

***COMMISSION  
MEETING***

***April 20, 2016***

***9:30 a.m. – 11:00 a.m.***

***PARKS AND RECREATION  
AUDITORIUM  
6600 Kenilworth Avenue  
Riverdale, MD 20737***

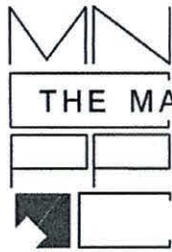
**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MEETING**

**Wednesday, April 20, 2016  
Parks and Recreation Auditorium  
9:30 a.m. – 11:30 a.m.**

			<u>ACTION</u>	
			Motion	Second
1.	<b>Approval of Commission Agenda</b>	(+*) Page 1		
2.	<b>Approval of Commission Minutes</b>			
	a) Open Session – March 16, 2016	(+*) Page 3		
	b) Closed Session – March 16, 2016	(++*)		
3.	<b>General Announcements</b>			
	a) Upcoming National Fitness Month/Days (Fitness days to be determined)			
	b) Upcoming Asian-Pacific American Heritage Month			
	c) Upcoming National Mental and Substance Use Disorders Prevention Week (May 15 – 21)			
4.	<b>Committee/Board Reports (For Information Only):</b>			
	a) Minutes – Executive Committee Meeting Open Session – April 6, 2016	(+) Page 7		
	b) Minutes – Regular Board of Trustees Meeting – March 1, 2016	(+) Page 17		
5.	<b>Action and Presentation Items</b>			
	a) Appointment of Sheila Morgan-Johnson as the Prince George’s County Public Member to the Board of Trustees for the term ending June 30, 2017 (A. Rose)	(+) Page 23		
	b) Acknowledge Alicia Hart as the Prince George’s County Open Trustee to the Board of Trustees for the term ending June 30, 2018 (A. Rose)	(+) Page 25		
	c) Consumer Driven Health Plan Presentation (AON/Spencer/McDonald)	(+) Page 27		
	d) Personnel Management Review (Spencer)	(+) Page 43		
	e) Literacy and Language Proficiency Program Briefing (Bennett)	(+) Page 61		
6.	<b>Open Session - Officers’ Reports</b>			
	a) <b>Executive Director</b> – (For Information Only) Employee Evaluations Not Completed by Due Date (March 2016)	(+) Page 67		
	b) <b>Secretary-Treasurer</b> – (For Information Only) 1) Enterprise Resource Planning (ERP) Briefing 2) Investment Report (March 2016)	(+) Page 69		
	c) <b>General Counsel</b> – (For Information Only) 1) Litigation Report (March 2016) 2) Legislative Update	(+) Page 75		
7.	<b>Closed Session</b> Collective Bargaining Update - Pursuant to Section 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to consult with counsel to obtain legal advice, and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.			

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





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
March 16, 2016

The Maryland-National Capital Park and Planning Commission met on March 16, 2016, in the Montgomery Regional Office in Silver Spring, Maryland.

PRESENT

Montgomery County Commissioners

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

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair  
Dorothy Bailey  
Manuel Geraldo  
A. Shuanise Washington

ABSENT

John Shoaff

Chair Anderson convened the meeting at 9:32 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA (as revised)

Executive Director Barney added a closed session to discuss collective bargaining.

ACTION: Motion of Hewlett

Seconded by Fani-Gonzalez

9 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open and Closed Session – February 17, 2016

ACTION: Motion of Hewlett

Seconded Fani-Gonzalez

9 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Anderson made the following announcements:

- a) The Women's History Month event (Theme: "Working to Form a More Perfect Union: Honoring Women in Public Service and Government) was held at the Newton-White Mansion yesterday. The event was excellent.
- b) March is National Nutrition Month (See inSite for events)
- c) Financial Disclosure Filing Requirements Briefing (Barney): Executive Director Barney stated memorandums were distributed to the Commissioners. A thumb drive and a link were provided, containing a list of vendors for consideration. The Financial Disclosures are to be completed online and submitted by April 15<sup>th</sup>. Commissioners should print the document and send two copies to Executive Director Barney.

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

- a) Minutes – Executive Committee Meeting – February 12, 2016
- b) Minutes – Executive Committee Meeting – March 2, 2016
- c) Minutes – Regular Board of Trustees Meeting – February 2, 2016

ITEM 5 ACTION AND PRESENTATION ITEMS

- b) Resolution #16-03, Purple Line Project – Approval of Conveyance and Exchange of Commission Real Property Interest to Maryland Transit Administration (Purple Line Team) (Taken out of order)

Montgomery County Department of Parks, Park Planning and Stewardship Chief Dr. John Hench, Montgomery County Department of Parks Land Acquisition Officer Bill Gries, Prince George’s County Department of Parks and Recreation Land Acquisition Officer Ray Palphrey, and Prince George’s County Parks and Recreation Deputy Director Darin Conforti presented the Resolution seeking approval of conveyance of real property for completion of the Purple Line project. Messrs. Conforti and Hench gave a high-level overview of the project. Mr. Conforti thanked other team members: Land Planner Eileen Nivera, Project Manager Vincent Cox, Principal Counsel Donna Calcote-Heatley, and Senior Counsel Megan Chung for their efforts. The Commissioners commended the team for their work on this project.

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

- a) Resolution #16-01, Adoption of the Montgomery Village Master Plan (Kamen)  
Montgomery County Planning Area 2 Planner Renee Kamen presented Resolution #16-01 for approval. Chair Anderson commended Ms. Kamen and the Montgomery County Planning Department for their expeditious execution of the Master Plan.

ACTION: Motion of Wells-Harley  
Second by Bailey  
9 approved the motion

- b) Resolution #16-04, Montgomery County Bond Sale (Zimmerman)  
Secretary-Treasurer Zimmerman presented Resolution #16-04 for approval.

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

- c) Wellness Initiatives – 2015 and 2016 (McDonald/Hawkins)  
Executive Director Barney introduced Health and Benefits Manager Jennifer McDonald and Health Promotions Specialist Juanita Hawkins. Ms. Hawkins presented an update and highlights of the M-NCPPC employee wellness program. She explained the purpose of the program and emphasized the health promotions strategy, major program activities/ accomplishments made in 2015, and the program focus and goals for 2016. In response to Chair Anderson’s question if the agency plans to measure the success of the program, Ms. Hawkins stated information will be available at the end of the year. Commissioner Fani-Gonzalez inquired if the financial planning workshops can be attached to other aspects of the employee wellness program. Executive Director Barney responded the workshops can be

made a component of another mandatory meeting, such as Division Chiefs' and staff meetings.

Vice-Chair Hewlett has participated in the wellness programs and found them to be helpful. She asked Department Heads to encourage staff participation. She noted that, upon request, financial planners will visit the respective divisions to educate employees on financial planning. Commissioner Bailey emphasized the seriousness and the challenges of food addiction and how it affects millions of people every day.

General Counsel Gardner strongly encourages the wellness programs; however, he stated the agency should keep in mind that the M-NCPPC does not have the same "tool kit" as a private employer to sponsor these programs, and that there are more constraints. The tone, idea, and direction of being as aggressive as possible in this subject is understood.

ITEM 6 OPEN SESSION – OFFICERS' REPORTS

- a) Executive Director  
Employees' Evaluations Not Completed by Due Date – (February 2016) (For Information Only)
- b) Secretary-Treasurer
  - 1) Enterprise Resource Planning (ERP) Briefing (For Information Only)  
Executive Director Barney shared there are some system challenges with the Manage Self-Serve rollout that relate to performance evaluations, personnel actions, etc. The problems will cause a delay in implementing that component. A new target date for the rollout has not been determined at this time; however, the Communications team will be sending information to the departments to that effect.
  - 2) MFD Purchasing Statistics – First and Second Quarter – FY16 (For Information Only)
  - 3) Investment Report (December 2015, January and February 2016) (For Information Only)
- c) General Counsel
  - 1) Litigation Report – (February 2016) (For Information Only)
  - 2) Legislative Update  
General Counsel Gardner reminded the Commissioners of the Gold Medal event scheduled for March 29<sup>th</sup>, in Annapolis. Chair Anderson and Vice-Chair Hewlett will be invited to the floor to receive a Resolution from the House delegates and the leadership of the Senate delegation. This event will be combined with the Program Open Space effort. The Program Open Space team will follow the event in the State House with significant advocacy. Commissioners will be asked to participate on this project to the extent of their availability.

The Commissioners took a break at 10:15 a.m., and adjourned to closed session at 10:23 a.m.

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

ACTION: Motion of Hewlett  
Seconded by Geraldo  
9 approved the motion



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

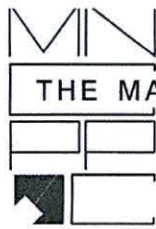


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Patricia Colihan Barney, Executive Director





**EXECUTIVE COMMITTEE MEETING MINUTES****April 6, 2016**

The Maryland-National Capital Park and Planning Commission's Executive Committee met in the Executive Director's Conference Room, at the Executive Office Building in Riverdale, Maryland. Present were Chair Anderson, Vice-Chair Elizabeth M. Hewlett, and Executive Director Patricia C. Barney. Also present were:

Department Heads/Deputies/Presenters/Staff

Adrian Gardner, General Counsel

Joe Zimmerman, Secretary-Treasurer

Ronnie Gathers, Director, Prince George's County Parks and Recreation

Fern Piret, Director, Prince George's County Planning

Mike Riley, Director, Montgomery County Parks

Gwen Wright, Director, Montgomery County Planning

Mitra Pedoeem, Acting Deputy Director, Montgomery County Parks

Debbie Tyner, Deputy Director, Prince George's County Parks and Recreation

Anju Bennett, Corporate Policy and Management Operations Division Chief

Andrea Davey, Public Affairs/Marketing Chief, Prince George's County Planning

Anita Pesses, Public Affairs/Marketing Officer, Prince George's County Parks and Recreation

William Spencer, Human Resources Director

Karen Warnick, Management Services Chief, Montgomery County Planning

Kristi Williams, Public Affairs and Community Partnerships Chief, Montgomery County Parks

Executive Director Barney convened the meeting at 9:35 a.m.

**ITEM 1a - APPROVAL OF EXECUTIVE COMMITTEE AGENDA (Executive Director Patricia Barney)**

Discussion           Item 4a – Discussion of Montgomery County Budget Strategy/CAS Impact was removed from the agenda.

**ITEM 1b - APPROVAL OF COMMISSION MEETING (Executive Director Patricia Barney)**

Discussion           The April 20 2016 Commission meeting agenda was reviewed. The following comments were made:

- Item 5a - Consumer Driven Health Plan Presentation – is being presented to provide information only.
- Item 6c – Legislative Update – A short update will be presented; however, the Annual Report will wait until May.
- Item 7 – A closed session will take place to discuss negotiations regarding the Fraternal Order of Police.

## ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

(Executive Director Patricia Barney)

Discussion The following are comments on, and modifications to, the Rolling Agenda:

### May Agenda

- Resolution for the Ratification of Collective Bargaining Agreement – Executive Director Barney stated the M-NCPPC should have a collective bargaining agreement by May. If the parties do not reach an agreement, she will talk with General Counsel Gardner, Montgomery County Council Staff Administrator Stephen Farber, and Prince George’s County Council Chief Administrator Bobby Williams to develop the language for the Joint Council budget meeting.
- Recommendations on Non-Represented Wage Resolution – General Counsel Gardner will request that Senior Counsel LaTonya Reynolds begin drafting the Resolutions.
- Policy Reviews – CPMO Chief Anju Bennett was asked to provide an update on policies.
  - Practice 2-14, Non-Commission Employment and Practice 2-15, Employee Use of Commission Property have been sent to both unions for comment. The comment period ends next week. The Practices will be taken to the Commission unless significant issues are identified requiring additional review with Department Heads.
  - Practice 3-10, Expense Reimbursement for Travel, Meetings, and Conferences – The Department Head Comment Period is concluding. The Practice will go to the union next week.
- The Annual Legislative Update listed for April now will be presented in May. General Counsel Gardner will review highlights of the bills that passed and those that did not pass. The September agenda will be changed to reflect a regular Legislative Update.
- The Commission-wide Service Awards Ceremony was moved from June 15<sup>th</sup> to October 19<sup>th</sup>.

### June Agenda

- Park Rules item was added.

### July Agenda

- Recommendations for Benefit Changes for Calendar Year 2017 – In addition to the benefit changes, Health and Benefits Manager Jennifer McDonald will discuss the long-term disability limits as requested by Chair Anderson last year.

### September Agenda

- Annual Legislative Update will be listed as Legislative Item/Status on the Rolling Agenda.
- CAS Cost Allocation – Executive Director Barney will check the timing of this item to ensure the labor distribution is correct for the budget presentation.

## ITEM 2 – MINUTES

Provided for Information March 2, 2015 Executive Committee Conference Call Minutes - Open Session

### ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS

#### Discussion a. Literacy Program Update (Bennett)

Corporate Policy and Management Operations (CPMO) Division Chief Anju Bennett provided an update on the Literacy and Language Proficiency Program (Literacy Program). She stated that the Department Heads and Commission Chairs requested the Literacy Program be resurrected and updated to address current needs. Ms. Bennett's division was asked to lead the development of the program. Her team conducted research on program resources and platform designs. Ms. Dupree and Ms. Gaylord were credited for their contributions to this effort.

The Literacy Council of Montgomery County (Literacy Council) was selected to provide instruction. Ms. Bennett shared the program was vigorously marketed and interest exceeded expectation. Fifty-seven (57) people applied to participate. Commissioners, Department Heads and various other people spoke at the forums and encouraged participation. Overall, 54 employees completed the applicant assessment, and 39 employees are presently participating in the program.

Ms. Bennett explained the program courses and curriculum design that launched in November. Ms. Bennett stated program assessments are being conducted to fine tune the program and prepare for the fall 2016 term. A mid-point assessment was completed in March through surveys and class observations to gauge participant feedback thus far. Another survey will be completed upon conclusion of this spring/summer term. Ms. Bennett reviewed the program assessment and responded to questions from the Chair and Vice-Chair. Vice-Chair Hewlett expressed her appreciation for the Literacy Program being resurrected. Chair Anderson stated the program update was fantastic and requested it be presented to the Commission. He requested additional information on the history of the program also be presented. Specifically, a point should be made that the M-NCPPC has not done this regularly in the past and the participation rate was lower. The Executive Committee was pleased with the participation level.

With respect to Chair Anderson's inquiry on whether student progress is tracked, Ms. Bennett explained pre-instruction skill assessment is conducted at time of application to the program. Skill levels also are assessed at the conclusion of the course to evaluate skill development. Ms. Bennett will provide a program update to the Executive Committee at the conclusion of this term.

The Executive Committee thanked Ms. Bennett. Ideas were discussed on the continued success of the program, including having previous program participants become ambassadors for upcoming terms. Executive Director Barney recommended expanding outreach for tutoring courses through ambassadors who can encourage employees who might otherwise be apprehensive about participating in the larger literacy classes. She suggested an article be posted on inSite and also in the Update employee newsletter.

A graduation ceremony is anticipated at the end of the program. Ms. Bennett suggested the ceremony be held after the Commission meeting, based on input from participants. The Executive Committee and Departments Heads for respective participants will be asked to speak at the graduation ceremony.

## **b. Marketing/Branding Project (Williams, Marketing Team)**

Executive Director Barney provided background on the marketing/branding initiative. She explained that a review had been undertaken in 2014 which resulted in a number of logos, some from a consultant. None of the consultant's logos were fully supported by the marketing team or senior management. Subsequently, at Mike Riley's suggestion, internal graphics designers provided some designs of which management viewed more favorably. At its June 26, 2015 meeting of the Executive Committee, then Vice-Chair Anderson asked Montgomery County Parks Public Affairs and Community Partnerships Division Chief Kristi Williams to provide a proposal for moving forward. The Executive Director requested an update on the proposal, and Ms. Williams presented this on March 29, 2016. At that meeting, Department Heads shared their input and also revisited the 2006 branding project that was undertaken by the agency's senior leadership, with the help of an external consultant.

The Executive Director shared observations about the inconsistent use of the agency's current logo, pointing to samples from various recent publications issued in the agency. Some departments prominently feature the agency's name and official logo along with their department's name, while others use variations of the agency's name and logo. Montgomery Parks utilizes its own logo of a tree. Regardless of what is ultimately selected, consistency is important. She also referenced the Washington Suburban Sanitary Commission, which also has a long name but has built a clear connection for its services through branding.

Ms. Barney concluded by stating that the minutes from the June 26, 2015, Executive Committee meeting referenced then, Vice-Chair Anderson's suggestion that Ms. Williams prepare a memo explaining:

- Purpose the agency hopes to achieve;
- Objective of the exercise; and
- Process moving forward.

Prince George's County Planning Public Affairs Marketing Officer Davey next presented background on the marketing/branding initiative undertaken with senior management in 2006. She distributed a packet of findings that were compiled through extensive external surveys, internal staff surveys and senior management input. She explained that a national consultant was used (William Arruda). The purpose of the 2006 branding project was to determine how well M-NCPPC was presenting itself as one-Commission - both internally and externally. Internally, a survey was given to every M-NCPPC employee to acquire their feedback. Externally, 8 focus groups participated, and a telephone survey of 1,600 residents within Montgomery and Prince George's counties was conducted in English and Spanish. Ms. Davey explained there was a series of priorities recommended by senior management to improve the agency's brand. Changing the logo was not the highest priority, as branding is broader. A number of recommendations were implemented. A request for proposal was prepared to address other areas. However, the Chair of the agency/leadership changed, and with that, priorities of the agency changed.

The more recent marketing/branding work was conducted in 2014. The impetus for this work was led by Montgomery Parks Public Affairs Chief Stookey. This was a smaller project and was carried out by a local marketing firm (LMD). Two small focus groups were engaged and an employee survey was conducted. The results mirrored the 2006 survey. LMD's work primarily focused on development of a new logo and

taglines. However, during the design process, there were concerns about the way the logo work was managed.

Ms. Davey deferred to Ms. Williams to summarize the findings of the research and the 2014 employee survey. Ms. Williams briefly reviewed the results of the 2014 work conducted by LMD.

Chair Anderson referred to findings from the 2006 survey and asked Ms. Williams to provide an overview of the results. Ms. Williams stated she had not received the 2006 survey prior to the meeting, but reviewed elements of the packet. Chair Anderson referred to pages 4, 8, 10, and 12 of the 2006 findings, pointing out that most people understand the connection to parks, but there is weak understanding of what we do in planning - how it serves the public, and its connection to parks. The public does not always associate planning services positively. Many people think we are a parks and recreation agency, and others do not understand our connection to the logo. Chair Anderson stressed the agency must find a way for the public to have a better understanding of the agency's brand.

Montgomery Planning Director Gwen Wright shared that in her 30 years' experience, she has undergone a similar sentiment about planning. While efforts have been made to get people excited, it is a hard goal to achieve. Sometimes, we are seen as people who say "no". What is most critical, is that people understand why we make decisions, and those who disagree respect we are a legitimate entity. Montgomery Parks Director Mike Riley stated that decisions in this agency have tried to address closer connection between the planning of communities and parks. At one time, the departments were merged in Montgomery; this did not work well. He does not know if publicity will solve the concern. Vice-Chair Hewlett commented that people do not get involved in planning until it affects them, whereas parks and recreation activities touch their families regularly. She believes there is a connection in Prince George's with the services provided by the agency. Prince George's Parks and Recreation Director Ronnie Gathers added the community touches parks and recreation more often than they touch planning. When the public sees the logo, they understand the connection to their experiences. Prince George's Planning Director Fern Piret explained that her impression of the public view is different. When Planning is in neighborhoods, people want to join in. She believes the community is aware of what is going on.

Chair Anderson commented that a different situation exists in Montgomery County. Whatever the complaint is, the brand is not helping. Brands exist for a reason. Department Heads, the Executive Director and Vice-Chair Hewlett agreed with Chair Anderson's comments about branding. Vice-Chair Hewlett referred to redesigns of logos that were created with input from internal staff. She commented some were good, particularly ones that included a variation of the current logo. Upgrading the logo somewhat, and messaging would be helpful.

Other discussion areas focused on the following areas:

Does the Agency Have an Existing "Brand" and Is There Understanding of the Existing Logo?

There was discussion surrounding the connection of branding and the logo. Ms. Williams explained that branding and logo are not the same. She explained her proposal is focused on redesign of the existing logo. Branding work is not yet addressed in the proposal, as it will be developed after a new logo is designed. The

Executive Committee and Department Heads provided input on logo and brand needs. Chair Anderson inquired how the agency knows whether others understand what the logo represents.

- Ms. Williams stated that based on the 2006 survey, 42% percent of our population does not know who we are. She added that our brand is already “park and planning”. Our public already recognizes this.
- Executive Director Barney explained surveyed individuals may not know what the logo itself is intended to represent. But perhaps the question is not whether they know what it represents, but “why not”? Other companies use logos that are not necessarily identifiable with a product, but the public understands the association with the company.
- Director Piret and Director Gathers supported the need for greater branding/campaigning to enhance understanding, but were unsure that a change in logo is the solution.
- Planning Director Wright suggested that the logo can be tweaked, but felt that individuals were spending a lot of time on the logo. She offered that the agency should ask if people understand what we do through the branding process. It is not necessary to have a logo to achieve this.
  - Ms. Williams responded, stating that consultant LMD suggested using just a name without a logo.
- Parks and Recreation Deputy Director Debbie Tyner stated she agrees people do not know the specific meaning of the logo, and some indicate it looks like a shovel. However, there is recognition the logo is associated with the agency. She supports adding a tag line to the existing logo to make the connection to the planning, and parks and recreation components.
- Vice Chair Hewlett shared that based on the comments she was hearing, the prettiest things will not tie in to the breadth of what we do. We have to focus on public relations.

#### Is the Agency Consistently Using the Official Logo?

- Ms. Williams indicated there is little consistency in how the current agency name and logo are used. Montgomery County Parks put the tree together as the logo. She stated the staff was rebelling. Engage them to embrace it.
- Vice-Chair Hewlett explained that if there is a problem, we created it. We have to be consistent in what we say. In Parks and Recreation, the logo is consistently used. The community associates the logo to our services. Whatever it is, we have to be consistent on both sides. Vice-Chair Hewlett shared an incident where she attended an awards banquet in which two awards were being presented. One clearly identified our agency name and logo, and it was clear M-NCPPC was the recipient. The other award was presented with the use of the tree logo, and did not reference the agency’s name in the award. At the time, it was not apparent the award was being granted for work performed by the M-NCPPC. She learned later it was for work performed by Montgomery Parks.

- Ms. Williams explained we have to agree with what we are calling ourselves. Enforcement is key.
- Ms. Davey stated that leadership comes from the top and it has to follow through to all departments.
- Parks and Recreation Public Affairs Chief Anita Pesses shared operations throughout the agency are using the wrong logo or creating their own logos (signs/letter heads/cards).
- Executive Director Barney suggested if we standardize our use of one logo, whatever it is, it will be an improvement.

#### Is there Brand Equity/Value in Building upon Existing Logo and Funding Considerations

In response to samples presented by Executive Director Barney of current logos used throughout M-NCPPC, the group discussed the various interpretations of the M-NCPPC's logos.

- Ms. Williams said there are rules to setting the brand. She explained the agency must come up with a new "family crest". Branding comes after we choose the mark/logo.
- Vice-Chair Hewlett offered that a tagline, slogan or a variation of our current logo may be helpful. This could be used to upgrade our logo and help in promoting understanding.
- Chair Anderson stated he respects that not everyone agrees there is a problem. Discussion is colored by people's assumptions. If we get on the same page, we can discuss the money.
- Executive Director Barney explained there are fiscal challenges. Significant cuts were made to the CIP budget in Prince George's. It will be important to understand the cost impact for this initiative and how it will be funded.
- Vice-Chair Hewlett explained in Prince George's departments there are more than 5,000 signs that will need to be updated, not including vehicles.
- Prince George's Parks and Recreation Director Gathers said some things we should consider in the costs include change of signage, vehicle wraps, and other items resulting from a new logo.
- Ms. Williams' explained her proposal outlines funding for the redesign of the logo. It does not address costs associated with the implementation of the new logo or branding efforts, which would follow.
- Chair Anderson inquired whether there is brand equity in the logo. He explained while the agency faces fiscal challenges, he believes the agency must start somewhere. He added that if the agency is not effectively using every tool it has, people will think we did nothing to move forward.

- Montgomery Parks Director Riley indicated that he sees this similar to a master plan; there is low hanging fruit that we can address now. All changes do not have to be implemented at one time.

#### Next Steps

- Chair Anderson explained he felt research of the logo is as important as the work on the tagline. He asked the Executive Committee if there was agreement on moving forward. We can continue to do online research and develop a logo, but this should not slow down the process of other work that needs to be done. Chair Anderson suggested that work continue on the tagline and a high level marketing message while we sort out the logo situation. If we agree a new logo works then we start putting on signs and cars. It may well be the tagline becomes the more powerful thing.

Chair Anderson added there will be some testing and research, and then we will begin to roll out. We should turn to the professionals who specialize in this work and get input from our audience. Our decision has to be informed by research and what our audience perceives.

As signage is updated, the new taglines/logo can be used. If we do a video, the lead-in to the video should include the tagline and whatever the updated message is. Try to be consistent. Vice-Chair Hewlett agreed with Chair Anderson's comments.

- The Executive Committee supported moving forward with the development of taglines and in parallel, conduct tests of the logo.
- Executive Director Barney asked for clarification on the cost of the survey/research. Ms. Williams indicated she does not have an estimate for research, but indicated it would be fairly inexpensive, and that it would be done online. She could create the instrument for the research.
- Vice-Chair Hewlett said we have a number of people who utilize our parks and recreation facilities who do not have access to computers. She inquired how these individuals will be reached. Also it will be important to ensure economically diverse participants. Ms. Williams responded, stating that a sampling will be done so it is statistically valid.

The Executive Committee thanked the marketing team for their efforts.

#### **c. Enterprise Resource Planning (ERP) Briefing (Zimmerman)**

Executive Director Barney shared that while the team was working on manage self-serve, the Finance Department learned more information about data security. It may be possible for departmental human resources coordinators to assist with personnel work to allow managers to sign off as approvers.

#### **d. Investment Report – February 2016 (Zimmerman)**

Secretary-Treasurer Zimmerman reviewed the investment report and the return of .63%.




Follow-up **Item 1c - Rolling Agenda**

- May
  - Executive Director Barney to contact General Counsel Gardner, Stephen Farber, and Bobby Williams to develop language for the budget review if the union does not reach an agreement.
  - General Counsel Gardner to request LaTonya Reynolds begin drafting collective bargaining Resolutions.
- September
  - Technical Writer G. Williams to list Legislative Update as Legislative Item/Status on the Rolling Agenda for September.
  - Executive Director Barney to check timing of the CAS cost allocation item to ensure distribution is correct for budget presentation.

**Item 3a - Literacy Program Update (Bennett)**

- CPMO Chief Bennett to present update to Commission in April. Ms. Bennett's team will meet to work with current participants to reach out to other employees who could benefit from the program.

The meeting adjourned at 11:25 a.m.



Gayla Williams, Senior Management Analyst/  
Senior Technical Writer



Patricia Colihan Barney, Executive Director





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

**REGULAR BOARD OF TRUSTEES MEETING**

**MINUTES**

**Tuesday, March 1, 2016; 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, March 1, 2016 at 10:00 a.m. Voting members present were: Patricia Barney, CPA, Howard Brown, Pamela F. Gogol, Barbara Walsh, Marye Wells-Harley and Joseph C. Zimmerman, CPA. Amy Millar arrived at 10:16 a.m. Khalid Afzal and Elizabeth M. Hewlett were absent. The Prince George's County Public Member and the Prince George's County Open Trustee seats are vacant.

ERS staff present were Andrea L. Rose, Administrator; Heather D. Brown, Senior Administrative Specialist; and, Sheila Joynes, Accounting Manager.

Presentations by Wilshire Associates – Bradley A. Baker, Vice President, Mark E. Brubaker, CFA, Managing Director and Stephen M. Marshall, Managing Director; the Groom Law Group - Alexander P. Ryan, Legal Counsel; and, the M-NCPPC Legal Department – LaTonya Reynolds, Senior Counsel.

Also present was Boomershine Consulting Group's Gregory M. Stump, FSA, EA, MAAA, FCA, Vice President and Senior Actuary.

In the absence of CHAIRMAN HEWLETT, VICE CHAIRMAN WELLS-HARLEY opened the meeting.

**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 March 1, 2016 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, February 2, 2016
- C. Minutes of Closed Session, February 2, 2016
- D. Disbursements Granted Report – January 2016
- E. Transfer of \$13,050,000 to Cover Administration Expenses and Benefit Payments for March – May 2016

MS. GOGOL made a motion, seconded by MR. AFZAL to approve the Consent Agenda. The motion PASSED (6-0). (Motion #16-16)

**2. CHAIRMAN'S ITEMS**

- A. Board of Trustees Conference Summary

MINUTES, AS APPROVED, AT THE APRIL 5, 2016 REGULAR BOARD OF TRUSTEES MEETING

i. Opal Public Funds Summit Report by Barbara Walsh and Patricia Barney

MS. WALSH and MS. BARNEY presented their report of the Opal Public Funds Summit Conference.

**3. MISCELLANEOUS**

No miscellaneous reported.

**4. CLOSED SESSION**

The Board will meet in Closed Session, pursuant to the General Provisions Article of the Annotated Code of Maryland Sections 3-305(b)(1), 3-305(b)(5) and 3-305(b)(7) to discuss personnel issues, investment of public funds, and consult with legal counsel.

MS. BARNEY made a motion, seconded by MS. GOGOL to go into Closed Session, pursuant to the General Provisions Article of the Annotated Code of Maryland Sections 3-305(b)(1), 3-305(b)(5) and 3-305(b)(7) to discuss personnel issues, investment of public funds, and consult with legal counsel. The motion PASSED unanimously (6-0). (Motion #16-17)

MS. BARNEY made a motion, seconded by MS. GOGOL to ratify the actions taken in Closed Session. The motion PASSED unanimously (7-0). (Motion #16-23)

VICE CHAIRMAN WELLS-HARLEY introduced new Municipal County Government Employees Organization (MCGEO) Trustee, Amy Millar.

**5. MANAGER REPORTS/PRESENTATIONS**

A. Wilshire Associates

Presentations by Bradley A. Baker, Vice President; Mark E. Brubaker, CFA, Managing Director; and, Stephen M. Marshall, Managing Director

- i. Recommendation to Adopt a Revised Asset Allocation Policy
  - a. Asset Liability Valuation (ALV) Analysis and Summary
- ii. Executive Summary of Investment Performance; as of December 31, 2015
- iii. Manager Comparison - 3yr and 5yr Rolling Returns; as of December 31, 2015
- iv. Summary of Investment Performance; December 31, 2015

Mark Brubaker provided a general overview of the 4Q2015 market environment. During the quarter, the equity markets were up by 6.36% with large cap stocks outperforming small cap stocks and value stocks outperforming growth stocks. Sector performance was mostly positive except for energy, which was down less than a half-percent. Emerging markets continued to suffer from China's weakness, the worldwide collapse in commodities, and, the strong U.S. dollar.

Bradley Baker reported on the fund's performance for the quarter ending December 31, 2015. The ERS' total fund return was 2.40% (net of fees) for the quarter, outperforming the policy

MINUTES, AS APPROVED, AT THE APRIL 5, 2016 REGULAR BOARD OF TRUSTEES MEETING

index return of 2.06%. The ERS fund return was -2.39% for the one-year ended, 4.93% for the three-years ended, and 6.12% for the five-years ended December 31, 2015 versus the policy index which returned -2.85%, 4.52% and 5.83%, respectively. The total market value through December 31, 2015 was \$769.0 million. Individual manager performance was discussed with no concerns.

Wilshire's Bradley A. Baker, Mark E. Brubaker and Stephen M. Marshall presented the results of the Asset Liability Valuation Analysis which included discussion of the current portfolio allocation, investment risks, and 10-year and 30-year capital market assumptions.

Wilshire feels the ERS' current portfolio's cost-risk tradeoff is efficient, but can be slightly improved by decreasing the target allocations to U.S. Equity and Non-U.S. Equity and increasing the target allocations to Core Fixed Income and Bank Loans. These recommendations would balance the risk profile of the portfolio by shifting assets from growth oriented investments (global equities) to less risk oriented/diversified investments (fixed income).

The ALV model projected four alternative portfolios for consideration. Wilshire focused on Alternative 1 and Alternative 3. It was noted the current portfolio is on the efficient frontier directly between Alternative 1 and 3. Alternative 1 represents a reduction in expected cost compared to the current policy as well as an improvement in worst case cost. Alternative 3 increases Private Equity by 2.5% which "de-risks" the portfolio without a meaningful decrease in expected return.

If Alternative 1 is selected and approved, implementation steps would include the following based upon the current portfolio allocation:

- Decrease the target allocations to both U.S. Equity and Non-U.S. Equity from 23.0% to 20.0%
- Increase the target allocation to Core Fixed Income from 10.0% to 15.0%
- Increase the target allocation to Bank Loans from 4.0% to 5.0%

If Alternative 3 is selected and approved, implementation steps would include the following based upon the current portfolio allocation:

- Decrease the target allocations to both U.S. Equity and Non-U.S. Equity from 23.0% to 18.75%
- Increase the target allocation to Private Equity from 5.0% to 7.5%
- Increase the target allocation to Core Fixed Income from 10.0% to 15.0%
- Increase the target allocation to Bank Loans from 4.0% to 5.0%

MS. GOGOL left the meeting at 12:40 p.m.

MS. BARNEY noted there was no time constraint on adopting a new Asset Allocation Policy and requested the Investment Monitoring Group (IMG) review each alternative option and  
MINUTES, AS APPROVED, AT THE APRIL 5, 2016 REGULAR BOARD OF TRUSTEES MEETING

provide a recommendation to the Board. VICE CHAIRMAN WELLS-HARLEY agreed with this request and moved this item to the IMG for further review and recommendation.

Wilshire Associates and Boomershine Consulting Group left the meeting.

## **6. REPORT OF THE ADMINISTRATOR**

Presentation by Administrator, Andrea L. Rose

### **A. Administrator's Report dated February 19, 2016**

- i. Recommendation to Approve a 0.1% Cost-of-Living Adjustment Effective July 1, 2016 for Eligible Retirees and Beneficiaries in Accordance with Provisions of the Employees' Retirement System

Andrea Rose presented the Administrator's Report dated February 19, 2016.

Ms. Rose recommended the Board approve a cost-of-living adjustment (COLA) for retirees and beneficiaries of 0.1% effective July 1, 2016. Staff calculated the COLA using data from Table 24 - All Urban Consumers (CPI U) - All Items Annual Average (at December 2014). All retirees and beneficiaries receiving annuities for at least six months are eligible for the COLA.

As a retiree of the Employees' Retirement System, VICE CHAIRMAN WELLS-HARLEY abstained from voting. Therefore, due to a lack of a quorum this item was moved to the April 5, 2016 Regular Board Meeting Agenda.

The ERS' Auditing Services contract with CliftonLarsonAllen expired February 28, 2016. A joint Request for Proposal for Auditing Services was issued by the ERS and the Commission. The Audit Committee will meet in mid-March to review the responses and make a recommendation to the Board at its April 5, 2016 meeting.

Notices were placed in Update and on the ERS' and Commission's websites for both the Prince George's County Public Member and the Prince George's County Open Trustee vacancies. The Public Member vacancy was also advertised in the *Sentinel* and with member agencies who belong to the Washington Area Investment Forum. The deadline for submitting a letter of interest for the Public Member seat is March 11, 2016 and for the Open Trustee seat is March 25, 2016.

ERS staff participated in an in-service training session for more than 100 employees at Saddlebrook on February 17, 2016. Staff are scheduled to participate another in-service training session at CAB on May 2, 2016.

In early February 2016, ERS staff were advised by the Commission's Health & Benefits Office that the majority of retirees/survivors were not paying the correct health insurance premiums effective January 1, 2016. There was a glitch in development of the data file and the 2014 rates were pulled from Lawson. Health & Benefits is in the process of identifying the affected retirees and creating a new file for ERS staff to upload effective April 1, 2016. Health &

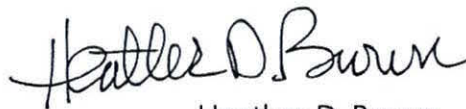
MINUTES, AS APPROVED, AT THE APRIL 5, 2016 REGULAR BOARD OF TRUSTEES MEETING

Benefits will notify retirees/survivors. Additional adjustments will be required to collect any under/ overpayments.

The Commission's ERP project continues to create challenges for the ERS' work program requiring staff to modify processes and procedures. Additional auditing and data clean-up will be required prior to year-end in order to provide the actuary with clean data.

The Board of Trustees meeting of March 1, 2016 adjourned at 1:15 p.m.

Respectfully,



Heather D. Brown  
Senior Administrative Specialist



Andrea L. Rose  
Administrator







**MEMORANDUM**

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

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

**BOARD OF TRUSTEES**

Chairman Elizabeth M. Hewlett  
 Vice Chairman Marye Wells-Harley

*Andrea L. Rose*  
 Administrator

Khalid Afzal  
 Howard Brown  
 Pamela F. Gogol  
 Joseph C. Zimmerman, CPA

Patricia Colihan Barney, CPA  
 Amy Millar  
 Barbara Walsh

To: The Commission

Date: April 6, 2016

Via: Elizabeth M. Hewlett, Chairman *BMC*

From: *AR* Andrea L. Rose, Administrator

**Subject: Appointment of Sheila Morgan-Johnson as the Prince George's County Public Member to the Board of Trustees for the term ending June 30, 2017**

**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 approve the appointment of Sheila Morgan-Johnson as the Prince George's County Public Member for the remainder of the term ending June 30, 2017.

**BACKGROUND**

There is a vacancy on the Board due to the passing of former Prince George's County Public Member, Richard H. Bucher, Ph.D. An ad appeared in the *Sentinel*, on the Commission's and the ERS' websites, and was forwarded to the Washington Area Investment Forum for distribution. Applications were due by close-of-business on March 11, 2016. The ERS received applications from three well qualified candidates. At its April 5, 2016 meeting, the Board voted unanimously to recommend the appointment of Sheila Morgan-Johnson for the remainder of the term ending June 30, 2017.

Ms. Morgan-Johnson has been the Chief Investment Officer (CIO) and Chief Operations Officer for the District of Columbia Retirement Board since 1991. As CIO, Ms. Morgan-Johnson manages the \$6.6 billion defined benefit plan administered for the City's police officers, firefighters and teachers. Ms. Morgan-Johnson has a Master of Business Administration and a Bachelor of Business Administration from Howard University. Ms. Morgan-Johnson's education and investment experience will be a valuable addition to the Board.

Thank you for your action.



**MEMORANDUM**

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

(301) 454-1415 - Telephone  
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**BOARD OF TRUSTEES**

Chairman Elizabeth M. Hewlett  
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*Andrea L. Rose*  
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Patricia Colihan Barney, CPA  
 Amy Millar  
 Barbara Walsh

To: The Commission

Date: April 6, 2016

Via: Elizabeth M. Hewlett, Chairman

From: *AR* Andrea L. Rose, Administrator

**Subject: Acknowledge Alicia Hart as the Prince George's County Open Trustee to the Board of Trustees for the term ending June 30, 2018**

**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 Alicia Hart as the Prince George's County Open Trustee for the remainder of the term ending June 30, 2018.

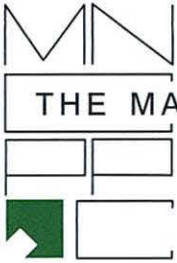
**BACKGROUND**

In January 2016, Jenetha Facey accepted a bi-county position in the Finance Department and became ineligible to serve as the Prince George's County Open Trustee. In accordance with election procedures, a Notice of Election was placed in Update, on the ERS' and the Commission's websites in February and March 2016. Alicia Hart submitted an application for appointment for the Prince George's County Open Trustee seat. No other applications were received. Ms. Hart is determined to have won by acclamation. At its April 5, 2016 meeting, the Board Acknowledged Alicia Hart as the Prince George's County Open Trustee.

Ms. Hart has been the Administrative Manager (Budget Manager) for Prince George's County Department of Parks & Recreation since 2015. Ms. Hart has a Master's of Business Administration from Strayer University and a Doctors of Business Administration from Walden University. Ms. Hart has held positions in both the private and public sectors in the office administration arena as an Assistant Director, Facilities and Maintenance Coordinator and Account Manager.

Thank you for your action.







## THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

April 13, 2016

TO: The Maryland-National Capital Park and Planning Commission

VIA: Patricia Colihan Barney, Executive Director   
William Spencer, Human Resources Director

FROM: Jennifer McDonald, Benefits Manager 

SUBJECT: Consumer Driven Health Plans

In these difficult economic times and with the impending “Cadillac” tax scheduled to go into effect in 2020, employers are looking for strategies that will allow them to continue to offer their employees a comprehensive and affordable benefits package. Many employers, public and private, are looking to consumer driven health plans (CDHP), also known as high deductible health plans (HDHP), as either a full replacement of all health plans offered or as an option alongside other traditional health plans.

Since the early 2000’s employers began offering CDHPs. There is sufficient data to show that employers who implement these plans can achieve significant cost savings. Each year more employers are offering these plans and seeing positive results as they foster a culture where employees and senior executives are engaged health care consumers. Consumerism in health care is about much more than a product – it is the idea that with the right mix of education, member responsibility and benefits design, employees can make more informed health care decisions for themselves and their families.

It is always a challenge to adopt new ideas. CDHPs are different, not difficult. They encourage employee financial responsibility, offer robust coverage for preventive care, provide online tools and information, help employers achieve cost savings, and promote a healthier workforce. Attachment A is a presentation by Aon Hewitt Consulting on CDHPs. This presentation is being made to educate the Commission on these types of plans as such a plan could be offered to M-NCPPC employees in the future.





# M-NCPPC

## Consumer Driven Health Plans Overview

April 20, 2016

Prepared by: Aon Hewitt Consulting  
Health & Benefits

ITEM 5c



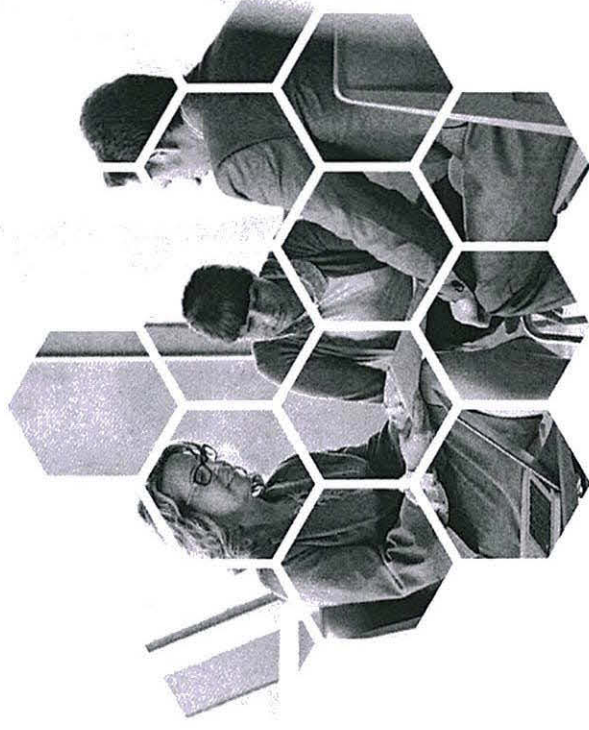


## Today's Discussion

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The goals of this presentation is to provide an overview on:

- What is meant by consumer-driven health care
- The basics of HRAs and HSAs
- The advantages and disadvantages of HSAs
- Employer objectives and Key Insights from Aon Hewitt 2015 CDHP Survey
- CDHP Example: Different, not Difficult!



## What is Consumer-Driven Health Care?

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“Consumer-driven health care” is a term used to describe different methods of providing health coverage to employees which:

- Encourages employees to become actively involved in managing their health and health care expenses by:
  - Giving employees a financial stake in lowering their health care costs through the use of a high deductible plans coupled with an account-based medical plan
  - Increasing employee awareness of the costs of medical care
  - Involving employees in decisions about their health care providers and health services they access
- Increases consumer awareness to help improve the quality of health care services and lower health care costs

## Consumerism

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**Consumer-driven health care strives to improve health care outcomes and lower health care costs by getting employees actively engaged in managing their health and health care expenses**

- Encouraging cost-conscious behavior
- Making employees become better stewards of their own health care
- Helping employees to become more informed about their health care choices – which provider and treatment options are the most cost-effective and will help them achieve the best clinical outcomes
- Instituting prevention and wellness initiatives to support employees in managing their health and avoiding more costly health care expenses
- Promoting healthy lifestyles by providing employees with health improvement resources (e.g., health coaching programs, disease management programs) and the incentives required to engage them in participation in these programs

## Terms to Know

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In discussing consumer-driven health care you are likely to hear the following acronyms:

- CDHP – Consumer-Driven Health Plan
- ABHP – Account-Based Health Plan (another name for CDHP)
- HDHP – High Deductible Health Plan
- HRA – Health Reimbursement Arrangement (not account)
- HSA – Health Savings Account

What is an HRA? It is not in the Name!

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HRAs are often known by other names (MERPs, PCAs, IHAs), but are HRAs under the law. Requirements for HRAs include:

- The account is 100% employer-funded notional account
- No employee contributions are allowed
- Rollovers of unused amounts permitted, but not required
- Spend downs are allowed after termination of employment
- HRAs are not portable
- Unused amounts cannot be converted to cash
- Unused amounts cannot be assigned to a beneficiary
- Not as common as HSAs
  - The remainder of this presentation will focus on HSAs

## What is an HSA?

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- An HSA is:
- A tax-favored IRA-type trust or custodial account
  - An account that can be contributed to by, or on behalf of, employees who are considered “eligible individuals”
    - Eligible individuals are employees who have qualifying HDHP coverage and no impermissible coverage (any coverage paying a medical expense before the employee hits the statutory minimum deductible)
    - 2016 HDHP limits are:
      - \$1,300 single/\$2,600 family minimum deductible
      - \$3,350 single/\$3,750 family maximum HSA contribution
      - \$6,650 single/\$13,100 family maximum out of pocket expenses
  - An account that can be used to pay for medical expenses of the employee, their spouse, or tax dependents

## Health Savings Account (HSA) — Features

Feature	HSA
Who Contributes	Employer and/or Employee/Retiree
Account Funded	Yes
Ownership of Balances at Termination?	Remains with employee
Minimum Deductible	\$1,300 single/ \$2,600 family
Contribution Maximums	Employer and/or employee; \$3,350 single, \$6,650 family per year
Additional Contributions Allowance	2015: Age 55 or older \$1,000 annually until they <u>enroll</u> in Medicare
Rollover of Account Balances	Yes
Allowable Medical Expenses	IRC Section 213 permitted expenses—employee discretion
Account Ownership	Employee; responsible for banking fees
Tax Treatment—Employee	Contributions may be pre-tax or tax deductible
Tax Treatment—Employer	Contributions tax deductible
Cash-out Options (non-medical)	Taxable pre-65 with a 20% penalty
Portability	Yes—completely
Death of Account Holder	Non-taxable to spouse as beneficiary; taxable and no longer an HSA for any other beneficiary
Financial Partner Requirement	Bank or Trustee/Custodian
Investment Options	Yes
Consumer Education and Resources	Increased online resources for health care choices and pricing
Combined with FSA	Limited use FSA allowable for dental, vision, and post-deductible medical expenses

# HSAs

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## Advantages

- HSAs can be invested and grow tax-free
- HSAs are portable
- HSAs are not subject to ERISA or COBRA
- Can be used for non-medical reasons (subject to excise tax if used prior to age 65)
- Can be used to pay COBRA, qualified long term care, and medical premiums (except Medigap/Medicare Supplement) after age 65
- Allows for both employee and employer contributions
- Not subject to discrimination rules
- Current employer contributions count toward minimum value

## Disadvantages

- Employer contributions are non-forfeitable and “lost” if employee leaves
- Employer has no control over the use of the funds
- Conflicts with other coverages (e.g., FSA)
- Employee responsible for following HSA rules
- HDHP needs to be qualified
- Must use tax dependency rules for reimbursements on adult children



## Health Savings Account (HSA) Value

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- **An HSA may appeal to employees who:**
  - Consider themselves savvy healthcare consumers
  - Would like a tax-favored investment option
  - Want a tax-favored plan and would contribute 100% of the maximum allowed with pre-tax dollars
  - Want to save money for future costs/retiree health
  - Want portability of that money

## Employer Objectives for Offering CDHP Programs<sup>1</sup>

CDHP Program Objectives	Percentage of Employers With Each Objective				
	2012 <sup>2</sup>	2013 <sup>3</sup>	2014 <sup>4</sup>	2015 <sup>5</sup>	2016 <sup>6</sup>
Promote Self-Service Environment and Accountability (Increased Consumerism)	72%	64%	59%	77%	68%
Contain Rising Health Care Costs	88%	87%	86%	89%	84%
Provide a Low-Cost Plan Without Increasing Employee Contributions	37%	31%	53%	64%	61%
Offer Cutting-Edge Benefits	30%	25%	17%	33%	23%
Avoid/Reduce Impact of Excise Tax	N/A	6%	12%	15%	29%
Expand Choice of Offerings	32%	30%	30%	49%	50%
Tax Advantages	6%	6%	8%	36%	36%

**Note:** Questions with responses listed as N/A were not asked

- 2016 saw a significant increase in employers offering CDHP designs to address the pending excise tax

Source: 2016 Aon Middle Market CDHC Survey

<sup>1</sup> Multiple responses per employer were collected  
<sup>2</sup> Reflects responses from 97 of the 99 employers represented in the 2012 survey  
<sup>3</sup> Reflects responses from 102 of the 106 employers represented in the 2013 survey  
<sup>4</sup> Reflects responses from 92 of the 102 employers represented in the 2014 survey  
<sup>5</sup> Reflects responses from 132 of the 145 employers represented in the 2015 survey  
<sup>6</sup> Reflects responses from 230 of the 230 employers represented in the 2016 survey

Aon | Health Solutions  
 Proprietary & Confidential | 2016



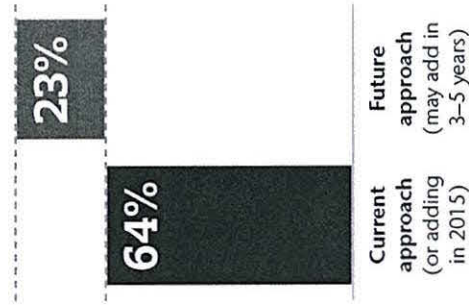
## Key Insights – Plan Design

Moving to high-deductible plans remains a primary design strategy to reduce cost and engage participants to improve health decisions.

Offer account-based, consumer-driven/  
high-deductible health plan (HDHP)

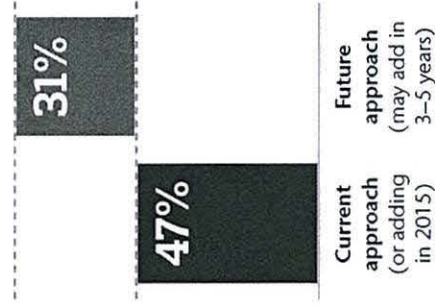
As a choice  
**87%**

As a full-replacement  
**57%**



Health savings accounts (HSAs) remain the most popular to fund HDHP

**78%**



1,234 individuals participated in Aon Hewitt's 2015 Health Care Survey. 18 percent of the participants are in an organization with 2,501-5,000 U.S. benefits-eligible employees.; 7% of the participants were in the technology industry.

# Account-Based Health Plans (ABHPs or Consumer Driven Health Plan - CDHP)

Offerings and enrollment rates continue to rise.

Public Sector / Education is slower to adopt, with median enrollment of 10%, less than half of other industries.

Figure 32. Take-up in ABHPs on the rise

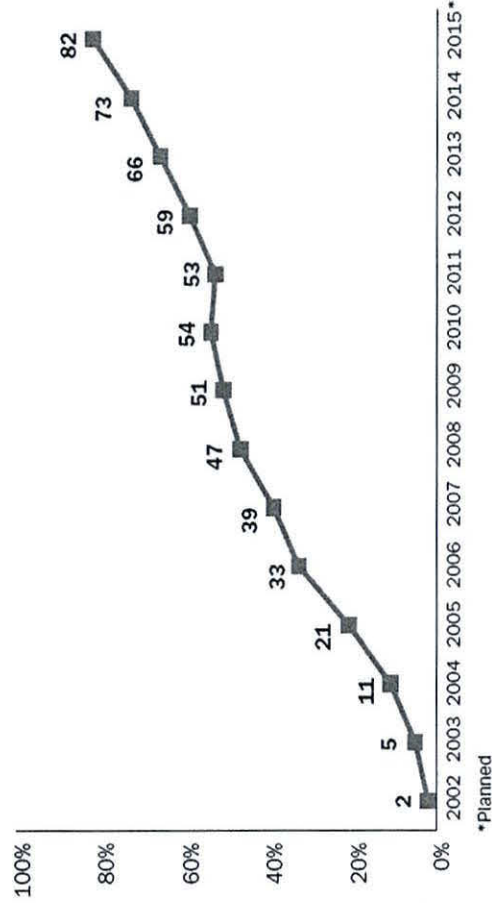
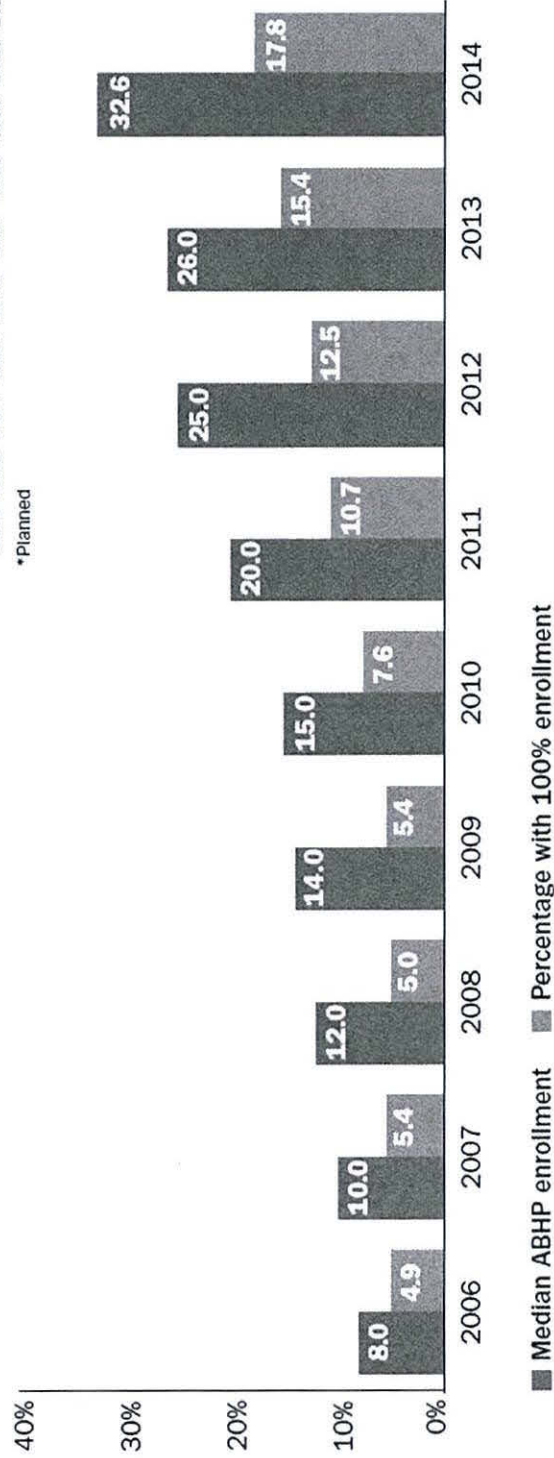
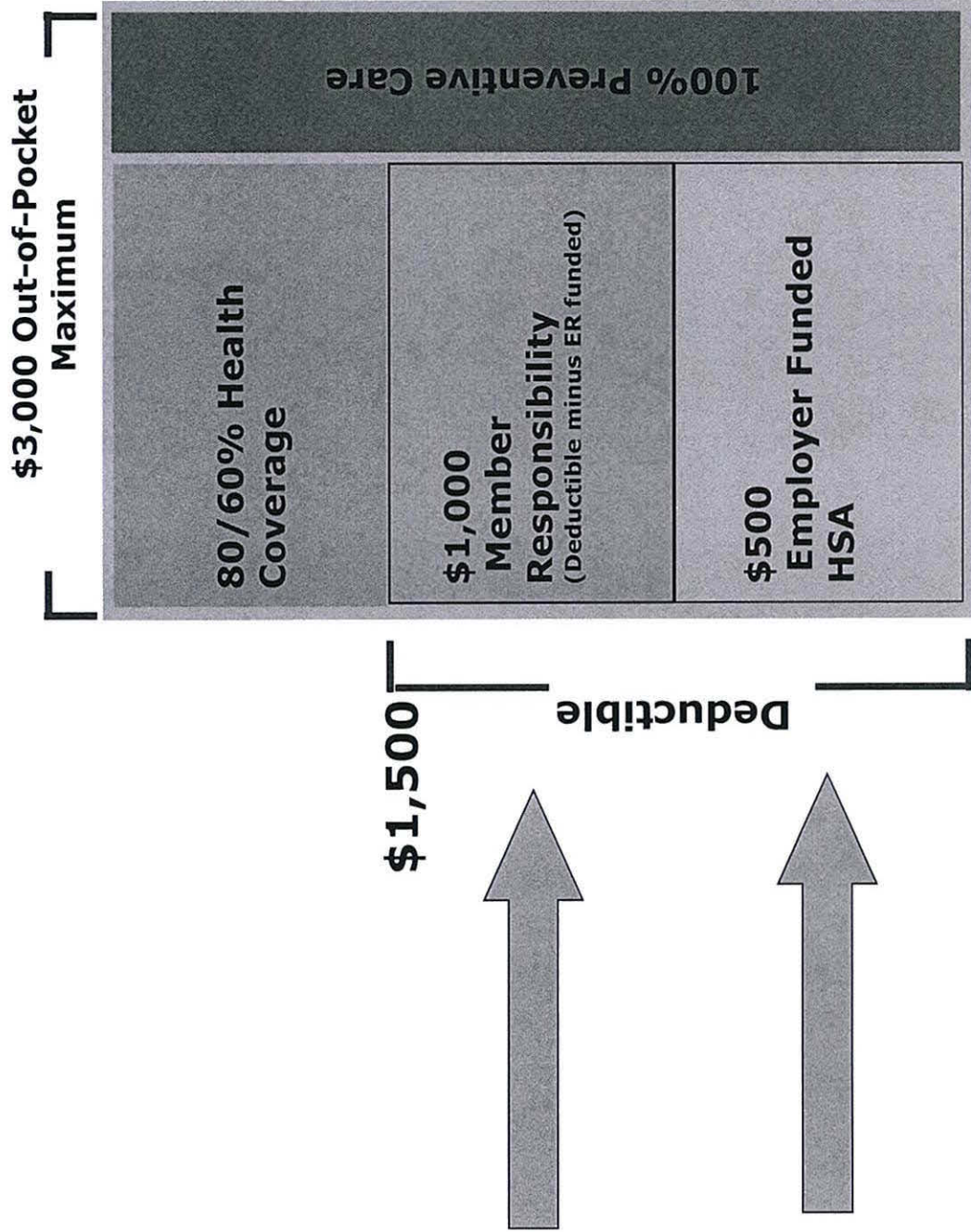


Figure 33. ABHP enrollment rates are rising at a rapid pace



# Consumer Driven Health Plan: Different Not Difficult! (Illustrative Design)





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

April 8, 2016

TO: Commission

VIA: Patricia Colihan Barney, Executive Director  
William Spencer, Human Resources Director

Two handwritten signatures in blue ink. The first signature is a stylized 'PB' and the second is a more cursive signature.

FROM: Derrick Peoples, Project Manager

SUBJECT: Personnel Management Review (PMR) FY15 Summary Report

Attached is the Personnel Management Review Summary Report for FY2015. This report provides selected trends and highlights regarding the Commission's workforce to include employee demographics, turnover, recruitment fill times, hires and promotions, as well as pay grade and salary information, among other related items.



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

## PERSONNEL MANAGEMENT REVIEW

### TRENDS

1. Between FY16 and FY20, 33.6% of all career employees (full-time and part-time) will be eligible for normal retirement.
2. In the Officials/Administrators category, between FY16 and FY20, 74.7% of employees are eligible for normal retirement, which is a 1% decrease from FY14, which was 75.7%. Succession planning is critical to ensure the preservation of institutional knowledge.
3. Over the past five years, there have been small incremental changes in the Commission's demographics.

### Five-Year Demographic Distribution

2011 - 2015

	2011	2012	2013	2014	2015
<b>Race</b>					
Asian	4.0%	3.6%	3.6%	3.8%	4.0%
Hispanic	5.0%	5.7%	6.2%	6.1%	6.1%
Black	36.0%	37.0%	37.7%	37.6%	36.9%
White	54.0%	53.0%	52.0%	51.9%	52.4%
American Indian	1.0%	0.6%	0.6%	0.5%	0.6%
<b>Gender</b>					
Women	39.2%	39.0%	39.0%	39.0%	37.9%
Men	60.8%	61.0%	61.0%	61.0%	62.1%
<b>Total Population</b>	2019	1977	1994	2002	2049

4. In comparison to FY14, the percentage of employees in the 50 to 60+ age category remained steady at 46.3%.



5. **M-NCPPC Average Annual Turnover Trends  
FY11 to FY15**

As indicated below, average turnover rose in FY11 due to employees electing to retire under the Retirement Incentive Program. However, after FY11, average turnover declined, stabilized, and decreased slightly in FY15.

FY11	FY12	FY13	FY14	FY15
8.0%	6.0%	6.8%	6.5%	5.5%

6. **Five-Year Normal Retirement Trends  
2011-2015**

As there is a direct relationship between employee retirement and turnover, the normal retirement trend also rose in FY11, and varied in the four fiscal years following FY11.

Fiscal Year	Number Retired	Percent Retired
FY11	75	4.0%
FY12	38	2.0%
FY13	58	3.0%
FY14	45	2.0%
FY15	51	2.5%

7. **Full-Time Employee Salary Trends**

For FY15, as indicated in the following chart, the Commission's average salary for full-time career employees increased from \$66,311 to \$68,616. White and female average salaries continue to be higher than minority and male salaries.

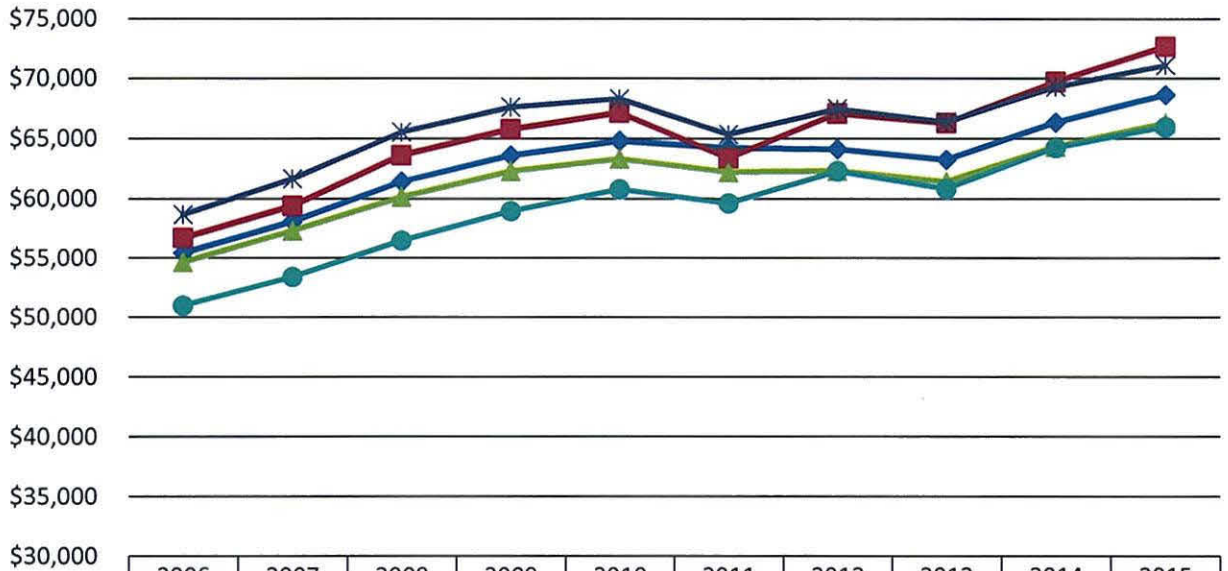
In FY15, the average salary for full-time career white employees was \$71,078, and \$65,951 for full-time career minority employees. The average salary for minorities have been consistently below the average salary for whites in the period identified in the following chart. Although a salary disparity exists between whites and minorities, this salary disparity has decreased, and thus, improved over time. In FY06, for instance, the average salary for whites was \$58,641, and \$50,957 for minorities. At that time, there was a 15.1% salary disparity between whites and minorities. In FY15, the average salary for whites was \$71,078 and \$65,951 for minorities; presently, that is a salary disparity of 7.7%.

With respect to the average salary for males and females, in FY15, the average salary for females was \$72,676, and \$66,246 for males. According to the following chart, the average salary for males has been consistently lower than the average salary for females. The reason for the lower average

salary among males is that there are a large number of males (i.e., 355) in the Service/Maintenance employment category and (i.e., 172) in the Skilled Craft employment category, in comparison to a small number of women (i.e., 40) in the Service/Maintenance employment category and no women in the Skilled Craft employment category.

Additionally, as average salaries across-the-board rose during the period identified in the following chart, average salaries declined slightly as a result of the furlough plan that was implemented in FY11.

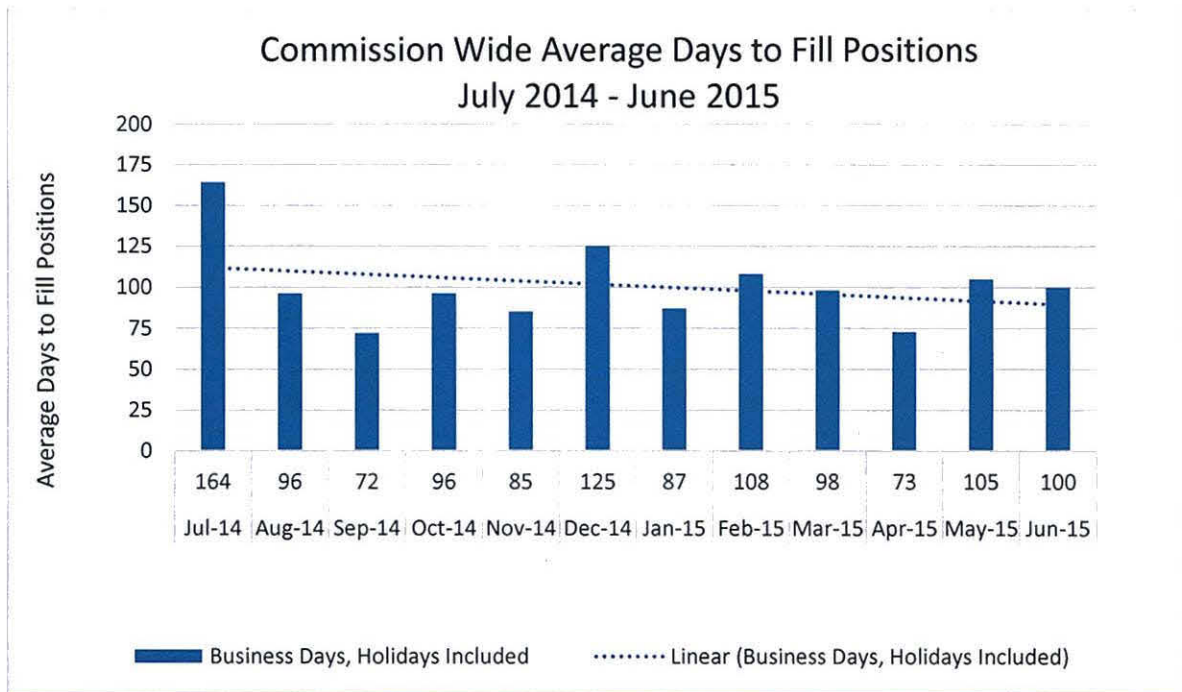
### Full-time Employee Salary Trends



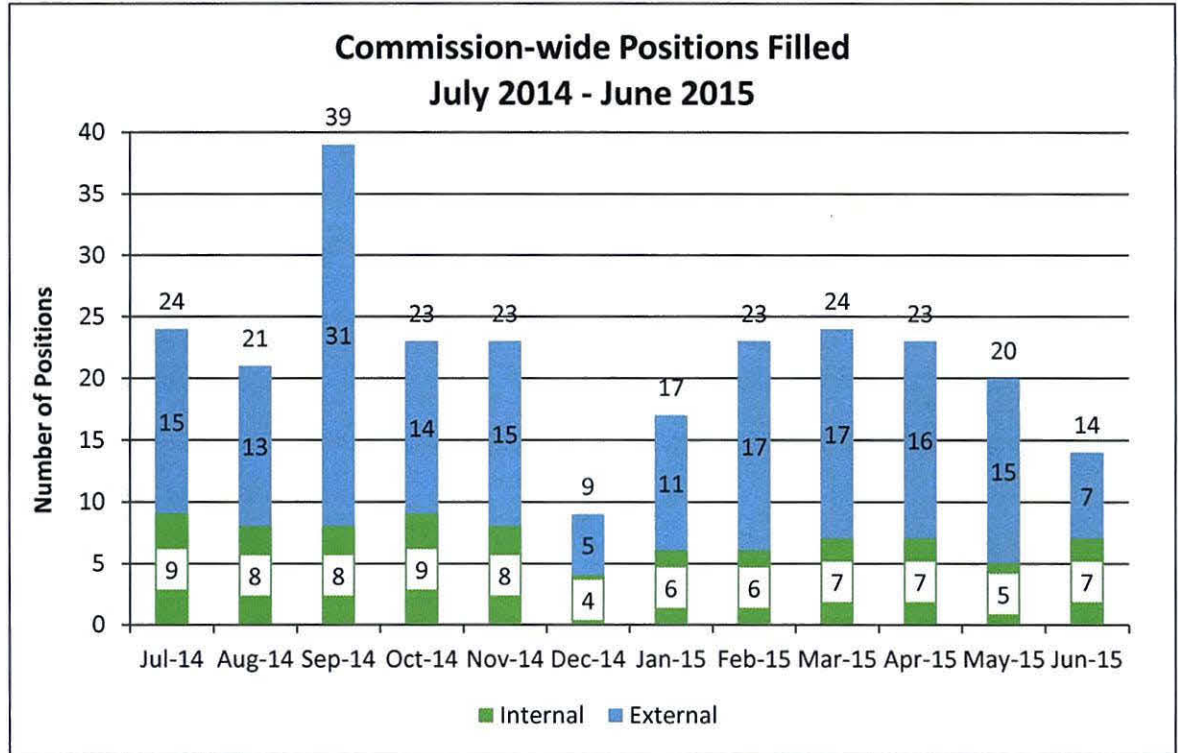
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
◆ Commission-wide	\$55,378	\$58,048	\$61,378	\$63,565	\$64,766	\$64,181	\$64,100	\$63,222	\$66,311	\$68,616
■ females	\$56,689	\$59,364	\$63,581	\$65,732	\$67,138	\$63,348	\$67,064	\$66,295	\$69,704	\$72,676
▲ males	\$54,616	\$57,272	\$60,087	\$62,255	\$63,262	\$62,159	\$62,303	\$61,385	\$64,295	\$66,246
* whites	\$58,641	\$61,623	\$65,509	\$67,578	\$68,260	\$65,309	\$67,449	\$66,352	\$69,271	\$71,078
● minorities	\$50,957	\$53,370	\$56,428	\$58,912	\$60,736	\$59,568	\$62,265	\$60,806	\$64,217	\$65,951

8. In FY14, the Recruitment and Selection Services Unit predicted that days-to-fill would trend up slightly in FY15. To be proactive and reduce the number of days-to-fill, Recruitment and Selection Services set an aggressive goal of lowering the days-to-fill to 97 days from the previous year's average of 102 days. The approach included contacting hiring managers regarding the status of their positions and requesting them to defer or close the position if there was not an immediate intention to fill the vacancy.

At the beginning of FY15, as illustrated in the chart below, it took an average of 164 days to fill positions; and throughout the remainder of the fiscal year, average days to fill positions varied widely. Many variables contribute to the average number of days it takes to fill positions. One primary reason is that hiring needs and priorities vary by department month-to-month, and can greatly influence the time it takes to fill a vacancy. The average time it took to fill positions in FY15 was 101 days. Excluding the month of July 2014, the average days to fill for the remaining 11 months was 87 days.



9. In FY15, the Recruitment and Selection Services Unit assisted departments in filling 260 positions. Of these, 176 positions were filled by external candidates and 84 positions were filled by internal candidates.



10. **Top of Grade**

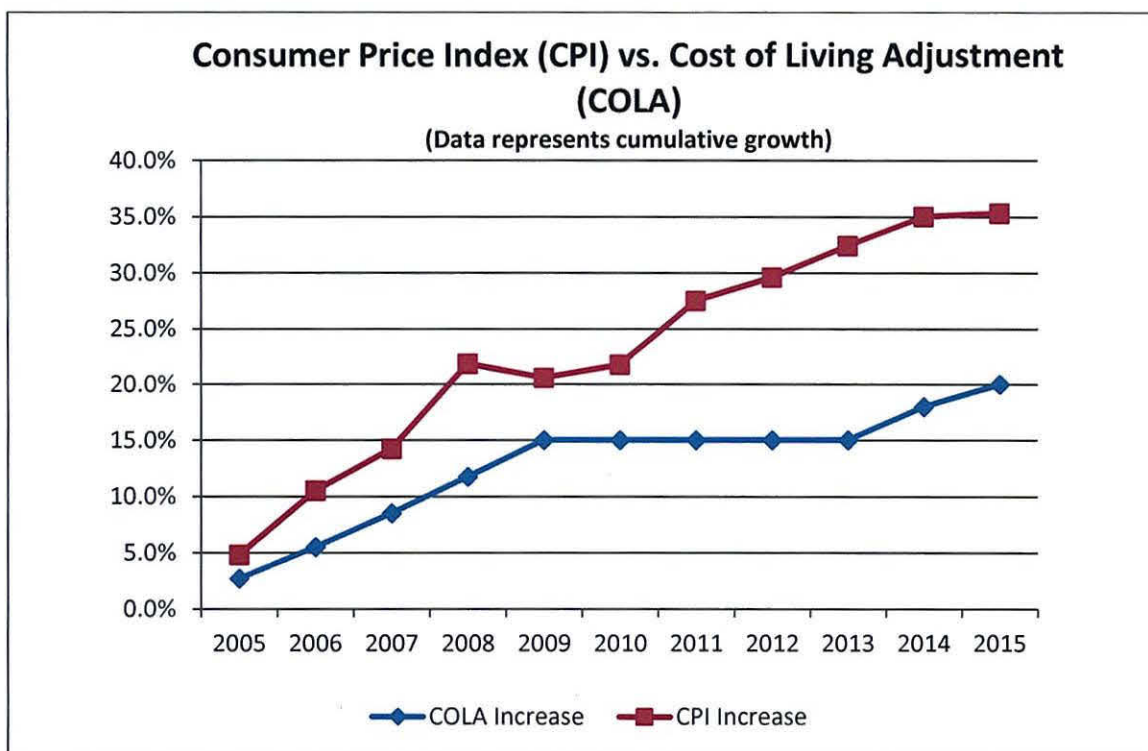
FY10	FY11	FY12	FY13	FY14	FY15
311	286	248	226	296	411
14.8%	14.2%	13.0%	11.3%	14.7%	20.0%

In the fiscal years leading up to FY15, as indicated above, the number of employees at top of grade declined, and after FY13, increased. Between FY11 and FY13, merit increases were suspended; and accordingly, due to turnover, the number at top of grade declined. In FY15, the number of career employees at top of grade increased by 115 employees from FY14. This increase in the number of employees at top of grade was influenced by low turnover and the re-establishment of merit increases.

11. Thirty-eight percent (38.2%) of the Commission’s workforce were union members. According to the Bureau of Labor Statistics (BLS), union membership for the public sector workforce in the Baltimore-Washington Region was 35%. According to BLS, 41% of local government workers are unionized. The higher numbers for union membership attributed to local government workers is the result of heavily unionized occupations such as teachers, police officers and firefighters.

Source: U.S. Department of Labor Bureau of Labor Statistics, Economic News Release, Union Members, 2014.

12. In FY15, General Service employees received a 2.0% cost of living adjustment. The following chart represents the cumulative growth of the Consumer Price Index (CPI) in comparison to cost of living adjustments received by Commission employees from FY05 – FY15.



Source: U.S. Department of Labor Consumer Price Index, Urban Consumer Series, Baltimore-Washington Metropolitan Area.

**13. Workers' Compensation Cost Per \$100 of Payroll**

Used as a measurement of how workers' compensation costs compare with other agencies, the Cost Per \$100 of Payroll is used by government organizations that participate in the Montgomery County self-insurance fund.

In FY15, for every \$100 of payroll, the M-NCPPC workers' compensation costs are estimated to be \$1.93. Workers' compensation costs are based on actuarial projections.

Agency/Municipality	FY11	FY12	FY13	FY14	FY15
Montgomery County	3.2	3.1	3.2	3.5	3.3
MC Public Schools	0.5	0.6	0.6	0.5	0.6
M-NCPPC	2.2	2.7	2.1	1.6	1.9
City of Gaithersburg	1.0	1.0	1.3	2.6	0.9
Revenue Authority	1.0	1.2	1.2	5.7	1.2

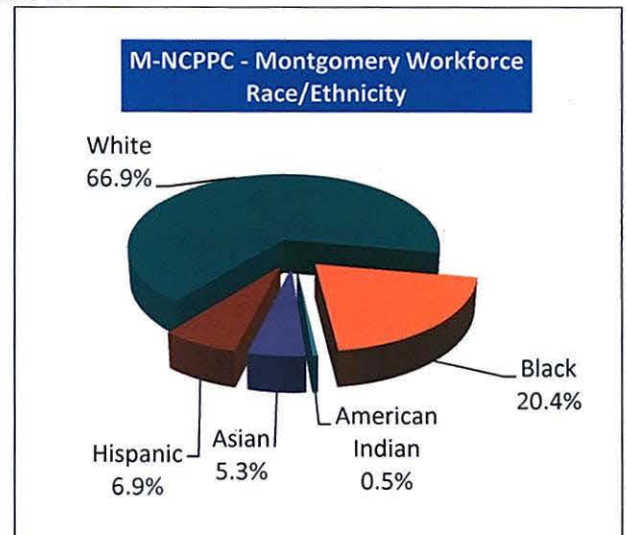
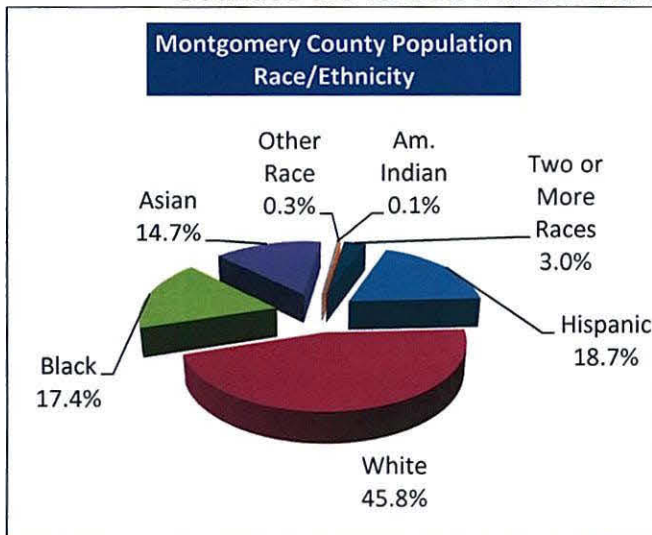
# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

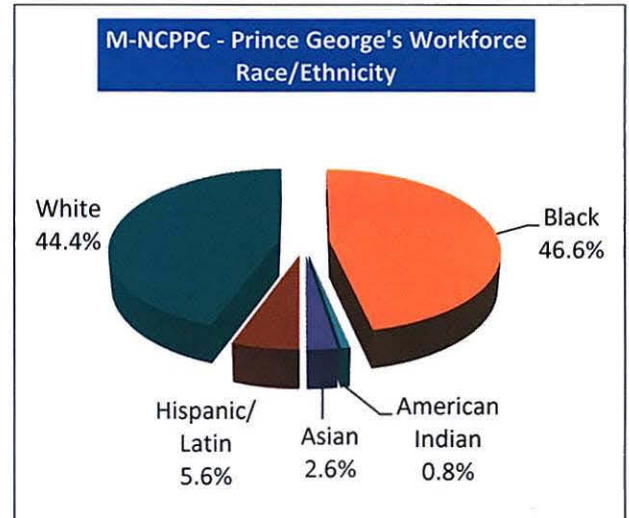
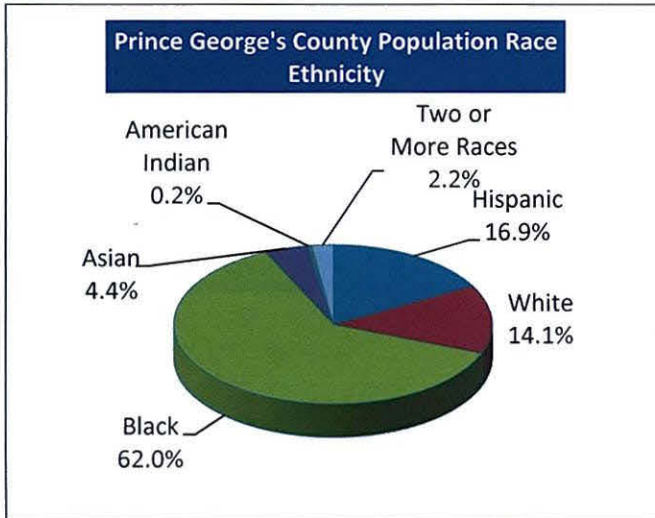
## PERSONNEL MANAGEMENT REVIEW SELECTED HIGHLIGHTS: Workforce Profile

July 1, 2014 - June 30, 2015  
(Fiscal Year 2015)

### Composition - Career

- The total career workforce at June 30, 2015 was 2,049. This includes 2,005 full-time career and 44 part-time career employees.
- Between FY14 and FY15, the Commission's career workforce increased by 2.3% or 47 employees.
- The career employee population by gender was 1,272 or 62.1% male and 777 or 37.9% female.
- The average age of the Commission's career workforce was 48 years of age.
- The racial/ethnic composition of the career workforce was 1,073 or 52.4% white and 976 or 47.6% minority. The minority workforce as a percentage of the total workforce was 36.9% Black, 4.0% Asian, 6.1% Hispanic, and less than 1% (i.e., 0.6%) American Indian.
- The racial/ethnic demographics of the Commission's workforce based upon where they work as compared to the populations of the respective Counties are reflected in the charts that follow:





Source for County Demographics: U.S. Census 2014 American Community Survey 1 year data series; Research and Technology Center, Montgomery County Planning Department, March 2014. M-NCPPC workforce includes Central Administrative Services located in Prince George's County. These charts are not meant to be a one-for-one comparison since the county statistics include all ages and persons otherwise not in the labor market such as retirees and students.

- In FY15, the largest number and percent of employees at the Commission fell into the Professional category with 883 employees or 43.1% of the workforce, followed by the Service Maintenance category with 396 employees or 19.3% of the workforce. The greatest number of minority employees were in the Professional employment category. Of the 976 minority employees, 42.0% or 410 were in the Professional category and 24.3% or 237 were in the Service/Maintenance category.
- The number of employees by job category were as follows:

Job Category	FY14	FY15	% Change from FY14
Officials/Administrators	70	71	1.4%
Professionals	894	883	-1.2%
Technicians	108	139	28.7%
Protective Service	148	145	-2.0%
*Para-Professional	79	39	-50.6%
*Office/Clerical	120	204	70.0%
Skilled Craft	174	172	-1.1%
Service/Maintenance	409	396	-3.1%
<b>Total Employees</b>	<b>2002</b>	<b>2049</b>	

\*In comparing the number of employees in the Para-Professional and Office/Clerical employment categories from FY14 to FY15, large irregularities were identified in the total counts for these categories only. This is the result of the Human Resources Information System conversion from ePersonality to Lawson. Additional research and analysis will be conducted in FY16 to calibrate counts in these categories.



- The majority of female employees were in the Professional and Office/Clerical employment categories. Of the 777 female employees, 440 or 56.6% were in the Professional category and 173 or 22.3% were in the Office/Clerical category.
- The majority of male employees were in the Professional and Service/Maintenance employment categories. Of the 1,272 male employees, 443 or 34.8% were in the Professional category and 356 or 27.9% were in the Service/Maintenance category.
- By job category, the number and percentage of positions held by whites compared to minorities is as follows:

Job Category	Total Commission Workforce by Job Category	Total Whites	%	Total Minorities	%
Officials Administrators	71	44	4.1%	27	2.8%
Professionals	883	473	44.1%	410	42.0%
Technicians	139	85	7.9%	54	5.5%
Protective Service	145	79	7.4%	66	6.8%
Para-Professionals	39	23	2.1%	16	1.6%
Office/Clerical	204	84	7.8%	120	12.3%
Skilled Craft	172	126	11.7%	46	4.7%
Service Maintenance	<u>396</u>	<u>159</u>	<u>14.8%</u>	<u>237</u>	<u>24.3%</u>
<b>Total</b>	<b>2049</b>	<b>1073</b>	<b>100.0%</b>	<b>976</b>	<b>100.0%</b>

The definition of the Protective Services is found in the guidelines from the Equal Employment Opportunity Commission (EEOC). Under these guidelines, Officers in the ranks of Park Police Officer Candidate, Park Police Officer II through Park Police Officer IV are defined as Protective Services. EEOC defines the rank of Sergeant as Technician, Lieutenant and Captain are defined as Professional and the Commander is an Official/Administrator.

### Tenure

- Commission-wide, the average length of service was 12.8 years; for females, the average was 12.9 years; and for males, the average was 12.7 years.
- 48.7% of the workforce have been employed with the Commission less than 9 years, 16.8% between 10 and 14 years, 10.6% between 15 and 19 years, 8.6% between 20 and 24 years, 9.7% between 25 and 29 years, and 5.7% have been with the Commission for 30 or more years.

- The average length of service was 13.5 years for Whites, 11.6 years for Asian, 12.2 years for Blacks, 13.5 years for American Indians, and 10.5 years for Hispanic employees.

### **Collective Bargaining**

- In FY15, 38.2% of the Commission workforce belonged to a union. Of the 38.2%, 30.1% were members of The United Food & Commercial Workers, Local 1994/ Municipal and County Government Employees Organization (MCGEO) and 8.1% were members of the Fraternal Order of Police, Lodge #30 (FOP).
- MCGEO is the exclusive representative for the Service/Labor, Trades and Office/Clerical bargaining units. Composition of the units are as follows:

The Service/Labor Unit was composed of 348 employees or 17.0% of the career workforce.

The Trades Unit was composed of 135 employees or 6.6% of the career workforce.

The Office/Clerical Unit was composed of 133 employees or 6.5% of the career workforce.

### **Compensation**

- The Commission compensates and rewards its employees utilizing either a pay range or step system.
  - There are six separate pay range schedules for career employees, 3 for non-represented employees (General, IT, Command Staff) and 3 for represented employees (Service/Labor, Office/Clerical, Trades). Each range consists of a minimum, midpoint and maximum salary with represented employees also having a longevity increment.
  - The step system is utilized by employees in the FOP Bargaining Unit with two additional increments for longevity.
- The average salary for all career employees (full-time and part-time) was \$68,452. The actual distribution of full-time employees by pay range indicates that approximately 41.1% earned between \$30,000 and \$59,000; and 58.9% earned \$60,000 or more.
- Average salary for female employees was \$72,676. The average salary for male employees was \$66,246. The average salary for white employees was \$71,078 and the average salary for minority employees was \$65,951.

- Average salaries for represented employees were as follows:

FOP:	\$73,244
Trades:	\$56,381
Office/Clerical:	\$51,232
Service/Labor:	\$43,412

### **Budget Allocations**

- Group insurance represented 7.1% of the General Fund.
- Employee salaries and benefits represented 72% of the General Fund.

### **Promotions and Cost of Living Adjustments**

- In FY15, 143 career employees received promotions. Of the 143 promotions, 105 competed for promotions via the recruitment and selection process; and 38 received promotions through the reclassification process.
- Of the 143 promotions, 52 or 36.4% were females; and 91 or 63.6% were males. 88 or 61.5% of white employees received promotions and 55 or 38.5% of minority employees received promotions.
- In FY15, **non-represented** and **MCGEO represented** career employees received a 2.0% COLA. Employees eligible to receive a merit increase (or longevity increase for union employees) received a one-time lump sum payment of 0.5% of base pay. Employees not eligible to receive a merit increase (or longevity increase for union employees) because they were at top of grade and received a satisfactory performance rating received a lump sum of one percent (1.0%) of base pay. **FOP, Park Police Command Staff** and **Candidates** received a 1.75% COLA.
- From FY05 through FY16, M-NCPPC non-represented employees received a cumulative COLA of 21.8% as compared to the cumulative COLA of 25.8% for non-represented employees of Montgomery County Government, and 16.5% for non-represented employees of Prince George's County Government.
- From FY05 through FY16, M-NCPPC Park Police Officers have received a cumulative COLA of 28%. During the same period, police in Montgomery County received a cumulative COLA of 24.5%, and police in Prince George's County received a cumulative COLA of 13.5%.
- From FY05 through FY16, M-NCPPC MCGEO employees received a cumulative COLA of 21.3%, Montgomery County MCGEO employees received a cumulative COLA of 23.8%, and Prince George's County AFSCME employees received a cumulative COLA of 21.5%

## Health Benefits – Career and Term Contract

- Career Employees selected from three medical plans for health insurance coverage. These include a Point of Service Plan (POS), UnitedHealth care Choice Plus POS, and two Exclusive Provider Organizations (EPO), UnitedHealthcare Select EPO and CIGNA OAPIN (Open Access Plus In Network) EPO. Term contract employees could enroll in the EPO's, but were not eligible to enroll in the POS plan.
- The Commission also offered career employees vision, prescription, and dental plans; life, accidental death and dismemberment (AD&D), long term care, a sick leave bank, and long term disability insurance (LTD); employee assistance program (EAP), deferred compensation, access to legal services, and flexible spending accounts. Term contract employees were only eligible for long term care, deferred compensation, and flexible spending accounts. MCGEO members had a choice of Sick Leave Bank or a Sick Leave Donor Program.
- Distribution by medical plan participation from FY14 to FY15 was as follows:

<b>Medical Plan</b>	<b>FY14</b>	<b>FY15</b>
UHC – POS	45.7%	42.9%
UHC – EPO	30.5%	32.6%
CIGNA	11.7%	11.9%
Waived	13.1%	12.6%

## Retirement Benefits – Career

- The Commission offers a retirement system which has been mandatory since 1979 and is composed of five defined benefit plans:
  1. Plan A is non-integrated with Social Security and has been closed to membership since December 31, 1978; less than 1% (.4%) or 8 full and part-time career employees are in Plan A.
  2. Plan B is integrated with Social Security; 75.2% or 1,592 full and part-time employees are in Plan B.
  3. Plans C and D are the retirement plans for the Park Police and account for 9.7% of the retirement plan membership. Plan C has 9.2% or 195 members and Plan D has less than 1% (.5%) or 10 members.

4. Plan E is mandatory for all full-time and part-time career Merit System employees (except Park Police), for individuals employed by Employees' Retirement System, Appointed Officials, and employees exempted from the Merit System who are employed or appointed on or after January 1, 2013. Plan E has 14.8% or 313 members.
5. Normal retirement for employees in both Plan A and Plan B is age 60 with at least five years of credited service or 30 years of credited service regardless of age. Plans A and B are closed to new membership.
6. Normal retirement for employees in Plan C is 25 years of credited service or age 55 with at least five years of service.
7. Normal retirement for employees in Plan D is 22 years of credited service or age 55 with at least five years of service; Plan D was closed to new membership in 1993.
8. Normal retirement for employees in Plan E is age 62 with at least 10 years of credited service or 30 years of credited service regardless of age.
9. Employees are eligible to convert accumulated sick leave into credited service at the time of retirement. Employees may use a maximum of 14 months to qualify for early or normal retirement.

### **General Benefits**

- In FY15, 64 employees utilized the Tuition Assistance Program, a 23% (12 employees) increase over FY14 when 52 employees utilized the program.
- On December 31, 2015, the total number of hours in the Sick Leave Bank was 15,004. Employee deductions for contributions were waived.
- Eligible employees used 1,744 hours of the sick leave bank during the 2015 calendar year, in comparison to 2014 calendar year where 2,885 hours of sick leave was used.

### **Turnover – Career**

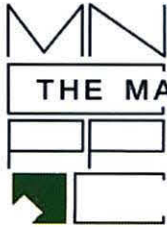
- Turnover rate in FY15 was 5.5% or 112 employees. The average turnover rate for the past five fiscal years was 6.5%.
- In FY15, 58% of employees who separated employment were male and 42% were female, in comparison to FY14 where 57% male and 43% female.

- In FY15, the composition of exiting employees was 47.3% white and 51.0% minority and 1.8% did not identify their race.
- Of the 112 separated employees, the highest turnover occurred in the Professional category at 44.6%, followed by Service/Maintenance at 13.4% and Administrative Support at 13.4%.
- In FY15, the three primary reasons for leaving were normal retirement, a new job, and personal reasons.

**Composition - Non-Career (Seasonal/Intermittent, Term and Temporary)**

- In FY15, the non-career workforce numbered 5,118, in comparison to 5,004 in FY14. Of this number, 99% were seasonal/intermittent.
- Of the non-career employees, 91% worked in Prince George's County Department of Parks and Recreation and 8% worked in Montgomery County Department of Parks. In FY14, 91% worked in Prince George's County Department of Parks and Recreation and 7% worked in Montgomery County Department of Parks.
- The gender composition of non-career employees remained unchanged between FY15 and FY14 with females representing 54% and males representing 46%.
- In FY15, the racial/ethnic composition of non-career employees was 82% minority and 18% white, in comparison to FY14 when 79% were minority and 20% white.
- 55% of non-career employees were 29 years of age and younger.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

April 11, 2016

To: Commission

Via: Patti Barney, Executive Director 

From: Anju Bennett, Division Chief   
 Shelley, Gaylord, Literacy Program Manager  
 Lisa Dupree, Senior Management Analyst  
 Corporate Policy and Management Operations (CPMO) Division

Re: Literacy and Language Proficiency Program Update

Last summer, our office worked with agency leadership to launch a Commission-wide literacy and language proficiency program (Literacy Program). This program, which helps employees strengthen English reading/writing/communication skills, builds upon the success of earlier literacy instruction offered by the agency.

Prior literacy efforts were offered as part of an adult education program, which ended around 2005. The program primarily focused on helping Spanish-speaking staff gain English skills, and English speaking staff prepare for the GED. Students requiring additional instruction were accommodated within these classes. While that program was very well received, it could only accommodate a small group of individuals each term, as instruction was led by one staff instructor. When the instructor retired, the program was discontinued.

The current Literacy Program incorporates strengths of the earlier the program, more recent best practices for literacy education, and goals communicated by management and employees. Goals include greater training options for native English speakers and English speakers of other languages, more tailoring of classes by assessed skills, increased access to training, and sustainable instruction. In designing the program, we conducted research/analysis of various instruction platforms, available resources, and logistics most amenable to encouraging participation.

This memo outlines components of the implemented program and provides a status update.

**Eligible Participants**

The Literacy Program was made available to all Merit employees who expressed interest. Applicants were asked to complete a pre-enrollment skills assessment to determine appropriate course design and placement. All employees who signed up for the classes were required to commit to attending all classes during the instruction period.

**Selected Vendor**

The agency evaluated a number of public and private organizations for their ability to provide instruction, conduct onsite training, assess literacy skills, and plan curriculum options based on assessment findings.



The Literacy Council of Montgomery County (Literacy Council) was selected to lead instruction, as it specializes in workforce training and provided the greatest experience:

- Teaching using seasoned instructors specializing in literacy education.
- Providing separate, specialized instruction for native English speakers and English as a second language (ESL) learners.
- Conducting pre-training assessments and designing course curriculum that is most suited for the range of assessed skill levels.
- Utilizing participant surveys and progress reports to assess training effectiveness.
- Completing post-instruction assessments to measure student progress/learned skills.
- Providing training around operational needs expressed by departments (during convenient work hours and at locations designated by the M-NCPPC).

#### **Program Courses/Curriculum Design**

Based on an assessment of applicant skill levels and needs, the Literacy Council recommended four instructional courses:

1. **Reading and Writing I** (Proficiency skills designed to help employees for whom English is their primary language)
2. **ESL I/Beginning English** (Reading and writing designed to help employees for whom English is a second language)
3. **ESL II/Intermediate English** (Reading and writing designed to help employees for whom English is second language)
4. **Tutoring** (fundamental reading and writing to prepare students for Reading and Writing I course)

#### **Program Marketing and Applicant Interest**

The Literacy program was vigorously marketed through multiple employee and supervisory forums held throughout Montgomery and Prince George's locations. Additionally, the program was marketed through English and Spanish posters, flyers, and brochures employees could share with coworkers/families. Commissioners, Directors, CPMO staff, and field managers spoke at forums to share information on the program and encourage participation.

We received applications from 57 employees.

- 54 applicants completed pre-instruction assessments required for enrollment.
- Of the 54 potential participants, two students tested at skills levels more appropriate for college level instruction.

Although departments supported enrollment of all remaining 52 employees, some employees decided to postpone enrollment or requested withdrawal from the program (due to serious illness/injury or other commitments discussed with their departments). Enrollment by course title is reflected on the next page.

## Enrollment by Course Title

Departments	ESL I / Beginning English	ESL II / Intermediate English	Reading and Writing I	Tutoring	Total
Montgomery	8	12	6	1	27
Prince George's	2	4	4	2	12
<b>Total</b>	<b>10</b>	<b>16</b>	<b>10</b>	<b>3</b>	<b>39</b>

Classes were launched in November 2015.

- Each course requires participant to attend two, 2-hour sessions/per week.
- Courses are offered at no charge to participants. All textbooks/instructional materials are provided by the Literacy Council;
- Class times allow employees to attend with minimal disruption to the work program. Participants are excused from their normal work assignments in order to attend each class.
- Estimated completion date is June 2016. A graduation ceremony will be held following completion.

## Program Assessment

Program feedback is critical to ensuring program quality, effectiveness, and convenience. While surveys will be conducted at the conclusion of the fall/spring term, midpoint surveys/assessments were conducted in early March.

- Written surveys and onsite assessments were completed for two courses:
  - ESL II (15/16 students participated in written survey)
  - Reading and Writing I for English speakers (6/10 students participated in written survey)
- Onsite assessments completed for two courses:
  - Tutoring (3/3 participants provided verbal feedback)
  - ESL I (10/10 participants provided verbal feedback)

Preliminary observations, which are summarized below, already are being used to refine the current program curriculum and enhance effectiveness. A copy of written survey results from ESL II and the Reading and Writing I Course are provided in Attachment A.

1. 95% (or 20/21) of survey participants in the ESL II/Reading and Writing courses felt lessons are useful and interesting. Class observations/discussions with students enrolled the Tutoring and ESL I courses echoed positive feedback about their respective classes.
2. Reading and Writing course: Onsite class observations revealed the initial instructor was not well suited/effective. This was based on observations made by the Literacy Council and student feedback.

Action: The instructor was changed in February. Comments in the March survey support the change, noting the new instructor is more engaging. Additionally 83% (or 5/6) of students indicated lessons are useful and interesting.
3. 76% (or 16/21) of survey participants in ESL II/Reading and Writing courses feel lessons are connected to what they do on their job.

Action: Although all courses are designed to benefit communication skills that can be used on the job, lessons are intended to enhance other aspects of the employee's work and life.

4. 95% (or 20/21) of survey participants in ESL II/Reading and Writing indicated that current instructors provide extra help to students when needed.
5. 100% (or 21/21) of surveyed participants in ESL II/Reading and Writing courses indicated that classroom materials/books were helpful.  
Action: Continue to utilize current class materials.
6. 33% (or 5/15) of ESL II participants feel they are not given enough class time to practice what they are learning. Comments requested longer class hours.  
Action: Classes are currently held two times a week and last two hours each. This recommendation will be considered with Departments Heads in the design of the next session of courses.
7. Students in ESL II and the Reading and Writing courses are frequently assigned homework. Only 27% (or 4/15) of ESL II students reported regularly completing assignments; 67% (or 4/6) of the Reading and Writing I students reported completing assignments.  
Action: To encourage completion rate of homework assignments, the instructor adjusted the assignment of homework for both courses. It is now assigned on the second class of each week. This gives participants greater time to complete assignments before their next class. The Literacy Council will continue to monitor and report on the effectiveness of the change.
8. Comments from ESL II survey recommended further distinction in course instruction levels.  
Action: The current program design is based on the recommendations of the Literacy Council and Department Heads/CAS Program Manager. The Literacy Council suggested four classes based on the assessed skills. The employees' suggestion for further delineation of classes will be considered in design of the next session of courses.
9. Observations of the Tutoring course revealed all three participants shared a strong desire to continue tutoring lessons in the next fall/spring term. Tutoring lessons are designed to cover four levels, which when completed, prepare the employee for enrollment in the basic Reading and Writing I course. Based on assessed skills/progress, current participants are expected to complete the first two levels by the end of this fall/spring term, which ends June 2016. Participants are highly motivated and wish to continue tutoring classes to master levels 3 and 4.  
Action: Program redesign will consider two separate Tutoring courses. One course will address levels 1 and 2; the second course will address levels 3 and 4. Options will be discussed with Department Heads.

## ESL II – Mid-class Evaluation (15 out of 16 employees participated in survey)

#	Questions	Yes	No	Sometimes	% Answering Yes
1.	Are the lessons useful and interesting?	15			100%
2.	Are the lessons connected to what you do on your job?	12	1	2	80%
3.	Did the teacher give you extra help when you needed it?	15			100%
4.	Are the class books useful?	15			100%
5.	Are you given time in class to practice what you are learning?	10	2	3	67%
6.	Does the teacher use different ways to help you learn?	14		1	93%
7.	Do you complete your homework?	4		11	27%
8.	Additional Comments: <ul style="list-style-type: none"> <li>• More pronunciation exercises and writing lessons;</li> <li>• Would like more time (longer classes)</li> <li>• Class is good; helping me to learn and use vocabulary better</li> <li>• Room is perfect</li> <li>• Change from [one] multi-level [class] and make a level [class] for each assessment level</li> </ul>				

Reading and Writing I – Mid-class Evaluation (6 of 10 employees participated in survey)

#	Questions	Yes	No	Sometimes	% Answering Yes
1.	Are the lessons useful and interesting?	5		1	83%
2.	Are the lessons connected to what you do on your job?	4	1	1	67%
3.	Did the teacher give you extra help when you needed it?	5		1	83%
4.	Are the class books useful?	6			100%
5.	Are you given time in class to practice what you are learning?	5		1	83%
6.	Does the teacher use different ways to help you learn?	5	1		83%
7.	Do you complete your homework?	4		2	67%
8.	Additional Comments: <ul style="list-style-type: none"> <li>• This class is very helpful thank you.</li> <li>• Class is helping with evaluations and interviews</li> <li>• Appreciate the work our teacher is doing;</li> <li>• Teacher matches my learning style</li> <li>• Today class was by far the best class since we have started this course. The main reason is that the teacher has the desire to teach rather than letting the clock pass. Perhaps this is the main reason so many students stopped coming to class [with prior teacher]</li> <li>• [Comment regarding prior teacher] I need this class very much today I got enraged by learning and following the lesson discussed since this is halfway and we are getting into more complex lessons. It will be necessary to have a more engaging teacher</li> </ul>				



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
BY DEPARTMENT AS OF MARCH 2016

	31 - 60 DAYS			61 - 90 DAYS			91 + DAYS			DEPARTMENT TOTALS		
	02/16	03/16	02/16	03/16	02/16	03/16	02/16	03/16	02/16	03/16	02/16	03/16
CHAIRMAN, MONTGOMERY COUNTY	0	0	1	0	0	0	1	1	1	1	1	1
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	0	0	0	0	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	0	0	0	0	0	0	0	0	0	0	0
LEGAL DEPARTMENT	0	0	2	1	0	0	1	1	2	2	2	2
FINANCE DEPARTMENT	2	1	2	2	0	0	0	0	4	4	3	3
PRINCE GEORGE'S PLANNING	2	0	1	0	0	0	0	0	3	3	0	0
PRINCE GEORGE'S PARKS & RECREATION	4	3	0	0	0	0	0	0	4	4	3	3
MONTGOMERY COUNTY PARKS	3	2	0	0	0	0	0	0	3	3	2	2
MONTGOMERY COUNTY PLANNING	2	3	1	0	0	0	0	0	3	3	3	3
**DEPARTMENT TOTAL BY DAYS LATE**	13	9	7	3	0	0	2	2	20	20	14	14

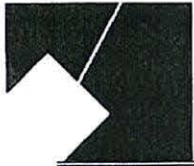
**COMMISSION WIDE TOTAL:**

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







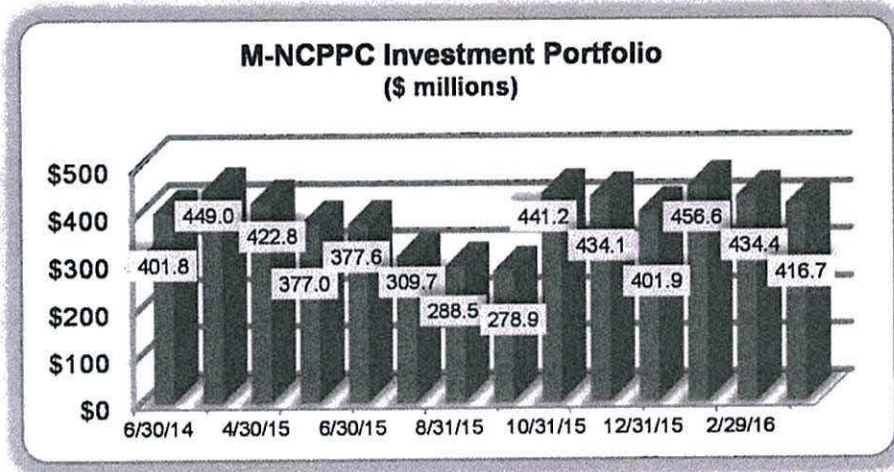


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**TREASURY OPERATIONS, FINANCE DEPARTMENT**  
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737  
 Telephone (301) 454-1541 / Fax (301) 209-0413

**MEMO**

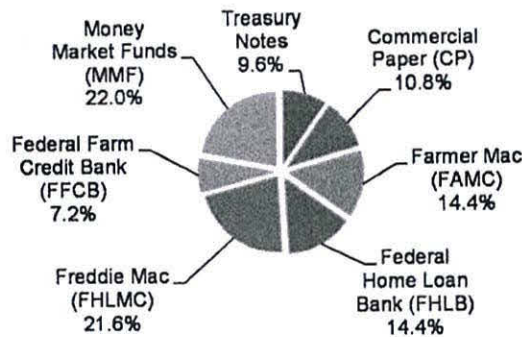
**TO:** Commissioners  
**VIA:** Joseph Zimmerman, Secretary-Treasurer  
**FROM:** Abbey Rodman, Investment & Treasury Operations Manager *ARR*  
**DATE:** 4/7/2016  
**SUBJECT:** Investment Report – March 2016

The Commission’s pooled cash investment portfolio totaled \$416.7 million as of March 31, 2016, with a 3.88% decrease from February 29, 2016. Details are as follows:



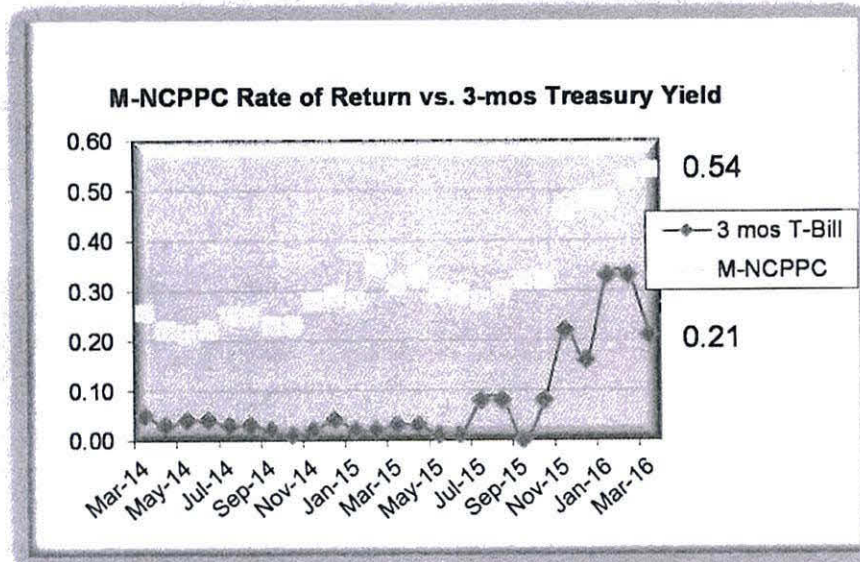
The composition of the pooled cash portfolio as of March 31, 2016 is summarized below:

**Portfolio Composition as of 03/31/16**

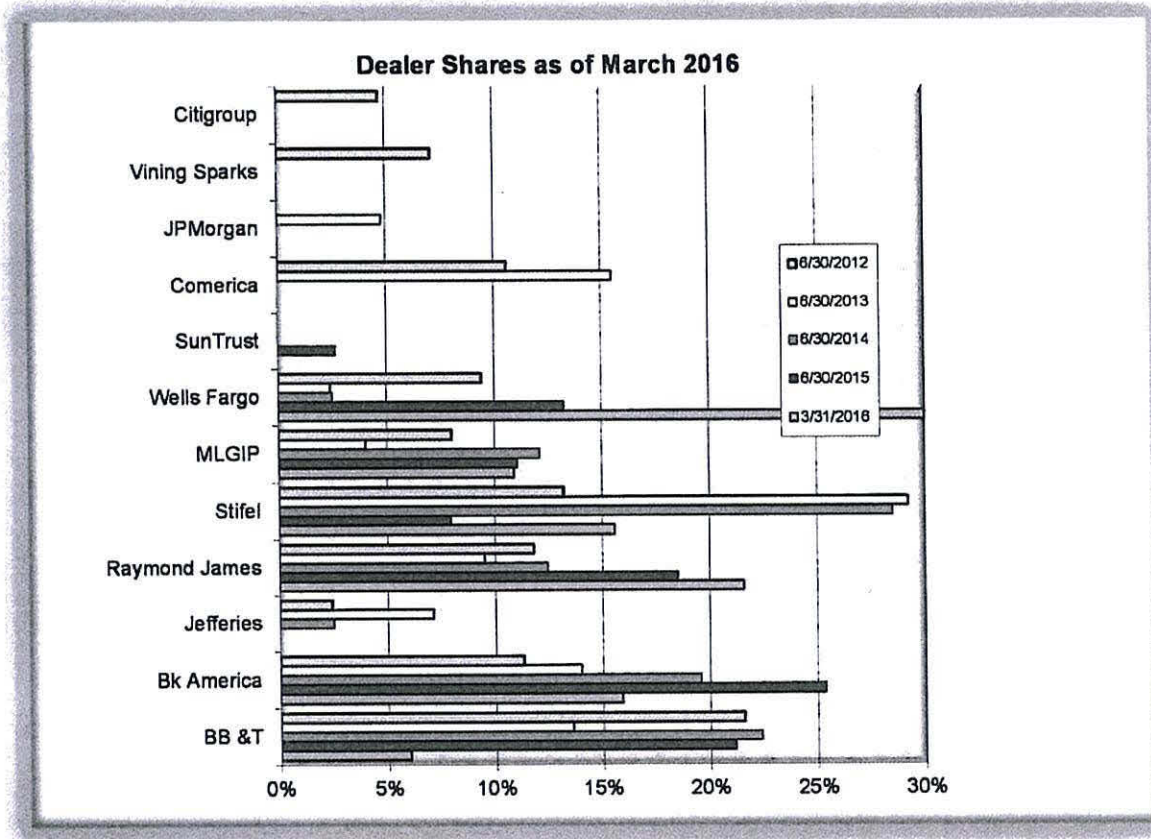


Current Investment Portfolio - March 2016				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Money Funds	25%	22%	\$ 91,747,099	n/a
Freddie Mac	20%	22%	90,000,000	0.85%
Farmer Mac	20%	14%	60,000,000	0.54%
Federal Home Loan Banks	20%	14%	60,000,000	0.44%
Commercial Paper	10%	11%	45,000,000	0.66%
Treasury Notes	100%	10%	40,000,000	0.68%
Federal Farm Credit Bureau	20%	7%	30,000,000	0.45%
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			<b>\$ 416,747,099</b>	<b>0.63%</b>

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:

<b>Market Value- 03/31/16</b>	
Prince George's County (PGC-2015A)	\$ 21,123,729
Prince George's County (PGC-2014A)	9,141,610
Montgomery County (MC-2014A)	1,542,540
	<u>\$ 31,807,879</u>

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of March 31, 2016 appear below:

<b>Debt Balances -March 2016</b>					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
<b>Bi-County</b>					
<b>Total Bi-County</b>	\$ -	\$ -	0%		
<b>Prince George's County</b>					
KK-2 (Refunded AA-2 )	17,300,000	5,481,298	32%	Apr-08	May-18
NN-2 (Refunded Z-2 )	14,080,000	8,080,000	57%	Mar-10	May-21
EE-2	37,525,000	4,610,000	12%	Mar-04	Jan-17
PG-2012A	11,420,000	7,060,000	62%	Jun-12	Jun-24
JJ-2	8,900,000	355,000	4%	May-07	May-17
PGC-2014A	26,565,000	24,350,000	92%	May-14	Jan-34
PGC-2015A	24,820,000	24,820,000	100%	Oct-15	Jan-25
<b>Total Prince George's County</b>	\$ 140,610,000	\$ 74,756,298	53%		
<b>Montgomery County</b>					
LL-2	8,405,000	3,555,000	42%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,080,000	54%	Nov-04	Dec-24
FF-2	4,000,000	480,000	12%	Nov-04	Dec-24
II-2	4,700,000	3,220,000	69%	Mar-07	Apr-27
MM-2	5,250,000	3,780,000	72%	May-09	Nov-28
MC-2012A	12,505,000	10,900,000	87%	Apr-12	Dec-32
MC-2012B	3,000,000	2,630,000	88%	Apr-12	Dec-32
MC-2014A	14,000,000	13,005,000	93%	Jun-14	Jun-34
<b>Total Montgomery County</b>	\$ 53,860,000	\$ 38,650,000	72%		
<b>Total</b>	\$ 194,470,000	\$ 113,406,298	58%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012  
 FISCAL YEAR 2016 - **March 31, 2016**

OBJECTIVES			Met Objective	Within Limits	Comments
<b>Protection of principal</b>			<b>Yes</b>		
<b>Limiting types and amounts of securities</b>	Limit			<b>Yes</b>	
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:					<b>Yes</b> 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)					
<b>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</b>				<b>Yes</b>	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
<b>Ensure competition among participants</b>		30%		<b>Yes</b>	No dealer share exceeded 30%
<b>Competitive Bidding</b>				<b>Yes</b>	All purchases awarded competitively.
<b>Diversification of Maturities</b>				<b>Yes</b>	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.					
<b>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</b>				<b>Yes</b>	M&T Investments serves as custodian, monitoring compliance daily
<b>Maintain sufficient liquidity</b>			<b>Yes</b>		Sufficient funds available for all cash requirements during period
<b>Attain a market rate of return</b>			<b>Yes</b>		Exceeded by <b>33</b> basis points.
The pro-rated rates of return for the portfolio and T-bills were <b>0.54%</b> and <b>0.21%</b> , respectively.					









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

*Reply To*

April 5, 2016

**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 March, 2016

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Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, April 20, 2016. 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.

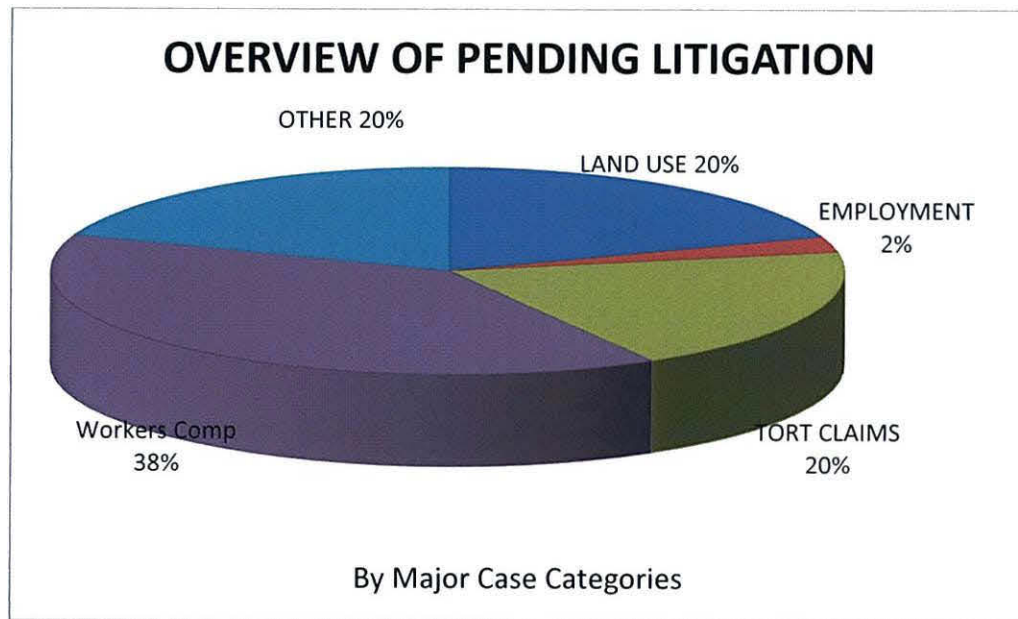
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## March 2016 Composition of Pending Litigation

(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	1		1				2
Admin Appeal: Other							0
Land Use Dispute	2	1					3
Tort Claim	7	1					8
Employment Dispute			1				1
Contract Dispute	1	1	1				3
Property Dispute	3						3
Civil Enforcement	1						1
Workers' Compensation	16						16
Debt Collection							0
Bankruptcy							0
Miscellaneous	2		1		1		4
<b>Per Forum Totals</b>	<b>33</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>41</b>



## March 2016 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2016			
	Pending In Feb/15	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	2			9	3	4	2
Admin Appeal: Other (AAO)	0			-			0
Land Use Disputes (LD)	1	2		1	3	1	3
Tort Claims (T)	8	2	2	10	9	14	8
Employment Disputes (ED)	1			1	1	3	1
Contract Disputes (CD)	3			4			3
Property Disputes (PD)	3			4	2	1	3
Civil Enforcement (CE)	1			1		1	1
Workers' Compensation (WC)	12	4		10	13	5	16
Debt Collection (D)	0			-			0
Bankruptcy (B)	0			-			0
Miscellaneous (M)	4			1	4	2	4
<b>Totals</b>	<b>35</b>	<b>8</b>	<b>2</b>	<b>41</b>	<b>35</b>	<b>29</b>	<b>41</b>

**INDEX OF YTD NEW CASES  
(7/1/2015 TO 6/30/16)**

<b><u>A. New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Suggs v. Commission	PG	Tort	Aug 2015
Bell, et al v. Commission	MCPB	LD	Aug 2015
White v. Commission	PG	Tort	Aug 2015
Starks v. Kellogg, et al	MCPB	Tort	Aug 2015
Keeler v. Commission	MC	WC	Aug 2015
Giuffrida v. Commission	MC	WC	Sept 2015
Cohn v. Commission	MC	Misc	Sept 2015
Commission v. Landover Polk Street Property, LLC	PG	PD	Sept 2015
Sutton v. Commission	PGPR	Tort	Nov 2015
Berry v. Volk-Lopez	MC	Tort	Nov 2015
Smith v. Commission	MC	WC	Nov 2015
Commission v. Guzman	MC	WC	Nov 2015
Shipe v. Louketis, et al	MC	Tort	Nov 2015
Tugwell v. Louketis, et al	MC	Tort	Nov 2015
Watkins v. Commission	PG	WC	Dec 2015
Town of Riverdale Park, et al v. Commission	PGPB	AALU	Dec 2015
Commission v. Morgan	MC	WC	Jan 2016
Belt v. Commission	PG	WC	Jan 2016
Commission v. 2005 Toyota Camry	MC	Misc	Jan 2016
Commission v. Ford	PG	WC	Feb 2016
Commission v. Fulwood	PG	WC	Feb 2016
Commission v. DeReggi	MC	PD	Feb 2016
Richardson v. Arnett, et al	MC	Tort	Mar 2016
Prince George's County, Md v. Commission	PG	LD	Mar 2016
Treva, et al v. Cannizzo, et al	MC	LD	Mar 2016
Parker v. Commission	PG	WC	Mar 2016
Watkins v. Commission	PG	WC	Mar 2016
Dixon v. Commission	MC	WC	Mar 2016
Dixon v. Commission	MC	WC	Mar 2016
Chase v. Perry, et al	PG	Tort	Mar 2016

<b><u>B. New Appellate Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Commission v. Hill	PG	ED	Sept 2015
Smith v. MCPB	MCPB	AALU	Sept 2015
American Humanists Association, et al v. Commission	PG	Misc	Dec 2015
Friends of Croom Civil Assoc., et al v. Commission	PGPB	AALU	Dec 2015
Town of Forest Heights v. Commission	PG	Misc	Feb 2016

**INDEX OF YTD RESOLVED CASES  
(7/1/2015 TO 6/30/16)**

<b><u>C. Trial Court Cases Resolved.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Anderson v. Commission	PGPR	Tort	July 2015
Armstrong v. Commission	PG	ED	July 2015
Quick v. Gathers	PGPR	Tort	July 2015
Quick v. Commission	PGPR	Tort	July 2015
Jang v. Commission	MC	Tort	Sept 2015
A. Jackson v. Commission	MC	Tort	Sept 2015
Commission v. Fleming	PG	Tort	Sept 2015
Hill v. Commission	PG	ED	Sept 2015
Moore v. Perry, et al	PG	Tort	Sept 2015
Bell, et al v. Commission	MC	LD	Sept 2015
Corsetti-Barczy v. Commission	PGPR	WCC	Oct 2015
Hawkins v. Commission	PGPR	Tort	Oct 2015
Jones v. Commission	PGPR	Tort	Oct 2015
Bell, et al v. Commission	MC	LD	Oct 2015
Commission v. McDonnell	PG	WCC	Nov 2015
Friends of Croom Civic Assoc., et al v. Commission	PG	AALU	Nov 2015
Commission v. Pirtle	MC	CE	Nov 2015
White v. Commission	PG	Tort	Dec 2015
American Humanist Association, et al v. Commission	PG	MISC	Dec 2015
Armstrong v. Commission	PG	ED	Dec 2015
L. Jackson v. Commission	PG	WCC	Jan 2016
L. Jackson v. Commission	PG	WCC	Jan 2016
Commission, et al v. Town of Forest Heights	PG	MISC	Feb 2016
Suggs v. Jones, et al	PG	Tort	Mar 2016
Glessner v. Surratt House	PGPR	Tort	Mar 2016

**D. Appellate Court Cases Resolved.**

Rounds v. Commission	MC	PD	Sept 2015
Smith v. MCPB (COSA)	MCPB	AALU	Oct 2015
Smith v. MCPB (COA)	MCPB	AALU	Oct 2015
Kaviani v. Mont. County Planning Board	MCPB	AALU	Nov 2015

## Disposition of FY16 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
<b>Employees Retirement System</b>		
<b>Finance Department</b>		
<b>Department of Human Resources and Management</b>		
<b>Montgomery County Department of Planning</b>		
Bell, et al v. Commission	Plaintiffs filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement (407517-V)	08/28/15- Plaintiffs filed Notice of Dismissal without Prejudice.
Bell, et al v. Commission	Plaintiffs filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement (401282-V)	09/04/15-Case dismissed.
Commission v. Pirtle	Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation	10/20/15- Complaint dismissed in open court.
Rounds v. Commission	Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.	Mandate from Court of Appeals affirming in part and reversing in part; remanding to Court of Special Appeals directing that they remand case to Montgomery County for further proceeding; Circuit Court enters Order dismissing remaining count against Commission on 06/25/15
<b>Montgomery County Department of Parks</b>		
Jang v. Commission, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	07/29/15: Trial-judgment entered in the amount of \$9,080 and \$88 costs
A. Jackson v. Commission	Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.	08/10/15: Jury Trial; verdict for Commission

<b>Montgomery County Park Police</b>			
<b>Montgomery County Planning Board</b>			
Kaviani v. Montgomery County Planning Board	Appeal filed from the Circuit Court ruling in the case of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007	07/29/15- Court affirms judgment of the Circuit Court.	
Smith v. Montgomery County Planning Board	Commission appealed Circuit Court ruling for forest conservation violations at 21627 Ripplemead Drive.	06/02/15- Court of Special Appeals affirms decision by Montgomery County Planning Board	
Smith v. Montgomery County Planning Board	Commission appealed Circuit Court ruling for forest conservation violations at 21627 Ripplemead Drive.	09/21/15-Court of Appeals denies Writ of Certiorari	

**Prince George's County Department of Parks and Recreation**

American Humanist Association, et al v. Commission	Defense of claim alleging violation of establishment clause of Constitution.	Motion for Summary Judgment filed by Commission granted on 11/30/15-ownership, maintenance and display of Monument does not violate Establishment clause of the First Amendment	
Anderson v. Commission	Defense of claim seeking damages for injuries to a minor sustained in an altercation while attending Rollingcrest/Chillum Community Center Park.	07/27/15-Case settled and complaint dismissed.	
Armstrong v. Commission	Defense of employment-related claim alleging discrimination, filed in Prince George's County, Md.	06/26/15-Notice of Removal to U.S. District Court; case dismissed	

Armstrong v. Commission	Defense of employment-related claim alleging discrimination	10/30/15-U. S. District Court grants Commission's Motion to Dismiss; order signed on 11/16/15.
Commission v. Fleming	Commission filed a lawsuit seeking subrogation recovery for amount due for personal injuries sustained by Commission employee.	08/04/15- Insurer settled and paid Commission for subrogated claim.
Commission v. McDonnell	Petitioner/Employer appealed WCC's decision for medical treatment to Claimant for her right shoulder injury	10/19/15-Dismissed and remanded back to WCC.
Corsetti-Barczyk v. Commission	Claimant/employee is appealing the WCC's permanency award.	09/28/15 - Order of Court dismissing and remanding case back to WCC.
Glessner v. Surratt House	Defense of tort claim against a Commission employee and facility based on the alleged slander of authenticity regarding a photograph the plaintiff purports to be of Abraham Lincoln.	01/29/16- Court grants Commission's Motion to Dismiss, case dismissed
Hawkins v. Commission	Defense of tort claim for claimed near drowning while taking swimming lessons at Prince George's Sports and Learning Center in Landover, Maryland.	10/02/15-Motion for Summary Judgment granted, case dismissed.
Hill v. Commission	Employee is seeking judicial review of the Merit Board's dismissal of her appeal.	08/14/15- Oral Argument held, Court reversed and remanded to Merit System Board



Jones v. Commission	Defense of claim for trip and fall on alleged broken concrete and loose gravel at Tucker Road Community Center.	10/02/15-Case dismissed.
L. Jackson v. Commission	Claimant/employee is appealing the WCC's decision regarding low back not causally related to the accidental injury and denial of medical treatment and other benefits.	12/01/15-Case dismissed pursuant to Court stay
L. Jackson v. Commission	Claimant/employee is appealing the WCC's decision regarding low back exclusion from claim arising from 5/27/14 accidental injury	12/01/-15- Case dismissed pursuant to Court stay
Moore v. Perry, et al	Defense of claim for personal injury involving vehicle allegedly operated by Commission employee.	08/14/15- Case settled, line of dismissal filed.
Quick v. Commission	Defense of claim for alleged violations of the Americans with Disabilities Act.	06/18/15-Complaint dismissed by Court.
Quick v. Gathers	Defense of claim for alleged violations of the Americans with Disabilities Act.	06/18/15-Complaint dismissed by Court.
White v. Commission	Defense of claim for personal injuries involving a vehicle owned by Commission and operated by Commission employee.	11/24/15-Case settled, Line of Dismissal filed.
<b>Prince George's County Planning Department</b>		
Commission, et al v. The Town of Forest Heights	Commission filed lawsuit to stop the unlawful attempt by the Town of Forest Heights, Maryland to expand its geographical boundaries by annexing properties without the required consent of any affected property owner or popular vote.	01/29/16- Court declares 6 <sup>th</sup> and 7 <sup>th</sup> annexation null and void.
Friends of Croom Civic Association, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.	10/26/15- Judgment of Prince George's County Planning Board affirmed.
<b>Prince George's County Planning Board</b>		
<b>Prince George's Park Police</b>		

Suggs v. Jones, et al	Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.	01/27/16-Case settled, line of dismissal filed.
<b>Office of Internal Audit</b>		

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**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Commission v. DeReggi**  
No. 0601-0001203-2016 (PD)

Lead Counsel: Harvin/Adams  
Other Counsel:

Abstract: Complaint for tenant holding over on Commission property located in Montgomery County.

Status: Case stayed

Docket:

01/29/16	Complaint filed
03/16/16	Case stayed pending bankruptcy

**Richardson v. Arnett, et al**  
No. 0602-0001638-2016 (Tort)

Lead Counsel: Harvin  
Other Counsel:

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

Status: Complaint filed

Docket:

03/02/2016	Complaint filed
06/15/16	Trial

**DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**Chase v. Perry, et al**

No. 0502-0006271-2016 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.

Status: Complaint filed.

Docket:

03/11/16	Complaint filed
05/12/16	Trial date

**Prince George's County, MD v. Commission**

No. SP05-02-11465-16(LD)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for injunctive relief issued by Prince George's County for unlicensed dog kennel on Commission property which is actually owned by person in neighborhood encroaching on Commission property.

Status: Pending hearing.

Docket:

04/20/16	Show Cause hearing.
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**CIRCUIT COURT FOR ANNE ARUNDEL, MARYLAND**

**Belt v. Commission**

Case No. C-02-CV-16-000324 (WC- B75076)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.

Status: Pending trial.

Docket:

01/26/16	Petition filed
02/05/16	Court grants Order Extending Time for Record Transmittal
02/23/16	Response to Petition filed by Commission

**CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND**

**Shipe v. Louketis, et al**

Case No. 06-C-15-070021 (Tort)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: Pending trial.

Docket:

10/26/15	Complaint filed
11/20/15	Commission served
12/18/15	Motion to Dismiss and Memorandum filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Opposition to Motion to Dismiss & Request for Hearing filed
03/07/16	Court grants & denies portions of Commission Motion to Dismiss
09/30/16	Pre-trial conference
11/28/16	Trial

**Tugwell v. Louketis, et al**

Case No. 06-C-15-069996 (Tort)

Lead Counsel: Adams  
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: Pending trial.

Docket:

10/21/15	Complaint filed
11/20/15	Commission served
12/16/15	Motion to Dismiss and supporting Memorandum, Motion for Protective Order filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Amended Complaint filed by Plaintiff
01/27/16	Second Amended Complaint filed by Plaintiff
02/17/16	Line filed by Commission responsive to Second Amended Complaint and renewing previous Motion to Dismiss
04/15/16	Motions hearing
09/30/16	Pre-trial hearing
11/28/16	Trial



**CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**Burnette v. Commission**  
CAL15-18263 (WC #W050308)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.

Status: Pending trial.

Docket:

02/24/15	Petition filed
06/03/15	Case transferred from Charles County
11/06/15	Pre-trial conference.
09/06/16	Trial Date

**Commission v. Ford**  
CAL16-02123 (WC W070371)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision for de novo judicial review regarding determination that injury occurred during course of employment.

Status: Complaint filed.

Docket:

02/12/16	Petition for Judicial Review filed
02/29/16	Response to Petition for Judicial Review filed by Commission

**Commission v. Fulwood**  
CAL16-02193 (WC W070371)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Commission is appealing the WCC's finding that she had an occupational disease.

Status: Complaint filed.

Docket:

02/26/16	Petition for Judicial Review filed
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**Commission v. Landover Polk Street Property, LLC**

CAL 15-25609 (PD)

Lead Counsel: Gardner  
Other Counsel: Chagrin

Abstract: Commission filed a condemnation action to acquire property for use by the Department of Parks and Recreation.

Status: Complaint filed.

Docket:

09/28/15	Complaint filed
11/03/15	Defendant served via private process.
11/18/15	Commission filed Motion to serve unknown Defendants.
11/30/15	Joint Motion to Extend Time to Answer Complaint filed.
12/30/15	Court grants Motion
05/03/16	Pre-trial Hearing

**Leeks v. Commission**

CAL15-09048 (WC W060284)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision denying occupational hypertension disease as causally related to his course of employment.

Status: Pending trial.

Docket:

05/06/15	Petition for Judicial Review filed
05/21/15	Answer filed.
09/30/15	Pre-trial conference.
12/18/15	Opposition to Motion for Summary Judgment filed by Commission
06/27/16	Trial date

**Newell v. Commission**

CAL15-05386 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for trip and fall on alleged wire hanging from the light display at Watkins Regional Park.

Status: In discovery.

Docket:

03/11/15	Complaint filed
12/16/15	Pre-trial conference
06/07/16	Trial date

**Parker v. Commission**

CAL16-07506 (WC-formerly W071945)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision denying claim of exposure to mold and injury.

Status: Petition filed.

Docket:

03/11/16	Petition filed
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**Pollard v. Commission**

CAL15-00392 (WC-B629257)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision denying the left hip surgery is causally related to his workers' compensation claim.

Status: Pending Trial.

Docket:

01/20/15	Petition filed
05/01/15	Motions Hearing; Motion to Dismiss denied.
03/08/16	Trial-verdict in favor of Claimant; case remanded to WCC for findings consistent with verdict

**Town of Riverdale Park, et al. v. M-NCPPC**

CAL-15-32787 (AALU)

Lead Counsel: Mills  
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-150003 in 7-Eleven, Inc.

Status: Awaiting oral argument.

Docket:

11/05/15	Petition for Judicial Review Filed
11/17/15	Commission filed Response to Petition, Certificate of

	Compliance and Notice of Appeal
12/22/15	Record and Transcript Filed
05/20/16	Oral Argument

**Watkins v. Commission**  
CAL15-40296 (WC W050003)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status: Petition filed.  
Docket:

12/30/15	Petition for Judicial Review filed
06/08/16	Pretrial conference

**Watkins v. Commission**  
CAL16-07583 (WC W050003)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status: Petition filed.  
Docket:

03/16/16	Petition for Judicial Review filed
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**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Berry v. Lopez, et al**

Case No. 414115-V (Tort)

NOTE-Case Venue Transferred from Prince George's County

Lead Counsel: Adams  
Other Counsel: Dickerson

Abstract: Defense of police liability claim for alleged false imprisonment and wrongful detention arising from an incident in Montgomery County

Status: Case dismissed.

Docket:

01/21/16	Original Record from Prince George's County-CAL15-25864 transferred to Montgomery County
02/11/16	Commission files Motion to Dismiss and Memorandum
03/30/16	Court grants Commission's motion to dismiss on counts #1,#2,#3,#5, and #6 with prejudice. Court dismisses counts #4 without prejudice with leave to amend within 15 days.

**Cohhn, et al v. Commission**

Case No. 409148-V (M)

Lead Counsel: Dickerson  
Other Counsel: Harvin

Abstract: Plaintiff filed complaint attempting to restrain Commission from implementing Archery Managed Deer Hunting Program in Montgomery County.

Status: Pending trial.

Docket:

09/10/15	Complaint for Declaratory Judgment, A Temporary Restraining Order and Preliminary and Permanent Injunctive Relief filed.
09/11/15	Hearing: Court denies Temporary Restraining Order.
10/09/15	Answer filed by Commission.
05/25/16	Trial

**Commission v. 2005 Toyota Camry**

Case No. 412626-V (M)

Lead Counsel: Adams  
Other Counsel:

Abstract: Commission filed motor vehicle forfeiture incident to drug related arrest.

Status: Pending hearing.

Docket:

12/14/15	Petition filed.
02/23/16	Court grants Commission's Motion to Dismiss Co-Defendant, Tsalta Financial Co, LLC with prejudice; reissue of service for Defendant Ashford
03/17/16	Defendant Ashford served via private process service
06/14/16	Show Cause hearing

**Commission v. Guzman**

Case No. 411685-V (WC #B764267)

Lead Counsel: Chagrin

Other Counsel:

Abstract: Commission appealed WCC order authorizing medical treatment.

Status: Pending trial.

Docket:

11/17/15	Petition filed.
04/22/16	Status/Pre-trial hearing

**Commission v. Johnson**

Case No. 366677-V (CE)

Lead Counsel: Harvin

Other Counsel: Dickerson

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

Status: Further collection action and attempts to seek compliance by foreclosing bank.

Docket:

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

**Commission v. Morgan**  
Case No. 414111-V (WC #W069759)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Commission appealed WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.

Status: Pending trial.

Docket:

01/21/16	Petition filed.
06/30/16	Status/Pre-trial hearing.

**Dixon v. Commission**  
Case No. 417969-V (WC #069068)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing WCC Order denying that employee sustained an accidental injury arising out of and in the course of employment.

Status: Petition filed.

Docket:

03/28/16	Petition filed.
09/08/16	Status/pre-trial hearing.

**Dixon v. Commission**  
Case No. 417970-V (WC #043782)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing WCC Order denying that further medical treatment and total temporary disability.

Status: Petition filed.

Docket:

03/28/16	Petition filed.
09/08/16	Status/pre-trial hearing.

**Fort Myer Construction Corporation v. Commission**

Case No. 399804-V (CD)

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

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Status: Case stayed.  
Docket:

01/23/15	Complaint filed
04/27/15	Motion for Appropriate Relief (Motion to Stay) filed by Commission
05/19/15	Plaintiff's Response to Commission's Motion for Appropriate Relief
10/27/15	Court grants Commission's Motion to Stay pending decisions from Court of Special Appeals
10/27/15	Commission's Motion for Stay granted.

**Giuffrida v. Commission**

Case No. 408754-V (WC #060681)

Lead Counsel: Chagrin  
Other Counsel:

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

Status: Pending trial.

Docket:

09/08/15	Petition filed.
05/18/16	Trial

**Keeler v. Commission**

Case No. 405704-V (WC #W0429931)

Lead Counsel: Chagrin  
Other Counsel:

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

Status: Pending trial.

Docket:



06/08/15	Petition filed.
02/23/16	Joint Motion to Remand filed
02/26/16	Order staying case for 30 days
03/04/16	Stipulation of Dismissal without prejudice; Order remanding case back to Worker's Compensation.

**Rounds v. Commission**

Case #350954-V (PD)

Lead Counsel: Gardner  
Other Counsel: Dickerson  
Harvin

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

Status: Second Amended Complaint filed.

Docket:

04/30/15	Mandate returned from Court of Appeals; judgment affirmed in part and reversed in part; case remanded.
05/14/15	Commission's renewal of Motion to Dismiss
06/01/15	Plaintiff's Response to Commission's renewal of Motion to Dismiss
06/25/15	Court grants Commission's Motion to Dismiss Plaintiff's Amended Complaint
07/27/15	Court grants Plaintiffs sixty days to amend complaint
09/21/15	Second Amended Complaint filed
10/23/15	Commission's Motion to Dismiss for failure to join necessary parties filed
12/28/15	Motion to Stay Discovery filed by Commission
01/15/16	Commission's Motion to Stay denied
01/29/16	Status Hearing held
02/17/16	Motion to Compel Discovery filed
02/19/16	Motions Hearing held; Court takes matters under advisement
03/24/16	Court grants Commission's motion to supplement record
07/19/16	Status Hearing

**Smith v. Commission**

Case No. 411259-V (WC B717488)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's award of permanent partial disability under "other cases".

Status: Pending trial.

Docket:

11/02/15	Petition filed.
04/07/16	Pre-trial conference.

**Starks v. Kellogg, et al**  
Case No. 407554-V (Tort)

Lead Counsel: Harvin  
Other Counsel:

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

Status: Pending Trial.

Docket:

08/04/15	Complaint filed.
11/06/15	Scheduling Hearing
05/19/16	Pre-trial/Settlement conference.

**Trevan, et al v. Cannizzo, et al**  
Case No. 415094-V (LD)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claim related to transferable rights associated with private party transaction relating to a parcel of land in Montgomery County.

Status: Complaint filed.

Docket:

02/19/16	Complaint filed.
03/10/16	Commission served with complaint.

**MARYLAND COURT OF SPECIAL APPEALS**

**Commission v. Hill**

September Term 2015, No. 01516 (ED)  
(Originally filed under CAL15-04057)

Lead Counsel: Dickerson  
Other Counsel: Adams

Abstract: Commission appealed Circuit Court ruling reversing and remanding employee termination to Merit Board System.

Status: Appeal filed.

Docket:

09/11/15	Notice of Appeal filed
09/2016	Argument

**Fort Myer Construction Corporation v. Commission**  
**Commission v. URS Corporation (Third Party claim by Commission)**  
2015 Term, No. 16 (CD)

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

Abstract: Fort Myer Construction Corporation appeals award of sanctions against it. Commission notes cross appeal, as does URS Corporation.

Status: Court of Special Appeals affirms in part and reverses in part decision of Circuit Court.

Docket:

03/09/15	Notice of Appeal filed by Plaintiff.
03/19/15	Notice of Appeal filed by Commission
03/20/15	Notice of Appeal filed by URS Corporation
06/17/15	Mediation held
03/02/16	Oral Argument held
04/01/16	Court of Special Appeals dismisses appeal of URS Corporation affirming judgment in favor of Commission against Defendant URS Corporation in the amount of \$352,355.68 and establishment of its duty to defend the Commission. The Court reversed the Circuit Court's award of sanctions against Ft. Myers Construction Co.

**Friends of Croom Civic Association, et al. v. Commission**  
Case No. 02177, September Term 2015 (AALU)  
(Originally filed under CAL14-32333)

Lead Counsel: Mills  
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.

Status: Appeal Filed.  
Docket:

12/07/15	Notice of Appeal
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**The Town of Forest Heights v. Commission**

Case #02711, September Term 2015 (M)  
(Originally filed under CAL 15-04255)

Lead Counsel: Borden  
Other Counsel: Mills

Abstract: Commission filed lawsuit to stop the unlawful attempt by the Town of Forest Heights, Maryland to expand its geographical boundaries by annexing properties without the required consent of any affected property owner or popular vote. Appellant files appeal after Circuit Court declares 6<sup>th</sup> and 7<sup>th</sup> annexation null and void.

Status: Appeal Filed.

Docket:

02/22/16	Notice of Appeal
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**MARYLAND COURT OF APPEALS**

No Current Pending Cases

**U.S. DISTRICT COURT OF MARYLAND**

**Hartford Casualty Insurance Company v. Commission**

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

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

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

Status: Pending mediation.

Docket:

06/18/13	Complaint filed
05/27/14	Plaintiff filed Consent Motion to Stay
05/28/14	Court stays case
09/25/14	Joint Status Report filed.
09/26/14	Court extends stay through 01/23/15.
01/26/15	Court extends stay for 120 days
05/11/15	Mediation
05/26/15	Order granting Consent Motion to Stay
10/26/15	Settlement negotiations in progress

**Pulte Home Corporation, et al v. Montgomery County, et al**

Case No. 8:14-cv-03955 (LD)

(Originally filed under Case No. 397601V-Mont. Cty)

Lead Counsel: Gardner/Dickerson  
Other Counsel: Adams

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

Status: In discovery.

Docket:

12/18/14	Notice of Removal and Complaint filed
01/02/15	Commission files Motion to Dismiss or in the Alternative for Summary Judgment and Supporting Memorandum
01/09/15	Plaintiffs file Motion to Remand.
02/05/15	Defendant Montgomery County's Opposition to Motion to Remand
02/06/15	Commission's Opposition to Plaintiff's Motion to Remand
02/06/15	Plaintiff's Opposition to Defendant M-NCPPC's Motion to Dismiss
02/23/15	Plaintiff's Reply in Support of Motion to Remand

02/23/15	Commission's Reply to Opposition to Motion to Dismiss
07/17/15	Order denying Pulte's Motion to Remand; Order denying MNCPPC's Motion to Dismiss with leave to respond to complaint with 14 days
07/31/15	Commission's Answer to Complaint
07/31/15	Commission's Motion for Reconsideration
08/26/15	Plaintiffs' Opposition to Commission's Motion for Reconsideration filed
09/24/15	Commission's Reply to Plaintiff's Opposition to Reconsideration of the Court's Denial of the Commission's Motion to Dismiss filed
12/29/15	Court denies Commission Motion for Reconsideration of Denial of Motion to Dismiss
01/07/16	Chambers Conference Call
02/19/16	E-Discovery Conference
04/01/16	E-Discovery Conference

**Sutton v. Commission**

Case No. 1:15-cv-01996-CCB(Tort)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Defense of employment-related claim alleging discrimination.

Status: In discovery.

Docket:

07/23/15	Complaint filed.
11/20/15	Answer to Complaint filed by Commission.
12/18/15	Court grants dismissal of case against State of Maryland
05/16/16	Motions deadline

**U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT**

**American Humanist Association, et al v. Commission**

No. 15-2597 Case #8:14-cv550-DKC (M)

Lead Counsel: Dickerson  
Other Counsel: Gardner  
Adams

Abstract: Defense of claim alleging violation of establishment clause of Constitution.

Status: Appeal filed

Docket:

12/30/15	Notice of Appeal filed
02/29/16	Appellant's brief filed
04/04/16	Response brief by Appellees filed

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