candidates Salary Scales will be adjusted to reflect the 3% COLA at the same time.** The other Merit System and Term Contract employees who have not reached the top of their pay grade (as of July 1, 2013) will receive a 3% COLA added to their base pay as follows:

- 1.5% will be added effective the first pay period after October 1, 2013
- 1.5% will be effective the first pay period after January 1, 2014.

The second 1.5% COLA is not to be compounded so all employees receive a 3% increase to base pay.

Seasonal/Intermittent, Seasonal/Intermittent Aquatics and Temporary Contract Employees

The Commission also is providing a 3% COLA to these employees effective the first pay period after July 1, 2013. The associated pay scales will be adjusted at the same time.

Resolution #13-09 FY 2014 Cost of Living Adjustments for Service/Labor, Office and Trades Units (Employees represented by the United Food and Commercial Workers, Local 1994/Municipal and County Government Employees Organization (MCGEO))

The resolution provides for the 2.5% COLA adjustment to the salary scales for MCGEO represented employees. **The adjustment will be effective the first pay period after October 1, 2013.**

Resolution #13-10 Approval of FY 2014 Employer Contribution for Retiree Group Health Insurance.

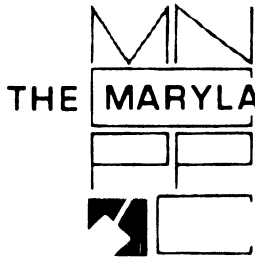
The Commission's Fiscal Year 2014 Proposed Budget included total retiree healthcare funding of \$16,952,000 based on the July 1, 2012 actuarial valuation. The projected cost was allocated as \$10,572,000 for current retiree healthcare and \$6,380,000 for prefunding the Post-Employment Insurance Benefits Program Trust Fund. Commission staff forwarded additional historical information to the Actuary as the cost allocation did not appear reasonable. The valuation estimate for FY 2014 was subsequently revised to \$9,133,000 for current retiree healthcare and \$8,471,000 for prefunding for the Trust Fund for a total of \$17,604,000. As this information was provided too late to revised the total FY 2014 request, we recommend funding the current retiree healthcare at \$9,133,000 and the prefunding portion to the Trust at \$7,819,000 which is \$652,000 lower than the revised valuation. However, it should be noted that due to the prior changes to plan design and the cost sharing formula, we are far ahead of phasing in our

prefunding and instead of being at year 5 of 8, we are just about at full annual required contribution funding levels.

Resolution #13-11 Approval of Fiscal Year 2015 Amendments to Maryland-National Capital Park and Planning Commission Employees' Retirement System Plans A & B.

Commission employees in plans A & B will increase their contributions to the pension plans by .5% of base pay effective the first pay period after July 1, 2014. Changes to the plans' language will be presented at a later date by the Employees' Retirement System staff. This change is being documented through resolution to enable the Actuary to take the change into account in preparing the next valuation which will provide the Employer Contribution to be used in the FY 15 Budget.

Staff will be present at the Commission meeting to address any questions.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC
RESOLUTION NO. 13-07

FISCAL YEAR 2014 MERIT/ANNIVERSARY AND RE-HIRE
WAGE ADJUSTMENTS FOR NON-REPRESENTED
(MERIT SYSTEM AND CONTRACT) EMPLOYEES

WHEREAS, the Commission recognizes that non-represented employees have not received cost of living adjustments (“COLAs”) or anniversary/merit increases for the past three years and that wage stagnation is not a prudent path toward excellent public service; and

WHEREAS, Commission Practice 2-16 and Administrative Procedures 00-02 allows for the award of pay increments for Seasonal/Intermittent and Term Contract employees assigned to the General Service or Intermittent Pay Schedules in accordance with the Performance Evaluation System for Contract Employees; and

WHEREAS, Commission Practice 2-16 and Administrative Procedures 00-02 allow employees assigned to the Seasonal/Intermittent Aquatics Pay Schedule to receive a step increase to the next level upon being re-hired and attaining a “satisfactory” performance evaluation; and

WHEREAS, on March 25, 2010, the Commission suspended the provisions of Commission Practice 2-16 and Administrative Procedures 00-02 concerning pay increments and step increases for all Seasonal/Intermittent Contract and Term Contract employees indefinitely by passing Resolution 10-04, *Suspension of Pay Adjustments for Seasonal/Intermittent Employees*, which continues to be in effect; and

WHEREAS, the Commission’s Merit System Rules and Regulations, Chapter 1200, Employee Compensation, awards an anniversary (merit) pay increment, not to exceed a 3.5% increase in base pay, for successful job performance to non-represented, Merit System employees; and

WHEREAS, the Commission suspended anniversary (merit) pay increments for non-represented Merit System employees for fiscal years 2011, 2012 and 2013 in Resolutions 10-11, 11-09 and 12-14, respectively; and

WHEREAS, the respective County Councils on May 9, 2013 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Commission; and


WHEREAS, on May 15, 2013 the Commission approved changes to compensation for non-represented employees to enable up to a 6% wage adjustment, which will be achieved through a merit/anniversary increment of up to 3% and a COLA of 3% as described in Resolution 13-08, *Fiscal Year 2014 Cost of Living Adjustments for Non-Represented (Merit and Contract) Employees*;

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby reinstates the provisions of Commission Practice 2-16 and Administrative Procedures 00-02 concerning pay increments and step increases; and

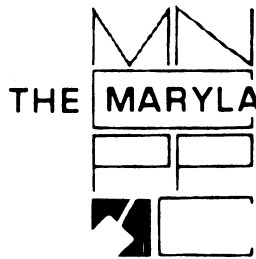
BE IT FURTHER RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a reduction of the FY 2014 maximum anniversary (merit) pay increment to 3.0% for all non-represented Merit System, Seasonal/Intermittent Contract and Term Contract employees; and

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

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date 6/13/2013



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC
RESOLUTION NO. 13-08

FISCAL YEAR 2014 COST OF LIVING ADJUSTMENTS
FOR NON-REPRESENTED (MERIT AND CONTRACT) EMPLOYEES

WHEREAS, the Commission recognizes that non-represented employees have not received cost of living adjustments (“COLAs”) or merit increases for the past three years and that wage stagnation is not a prudent path toward excellent public service; and

WHEREAS, the respective County Councils on May 9, 2013 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Commission; and

WHEREAS, the Commission approved changes to compensation for non-represented employees on May 15, 2013 to include a 3% phased-in COLA;

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a 3% COLA for employees in the following Pay Schedules:

1. General Service;
2. Select Career IT;
3. Park Police Command Officers / Candidates;
4. Seasonal/Intermittent;
5. Seasonal/Intermittent Aquatics;

BE IT FURTHER RESOLVED that the 3% COLA for non-represented employees above be implemented as follows:

- 1) Employees in the General Service, Select Career IT and Park Police Command / Candidate Pay Schedules;
 - a) Effective the first pay period following October 1, 2013, non-represented employees who, as of July 1, 2013, have not reached the maximum compensation for their compensation grade level shall receive a COLA equal to 1.5% of base pay at July 1, 2013; and

- b) Effective the first pay period following January 1, 2014, non-represented employees who, as of July 1, 2013, have not reached the maximum compensation for their compensation grade level shall receive a COLA equal to 1.5% of base pay at July 1, 2013; and
 - c) Effective the first pay period following October 1, 2013, non-represented merit employees who, as of July 1, 2013, have reached the maximum compensation for their compensation grade level shall receive a 3.0% COLA; and
- 2) Employees in the Seasonal/Intermittent and Seasonal/Intermittent Aquatics Pay Schedules:
- a) Effective July 1, 2013, all non-represented employees shall receive a 3% COLA; and

BE IT FURTHER RESOLVED that effective October 1, 2013, the General Service, Select Career IT and Park Police Command / Candidate Pay Schedules shall be revised to reflect the 3% increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that effective July 1, 2013, the Seasonal/Intermittent and Seasonal/Intermittent Aquatics Pay Schedules shall be revised to reflect the 3% increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of these pay schedules shall be rescinded; and

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

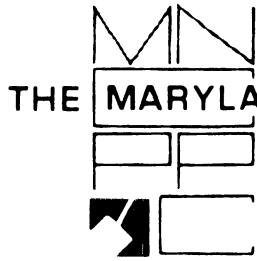
APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date

01/13/2013



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC
RESOLUTION NO. 13-09

FISCAL YEAR 2014 COST OF LIVING ADJUSTMENTS
FOR SERVICE/LABOR, OFFICE AND TRADE UNITS

WHEREAS, Title 16, Subtitle 2 of the Land Use Article of the Annotated Code of Maryland (the “Code”) requires the Maryland-National Capital Park and Planning Commission (the “M-NCPPC”) to engage in collective bargaining for certain employees and under specified circumstances; and

WHEREAS, eligible Merit System M-NCPPC employees are organized into the Service/Labor, Office and Trade Bargaining Units and have elected the United Food and Commercial Workers, Local 1994, Municipal and County Government Employees’ Organization (MCGEO) to be their exclusive representative for the purpose of collective bargaining with the Commission; and

WHEREAS, THE Commission adopted the collective bargaining agreement with MCGEO on May 15, 2013 by Resolution 13-04, *Adoption Of The Collective Bargaining Agreement For Service/Labor, Office And Trade Units*; and

WHEREAS, the collective bargaining agreement included provisions for the payment of phased-in cost of living adjustments (“COLAS”) for employees represented by MCGEO; and

WHEREAS, the respective County Councils on May 9, 2013 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Commission; and

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a 2.5% COLA for employees in the following Pay Schedules:

1. Service/Labor Bargaining Unit;
2. Trades Bargaining Unit;
3. Office/Clerical Bargaining Unit; and

BE IT FURTHER RESOLVED that the 2.5% COLA for employees represented by MCGEO be implemented as follows:


- 1) Effective the first pay period following October 1, 2013, employees represented by MCGEO who, as of July 1, 2013, have not reached the maximum compensation for their compensation grade level shall receive a COLA equal to 1.25% of base pay at July 1, 2013; and
- 2) Effective the first pay period following January 1, 2014, employees represented by MCGEO who, as of July 1, 2013, have not reached the maximum compensation for their compensation grade level shall receive a COLA equal to 1.25% of base pay at July 1, 2013; and
- 3) Effective the first pay period following October 1, 2013, employees represented by MCGEO who, as of July 1, 2013, have reached the maximum compensation for their compensation grade level shall receive a 2.5% COLA;

BE IT FURTHER RESOLVED that effective October 1, 2013, the Service/Labor Bargaining Unit, Trades Bargaining Unit and Office/Clerical Bargaining Unit Pay Schedules shall be revised to reflect the 2.5% increase in compensation due to the COLA; and

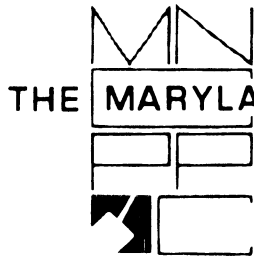
BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of these pay schedules shall be rescinded; and

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

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date 6/13/2013



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC
RESOLUTION NO. 13-10

**APPROVAL OF FISCAL YEAR 2014 EMPLOYER CONTRIBUTION
FOR RETIREE GROUP HEALTH INSURANCE**

WHEREAS, the Commission as “Plan Sponsor” entered into an Amended and Restated Post-Retirement Insurance Benefits Program Trust Agreement as of July 1, 2007 (“the Agreement”); and

WHEREAS, Section 1.1 of the Agreement states that the Plan Sponsor shall contribute such amounts as it deems necessary, in its sole discretion, from time to time, to meet its benefit obligations under the Group Health Insurance Plan (“Plan”). Contributions shall be made to the Trust Fund (“Section 115 Trust Fund”) on a periodic basis or in a lump-sum in the discretion of the Plan Sponsor. The Plan Sponsor shall not be required to make contributions unless (and only to the extent) it has obligated itself to do so by resolution; and

WHEREAS, although the Commission expects to continue the Group Health Insurance Plan (the “Plan”), but it is the Commission’s position that there is no implied contract between employees and the Commission to do so and that the creation of a retiree health benefit was not the product of collective bargaining negotiations. Therefore, the Commission reserves the right at any time and for any reason to amend or terminate the Plan, subject to the needs of the Commission and subject to any applicable collective bargaining; and

WHEREAS, the Plan Sponsor engaged Boomershine Consulting Group, L.L.C. (“the Actuary”) to prepare a Retiree Healthcare Programs Actuarial Valuation as of July 1, 2012; and

WHEREAS, the Retiree Healthcare Programs Actuarial Valuation as of July 1, 2012 initially projected a Fiscal Year 2014 Employer contribution totaling \$16,952,000 consisting of \$10,572,000 for current retiree healthcare and \$6,380,000 for prefunding the Section 115 Trust Fund; and

WHEREAS, based on historical retiree healthcare costs, the Plan Sponsor provided additional retiree healthcare information to the Actuary and the Actuary revised the amount of the Employer contribution to \$17,604,000 consisting of \$9,133,000 for current retiree healthcare and \$8,471,000 for prefunding the Section 115 Trust Fund; and

WHEREAS, the total revised actuarial Employer contribution was increased by \$652,000 and was received too late to be incorporated in the FY 14 Adopted Budget and, as a result, the employer contribution amount for prefunding the Section 115 Trust Fund has been reduced by \$652,000 to \$7,819,000;

NOW THEREFORE, BE IT RESOLVED, that the Commission as Plan Sponsor approves a \$9,133,000 payment to the Group Insurance Fund for current retiree healthcare and a \$7,819,000 payment to the Section 115 Trust Fund, and

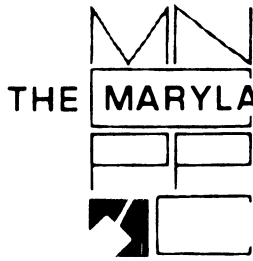
BE IT FURTHER RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby authorize the Executive Director and other officers to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

ER

M-NCPPC Legal Department

Date 6/13/2013



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC
RESOLUTION NO. 13-11

APPROVAL OF FISCAL YEAR 2015 AMENDMENTS TO
MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEES' RETIREMENT SYSTEM PLANS A AND B

WHEREAS, the Maryland-National Capital Park and Planning Commission Employees' Retirement System (ERS) was established effective July 1, 1972 and amended from time to time; and

WHEREAS, the ERS currently consists of five (5) plans, Plans A, B, C, D and E; and

WHEREAS, Section 3 of the Plan Document reserves the right of the Maryland-National Capital Park and Planning Commission (Commission), as plan sponsor, to amend any or all of the provisions of the Plans from time to time, provided that, no amendments shall adversely affect benefits that have accrued prior to the effective date of any such amendments; and

WHEREAS, the Commission was directed by the respective County Councils to explore employee benefit program cost saving measures; and

WHEREAS, the Commission's Management Bargaining Team successfully negotiated certain changes to the retirement Plans for employees represented by the United Food and Commercial Workers, Local 1994/Municipal and County Government Employees Organization (MCGEO); and

WHEREAS, the Commission ratified those certain changes to the retirement Plans for MCGEO by Resolution 12-11, *Adoption Of The Collective Bargaining Agreement For Service/Labor, Office And Trades Units*, and Resolution 13-04, *Adoption Of The Collective Bargaining Agreement For Service/Labor, Office And Trades Units*; and

WHEREAS, adopting similar retirement plan changes for the Commission's non-represented employees is needed to fully realize the economic benefit of changes to the Plans; and

WHEREAS, the Commission desires to memorialize those certain changes to the retirement Plans for MCGEO, as well as, adopt changes to the retirement Plans for unrepresented employees;

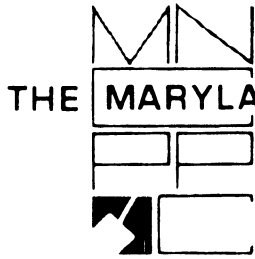
NOW THEREFORE, BE IT RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby modify the terms of Plans A and B (for represented and non-represented Merit System employees) to increase the employee retirement contribution by one-half of one percent (.5%) of base pay, effective July 1, 2014.

APPROVED AS TO LEGAL SUFFICIENCY

SR

M-NCPPC Legal Department

Date 0/13/2013



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC
RESOLUTION NO. 13-12

**APPOINTMENT OF TRUSTEE TO THE
POST-RETIREMENT INSURANCE BENEFITS PROGRAM TRUST**

WHEREAS, the Commission as “Plan Sponsor” entered into an Amended and Restated Post-Retirement Insurance Benefits Program Trust (“Section 115 Trust”) Agreement as of July 1, 2007 (“the Agreement”); and

WHEREAS, section 6.1 of the Agreement provides that the Plan Sponsor appoint one Trustee from the Prince George’s County Planning Board; and

WHEREAS, section 6.1 of the Agreement provides that Appointed Trustees shall serve on the Board of Trustees until such person’s term on the County Planning Board has terminated and such person has ceased serving on the County Planning Board; and

WHEREAS, section 6.4 of the Agreement provides that upon an Appointed Trustee leaving his position on a respective Planning Board, the Plan Sponsor shall appoint a successor from the appropriate County Planning Board; and

WHEREAS, the Appointed Trustee from the Prince George’s County Planning Board, Commissioner John Squire, has ceased serving on the Prince George’s County Planning Board;

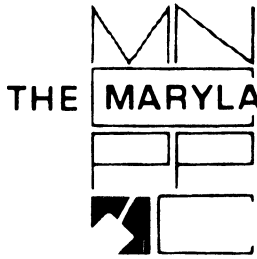
NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission, as Plan Sponsor for the Section 115 Trust, does hereby appoint Commissioner Manual Geraldo to the Board of Trustees as the Appointed Trustee from the Prince George’s County Planning Board.

APPROVED AS TO LEGAL SUFFICIENCY

AR

M-NCPPC Legal Department

Date 6/13/2013



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC

RESOLUTION NO. 13-13

RECOGNITION OF SHAWNA FACHET FOR HEROIC ACTION

WHEREAS, deserving of highest praise and commendation is Shawna Fachet, Program Superintendent in the Central Area Operations Division of the Prince George's Parks and Recreation Department of the Maryland-National Capital Park and Planning Commission ("Commission"), who, by her quick, decisive, and courageous actions, is credited with helping to save the life of a patron; and

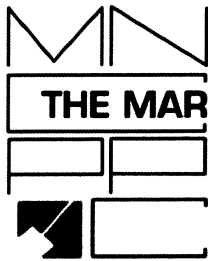
WHEREAS, on May 14, 2013, Ms. Fachet, while driving to Watkins Park, noticed a man lying on his back on the side of the road, in physical distress, unable to stand or breathe, and losing consciousness; and

WHEREAS, Ms. Fachet, realized the urgency of the situation, and with only the thought of helping another in need, reacted swiftly and deliberately, administered emergency response through the use of CPR and the AED; coordinated the assistance of other employees to obtain 911 emergency services; and

WHEREAS, Ms. Fachet's immediate actions while awaiting 911 emergency services helped the Patron regain a pulse, resume breathing and otherwise reduced his physical distress;

NOW, THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby acknowledges and commends Ms. Shawna Fachet for her heroic action and concern in saving the life of another and serving as an excellent example of emergency response. Ms. Fachet is hereby recognized for her selfless devotion to human life and her duty of safety to Commission patrons.

Dated this 19th day of June, 2013.


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

June 13, 2013

To: The Maryland-National Capital Park and Planning Commission

Via: Patricia C. Barney, Executive Director

From: John Kroll, Corporate Budget Manager

Subject: Resolution 13-14 - Adoption of the Commission's FY 2014 Operating Budget
Recommendation:

Approve Resolution No. 13-14 - "Adoption of the FY 2014 Commission Operating Budget"

Background:

Pursuant to the Land Use Article, of the Annotated Code of Maryland, the Commission submitted its Proposed Budget to the County Executives of Prince George's County and Montgomery County on January 15th. In accordance with the Land Use Article, each County Council has approved that portion of the Commission budget allocated to its county. On May 23, 2013, Montgomery County Council adopted resolution 17-765. On May 30, 2013, the Prince George's County Council approved bill CB 41-2013. Further, both Councils on May 9, 2013 approved those portions of the Commission budget allocable to both counties.

Resolution No. 13-14, "Adoption of the FY 2014 Commission Operating Budgeting" adopts the budget for FY14 including the additions, deletions, increases, and decreases from the submitted Proposed Budget as approved by the respective County Councils of Montgomery County and Prince George's County.

The Adopted Budget totals \$425.70 million excluding reserves, ALARF, and Internal Service Funds. Compared to the FY13 Adopted Budget, the FY14 Budget is about \$31.1 million higher. In Prince George's County, the budget is increasing by nearly 11 percent for FY14, primarily as a result of re-investing fund balances to meet critical infrastructure, maintenance, public safety, and core service needs, as well as to augment employee compensation. Despite a continuing decline in the assessable base, the tax rates for FY14 remain the same as the FY13 rates. In Montgomery County, the budget is increasing by nearly 2 percent for FY14. As in Prince George's, the use of fund balances allowed for employee compensation improvements as well as investment in essential needs and infrastructure. Montgomery County's assessable base has stabilized – real property is slightly higher; personal property is lower. In addition, the County Executive proposed and the Montgomery Council approved a small Park Fund tax rate decrease. Exhibit 1 provides a comparative summary of the FY14 Adopted Budget for each county.

Exhibit 1:

**Summary of FY14 Adopted Budget Expenditures
 (net reserves, ALARF, and Internal Service Funds)**

	FY13 Adopted	FY14 Proposed	\$ Change	% Change
Prince George's Funds				
Administration (1)	\$ 46,904,600	\$ 47,886,564	\$ 981,964	2.1%
Park (2)	124,726,200	149,593,916	24,867,716	19.9%
Recreation (3)	68,093,900	71,315,222	3,221,322	4.7%
ALA Debt	3,537	-	(3,537)	-100.0%
Subtotal Tax Supported	239,728,237	268,795,702	29,067,465	12.1%
Enterprise	18,904,900	18,820,620	(84,280)	-0.4%
Special Revenue (4)	8,678,900	8,518,040	(160,860)	-1.9%
Total Prince George's	\$ 267,312,037	\$ 296,134,362	\$ 28,822,325	10.8%
Montgomery Funds				
Administration	\$ 27,167,300	\$ 27,830,994	\$ 663,694	2.4%
Park (2)	81,853,755	84,738,567	2,884,812	3.5%
ALA Debt	1,658,627	297,600	(1,361,027)	-82.1%
Subtotal Tax Supported	110,679,682	112,867,161	2,187,479	2.0%
Enterprise (4)	9,953,730	10,038,226	84,496	0.8%
Property Management	867,700	906,458	38,758	4.5%
Special Revenue	5,759,000	5,754,671	(4,329)	-0.1%
Total Montgomery	\$ 127,260,112	\$ 129,566,516	\$ 2,306,404	1.8%
Combined Total	\$ 394,572,149	\$ 425,700,878	\$ 31,128,729	7.9%

- (1) Includes transfer to Special Revenue Fund
- (2) Includes transfer to Debt Service and CIP
- (3) Includes transfer to Enterprise Fund
- (4) Includes transfer to CIP

Summary of Adjustments in the FY14 Adopted Budget

The FY14 budgets as approved by the respective County Councils included the following adjustments from the Proposed Budget.

Montgomery County Adjustments from Proposed

Administration Fund

- ✓ Added \$254,840 to the Functional Planning & Policy (FPP) division of the Planning Department to fund staff support to the Montgomery County Historic Preservation Committee. Direct County funding to the Special Revenue Fund for this purpose was eliminated.
- ✓ \$100,000 proposed for BRT Implementation in FPP was eliminated and redirected to Area 1 to expedite the Bethesda Minor Master Plan Amendment.
- ✓ \$50,000 proposed in the Center for Research and Information Systems division for a Garden Apartment Lifecycle and Redevelopment study was not approved.

- ✓ The proposed transfer of \$950,000 to the Development Review Special Revenue Fund was not approved.
- ✓ Increased the salary dollar marker for compensation adjustments and distributed that and the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Property tax revenues have been adjusted to reflect the February 2013 estimates issued by Montgomery OMB. These estimates are slightly lower than the November 2012 estimates used in the Proposed Budget.

Park Fund

- ✓ Added \$28,000 and \$15,000, respectively, to the Park Planning and Stewardship and Facilities Management divisions for increased deer management.
- ✓ Increased the salary dollar marker for compensation adjustments and distributed that and the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ The County Executive recommended and the Council approved a \$0.001 tax rate decrease in the Park Fund.
- ✓ Property tax revenues have been adjusted to reflect the February 2013 estimates issued by Montgomery OMB. These estimates are slightly lower than the November 2012 estimates used in the Proposed Budget.

Enterprise and Property Management Funds

- ✓ Increased the salary dollar marker for compensation.

Special Revenue Fund

- ✓ Added \$81,000 for the renovation of historic park properties.
- ✓ Increased the salary dollar marker for compensation.

Prince George's County Adjustments from Proposed

Administration Fund

- ✓ Added \$200,600 in the Planning Director's Office for 2 new career positions: a Planner Coordinator and a Senior Visual Media & Imaging Specialist.
- ✓ Added \$300,000 in the Planning Director's Office for the implementation work associated with the Bowie State University/Bowie MARC Station Master Plan.
- ✓ Added \$50,000 to Support Services in the Planning Department to increase the project charge paid to the County Government for the People's Zoning Counsel.
- ✓ Increased the salary dollar marker for compensation adjustments and distributed that and the proposed salary dollar marker from the non-departmental account to each division's operating budget.

- ✓ Property tax revenues have been adjusted to reflect the March 2013 estimates issued by the State Department of Assessments and Taxation. These estimates are slightly lower than the November 2012 estimates used in the Proposed Budget.

Park Fund

- ✓ Added \$1,000,000 to the transfer to the CIP for the Artificial Turf Field and the Regional/Stream Valley Park Acquisition projects.
- ✓ Added \$2,300,000 to the transfer to the CIP for the Henson Creek Golf Course and Glassmanor Community Center projects.
- ✓ Increased the salary dollar marker for compensation adjustments and distributed that and the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Property tax revenues have been adjusted to reflect the March 2013 estimates issued by the State Department of Assessments and Taxation. These estimates are slightly lower than the November 2012 estimates used in the Proposed Budget.

Recreation Fund

- ✓ Added \$1,499,970 to the project charge paid for the Memorial Library System.
- ✓ Increased the salary dollar marker for compensation adjustments and distributed that and the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Increased the transfer to the Enterprise Fund as a result of the increased salary dollar marker for compensation adjustments.
- ✓ Property tax revenues have been adjusted to reflect the March 2013 estimates issued by the State Department of Assessments and Taxation. These estimates are slightly lower than the November 2012 estimates used in the Proposed Budget.

Enterprise and Special Revenue Funds

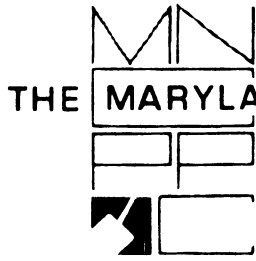
- ✓ Increased the salary dollar marker for compensation adjustments.

Adopted Budget Highlights

- ✓ Funding for employee compensation improvements, to include COLA and merit increases.
- ✓ Funding for essential needs, including significant restoration of CIP pay-go funding for Prince George's County.

Attachments
M-NCPPC Resolution 13-14
Exhibits A, B, and C

cc: Joe Zimmerman, Secretary-Treasurer
Adrian Gardner, General Counsel
Department Directors



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC
RESOLUTION NO. 13-14
June 19, 2013

ADOPTION OF THE FY 2014 COMMISSION OPERATING BUDGET

WHEREAS, the Commission has prepared and submitted its proposed FY 2014 operating budget (“the Proposed Budget”) to the County Executives of Montgomery and Prince George’s Counties in compliance with the § 18-104 of the Land Use Article of the Annotated Code of Maryland, as amended (“Land Use Article”); and

WHEREAS, the respective County Councils have established work programs and made certain deletions and additions to the Proposed Budget which actions are set forth in the Montgomery County Resolution 17-765, and Prince George’s County Bill CB-41-2013; and

WHEREAS, the County Councils on May 9, 2013 have reviewed and together acted to approve the Bi-County budget items allocable to both counties; and

WHEREAS, the respective County Councils have acted to appropriate as the Commission’s FY 2014 Operating Budget (“the Operating Budget”) certain expenditures, including those funded by grants, totaling in the aggregate \$129,566,516 allocable to the various sources derived in Montgomery County as set forth in Exhibit A hereto and \$296,134,362 allocable to the various sources derived in Prince George’s County as set forth in Exhibit B hereto; and

WHEREAS, the Commission’s FY 2014 Operating Budget includes Group Insurance Funds as set forth in Exhibit C, which are Commission-wide Internal Service Funds funded through the operating department appropriations made by the respective County Councils for Montgomery County and Prince George’s County; and

WHEREAS, the Commission does hereby delegate to the Montgomery County Planning Board and the Prince George’s County Planning Board for review of expenditure plans for departments, offices and divisions within the Commission and the allocation of funds in accordance with the Operating Budget and this Resolution;

NOW, THEREFORE BE IT RESOLVED that the Commission does hereby approve and adopt the FY 2014 Operating Budget as set forth in Exhibit A, Exhibit B, and Exhibit C hereto; and

BE IT FURTHER RESOLVED that the Commission's Secretary-Treasurer and other officers are authorized to carry out financing for the Capital Equipment Internal Service Fund consistent with funding levels in the Operating Budget at such time and on such terms as they believe to be advantageous to the Commission without further action required by the Commission or either Planning Board; provided that the appropriate officers shall provide the Commission and each Planning Board subsequent notice of any action taken pursuant to this resolution; and

BE IT FURTHER RESOLVED that the Executive Director and Secretary-Treasurer are directed to establish the necessary controls to ensure compliance with the § 18-109 of the Land Use Article, which provides that no expenditure of funds shall be made or authorized by the Commission in excess of the approved budget amounts plus 10% thereof for each park and recreation project and for each administration or operating department or function of the Commission, and for each planning project contained in the planning work program for each county, as set forth in the approved Council Resolutions, unless approved by either or both County Councils, whichever is appropriate, and which also stipulates that the Commission may not exceed the total approved budget for each of its Funds, except for Enterprise Funds, without the prior approval by either or both County Councils, as applicable; and

BE IT FURTHER RESOLVED that in the event operational necessity requires that a budget amendment be made during the fiscal year, as outlined in § 18-108 of the Land Use Article and Budget Adjustment Practice 3-60, the budget amendment requires approval of the appropriate County Council. An amendment may change the total amount of the appropriation stated in the adopting resolutions of the County Council, or transfer more than 10% of appropriated funds from one appropriation to another. A budget may be amended by resolution by the respective county councils on their initiative or at the request of the Commission after receipt of recommendations from the respective county executives and after public hearing upon reasonable notice to the public. With respect to budget items applicable to both counties, an amendment is not effective unless it has received the concurrence of both county councils; and

BE IT FURTHER RESOLVED that in the event operational necessity requires that budget adjustments be made during the fiscal year, as outlined in Budget Adjustment Practice 3-60, the officials and managers listed below are authorized to approve adjustments within or between budget appropriations for objects of expenditure or other levels of control within a department, division, office, or program under their direction, as those appropriations are set forth in the Operating Budget adopted by the respective County Councils and pursuant to this Resolution, provided however that any cumulative budget adjustments increasing budget control levels by an amount in excess of \$50,000 shall be reviewed and approved by the Commission and/or the appropriate Planning Board; and provided further that any budget adjustment which involves any change in the work program shall be reviewed and approved by the Commission and/or the affected Planning Board; and provided further that any budget adjustment which would result in the Commission exceeding the total approved budget for any of its Funds, except the

Enterprise Funds, must have the prior approval of either or both County Councils, as applicable:


Executive Director
Secretary–Treasurer
General Counsel
Director of Parks – Montgomery County
Director of Planning – Montgomery County
Director of Parks and Recreation – Prince George's County
Director of Planning – Prince George's County
Chair – Prince George’s County Planning Board
Chair – Montgomery County Planning Board; and

BE IT FURTHER RESOLVED that the Executive Director shall direct the Budget Office to provide to all members of the Commission and each administrator listed above a summary of a semi–annual budget adjustment report with cumulative adjustments for each controlling account as of the reporting date; and

BE IT FURTHER RESOLVED that the transfer of funds between departments or administrative units as listed above as adopted shall require the approval of the Commission and/or the appropriate Planning Board; and

BE IT FURTHER RESOLVED that the Office of the Secretary–Treasurer and the Budget Office are authorized to review all budget adjustments and disapprove those budget adjustments for which funds are not available or which do not comply with law or Commission fiscal policies.

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date 6/13/2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY14 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY14 Proposed Budget	Council Adjustments	FY14 Adopted Budget	Positions	Workyears
ADMINISTRATION FUND					
REVENUES					
Tax Revenue (Tax rates: Real = 1.8 Cents, Personal = 4.50 Cents)	26,346,000	(380,447)	25,965,553		
Assessable Base in Billions (Real/Personal): 138.511 / 2.981					
Taxes - Interest and Penalties	100,000	-	100,000		
Intergovernmental (includes \$360,400 from Water Quality Protection Fund)	550,400	-	550,400		
Charges for Service	235,000	-	235,000		
Interest Income	54,000	-	54,000		
Current Revenue	27,285,400	(380,447)	26,904,953		
Use of Fund Balance	1,862,409	(101,438)	1,760,971		
Total Sources	29,147,809	(481,885)	28,665,924		
EXPENDITURES					
Commissioners' Office	1,108,700	33,901	1,142,601	11.00	9.00
Planning Department					
Planning Director's Office	1,042,154	29,650	1,071,804		
Management & Technology Services	3,663,116	93,866	3,756,982		
Grants	150,000	-	150,000		
Functional Planning & Policy	2,514,902	231,545	2,746,447		
Area 1	1,519,697	170,420	1,690,117		
Area 2	1,912,061	85,540	1,997,601		
Area 3	1,879,859	89,023	1,968,882		
Regulatory Coordination & Dev Application Mgmt	745,611	76,473	822,084		
Center for Research & Information Systems	1,970,047	6,941	1,976,988		
Support Services	1,852,700	-	1,852,700		
Planning Total	17,250,147	783,458	18,033,605	151.00	111.98
Department of Human Resources and Management	1,864,052	47,379	1,911,431	16.00	14.00
Department of Finance	2,817,215	101,144	2,918,359	26.40	24.30
Legal Department	1,405,919	60,297	1,466,216	13.70	13.50
Merit System Board	77,201	2,195	79,396	0.50	0.25
Office of Internal Audit	151,113	4,726	155,839	2.00	1.50
Support Services	559,550	-	559,550	0.00	0.00
CAS Total	6,875,050	215,741	7,090,791	58.60	53.55
Non-Departmental (1)	2,142,617	(578,620)	1,563,997		
Total Expenditures	27,376,514	454,480	27,830,994	220.60	174.53
Transfer to Special Revenue Fund	950,000	(950,000)	-		
Contingency Reserve @ 3%	821,295	13,635	834,930		
Total Expenditures and Uses	29,147,809	(481,885)	28,665,924		

(1) Non-Departmental includes OPEB prefunding and OPEB paygo

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY14 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY14 Proposed Budget	Council Adjustments	FY14 Adopted Budget	Positions	Workyears
PARK FUND					
REVENUES					
Tax Revenue (Tax Rate: Real = 5.3 cents, Personal = 13.3 cents)	79,037,900	(2,569,239)	76,468,661		
Assessable Base in Billions (Real/Personal): 138.511 / 2.981		-			
Taxes - Interest and Penalties	300,000	-	300,000		
Intergovernmental (includes \$2,037,862 from Water Quality Protection Fund)	2,437,862	-	2,437,862		
Facility User Fees	2,048,939	-	2,048,939		
Interest Income	5,000	-	5,000		
Miscellaneous Revenues	106,500	-	106,500		
Current Revenue	83,936,201	(2,569,239)	81,366,962		
Transfer from CIP	3,400	-	3,400		
Use of Fund Balance	2,726,266	3,056,983	5,783,249		
Total Sources	86,665,867	487,744	87,153,611		
EXPENDITURES					
Operating Divisions					
Director of Parks	1,080,061	33,365	1,113,426		
Public Affairs & Community Partnerships	2,036,219	65,080	2,101,299		
Management Services	3,439,154	87,450	3,526,604		
Park Planning and Stewardship	3,108,444	140,427	3,248,871		
Park Development	2,830,240	169,744	2,999,984		
Park Police	13,014,318	359,142	13,373,460		
Horticulture, Forestry & Environmental Education	7,242,286	241,581	7,483,867		
Facilities Management	10,332,045	334,077	10,666,122		
Northern Parks	8,537,348	251,311	8,788,659		
Southern Parks	12,009,807	351,690	12,361,497		
Support Services	9,426,980	-	9,426,980		
Future Grants	400,000	-	400,000		
Non-Departmental (1)	6,571,027	(1,560,329)	5,010,698		
Total Expenditures	80,027,929	473,538	80,501,467		
Transfer to Debt Service	3,887,100	-	3,887,100		
Transfer to CIP	350,000	-	350,000		
Contingency Reserve @ 3%	2,400,838	14,206	2,415,044		
Total Expenditures and Uses	86,665,867	487,744	87,153,611	682.00	635.10

(1) Non-Departmental includes OPEB prefunding and OPEB paygo

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY14 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY14 Proposed Budget	Council Adjustments	FY14 Adopted Budget	Positions	Workyears
ADVANCE LAND ACQUISITION DEBT SERVICE FUND					
REVENUES					
Tax Revenue (Tax Rate: Real = 0.1 cents, Personal = 0.3 cents)	1,684,300	1,987	1,686,287		
Assessable Base in Billions (Real/Personal): 159.628 / 3.677		-			
Current Revenue	1,684,300	1,987	1,686,287		
Use of Fund Balance	-	-	-		
Total Sources	1,684,300	1,987	1,686,287		
EXPENDITURES					
Debt Service	297,600	-	297,600		
Transfer to ALA Revolving Fund	1,386,700	-	1,386,700		
Total Expenditures and Uses	1,684,300	-	1,684,300		
TOTAL TAX-SUPPORTED FUNDS, LESS RESERVES & ALA TRANSFER	112,889,143	(21,982)	112,867,161	902.60	809.63
ADVANCE LAND ACQUISITION REVOLVING FUND					
REVENUES					
Interest Income	40,000	-	40,000		
Current Revenue	40,000	-	40,000		
Transfer from ALA Debt Service Fund	1,386,700	-	1,386,700		
Use of Fund Balance	6,794,069	-	6,794,069		
Total Sources	8,220,769	-	8,220,769		
EXPENDITURES					
Land	8,220,769	-	8,220,769		
Total Expenditures	8,220,769	-	8,220,769		
ENTERPRISE FUND					
REVENUES					
Fees/Rentals/Sales/Concessions	10,008,608	-	10,008,608		
Interest Income	22,200	-	22,200		
Current Revenue	10,030,808	-	10,030,808		
Use of Fund Balance	-	7,418	7,418		
Total Sources	10,030,808	7,418	10,038,226		
EXPENDITURES					
Operations	9,143,810	66,459	9,210,269		
Debt Service on Bonds, Financed Equipment	227,957	-	227,957		
Total Expenditures	9,371,767	66,459	9,438,226		
Transfer to CIP	600,000	-	600,000		
Total Expenditures and Uses	9,971,767	66,459	10,038,226		
Revenues Over/(Under) Expenditures	59,041	(59,041)	-	33.00	116.00

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY14 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY14 Proposed Budget	Council Adjustments	FY14 Adopted Budget	Positions	Workyears
PROPERTY MANAGEMENT FUND					
REVENUES					
Rental Revenue	900,000	-	900,000		
Interest Income	5,600	-	5,600		
Current Revenue	905,600	-	905,600		
Use of Fund Balance	-	858	858		
Total Sources	905,600	858	906,458		
EXPENDITURES					
Operating Expenditures	905,600	858	906,458	4.00	6.00
Total Expenditures and Uses	905,600	858	906,458		
SPECIAL REVENUE FUND					
REVENUES					
Intergovernmental	1,189,324	(254,840)	934,484		
Charges for Service	2,638,476	81,000	2,719,476		
Interest Income	20,800	-	20,800		
Current Revenue	3,848,600	(173,840)	3,674,760		
Transfer from Administration Fund	950,000	(950,000)	-		
Use of Fund Balance	1,122,693	957,218	2,079,911		
Total Sources	5,921,293	(166,622)	5,754,671		
EXPENDITURES					
Revenues Over/(Under) Expenditures	5,921,293	(166,622)	5,754,671	0.00	27.17
	-	-	-		
TOTAL OPERATING BUDGET LESS RESERVES AND ALARF	129,687,803	(121,287)	129,566,516	939.60	958.80

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY14 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY14 Proposed Budget	Council Adjustments	FY14 Adopted Budget	Positions	Workyears
CAPITAL EQUIPMENT INTERNAL SERVICE FUND					
REVENUES					
Rentals	1,471,980	-	1,471,980		
Interest Income	20,000	-	20,000		
Current Revenue	1,491,980	-	1,491,980		
Use of Fund Balance	-	-	-		
Total Sources	1,181,850	310,130	1,491,980		
EXPENDITURES					
Operations	271,394	-	271,394		
Debt Service	745,600	-	745,600		
Total Expenditures	1,016,994	-	1,016,994	1.00	1.00
Excess of Sources over Uses for Stabilization	474,986	-	474,986		
Total Expenditures and Uses	1,491,980	-	1,491,980		
Capital Equipment - Financed for the Parks & Planning Depts	1,970,000	-	1,970,000		
Capital Equipment - Financed for IT Initiatives	171,170	-	171,170		
Capital Equipment - Financed for the Finance Dept	85,000	-	85,000		
RISK MANAGEMENT INTERNAL SERVICE FUND					
REVENUES					
Charges for Services	2,554,100	-	2,554,100		
Claims Recovery	-	-	-		
Interest Income	53,600	-	53,600		
Current Revenue	2,607,700	-	2,607,700		
Use of Fund Balance	380,693	2,249	382,942		
Total Sources	2,988,393	2,249	2,990,642		
EXPENDITURES					
Operating Expenses	2,988,393	2,249	2,990,642	2.50	2.65
Revenues Over/(Under) Expenditures	-	-	-		
Total Montgomery County (including reserves, transfers)	146,522,792	(91,197)	146,431,595	943.10	962.45

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY14 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY14 Proposed Budget	Council Adjustments	FY14 Adopted Budget	Positions	Workyears
ADMINISTRATION FUND					
REVENUES					
Tax Revenue (Tax rates: Real = 5.41 Cents, Personal = 13.53 Cents)	42,994,700	(856,400)	42,138,300		
Assessable Base in Billions (Real/Personal): 71.412 / 2.936		-			
Taxes - Interest and Penalties	171,979	-	171,979		
Intergovernmental	205,000	-	205,000		
Service Charges	637,000	-	637,000		
Interest Income	226,300	-	226,300		
Miscellaneous Revenue	50,000	-	50,000		
Current Revenue	44,284,979	(856,400)	43,428,579		
Use of Fund Balance	5,124,508	1,726,305	6,850,813		
Total Sources	49,409,487	869,905	50,279,392		
EXPENDITURES					
Commissioners' Office	2,977,916	45,892	3,023,808	16.00	13.50
Planning Department					
Director's Office	3,866,332	618,080	4,484,412		
Development Review	5,630,464	163,638	5,794,102		
Community Planning	5,348,849	130,908	5,479,757		
Information Management	4,636,499	115,672	4,752,171		
Countywide Planning	5,796,929	163,183	5,960,112		
Support Services	8,720,800	50,000	8,770,800		
Grants	138,000	-	138,000		
Planning Total	34,137,873	1,241,481	35,379,354	192.00	191.25
Department of Human Resources and Management	2,328,876	71,457	2,400,333	21.00	18.00
Department of Finance	3,198,788	132,118	3,330,906	34.60	31.70
Legal Department	769,243	37,453	806,696	10.30	10.00
Merit System Board	77,201	2,195	79,396	0.50	0.25
Office of Internal Audit	257,100	7,769	264,869	3.00	2.50
Support Services	559,550	-	559,550	0.00	0.00
CAS Total	7,190,758	250,992	7,441,750	69.40	62.45
NonDepartmental (1)	2,721,540	(709,888)	2,011,652		
Total Expenditures	47,028,087	828,477	47,856,564	277.40	267.20
Transfer to Special Revenue Fund	30,000	-	30,000		
Contingency Reserve @ 5%	2,351,400	41,428	2,392,828		
Total Expenditures and Uses	49,409,487	869,905	50,279,392		

(1) Non-Departmental includes OPEB prefunding and OPEB paygo

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY14 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY14 Proposed Budget	Council Adjustments	FY14 Adopted Budget	Positions	Workyears
PARK FUND					
REVENUES					
Tax Revenue (Tax Rate: Real = 15.44 cents, Personal = 38.60 cents)	117,417,200	(2,333,200)	115,084,000		
Assessable Base in Billions (Real/Personal):	68.256 / 2.844				
Taxes - Interest and Penalties	587,086	-	587,086		
Service Charges	120,800	-	120,800		
Interest Income	800,000	-	800,000		
Rentals/Concessions	2,310,500	-	2,310,500		
Miscellaneous Revenues	194,500	-	194,500		
Current Revenue	121,430,086	(2,333,200)	119,096,886		
Transfer from CIP	350,000	-	350,000		
Use of Fund Balance	29,672,614	6,153,216	35,825,830		
Total Sources	151,452,700	3,820,016	155,272,716		
EXPENDITURES					
Operating Divisions					
Office of the Director	18,243,288	489,197	18,732,485		
Administrative Development	32,457,393	486,471	32,943,864		
Facility Operations	35,241,128	707,884	35,949,012		
Area Operations	19,019,611	510,544	19,530,155		
NonDepartmental (1)	8,119,280	(1,698,880)	6,420,400		
Subtotal Operating	113,080,700	495,216	113,575,916		
Transfer to Debt Service	11,793,000	-	11,793,000		
Transfer to CIP	20,925,000	3,300,000	24,225,000		
Contingency Reserve @ 5%	5,654,000	24,800	5,678,800		
Total Expenditures and Uses	151,452,700	3,820,016	155,272,716	742.00	845.80

(1) Non-Departmental includes OPEB prefunding and OPEB paygo

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY14 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY14 Proposed Budget	Council Adjustments	FY14 Adopted Budget	Positions	Workyears
RECREATION FUND					
REVENUES					
Tax Revenue (Tax Rate: Real = 7.05 cents, Personal = 17.62 cents)	57,602,100	(1,146,500)	56,455,600		
Assessable Base in Billions (Real/Personal): 73.393 / 3.031		-			
Taxes - Interest and Penalties	275,000	-	275,000		
Intergovernmental	-	-	-		
Service Charges	6,798,400	-	6,798,400		
Rentals/Concessions	880,900	-	880,900		
Interest Income	232,700	-	232,700		
Miscellaneous Revenues	88,500	-	88,500		
Current Revenue	65,877,600	(1,146,500)	64,731,100		
Use of Fund Balance	6,639,700	3,510,222	10,149,922		
Total Sources	72,517,300	2,363,722	74,881,022		
EXPENDITURES					
Operating Divisions					
Administrative Development	8,146,230	6,268	8,152,498		
Facility Operations	15,064,400	390,362	15,454,762		
Area Operations	30,120,424	799,344	30,919,768		
Non-Departmental (1)	6,981,846	884,128	7,865,974		
Subtotal Operating	60,312,900	2,080,102	62,393,002		
Transfer to Enterprise Fund	8,751,200	171,020	8,922,220		
Contingency Reserve @ 5%	3,453,200	112,600	3,565,800		
Total Expenditures and Uses	72,517,300	2,363,722	74,881,022	267.00	716.10
(1) Non-Departmental includes OPEB prefunding and OPEB paygo					
ADVANCE LAND ACQUISITION DEBT SERVICE FUND					
REVENUES					
Tax Revenue (Tax Rate: Real = 0.00 cents, Personal = 0.00 cents)	-	-	-		
Assessable Base in Billions (Real/Personal): 73.393 / 3.031					
Use of Fund Balance	-	-	-		
Total Sources	-	-	-		
EXPENDITURES					
Debt Service	-	-	-		
Transfer to ALA Revolving Fund	-	-	-		
Total Expenditures and Uses	-	-	-		
TOTAL TAX-SUPPORTED FUNDS, LESS RESERVES & ALA TRANSFER	261,920,887	6,874,815	268,795,702	1,286.40	1,829.10

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY14 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY14 Proposed Budget	Council Adjustments	FY14 Adopted Budget	Positions	Workyears
<u>ADVANCE LAND ACQUISITION REVOLVING FUND</u>					
REVENUES					
Interest Income	46,800	-	46,800		
Current Revenue	46,800	-	46,800		
Transfer from ALA Debt Service Fund	-	-	-		
Use of Fund Balance	9,293,449	-	9,293,449		
Total Sources	9,340,249	-	9,340,249		
EXPENDITURES					
Land	9,340,249	-	9,340,249		
Total Expenditures and Uses	9,340,249	-	9,340,249		
<u>ENTERPRISE FUND</u>					
REVENUES					
Fees/Rentals/Sales/Concessions	9,862,600	-	9,862,600		
Interest Income	35,800	-	35,800		
Current Revenue	9,898,400	-	9,898,400		
Transfers In	8,751,200	171,020	8,922,220		
Total Sources	18,649,600	171,020	18,820,620		
EXPENDITURES					
Operations	18,649,600	171,020	18,820,620	69.00	180.00
Total Expenditures and Uses	18,649,600	171,020	18,820,620		
Revenues Over/(Under) Expenditures	-	-	-		
<u>SPECIAL REVENUE FUND</u>					
REVENUES					
Intergovernmental	375,000	-	375,000		
Charges for Service	7,551,900	-	7,551,900		
Interest Income	27,005	-	27,005		
Miscellaneous	77,300	-	77,300		
Current Revenue	8,031,205	-	8,031,205		
Transfer from Administration Fund	30,000	-	30,000		
Use of Fund Balance	334,495	122,340	456,835		
Total Sources	8,395,700	122,340	8,518,040		
EXPENDITURES					
Operations	8,365,700	122,340	8,488,040		
Total Expenditures	8,365,700	122,340	8,488,040		
Transfer to CIP	30,000	-	30,000	0.00	215.50
Total Expenditures and Uses	8,395,700	122,340	8,518,040		
Revenues Over/(Under) Expenditures	-	-	-		
TOTAL OPERATING BUDGET LESS RESERVES AND ALARF	288,966,187	7,168,175	296,134,362	1,355.40	2,224.60

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY14 ADOPTED BUDGET**

PRINCE GEORGE'S COUNTY

	FY14 Proposed Budget	Council Adjustments	FY14 Adopted Budget	<u>Positions</u>	<u>Workyears</u>
<u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Rentals	664,580	-	664,580		
Interest Income	25,000	-	25,000		
Current Revenue	689,580	-	689,580		
Use of Fund Balance	-	-	-		
Total Sources	689,580	-	689,580		
EXPENDITURES					
Operations	404,492	-	404,492		
Debt Service	107,900	-	107,900		
Total Expenditures and Uses	512,392	-	512,392	1.00	1.00
Revenues Over/(Under) Expenditures	177,188	-	177,188		
Capital Equipment - Financed for Park & Rec	-	-	-		
Capital Equipment - Financed for IT Initiatives	328,830	-	328,830		
Capital Equipment - Financed for Finance Dept.	85,000	-	85,000		
<u>RISK MANAGEMENT INTERNAL SERVICE FUND</u>					
REVENUES					
Charges for Services	5,456,600	-	5,456,600		
Claims Recovery	-	-	-		
Interest Income	81,500	-	81,500		
Current Revenue	5,538,100	-	5,538,100		
Use of Fund Balance	-	-	-		
Total Sources	5,538,100	-	5,538,100		
EXPENDITURES					
Operating Expenses	5,379,538	2,249	5,381,787	2.50	2.65
Revenues Over/(Under) Expenditures	158,562	(2,249)	156,313		
<u>EXECUTIVE OFFICE INTERNAL SERVICE FUND</u>					
REVENUES					
Rentals	977,400	-	977,400		
Interest Income	-	-	-		
Current Revenue	977,400	-	977,400		
Use of Fund Balance	216,460	779	217,239		
Total Sources	1,193,860	779	1,194,639		
EXPENDITURES					
Operating Expenses	1,193,860	779	1,194,639	2.00	2.00
Revenues Over/(Under) Expenditures	-	-	-		
Total Prince George's County (including reserves, transfer	316,850,826	7,350,031	324,200,857	1,360.90	2,230.25

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FY14 ADOPTED BUDGET

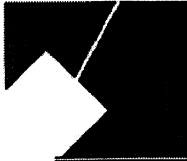
COMMISSION-WIDE FUNDS

	FY14 Proposed Budget	Council Adjustments	FY14 Adopted Budget	Positions	Workyears
<u>GROUP HEALTH INSURANCE FUNDS</u>					
REVENUES					
Intergovernmental	600,000	-	600,000		
Charges For Services	48,634,123	-	48,634,123		
Interest Income	40,000	-	40,000		
Total Sources	49,274,123	-	49,274,123		
EXPENDITURES					
Operating Expenditures	49,274,123	-	49,274,123		
Total Expenditure and Uses	49,274,123	-	49,274,123	4.00	4.70
Revenues Over/(Under) Expenditures	-	-	-		
Montgomery County Funds	146,522,792	(91,197)	146,431,595	943.10	962.45
Prince George's County Funds	316,850,826	7,350,031	324,200,857	1,360.90	2,230.25
Commission-wide Funds	49,274,123	-	49,274,123	4.00	4.70
TOTAL ALL FUNDS (includes reserves)	512,647,741	7,258,834	519,906,575	2,308.00	3,197.40

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 LATE PERFORMANCE EVALUATION REPORT
 BY DEPARTMENT AS OF MAY 2013

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	04/13	05/13	04/13	05/13	04/13	05/13	04/13	05/13
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	1	0	1	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	0	1	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	0	0	0	0	0	0	0
LEGAL DEPARTMENT	1	1	0	1	1	1	2	3
FINANCE DEPARTMENT	1	1	0	0	0	0	1	1
PRINCE GEORGE'S PLANNING	0	2	1	1	0	0	1	3
PRINCE GEORGE'S PARKS & RECREATION	2	1	0	1	0	0	2	2
MONTGOMERY COUNTY PARKS	0	0	0	0	0	0	0	0
MONTGOMERY COUNTY PLANNING	0	1	0	0	0	0	0	1
DEPARTMENT TOTAL BY DAYS LATE	4	6	1	3	3	1	---	---
COMMISSION WIDE TOTAL:							8	10

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

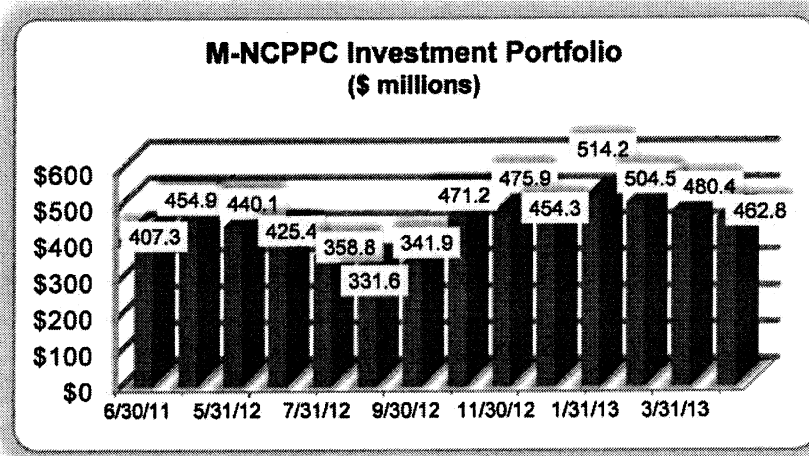


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

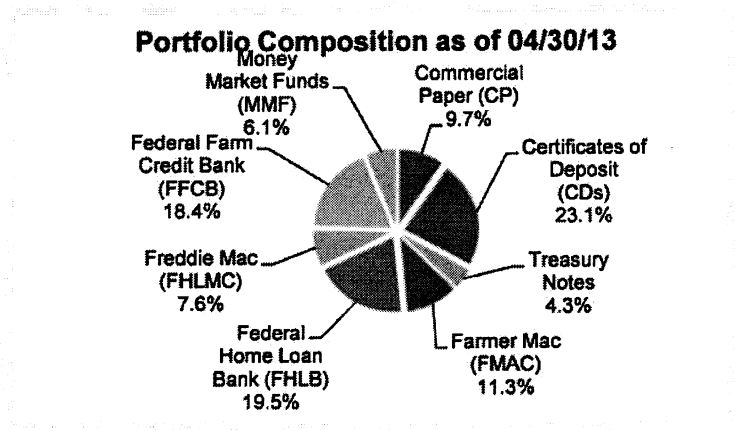
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
DATE: 5/15/2013
SUBJECT: Investment Report – April 2013

The Commission’s pooled cash investment portfolio totaled \$462.8 million as of April 30, 2013, with a 3.66 % decrease from March 31, 2013. Details are as follows:

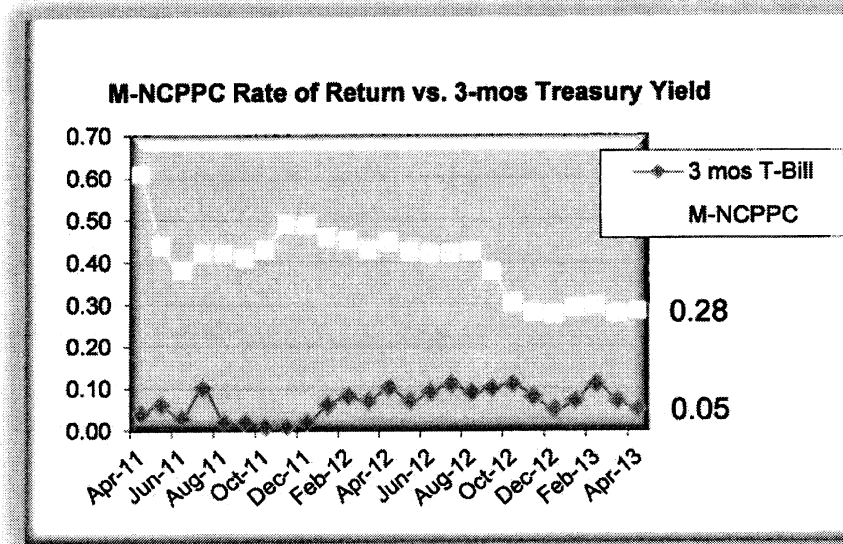


The composition of the pooled cash portfolio as of April 30, 2013 is summarized below:

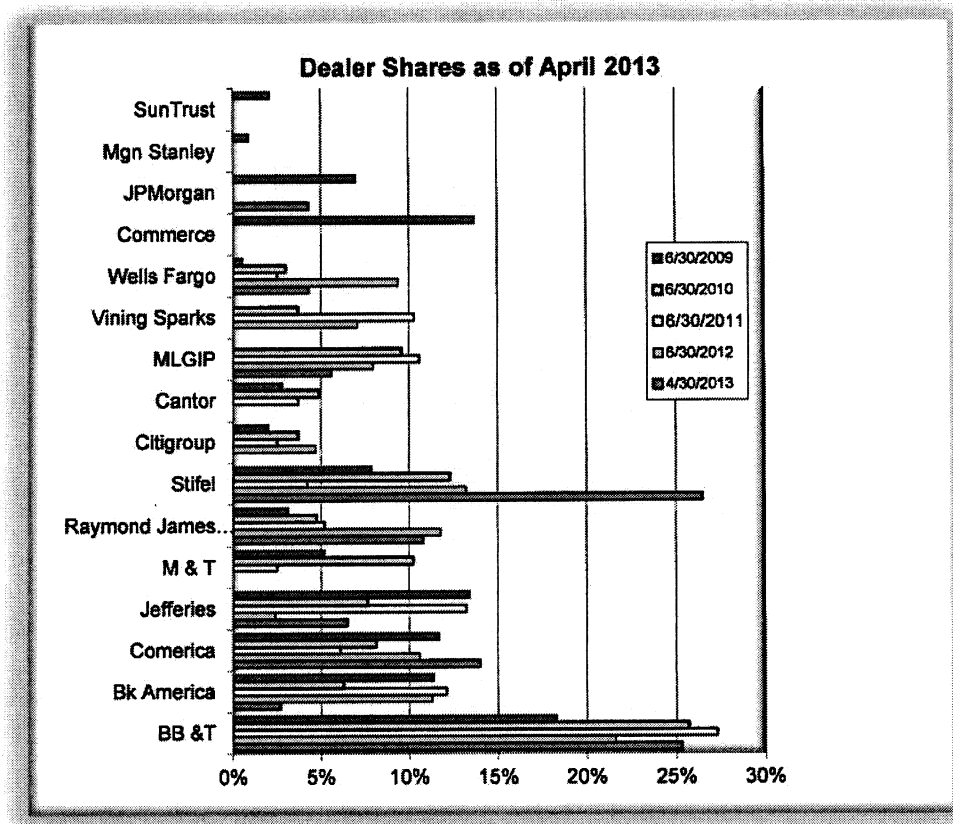


Current Investment Portfolio - April 2013				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Certificates of Deposit	50%	23%	\$ 107,000,000	0.23%
Federal Home Loan Banks	20%	20%	90,000,000	0.25%
Federal Farm Credit Bureau	20%	18%	85,000,000	0.25%
Farmer Mac	20%	11%	52,500,000	0.27%
Commercial Paper	10%	10%	45,000,000	0.78%
Freddie Mac	20%	8%	35,000,000	0.25%
Money Funds	25%	6%	28,268,885	n/a
Treasury Notes	100%	4%	20,000,000	0.23%
Fannie Mae	20%	0%	-	0.00%
Bankers Acceptances	50%	0%	-	0.00%
Repurchase Agreements	60%	0%	-	0.00%
			\$ 462,768,885	0.28%

The pooled cash portfolio complied with all policy limits with regard to product types and proportions throughout the month.



In addition to the product limits, portfolio purchases also adhered to the 30% limit per dealer. Dealer participation is shown below:



The market values of unspent debt balances (invested by T. Rowe Price) were as follows:

Market Value- 04/30/13	
Montgomery County (MC-2012A)	\$ 3,353,469
Montgomery County (MC-2012B)	1,307,104
	\$ 4,660,573

The Commission had debt service payments during the month totaling \$259,431, of which \$185,000 was principal and \$74,431 was interest.

Details by issue of debt outstanding as of April 30, 2013 appear below:

Debt Balances - April 2013					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	10,707,663	62%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	11,745,000	83%	Mar-10	May-21
EE-2	37,525,000	9,855,000	26%	Mar-04	Jan-24
PG-2012A	11,420,000	11,380,000	100%	Jun-12	Jun-24
JJ-2	8,900,000	7,125,000	80%	May-07	May-27
Total Prince George's County	\$ 89,225,000	\$ 50,812,663	57%		
Montgomery County					
Cabin John Ice	6,000,000	444,450	7%	Apr-99	Nov-13
HH-2	5,445,000	680,000	12%	Jul-05	Jul-14
DD-2(ALA)	1,550,000	305,000	20%	Dec-02	Dec-14
CC-2	12,155,000	555,000	5%	Dec-02	Dec-14
LL-2	8,405,000	6,190,000	74%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,360,000	68%	Nov-04	Dec-24
FF-2	4,000,000	1,040,000	26%	Nov-04	Dec-24
II-2	4,700,000	3,590,000	76%	Mar-07	Apr-27
MM-2	5,250,000	4,410,000	84%	May-09	Nov-28
MC-2012A	12,505,000	12,505,000	100%	Apr-12	Dec-32
MC-2012B	3,000,000	3,000,000	100%	Apr-12	Dec-32
Total Montgomery County	\$ 65,010,000	\$ 34,079,450	52%		
Total	\$ 154,235,000	\$ 84,892,113	55%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2013 - April 30, 2013

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				
	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

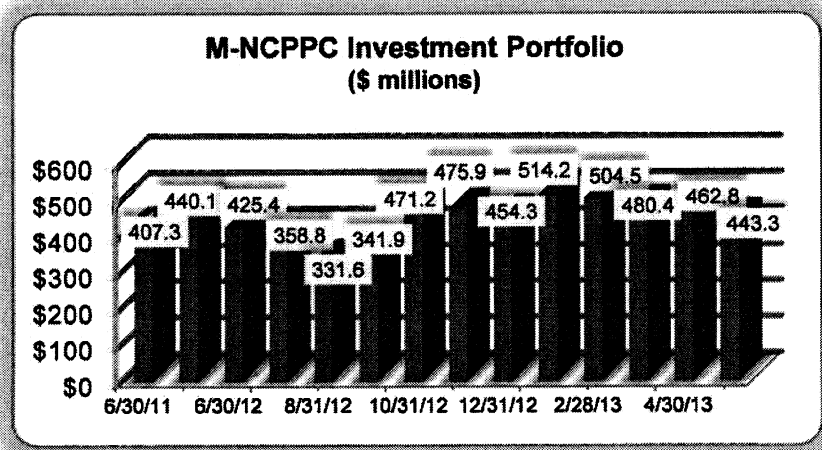


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

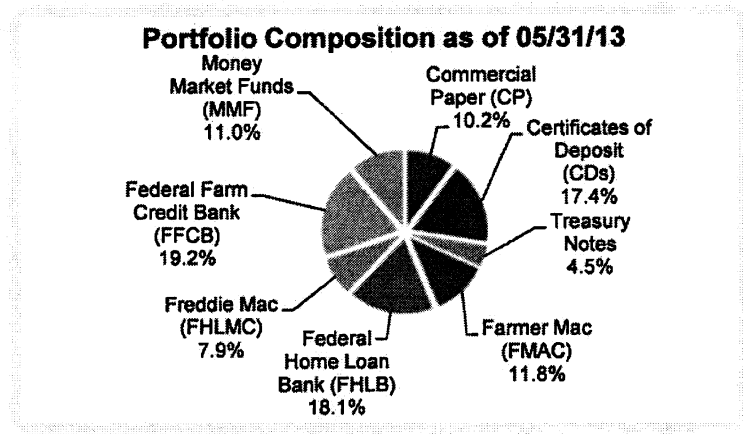
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
DATE: 6/7/2013
SUBJECT: Investment Report – May 2013

The Commission’s pooled cash investment portfolio totaled \$443.3 million as of May 31, 2013, with a 4.21 % decrease from April 30, 2013. Details are as follows:

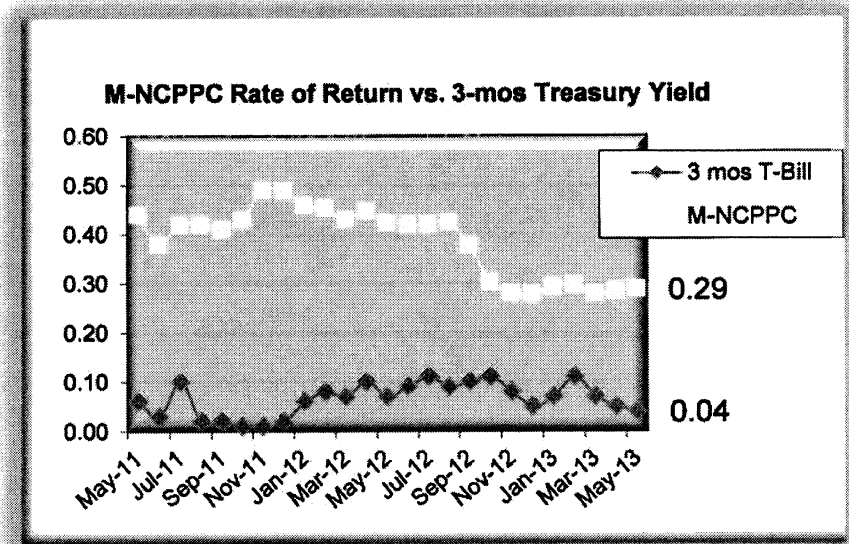


The composition of the pooled cash portfolio as of May 31, 2013 is summarized below:

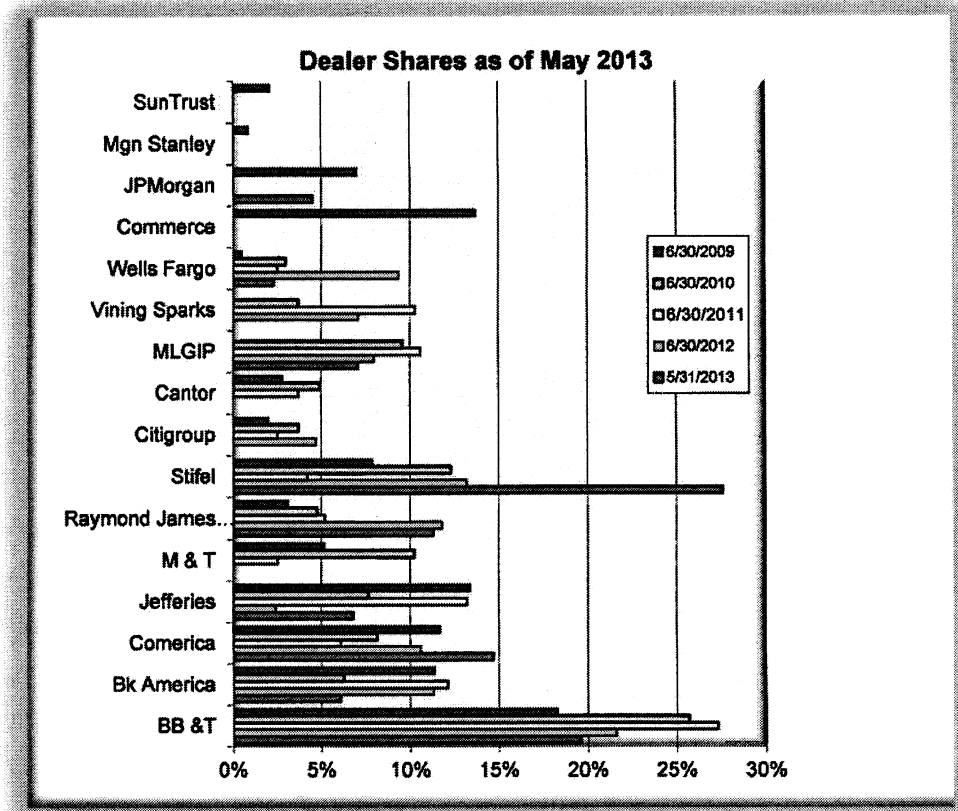


Current Investment Portfolio - May 2013				
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Federal Farm Credit Bureau	20%	19%	\$ 85,000,000	0.25%
Federal Home Loan Banks	20%	18%	80,000,000	0.25%
Certificates of Deposit	50%	17%	77,000,000	0.24%
Farmer Mac	20%	12%	52,500,000	0.24%
Money Funds	25%	11%	48,781,054	n/a
Commercial Paper	10%	10%	45,000,000	0.78%
Freddie Mac	20%	8%	35,000,000	0.27%
Treasury Notes	100%	5%	20,000,000	0.23%
Fannie Mae	20%	0%	-	0.00%
Bankers Acceptances	50%	0%	-	0.00%
Repurchase Agreements	60%	0%	-	0.00%
			\$ 443,281,054	0.29%

The pooled cash portfolio complied with all policy limits with regard to product types and proportions throughout the month.



In addition to the product limits, portfolio purchases also adhered to the 30% limit per dealer. Dealer participation is shown below:



The market values of unspent debt balances (invested by T. Rowe Price) were as follows:

Market Value- 05/31/13	
Montgomery County (MC-2012A)	\$ 2,115,602
Montgomery County (MC-2012B)	885,263
	\$ 3,000,865

The Commission had debt service payments during the month totaling \$4,232,923, of which \$3,531,761 was principal and \$701,161 was interest.

Details by issue of debt outstanding as of May 31, 2013 appear below:

Debt Balances - May 2013					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	8,993,123	52%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	10,505,000	75%	Mar-10	May-21
EE-2	37,525,000	9,855,000	26%	Mar-04	Jan-24
PG-2012A	11,420,000	11,380,000	100%	Jun-12	Jun-24
JJ-2	8,900,000	6,770,000	76%	May-07	May-27
Total Prince George's County	\$ 89,225,000	\$ 47,503,123	53%		
Montgomery County					
Cabin John Ice	6,000,000	222,228	4%	Apr-99	Nov-13
HH-2	5,445,000	680,000	12%	Jul-05	Jul-14
DD-2(ALA)	1,550,000	305,000	20%	Dec-02	Dec-14
CC-2	12,155,000	555,000	5%	Dec-02	Dec-14
LL-2	8,405,000	6,190,000	74%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,360,000	68%	Nov-04	Dec-24
FF-2	4,000,000	1,040,000	26%	Nov-04	Dec-24
II-2	4,700,000	3,590,000	76%	Mar-07	Apr-27
MM-2	5,250,000	4,410,000	84%	May-09	Nov-28
MC-2012A	12,505,000	12,505,000	100%	Apr-12	Dec-32
MC-2012B	3,000,000	3,000,000	100%	Apr-12	Dec-32
Total Montgomery County	\$ 65,010,000	\$ 33,857,228	52%		
Total	\$ 154,235,000	\$ 81,360,351	53%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2013 - May 31, 2013

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					Yes All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.					
Require third-party collateral and safekeeping, and delivery-versus-payment settlement				Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity			Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return			Yes		Exceeded by 25 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.29% and 0.04%, respectively.					





The Maryland-National Capital Park & Planning Commission
Department of Finance - Purchasing Division

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1600 Fax: 301-454-1606

June 5, 2013

TO: Commissioners

VIA: Patricia C. Barney, Executive Director 

FROM: Joseph C. Zimmerman, Secretary/Treasurer 

SUBJECT: MFD Purchasing Statistics— Third Quarter FY13

The Commission's procurement policy (Practice 4-10, Purchasing) includes an anti-discrimination component which assures that fair and equitable vendor opportunities are made available to minority, female or disabled owned firms (MFDs). This program is administered jointly by the Office of the Executive Director and the Purchasing Division and includes a price preference program and an MFD subcontracting component based on the Commission procurement practices and the available MFD vendors in the marketplace. The price preference program has been suspended until a MFD study is conducted to provide evidence that the price preference is/is not needed. This report is provided for your information and may be found on the Commission's intranet.

Some of the observations of this FY13 report include:

- Attachment A indicates that through the third quarter of FY13, the Commission procured approximately \$65.9 million in goods, professional services, construction and miscellaneous services. Approximately 24.7% or \$16.2 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the third quarter MFD utilization was 24%. The cumulative utilization through third quarter FY13 was 24.7%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the third quarter of FY13 was 32%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the third quarter are 29.2% and 18.4%, respectively.
- Attachment D presents the FY13 activity for the Purchase Card program totaling approximately \$6.4 million of which 2.6 % was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 9.8% of

the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to third quarter FY13.
- Attachments F shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analyses, MFD vendors do appear to be participating, at an overall rate of 21.5% in informal (under \$30,000) and 26.9% in the formal (over \$30,000) procurements. In the newest delegation for transactions under \$10k, MFD participation is 20.1%.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$65.9 million in total procurement, \$47.8 million was procured from Maryland vendors. Of the \$16.2 million in procurement from MFD vendors, \$12.8 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated February 17, 2011.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 1.5% of total procurement.

For further information on the MFD report, please contact the Office of Executive Director at (301) 454-1740.

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2013
FOR NINE MONTHS ENDED MARCH 31, 2013

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<u>Prince George's County</u>						
Commissioners' Office	\$ 59,809	\$	20,823	1	\$ 20,071	33.6%
Planning Department	2,375,625		-	-	343,508	14.5%
Parks and Recreation Department	40,062,126		713,792	9	11,684,595	29.2%
Total	<u>42,497,560</u>		<u>734,615</u>	<u>10</u>	<u>12,048,174</u>	<u>28.4%</u>
<u>Montgomery County</u>						
Commissioners' Office	39,661		-	-	2,118	5.3%
Planning Department	1,238,815		-	-	207,535	16.8%
Parks Department	19,862,953		252,219	8	3,654,638	18.4%
Total	<u>21,141,429</u>		<u>252,219</u>	<u>8</u>	<u>3,864,291</u>	<u>18.3%</u>
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	665,169		40,000	1	239,867	36.1%
Finance Department	1,549,049		-	-	94,801	6.1%
Legal Department	66,930		1,812	1	5,744	8.6%
Merit Board	17,130		-	-	17,000	99.2%
Office of Chief Information Officer	-		-	-	-	0.0%
Office of Internal Auditor	27,363		-	-	-	0.0%
Total	<u>2,325,641</u>		<u>41,812</u>	<u>2</u>	<u>357,412</u>	<u>15.4%</u>
Grand Total	<u>\$ 65,964,630</u>	<u>\$</u>	<u>1,028,646</u>	<u>20</u>	<u>\$ 16,269,877</u>	<u>24.7%</u>

Note: The "Waivers" columns report the amount and number of purchases approved to be exempt from the competitive procurement process, including sole source procurements.

Prepared by Finance Department
May 2, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2013

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	5.9%	33.3%	33.6%	
Planning Department	9.0%	7.1%	14.5%	
Parks and Recreation Department	32.8%	31.9%	29.2%	
Total	<u>30.9%</u>	<u>30.3%</u>	<u>28.4%</u>	
<u>Montgomery County</u>				
Commissioners' Office	0.0%	6.4%	5.3%	
Planning Department	10.2%	10.5%	16.8%	
Parks Department	15.9%	18.0%	18.4%	
Total	<u>15.4%</u>	<u>17.5%</u>	<u>18.3%</u>	
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	75.4%	55.2%	36.1%	
Finance Department	3.5%	3.8%	6.1%	
Legal Department	15.4%	6.0%	8.6%	
Merit Board	100.0%	99.2%	99.2%	
Office of Chief Information Officer	0.0%	0.0%	0.0%	
Office of Internal Auditor	0.0%	0.0%	0.0%	
Total	<u>15.0%</u>	<u>13.6%</u>	<u>15.4%</u>	
Grand Total	<u><u>24.7%</u></u>	<u><u>25.2%</u></u>	<u><u>24.7%</u></u>	

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	5.9%	67.2%	35.2%		33.6%
Planning Department	9.0%	4.6%	26.7%		14.5%
Parks and Recreation Department	32.8%	31.0%	26.1%		29.2%
Total	<u>30.9%</u>	<u>29.6%</u>	<u>26.1%</u>		<u>28.4%</u>
<u>Montgomery County</u>					
Commissioners' Office	0.0%	7.3%	4.8%		5.3%
Planning Department	10.2%	11.0%	34.2%		16.8%
Parks Department	15.9%	20.4%	18.9%		18.4%
Total	<u>15.4%</u>	<u>19.8%</u>	<u>19.4%</u>		<u>18.3%</u>
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	75.4%	37.9%	21.5%		36.1%
Finance Department	3.5%	4.1%	19.2%		6.1%
Legal Department	15.4%	3.0%	14.9%		8.6%
Merit Board	100.0%	0.0%	0.0%		99.2%
Office of Chief Information Officer	0.0%	0.0%	0.0%		0.0%
Office of Internal Auditor	0.0%	0.0%	0.0%		0.0%
Total	<u>15.0%</u>	<u>11.5%</u>	<u>20.0%</u>		<u>15.4%</u>
Grand Total	<u><u>24.7%</u></u>	<u><u>25.7%</u></u>	<u><u>24.0%</u></u>		<u><u>24.7%</u></u>

Prepared by Finance Department
May 2, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
BY MAJOR PROCUREMENT CATEGORY
FY 2013
FOR NINE MONTHS ENDED MARCH 31, 2013

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Res. & Mgt.	Legal Department	Finance Department
Goods:								
Total \$	\$ 17,333,942	\$ 106,136	\$ 5,739,785	\$ 10,522,440	\$ 517,930	\$ 68,629	\$ 12,038	\$ 366,984
MFD\$	\$ 1,611,936	\$ 25,979	\$ 276,575	\$ 1,168,978	\$ 57,356	\$ 29,358	\$ 5,744	\$ 47,946
Percentage	9.3%	24.5%	4.8%	11.1%	11.1%	42.8%	47.7%	13.1%
Miscellaneous Services:								
Total \$	\$ 17,805,556	\$ 801,501	\$ 3,915,887	\$ 11,464,974	\$ 586,620	\$ 325,415	\$ 15,839	\$ 695,320
MFD\$	\$ 5,036,219	\$ 152,823	\$ 1,228,009	\$ 3,353,086	\$ 97,736	\$ 179,959	\$ 0	\$ 24,606
Percentage	28.3%	19.1%	31.4%	29.2%	16.7%	55.3%	0.0%	3.5%
Professional Services:								
Total \$	\$ 6,645,121	\$ 271,492	\$ 290,803	\$ 4,114,608	\$ 1,266,350	\$ 176,070	\$ 39,053	\$ 486,745
MFD\$	\$ 1,853,141	\$ 28,733	\$ 72,764	\$ 1,543,593	\$ 188,416	\$ 27,386	\$ 0	\$ 22,249
Percentage	28.3%	10.6%	25.0%	37.5%	14.9%	15.6%	0.0%	4.6%
Construction:								
Total \$	\$ 24,036,048	\$ 59,686	\$ 9,916,478	\$ 13,960,104	\$ 4,725	\$ 95,055	\$ 0	\$ 0
MFD\$	\$ 7,699,392	\$ 0	\$ 2,077,290	\$ 5,618,938	\$ 0	\$ 3,164	\$ 0	\$ 0
Percentage	32.0%	0.0%	20.9%	40.2%	0.0%	3.3%	0.0%	0.0%
SUBTOTAL								
Total \$	\$ 65,820,667	\$ 1,238,815	\$ 19,862,953	\$ 40,062,126	\$ 2,375,625	\$ 665,169	\$ 66,930	\$ 1,549,049
MFD\$	\$ 16,230,688	\$ 207,535	\$ 3,654,638	\$ 11,684,595	\$ 343,508	\$ 239,867	\$ 5,744	\$ 94,801
Percentage	24.7%	16.8%	18.4%	29.2%	14.5%	36.1%	8.6%	6.1%
Pr. Geo. Commissioners' Office								
Total \$	\$ 59,809							
MFD\$	\$ 20,071							
Percentage	33.6%							
Mont. Commissioners' Office								
Total \$	\$ 39,661							
MFD\$	\$ 2,118							
Percentage	5.3%							
Merit Board								
Total \$	\$ 17,130							
MFD\$	\$ 17,000							
Percentage	99.2%							
Office of Chief Information Officer								
Total \$	\$ 0							
MFD\$	\$ 0							
Percentage	0.0%							
Office of Internal Auditor								
Total \$	\$ 27,363							
MFD\$	\$ 0							
Percentage	0.0%							
GRAND TOTAL \$	\$ 65,964,630							
MFD\$	\$ 16,269,877							
Percentage	24.7%							

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2013
FOR NINE MONTHS ENDED MARCH 31, 2013

Attachment D

	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 59,809	33.6%	\$ 26,296	16.0%
Planning Department	2,375,625	14.5%	88,061	1.5%
Parks and Recreation Department	40,062,126	29.2%	3,713,077	1.7%
Total	<u>42,497,560</u>	<u>28.4%</u>	<u>3,827,434</u>	<u>1.8%</u>
<u>Montgomery County</u>				
Commissioners' Office	39,661	5.3%	2,170	0.0%
Planning Department	1,238,815	16.8%	66,039	1.2%
Parks Department	19,862,953	18.4%	2,533,827	3.8%
Total	<u>21,141,429</u>	<u>18.3%</u>	<u>2,602,036</u>	<u>3.8%</u>
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	665,169	36.1%	5,335	0.0%
Finance Department	1,549,049	6.1%	42,059	0.0%
Legal Department	66,930	8.6%	7,374	0.0%
Merit Board	17,130	99.2%	130	0.0%
Office of Chief Information Officer	-	0.0%	-	0.0%
Office of Internal Auditor	27,363	0.0%	3,272	0.0%
Total	<u>2,325,641</u>	<u>15.4%</u>	<u>58,170</u>	<u>0.0%</u>
Grand Total	<u>\$ 65,964,630</u>	<u>24.7%</u>	<u>\$ 6,487,640</u>	<u>2.6%</u>

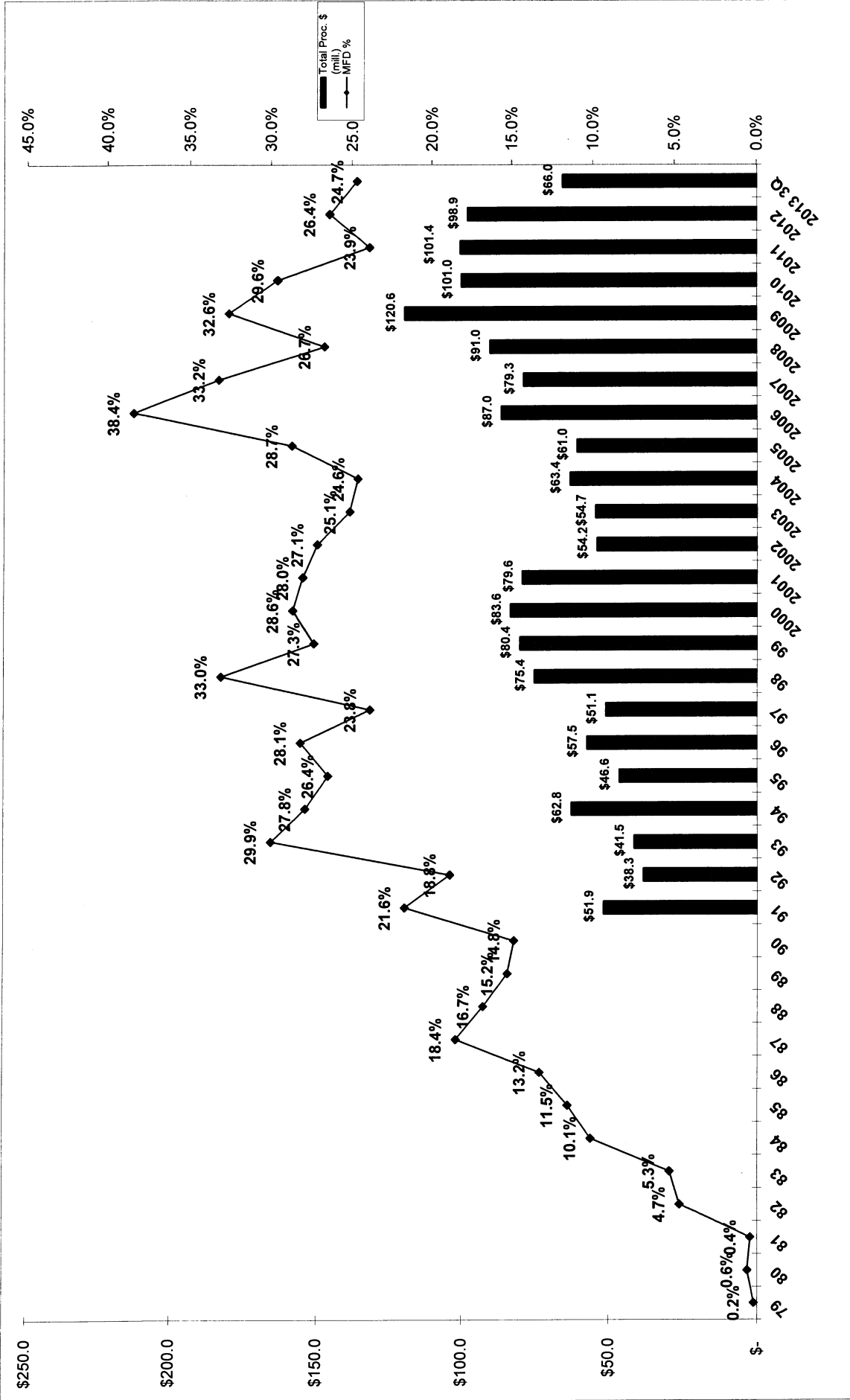
Percentage of Purchase Card Procurement to Total Procurement 9.8%

Prepared by Finance Department
May 2, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)

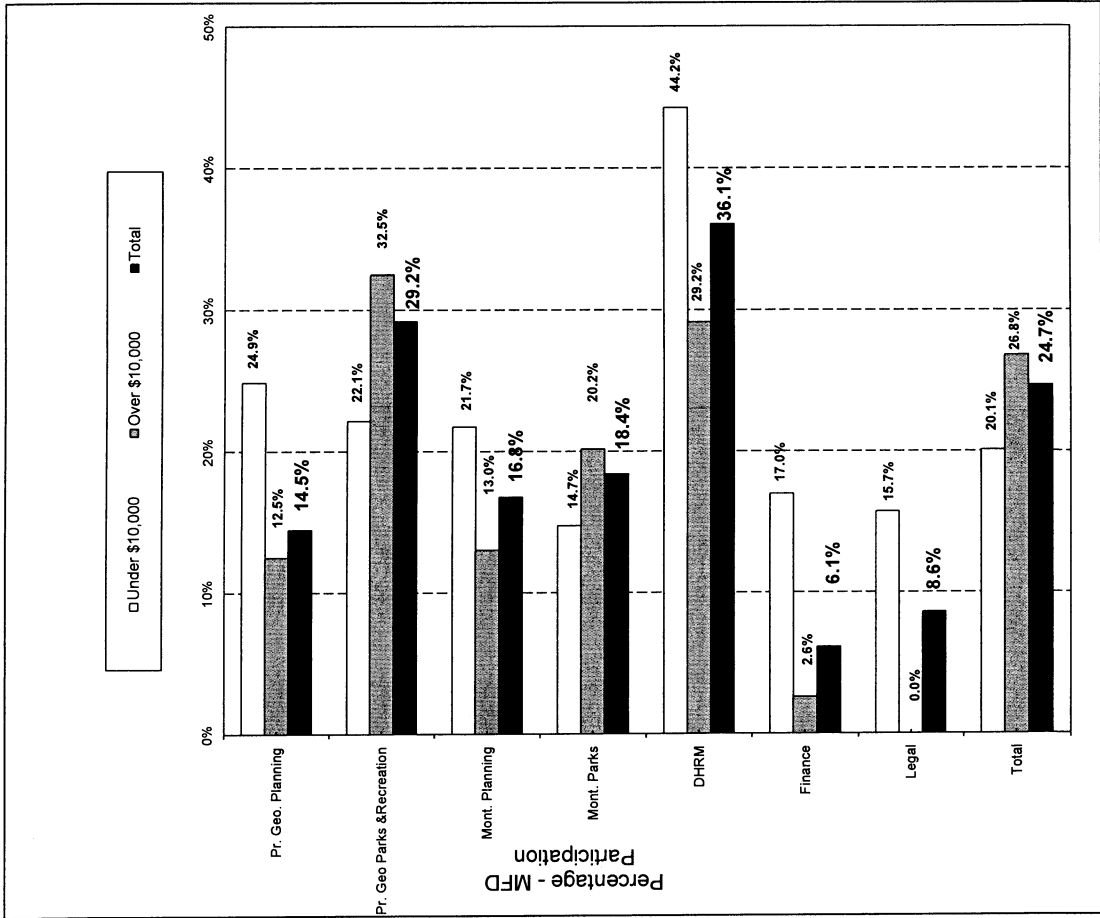
Attachment E



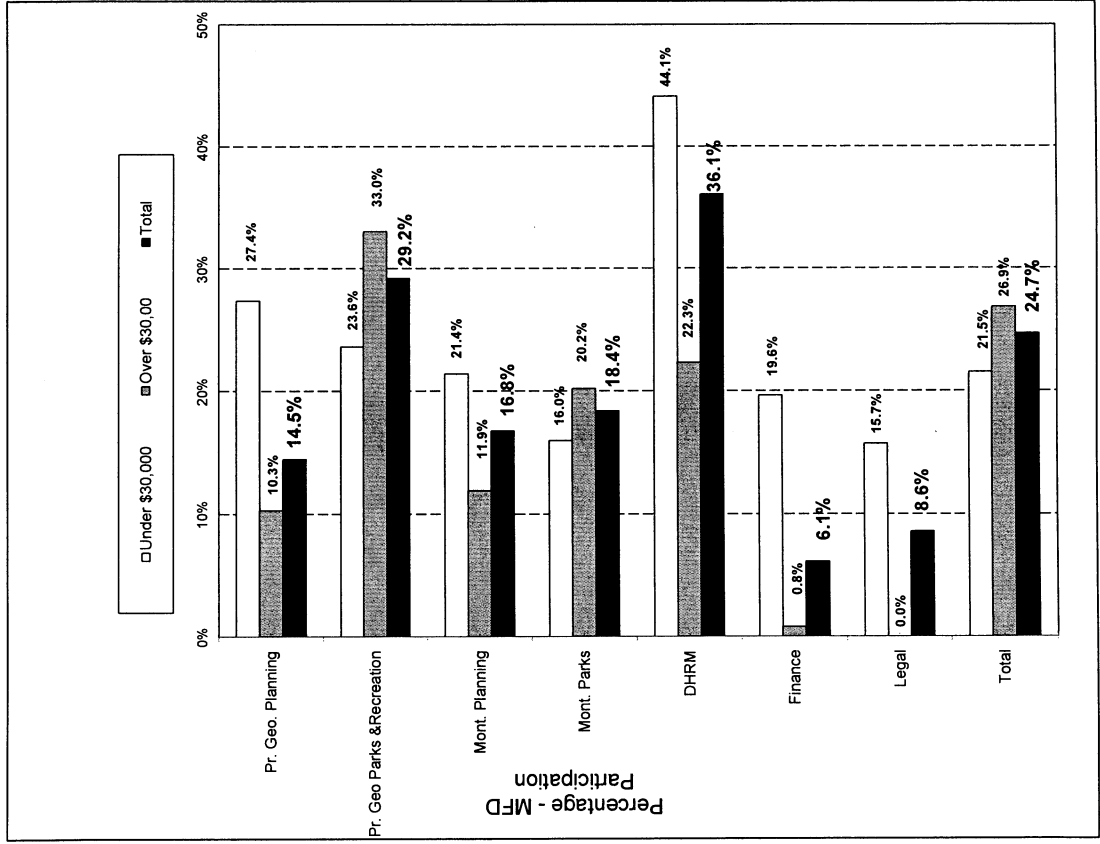
Prepared by Finance Department
May 2, 2013

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %

Under/Over \$10,000

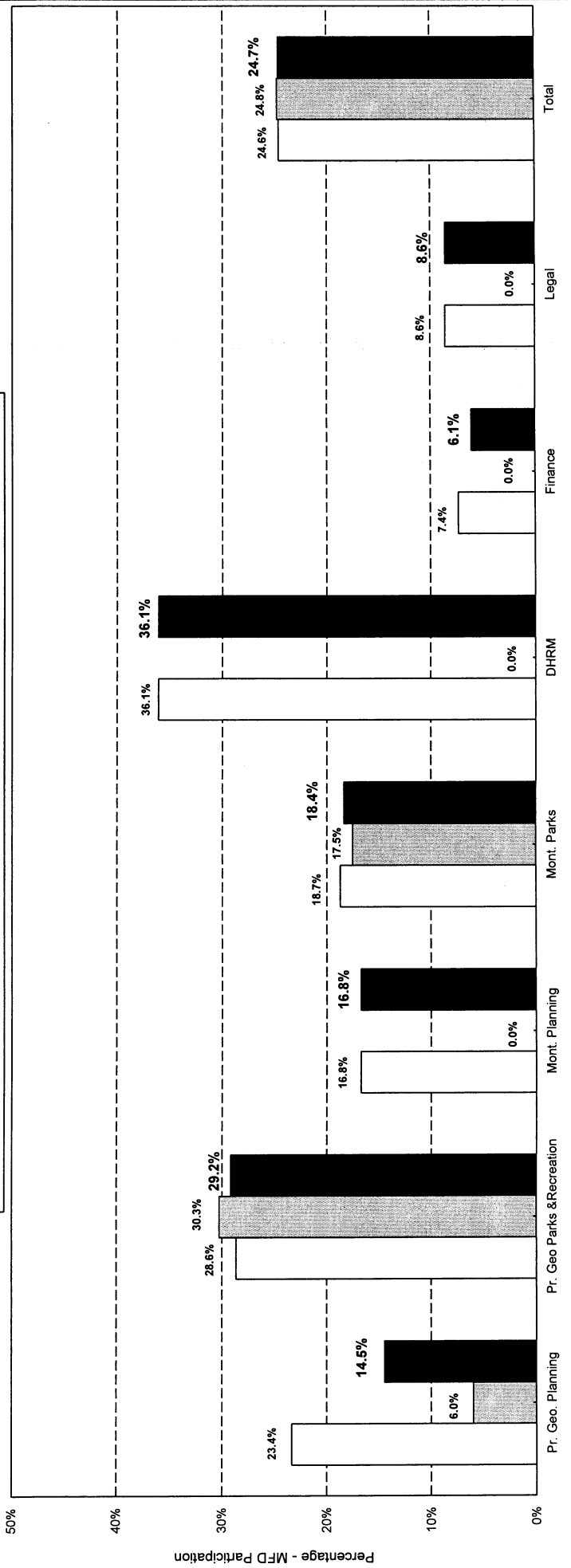


Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total
 FY 2013 3Q

□ Under \$250,000 ▨ Over \$250,000 ■ TOTAL



Prepared by Finance Department
 May 7, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Amount of Procurement and Number of Vendors by Location
FY 2013
FOR NINE MONTHS ENDED MARCH 31, 2013

Attachment H

TOTAL of ALL VENDORS

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 12,783,570	19.4%	357	15.8%
Prince George's County	17,814,834	27.0%	786	34.9%
Subtotal	30,598,404	46.4%	1,143	50.7%
Maryland - other locations	17,282,464	26.2%	393	17.4%
Total Maryland	47,880,868	72.6%	1,536	68.1%
District of Columbia	1,941,518	2.9%	105	4.7%
Virginia	3,622,234	5.5%	168	7.4%
Other Locations	12,520,010	19.0%	447	19.8%
Total	\$ 65,964,630	100.0%	2,256	100.0%

TOTAL of Non-MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 6,876,911	13.8%	243	15.0%
Prince George's County	13,885,609	28.0%	498	30.7%
Subtotal	20,762,520	41.8%	741	45.7%
Maryland - other locations	14,257,446	28.7%	302	18.6%
Total Maryland	35,019,966	70.5%	1,043	64.3%
District of Columbia	935,199	1.9%	61	3.8%
Virginia	1,745,929	3.5%	119	7.3%
Other Locations	11,993,659	24.1%	398	24.6%
Total	\$ 49,694,753	100.0%	1,621	100.0%

TOTAL of MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 5,906,659	36.3%	114	18.0%
Prince George's County	3,929,225	24.2%	288	45.4%
Subtotal	9,835,884	60.5%	402	63.4%
Maryland - other locations	3,025,018	18.6%	91	14.3%
Total Maryland	12,860,902	79.1%	493	77.7%
District of Columbia	1,006,319	6.2%	44	6.9%
Virginia	1,876,305	11.5%	49	7.7%
Other Locations	526,351	3.2%	49	7.7%
Total	\$ 16,269,877	100.0%	635	100.0%

Note: The following shows the amounts and percentages of procurement by the location of the department. The bi-county departments' activity is divided equally between the two Counties.

	<u>Total Procurement</u>		<u>MFD Procurement</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Amount</u>	<u>Percentage</u>
Prince George's County	\$ 43,660,380	66.2%	\$ 12,226,880	75.2%
Montgomery County	22,304,250	33.8%	4,042,997	24.8%
Total	\$ 65,964,630	100.0%	\$ 16,269,877	100.0%

Prepared by Finance Department
May 2, 2013

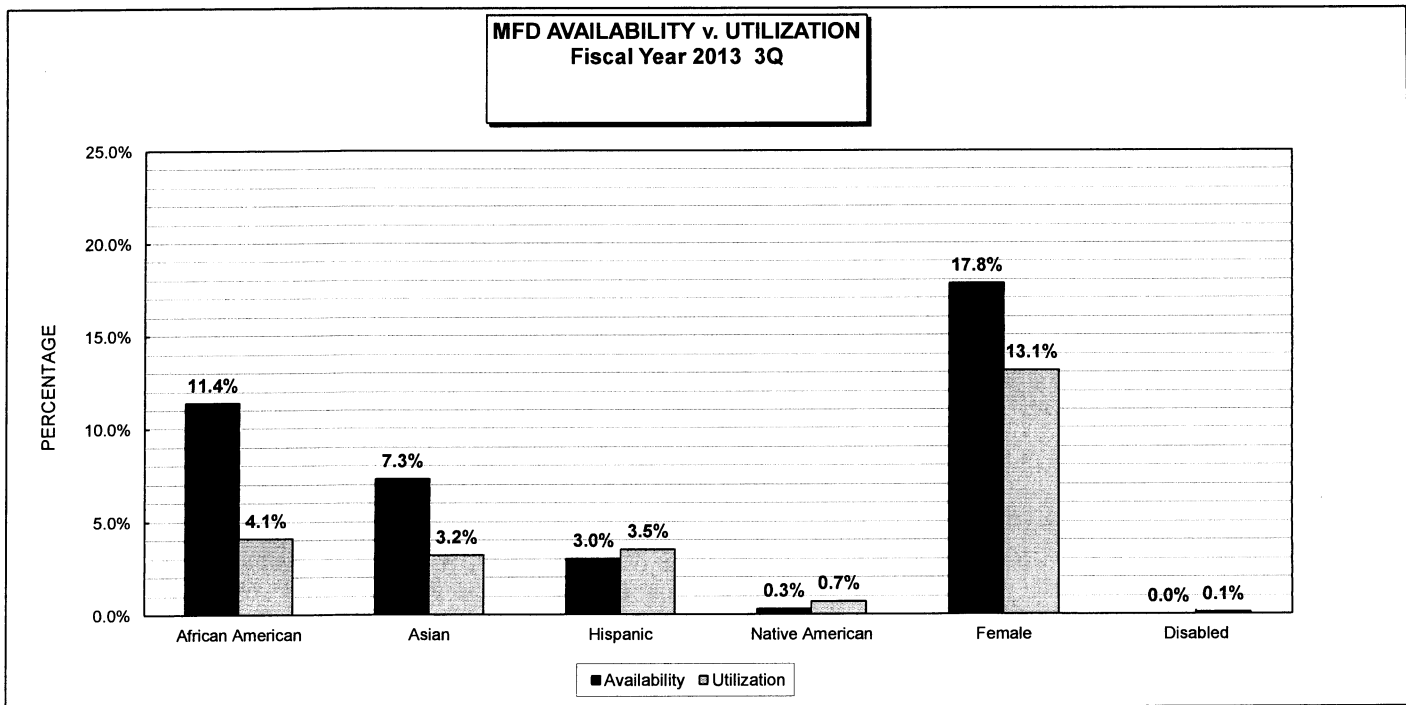
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS
FY 2013
FOR NINE MONTHS ENDED MARCH 31, 2013

Attachment I

Total Amount of Procurement \$ 65,964,630

**Amount, Percentage of Procurement by Category, and
 Percentage of Availability by Category:**

	Procurement		Availability
	Amount	%	%
Minority Owned Firms			
African American	\$ 2,714,681	4.1%	11.4%
Asian	2,109,818	3.2%	7.3%
Hispanic	2,326,339	3.5%	3.0%
Native American	475,213	0.7%	0.3%
Total Minority Owned Firms	7,626,051	11.5%	22.0%
Female Owned Firms	8,598,412	13.1%	17.8%
Disabled Owned Firms	45,414	0.1%	n/a
Total Minority, Female, and Disabled Owned Firms	\$ 16,269,877	24.7%	39.8%



Note: (1) Availability percentages are taken from State of Maryland study titled "The State of Minority- and Women-Owned Business Enterprise: Evidence from Maryland", dated February 17, 2011, table 4.23A on page 169.

(2) n/a = not available

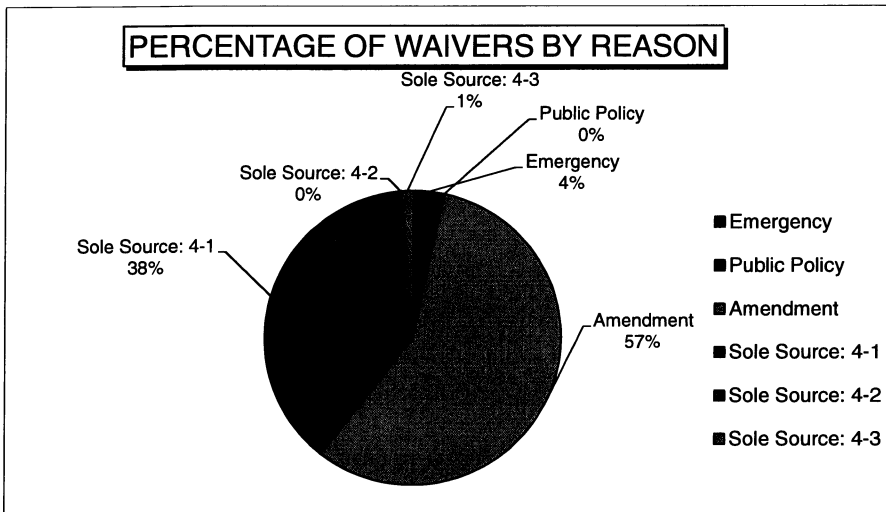
Prepared by Finance Department

May 2, 2013

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2013
FOR NINE MONTHS ENDED MARCH 31, 2013**

Attachment J

	NUMBER	AMOUNT	PERCENTAGE
Emergency	3	\$ 34,706	4%
Public Policy	0	\$ -	0%
Amendment	10	\$ 587,965	57%
Sole Source: 4-1	6	\$ 392,092	38%
Sole Source: 4-2	0	\$ -	0%
Sole Source: 4-3	1	\$ 13,883	1%
Total	20	\$1,028,646	100%



Waiver Reason Definitions:

Emergency:

Sudden and unforeseeable circumstance have arisen which actually or imminently threaten the continuance of an essential operation of the Commission or which threaten public health, welfare or safety such that there is not enough time to conduct the competitive bidding.

Required by Law or Grant:

Public law or the terms of a donation/grant require that the above noted vendor be chosen.

Amendment:

A contract is already in place and it is appropriate for the above noted vendor to provide additional services and/or goods not within the original scope of the contract because the interested service and/or goods are uniquely compatible with the Commission's existing systems and patently superior in quality and/or capability than what can be gained through an open bidding process.

Sole Source 4:

It has been determined that:

- #1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- #2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- #3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2013
FOR THE NINE MONTHS ENDED MARCH 31, 2013**

Attachment K

	Total Waivers		MFD/Waivers		% of MFD		Sole Source 4-1		Sole Source 4-2		Sole Source 4-3		% Sole Source	
	\$	Number	\$	Number	%	Number	\$	Number	\$	Number	\$	Number	%	
Prince George's County														
Commissioners' Office	\$ 20,823	1	\$ 20,823	1	100.0%	\$ 20,823	1	\$ -	0	\$ -	0	100.0%		
Planning Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%		
Parks and Recreation Department	713,792	9	179,999	3	25.2%	331,269	4	-	0	13,883	1	48.4%		
Total	734,615	10	200,822	4	27.3%	352,092	5	-	0	13,883	1	49.8%		
Montgomery County														
Commissioners' Office	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%		
Planning Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%		
Parks Department	252,219	8	-	0	0.0%	-	0	-	0	-	0	0.0%		
Total	252,219	8	-	0	0.0%	-	0	-	0	-	0	0.0%		
Central Administrative Services														
Dept. of Human Resources and Mgt.	40,000	1	-	0	0.0%	40,000	1	-	0	-	0	100.0%		
Finance Department	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%		
Legal Department	1,812	1	-	0	0.0%	-	0	-	0	-	0	0.0%		
Merit Board	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%		
Total	41,812	2	-	0	0.0%	40,000	1	-	0	-	0	95.7%		
Grand Total	\$ 1,028,646	20	\$ 200,822	4	19.5%	\$ 392,092	6	\$ -	0	\$ 13,883	1	39.5%		

Purpose of Summary of Waiver Report:

- (1) To monitor the amount, number, reasons for waivers in order to ensure the Commission is encouraging and maintaining good community, public, vendor, and interdepartmental relations;
To ensure fair and equitable treatment of all persons who deal in purchasing matters; to promote economy in Commission purchasing; and to ensure that minority owned firms receive a fair share of Commission awards (source: Practice 4-10); and
- (2) To comply with the Prince George's Planning Board directive of January 29, 1991 to report waiver activity to the Department Heads and the Planning Boards on a quarterly basis.

Sole Source: 4

It has been determined that:

- 4-1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- 4-2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- 4-3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

Prepared by Department of Human Resources and Management

April 1, 2013



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

Reply To

June 19, 2013

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 May 2013

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, June 19, 2013. 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.

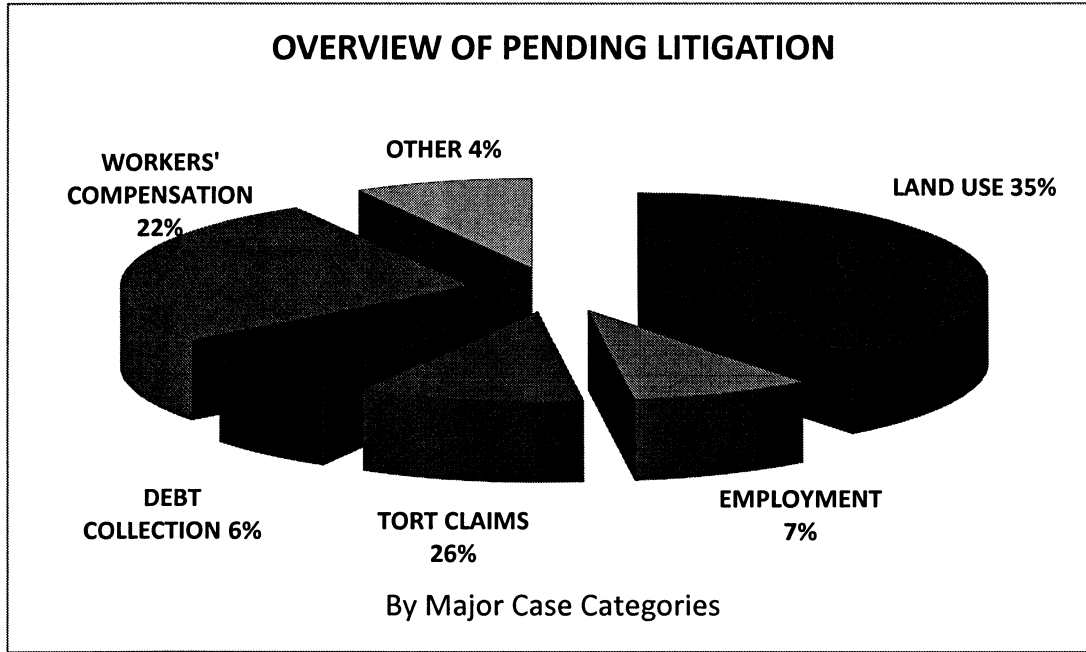
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May 2013 Composition of Pending Litigation

(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	8		4				12
Admin Appeal: Other							0
Land Use Dispute	1						1
Tort Claims	5						5
Employment Dispute	1	3	0				4
Contract Dispute	1						1
Property Dispute	1		1				2
Civil Enforcement	1						1
Workers' Compensation	11		2				13
Debt Collection	1						1
Bankruptcy							0
Miscellaneous	3		1				4
Per Forum Totals	33	3	8	0	0	0	44



May 2013 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2014			
	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	12			16	2	6	12
Admin Appeal: Other	0			0			0
Land Use Disputes	1			1			1
Tort Claims	5			5	2	2	5
Employment Disputes	4			4	1	1	4
Contract Disputes	1			1	1	1	1
Property Disputes	2			2			2
Civil Enforcement	1			1			1
Workers' Compensation	9	2		14	6	7	13
Debt Collection	1			3		2	1
Bankruptcy	0			0			0
Miscellaneous	1		1	1	4	1	4
Totals	37	2	1	48	16	20	44

Index of New and Resolved Cases

A. New Trial Court Cases.

	<u>Unit</u>	<u>Subject Matter</u>
Commission v. Murray	PG Parks	Workers' Compensation
Rivera v. Commission	PG Parks	Workers' Compensation
Reijerson v. Commission	PG Parks	Workers' Compensation
Short v. Commission	PG Parks	Workers' Compensation
Commission v. URS Corporation	MC Parks	Construction Dispute
Beth Torah Congregation Inc. v. Commission	PG Parks	Declaratory Judgment

B. New Appellate Court Cases.

C. Trial Court Cases Resolved.

D. Appellate Court Cases Resolved.

Disposition of FY14 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		
Montgomery County Department of Parks Pollard v. Commission	The Workers' Compensation Commission awarded Claimant 15% permanent partial disability to his right lower extremity (knee), and 5% was found to be due to a pre-existing condition. Claimant appealed award.	Case Remanded to WCC 01/08/13.
Pollard v. Commission	The Workers' Compensation Commission awarded Claimant 37% permanent partial disability reasonably attributable to the accidental injury, and 24% was found to be due to pre-existing conditions. Claimant appealed award.	Case Remanded to WCC 01/08/13.
Montgomery County Park Police Commission v. Hoffmaster	Commission appealing the Workers' Compensation Commission's decision.	Claimant prevailed at jury trial. WCC Order affirmed. 02/05/13.
Montgomery County Planning Board Commission v. Johnson	Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.	Judgment granted in favor of the Commission 10/19/12.
Sandler, et al. v. Montgomery County Planning Board	Petition for Judicial Review filed for Decision of the Montgomery County Planning Board regarding enforcement action: Violation of category I conservation easement in connection with forest conservation plan 120020730.	Final Order entered on 10/18/12 affirming the Planning Board's decision.

South-East Rural Civic Assn v. Montgomery County Planning Board	Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Preliminary Plan 120100250 and Site Plan 820100080 First Baptist Church of Wheaton.	Final Order reversing the Planning Board's decision issued and remand to the Board to deny preliminary and site plans.
South-East Rural Olney Civic Assn et al. v. Montgomery County Planning Board	Civil Compliant for Declaratory Judgment and Injunctive Relief filed in connection with Preliminary Plan 120100250 and Site Plan 820100080.	Complaint voluntarily dismissed by Plaintiffs on 10/17/12.
Prince George's County Department of Parks and Recreation		
Commission v. Batson	Commission is appealing the Workers' Compensation Commission decision.	Case Dismissed 09/21/12.
Commission v. Hill	Commission is appealing the Workers' Compensation Commission's decision.	Case Remanded to WCC 10/29/12.
Commission v. Kohlheim	Commission won Summary Judgment in suit to collect money owed for unpaid rental fees for boarding horses at the Prince George's Equestrian Center.	Case closed. Judgment uncollectable 05/11/12.
Commission v. Nyagbona	Commission filed suit to recover funds paid to repair a Commission vehicle that was struck by Defendant's uninsured automobile.	Defendant is in active military service and can't be served.
Japones v. Montgomery	Defense of Commission employee against suit for personal injury resulting from automobile accident.	Case Dismissed 01/14/13.
Galloway v. Commission	The Workers' Compensation Commission awarded Claimant 22% permanent partial disability to his left leg (knee). Claimant is appealing this award.	Claimant Dismissed Appeal 02/22/13.
Lawson v. Commission	Defense of claim arising from injury to minor child playing game at playground camp held at Carrollton Elementary School.	Case Settled 09/14/12.
Quick v. Gathers	Defense of claim for alleged violations of the Americans with Disabilities Act.	Commission's Motion to Dismiss granted on 12/17/12.
Quick v. Legal Department	Defense of claim for injuries arising from alleged defective exercise bike.	Commission's Motion to Dismiss granted on 12/17/12.
Wilson v. Commission	Appeal of dismissal of claim alleging discriminatory termination.	Dismissal upheld 04/10/13.

Prince George's County Planning Department			
Prince George's County Planning Board			
Accokeek, Mattawoman, Piscataway Creeks, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Special Exception 4669 in Robin Dale Property.	Judge Cotton granted Motions and Petition Notice of Voluntary Dismissal in case 10/26/12.	
Keller Brothers Inc. v. Commission	Defense of claim for Judicial Review of construction change order request for Glen Arden Community Center and Theresa Banks Pool.	Order of Court reversing the Commission's purchase order decisions – appeal recommended 01/07/13. Commission has appealed to the Court of Special Appeals.	
Kelly Canavan & Randy Pheobus, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-07076 in Estate of Pleasant Valley.	Judgment in favor of Commission 02/19/13.	
Lake Marilton Limited Partnership, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11003 in Heathermore.	Case Dismissed by Clerk of Circuit 09/08/12.	
Tipton, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11028 in Salubria Center.	Opinion and Order for Circuit Court affirming Planning Board decision 11/30/12.	
Prince George's Park Police			

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DISTRICT COURT OF MARYLAND FOR PRINCE GEORGE'S COUNTY

Butler v. Commission, et al.

Case No. 0502-0036998-2012

Lead Counsel: Aleman
Other Counsel: Harvin

Abstract: Defense of Commission employee against suit for personal injury resulting from automobile accident.

Status: Case dismissed by Plaintiff without prejudice on May 16, 2013, in order to formalize settlement reached by parties on May 15, 2013, over the telephone. However, Plaintiff's counsel still needs to provide Tax ID number to finalize draft of Settlement Agreement and General Release for Plaintiff to sign.

Docket:

12/18/12	Complaint filed
01/24/13	Notice of Intention to Defend Filed
05/16/13	Plaintiff dismissed case without prejudice for settlement talks

Commission v. Burke

Case No. 0502-0008216-2009

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission filed confessed judgment against Defendant for failure to pay rental fee for park property. Currently attempting to locate defendant in order to enforce judgment.

Status: Confessed Judgment Filed

Docket:

03/10/09	Confessed Judgment filed
05/14/12	Notice of Lien filed

Commission v. Eludoyin

Case No. 0502-0006727-2012

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission filed suit to recover funds paid to employee under Workers' Compensation Act due to a vehicle accident caused by Defendant.

Status: Currently attempting to locate Defendant to serve summons and complaint

Docket:

03/28/12	Complaint filed
04/02/12	Summons issued for Defendant
09/04/12	Motion filed to Vacate Order of Dismissal

10/02/12	Order vacated – awaiting summons.
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Quick v. Legal Department
Case No. 0502-0000105-2013

Lead Counsel: Harvin
Other Counsel: Mills

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

Status: Case Dismissed

Docket:

01/02/13	Complaint filed
01/24/13	Answer filed
03/11/13	Trial Scheduled
03/11/13	Case Dismissed. Motion for Judgment Granted.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Commission v. Brown

Case No. CAL03-24561

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission won Summary Judgment in suit to collect money owed for unpaid rental fees for boarding horses at the Prince George's Equestrian Center.

Status: Post-judgment Collection Activity

Docket:

11/21/03	Complaint filed
07/02/04	Summary judgment granted
09/13/04	Hearing on damages – Award: \$11,680.00
05/14/12	Renewal of Judgment filed

Commission v. Murray

Case No. CAL13-14810

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained an occupational disease, Commission appealed.

Status: Response Filed

Docket:

05/10/13	Petition filed
05/16/13	Response filed

Commission v. Pinkney

Case No. CAL11-31133

Lead Counsel: Chagrin
Other Counsel: Mills

Abstract: Commission appealing the Workers' Compensation Commission's decision.

Status: Trial Scheduled

Docket:

11/07/11	Petition filed
11/11/11	Response to Petition filed
11/29/11	Commission's Certificate Regarding Discovery filed
07/13/12	Scheduling Order filed
12/19/12	Pretrial Conference scheduled
02/27/13	Trial Postponed
03/28/13	Stipulation of Dismissal, full and final settlement agreement pending.

Corsetti v. Commission
Case No. CAL12-02521

Lead Counsel: Chagrin
Other Counsel:

Abstract: Petitioner is appealing the Workers' Compensation Commission's award of compensation to her right shoulder.

Status: Trial Scheduled

Docket:

01/26/12	Petition filed
02/13/12	Response to Petition filed
05/01/12	Pretrial Conference cancelled
04/18/13	Trial scheduled
04/09/13	Case remanded to WCC. Full and final settlement pending.

Donaldson v. Commission
Case No. CAL12-14411

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant is appealing the Workers' Compensation Commission's Order denying compensability of his claim.

Status: Trial Scheduled

Docket:

02/13/12	Petition filed
03/02/12	Commission filed Motion to Dismiss or Change of Venue
03/15/12	Plaintiff filed Line consenting transfer
04/30/12	Notice of Case Transfer issued
10/30/12	Pretrial conference scheduled
06/13/13	Trial scheduled

Jackson v. Commission
Case No. CAL11-18249

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claims arising from injury sustained by patron while playing tennis.

Status: In Discovery

Docket:

11/01/12	Complaint filed
12/18/12	Answer filed
05/30/13	Pre-trial conference scheduled

Keller Brothers Inc. v. Commission

Case No. CAL11-18249

Lead Counsel: Calcote-Heatley
Other Counsel: Johnson

Abstract: Defense of claim for Judicial Review of construction change order request for Glenarden Community Center and Theresa Banks Pool.

Status: Mediation Scheduled.

Docket:

07/29/11	Complaint filed
10/19/11	Joint Motion to Stay Case filed
10/31/11	Order Staying Case
01/06/12	Status Hearing rescheduled
02/23/12	Status Hearing scheduled
03/15/12	Administrative Record filed
05/15/12	Appellant brief due
06/15/12	Commission brief due
11/09/12	Appellant brief due
12/10/12	Commission brief due
01/03/13	Oral argument held
01/07/13	Order of Court reversing the Commission's purchase order decisions – appeal recommended.
01/25/13	Notice of Appeal Filed – Mediation scheduled.

Presensky v. Commission

Case No. CAL12-37360

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging employment discrimination

Status: In Discovery

Docket:

11/27/12	Complaint filed
02/12/13	Answer filed
12/10/13	ADR Conference Scheduled
02/10/14	Trial Scheduled

Reijerson v. Commission

Case No. CAL13-11339

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 10% permanent partial disability under "other cases" and claimant appealed.

Status: Response Filed

Docket:

04/13/13	Petition filed
04/29/13	Response to Petition filed

Rivera v. Commission
Case No. CAL13-11328

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant did not sustain an occupational disease, claimant appealed.

Status: Response Filed
Docket:

04/19/13	Petition filed.
04/24/13	Response filed

Rogers v. Commission
Case No. CAL08-17670

Lead Counsel: McCarthy
Other Counsel:

Abstract: Plaintiff filed complaint for declaratory judgment and injunctive relief claiming easement rights concerning Commission property in Prince George's County.

Status: In Discovery

Docket:

07/10/08	Complaint filed
08/19/08	Complaint served
09/17/08	Commission Answer filed
11/05/08	Amended Complaint served
11/24/08	Commission Answer to Amended Complaint filed
03/04/09	Second Amended Complaint served
03/20/09	Commission Answer to Second Amended Complaint filed
08/28/09	Commission Motion for Partial Summary Judgment filed
08/31/09	Plaintiff's Motion for Partial Summary Judgment filed
09/28/09	Plaintiff's Motion for Leave to file Third Amended Complaint filed
09/29/09	Pretrial Conference
12/10/09	Pretrial Conference
02/22/10	Pretrial Conference
09/17/10	Motion Hearing held
01/19/11	Pretrial Conference held
05/3-5/11	Trial continued

Rollins v. Commission
Case No. CAL-11-17871

Lead Counsel: Johnson
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-10026 in Middleton Lane

Status: Oral Argument rescheduled

Docket:

08/01/11	Petition for Judicial Review filed
12/06/12	Petitioner's Filed Motion to Compel Filing of the Administrative Record and to Reschedule Oral Argument Hearing
12/10/12	Commission Filed Opposition to Motion to Compel Filing of the Administrative Record and to Reschedule Oral Argument Hearing
12/10/12	Commission Filed Response to Petition
12/10/12	Commission Filed Notice of Appeal
12/10/12	Commission filed Certificate of Compliance
12/10/12	Commission filed Record & Transcript
12/13/12	Oral Argument Scheduled
01/10/13	Petitioners' filed a Joint Stipulation to Extend Time to File Memoranda of Law
01/22/13	Petitioners' filed their Memorandum of Law in Circuit Court
02/25/13	Commission filed its Memoranda of Law in Circuit Court
04/03/13	Oral Argument was rescheduled to June 5, 2013 with Judge Michael J. Stamm. Judge Nichols is recusing himself from the case because his secretary is related to the applicant.

Schwartz v. Dobbins
Case No. CAL12-25208

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim arising from motor vehicle accident.

Status: In Discovery

Docket:

08/13/12	Complaint filed
09/24/12	Answer filed
03/04/13	Pre-trial conference scheduled
10/21/13	Trial scheduled

Short v. Commission
Case No. CAL12-37360

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant did not sustain an occupational disease, claimant appealed.

Status: Response Filed

Docket:

04/29/13	Petition filed
05/10/13	Response to Petition filed

Smithey v. Commission

Case No. CAL 13-07220

Lead Counsel: Chagrin
Other Counsel:

Abstract: Former employee appealing administrative decision concerning unemployment benefits. Unemployment appeal.

Status: Response to Petition Filed

Docket:

03/28/13	Petition Filed
04/03/13	Response to Petition filed by AG
04/15/13	Our response to Petition Filed

White v. Commission

Case No. CAL12-07503

Lead Counsel: Chagrin
Other Counsel:

Abstract: Petitioner is appealing the Workers' Compensation Commission's order.

Status: Trial Scheduled

Docket:

03/07/12	Petition filed
03/26/12	Response to Petition filed
09/18/12	Pretrial Conference scheduled
04/23/13	Trial scheduled
04/23/13	Case remanded to WCC.

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Beatty v. Montgomery County, et al.

Case No. 360768V

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant is suing for torts arising from slip and fall.

Status: Pretrial Conference Scheduled

Docket:

03/29/12	Complaint filed
04/25/12	Commission's Answer to Complaint filed
04/27/12	Montgomery County Motion to Dismiss and/or for Summary Judgment filed
06/04/12	Conference scheduled re: Motion to Dismiss
06/15/12	Scheduling hearing
08/16/12	Motion for Summary Judgment scheduled
09/27/12	Motion for Summary Judgment continued
12/19/12	Oral argument for Summary Judgment
12/19/12	Summary Judgment in favor of Commission Granted
12/27/12	Pretrial Conference scheduled
01/17/13	Plaintiff filed a Notice of Appeal

Commission v. Martinez

Case No. 369652V

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission appealing the Workers' Compensation Commission's decision.

Status: Case Dismissed. Remanded to WCC.

Docket:

10/15/12	Petition filed
10/23/12	Response to Petition filed
03/04/2013	Case dismissed. Remanded to WCC.

Beth Torah Congregation Inc. v. Prince George's Metro Center, Inc., Commission, et al

Case No. 376756-V

Lead Counsel: TBD
Other Counsel:

Abstract: Declaratory judgment action seeking relief from deed covenants and restrictions.

Status: Responsive pleading pending

Docket:

04/30/13	Complaint Filed
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Commission v. Rivera
Case No. 369970V

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission appealing the Workers' Compensation Commission's decision.

Status: Pretrial Hearing Scheduled

Docket:

10/23/12	Petition filed
04/04/13	Pretrial Hearing scheduled
04/11/13	Pretrial Conference
07/23/13	Trial scheduled

Commission v. Mereos
Case No. 369081-V

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.

Status: Awaiting service upon Defendant

Docket:

9/28/12	Petition to Enforce Planning Board Order filed
10/02/12	Summons issued

Commission v. Tessier
Case No. 374430-V

Lead Counsel: Chagrin
Other Counsel:

Abstract: Appeal of causal connection of claimant's back problems to her employment.

Status: Pretrial Hearing Scheduled

Docket:

3/5/13	Petition Filed
3/22/13	Discovery to Claimant
8/9/13	Pretrial Hearing Scheduled

Fort Myer Construction Corporation v. Commission
Commission v. URS Corporation
Case No. 369478-V

Lead Counsel: Saul Ewing (Garry Boehlert)
Other Counsel: Dixon

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 and is seeking contribution and indemnity.

Status: In Discovery.

Docket:

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

Kambiz Kazemi v. Commission

Case No. 351430-V

Lead Counsel: Lieb
Other Counsel: Sorrento

Abstract: Request for Judicial Review filed by Kambiz Kazemi in the case of Alvermar Woods, Lot 17, Preliminary Plan 11999034A.

Status: Stayed until December 31, 2012. Parties agreed on Motion to Extend to Stay to be filed with Court.

Docket:

08/25/11	Petition for Judicial Review filed
09/07/11	Petitioner's Motion for Stay of Proceedings filed
09/23/11	Order Staying Proceedings
03/05/12	Petitioner's Motion for Extension of Stay of Proceedings filed
04/04/12	Order – Proceedings shall be stayed until July 1, 2012
07/27/12	Petitioner's Motion to Extend Stay of Proceedings until December 31, 2012 filed
10/19/12	Order Staying Proceedings

Makfinsky, et al. v. Montgomery County Planning Board

Case No. 360249-V

Lead Counsel: Rubin
Other Counsel: Sorrento

Abstract: Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Rolling Stone Preliminary Plan 120110430.

Status: Hearing Scheduled

Docket:

01/04/13	Petition for Judicial Review filed
01/23/13	Commission's Response, Certificate of Compliance and Notice to Parties of Record filed
03/04/13	Administrative Record Filed
03/14/13	Notice of Hearing
03/20/13	Supplement to Administrative Record Filed
07/08/13	Hearing Scheduled

McClure v. Montgomery County Planning Board

Case No. 362946-V

Lead Counsel: Lieb
Other Counsel:

Abstract: Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21611 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-38.

Status: Oral Argument held. Decision Pending.

Docket:

05/09/12	Petition filed
07/09/12	Motion to Stay Order of the Montgomery County Planning Board and Request for hearing
07/24/12	Answer of the Montgomery County Planning Board to Motion for Stay Pending Appeal
09/19/12	Motions hearing held, ruling from the Bench
09/20/12	Order – Hon. Joseph M. Quirk – staying enforcement of Planning Board's Order
09/28/12	Petitioner's memorandum filed
11/11/12	Commission's answering memorandum filed
11/16/12	Petitioner's Reply Memorandum filed
12/18/12	Hearing scheduled
01/29/13	Oral Argument Held

Sahady v. Montgomery County Planning Board

Case No. 364354-V

Lead Counsel: Lieb
Other Counsel:

Abstract: Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21533 Ripplemead Drive,

Laytonsville, MD 20882, Resolution No. MCPB No. 12-50.

Status: Oral Argument held. Decision Pending.
Docket:

06/15/12	Petition filed
06/09/12	Motion to Stay May 17, 2012 Order of the Montgomery County Planning Board and Request for hearing
07/24/12	Answer of the Montgomery County Planning Board to Motion for Stay Pending Appeal filed
08/16/12	Line and Administrative Record filed
09/19/12	Motions Hearing held, ruling from the Bench
09/20/12	Order – Hon. Joseph M. Quirk – staying enforcement of Planning Board's Order
	Petitioner's memorandum filed
11/22/12	Commission's answering memorandum due
12/05/12	Petitioner's Reply Memorandum filed
12/18/12	Oral Argument Held, Matters Taken Under Advisement

Shady Grove Technical Center Associates v. Montgomery County Planning Board
Case No. 359937-V

Lead Counsel: Rubin
Other Counsel: Lieb

Abstract: Petition for Judicial Review of Resolution by Montgomery County Planning Board in Case MCPB NO. 11-108.

Status: Stipulation of Dismissal with Prejudice filed.

Docket:

03/02/12	Petition filed
03/08/12	Response, Certificate of Compliance/Notice
03/15/12	Line of Appearance
03/19/12	Notice of Withdrawal of Appearance
03/21/12	Response – Notice of Intention to Participate in Petition for Judicial Review filed by Woodfield/Meridian Shady Grove, LLC
04/30/12	Line and Administrative Record filed
05/29/12	Order granting Motion of Petitioners for Extension of Time to File Memorandum of Law
07/17/12	Order granting extension of time to file Memorandum of Law
07/31/12	Consent Motion to Stay Proceedings filed
08/01/12	Order granting 30-day stay of proceedings
08/31/12	Request to Extend Stay on Consent Motion of all Parties filed by joint letter granted by Court
11/30/12	Scheduling Order
03/12/13	Stipulation of Dismissal with Prejudice filed
04/03/13	Oral Argument Scheduled

Smith v. Montgomery County Planning Board
Case No. 367472-V

Lead Counsel: Lieb
Other Counsel:

Abstract: Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21627 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 10-180.

Status: Oral Argument held. Supplemental information filed with the Court regarding the Planning Board's authority to Administratively enforce easement.

Docket:

08/27/12	Petition filed
09/05/12	Motion to Stay Order of the Montgomery County Planning Board and Request for hearing
09/04/12	Scheduling Order – Hon. Ronald B. Rubin
09/06/12	Response to Petition for Judicial Review filed by Commission
09/13/12	Notice of pending events
11/27/12	Plaintiff's Memorandum filed
12/21/12	Joint Stipulation as to Briefing Schedule filed
02/15/13	Supplemental informational correspondence filed with the Court.

Town of Washington Grove v. M-NCPPC

Case No. 370437-V

Lead Counsel: Sorrento
Other Counsel: Lieb

Abstract: Petition of Judicial Review of Forest Conservation Plan

Status: Answering Memorandum filed by Commission.

Docket:

11/08/12	Petition for Judicial review filed by Town of Washington Grove.
12/06/12	Response to Petition filed by Applicant, Towne Crest Apts.
12/07/12	Commission's Response filed
01/18/13	Administrative Record filed
02/19/13	Petitioner's Memorandum filed
03/20/13	Commission's Answering Memorandum filed

MARYLAND COURT OF SPECIAL APPEALS

Albert Arking, et al. v. Montgomery County Planning Board

September Term 2011, No. 02346

Lead Counsel: Rubin
Other Counsel:

Abstract: Petitioner filed an Appeal in the Circuit Court for Montgomery County of the Order dated December 12, 2011, denying the Petition for Judicial Review and affirming the Planning Board's decision.

Status: Decision Pending

Docket:

01/10/12	Notice of Appeal and Civil Information Report filed
01/23/12	Civil Information Report filed by Commission to clarify information filed by Petitioner
05/17/12	Scheduling Order
06/15/12	Appellants Request for Extension of Time for Filing of Appellant's Brief
06/20/12	Commission's Opposition to Appellant's Request for Extension to Time to File Brief
07/03/12	Scheduling Order from Hon. Peter B. Krauser
07/23/12	Appellant's Brief due
09/14/12	Commission's Brief filed
10/4/12	Appellant's Reply Brief
10/25/12	Notice to Parties from Court – Case to be decided without oral argument

Bethesda Place LLP v. MCPB

Case No. (No. 1909, September Term, 2012)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Notice of Appeal filed regarding the Judge's ruling in favor of the Commission on October 24, 2012.

Status: Notice of Dismissal filed by Appellant. Appeal Dismissed.

Docket:

9/28/12	Petition to Enforce Planning Board Order filed
10/02/12	Summons issued
01/30/13	Order for Prehearing conference – mediation
02/26/13	Notice of Dismissal

Hall, et al. v. Commission
September Term 2009, No. 01247

Lead Counsel: Johnson
Other Counsel:

Abstract: Defense against Administrative Appeal of Planning Board's decision to approve Bundy's Subdivision of Birdlawn Preliminary Plan 4-06158.

Status: Decision Pending
Docket:

01/10/08	Petition for Judicial Review filed
02/04/08	Commission filed Response to Petition; Certificate of Compliance and Notice of Appeal
03/12/08	Commission filed Record and Transcript
06/09/08	Petitioner filed Memorandum
07/14/08	Commission filed Memorandum
09/26/08	Oral Argument
07/15/09	Circuit Court Opinion affirming Planning Board decision issued
07/24/09	Petitioners Aimee Gray and the Estate of Affie Gray filed Notice of Appeal
11/04/09	Commission received Appellants' Brief
11/23/09	Commission filed a Stipulation For Extension of Time for Filing Memoranda (Commission's Brief)
12/18/09	Commission's Brief filed

Jones v. McNeal
September Term 2011, No. 01928

Lead Counsel: Calcote-Heatley
Other Counsel:

Abstract: Defense of suit under Maryland Public Information Act against Alvin McNeal. Plaintiff appeals decision of Circuit Court.

Status: Trial Scheduled

Docket:

10/31/11	Plaintiff Appeals to Court of Special Appeals
12/27/11	Mr. Jones' Brief due
01/03/12	Appellant's brief and request for waiver of 15 copies of brief filed
01/26/12	A. McNeal Brief due
03/12/12	Appellant's Motion to Waive Fees and Affidavit filed
04/04/12	Order – Appellant's obligation to deposit court fees waived
04/20/12	Five additional copies Appellant's 01/03/12 Brief filed
06/1-12/12	Oral Argument scheduled
09/12/12	A. McNeal Motion to Dismiss Appeal filed
10/15/12	Order – appeal may be dismissed on Court's motion unless Appellant files corrected brief
11/09/12	A. McNeal line withdrawing appearance of Jared M. McCarthy and entering appearance of Donna Y. Calcote-Heatley
11/10/12	Motion to Extend Time for filing Appellant's Briefs filed

12/31/12	Appellant's Corrected Brief due
01/04/13	Order – Appellant's Motion to Extend Time for filing brief granted
01/10/13	Order – Appellee's Motion to Dismiss denied
02/07/13	Appellant's Motion for Extension of Time Filed
02/12/13	Appellant's brief and record due
02/20/13	A. McNeal's Response to Appellant's Motion for Extension of Time Filed
05/2013	Oral Argument Scheduled

Kelly Canavan & Randy Pheobus, et al. v. Commission

September Term 2013. No. 00048

Lead Counsel: Johnson
Other Counsel: Mills

Abstract: Plaintiff's appeal of Prince George's County Circuit Courts decision on 02/19/2013 to uphold the Planning Board's approval of Saddle Creek's Preliminary Plan of Subdivision.

Status: Appeal Filed

Docket:

03/15/13	Received Notice of appeal and Civil Appeal Information Report on 3/28/2013
04/25/13	Order from Court of Special Appeals stating that the case will proceed without a Prehearing Conference.

Prince George's County, Maryland v. Mazzei et al.

September Term 2011, No. 02656

Lead Counsel: Chagrin
Other Counsel: Mills

Abstract: Order from Workers' Compensation Commission which found that he did not sustain an occupational disease arising out of and in the course of his employment from either Prince George's County or the Commission. Prince George's County is appealing decision from court in favor of Claimant, Mazzei.

Status: Briefing Scheduled

Docket:

01/23/12	Order -- Commission dismissed from appeal without prejudice
02/23/12	Notice of Appeal filed by Prince George's County, Maryland
08/2012	Motion for Extension to file Brief granted
02/13/13	Motion to Postpone Oral Argument and Further Extend Time to File Brief filed.

Pringle v. Montgomery County Planning Board

September Term 2011, No. 02334

Lead Counsel: Sorrento
Other Counsel: Rubin

Abstract: Gregory Pringle filed a petition of judicial review of the decision of the Montgomery County Planning Board in the case of Seneca Meadows Preliminary Plan 11998004A and Site Plan 820100140.

Status: Decision Pending

Docket:

01/03/12	Petitioner filed Notice of Appeal and Civil Information Report
02/21/12	Order – Appeal to proceed without a Prehearing Conference
07/02/12	Appellant Brief due
08/03/12	Commission’s Brief filed
08/06/12	Brief of Appellee Minkoff Development Corporation filed
01/04/13	Oral Argument held

Rounds v. Commission

Case No. TBA

Lead Counsel: Gardner and Mills
Other Counsel:

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

Status: Appeal Filed

Docket:

07/06/12	Notice of Appeal filed
01/07/13	Appellant’s Brief filed
04/01/13	Appellee’s Brief filed

Slover et al. v. Montgomery County Planning Board

September Term 2011, No. 01460

Lead Counsel: Lieb
Other Counsel: Rubin

Abstract: 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. Circuit Court issued Order affirming Preliminary Plan. Plaintiff appeals Order.

Status: Decision Pending

Docket:

09/09/11	Plaintiff’s Notice of Appeal filed
11/08/11	Order to proceed without pre-hearing conference
01/25/12	Appellants’ Memorandum of Law in Support of Notice of Judicial Review and Record Extract
03/01/12	Scheduling Order from the Court

03/08/12	Brief of Appellee, Montgomery County Planning Board
03/08/12	Brief of Appellees, Louis Donatelli and Ann Donatelli
03/28/12	Reply Brief of Appellants
10/10/12	Oral argument held

U.S. DISTRICT COURT OF MARYLAND

Freeman v. Commission
Case No. CAD 11-CV-2894

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination in employment by former employee.

Status: Trial Scheduled
Docket:

10/11/11	Complaint filed
11/14/11	Motion for Summary Judgment filed
05/25/12	Second Motion for Summary Judgment filed
07/26/12	Reply to Plaintiff's Opposition to Motion for Summary Judgment filed
11/08/12	Hearing held on Motion for Summary Judgment. All counts dismissed as to Defendant Gathers and six of seven counts dismissed as to the Commission.
10/1/13	Trial Scheduled

Streeter v. Commission
Case No. RWT 12-CV-0976

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination and retaliatory termination.

Status: Awaiting Final 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

Neal v. Commission
Case No. RWT 12-CV-1186

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination.

Status: In Discovery
Docket:

04/23/12	Complaint filed
04/25/12	Waiver of Summons filed
06/25/12	Motion for Summary Judgment filed
09/12/12	Reply to Defendant's Opposition filed
1/7/13	Motion denied