

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2012, Legislative Day No. 16

Bill No. 65-12

Mrs. Vicki Almond, Chairwoman
By Request of County Executive

By the County Council, September 17, 2012

A BILL
ENTITLED

AN ACT concerning

Employees Retirement System

FOR the purpose of dividing the Employees' Retirement System into two separate Plans; stating that one of the Plans is closed to new members; providing for the rights and duties of the members, beneficiaries, System and Board of Trustees without regard to the Plan to which any individual belongs; increasing the contributions of Correctional Officers; providing for an expansion of the death benefit; providing for retroactive application of certain portions of this Act; providing that this Act is an emergency measure affecting the public health, safety or welfare; and generally relating to the Employees' Retirement System.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

By repealing and reenacting, without amendments

Sections 5-1-202(a) and 5-1-203(9(i))
Article 5. Pensions and Retirement
Baltimore County Code, 2003

By adding

Section 5-1-202(c)
Article 5. Pensions and Retirement
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Sections 5-1-203(9)(ii)5 and 5-1-228 (a)(3)(ii)1.
Article 5. Pensions and Retirement
Baltimore County Code, 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

3 Article 5. Pensions and Retirement

4 § 5-1-202.

5 (a) A retirement system is hereby established and placed under the management of
6 the Board of Trustees for the purpose of providing retirement allowances and other benefits
7 under the provisions of this title for employees. The Retirement System so created shall be
8 established as of January 1, 1945. It shall be known as the “Employees’ Retirement System of
9 Baltimore County,” and by such name all of its business shall be transacted, all of its funds
10 invested, and all of its cash and securities and other property held in trust for the purpose for
11 which received.

12 (C)(1) THE RETIREMENT SYSTEM SHALL CONSIST OF TWO PLANS, WHICH
13 SHALL BE KNOWN AS “PLAN A,” AND “PLAN B.”

1 (2)(I) PLAN A SHALL CONSIST OF MEMBERS WHO BEGAN SERVICE
2 BEFORE JULY 1, 2007.

3 (II) PLAN A SHALL BE DEEMED CLOSED TO NEW MEMBERS AS
4 OF JULY 1, 2007.

5 (3) PLAN B SHALL CONSIST OF MEMBERS WHO BEGAN SERVICE ON
6 OR AFTER JULY 1, 2007.

7 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, ALL MEMBERS
8 AND BENEFICIARIES OF EACH PLAN SHALL HAVE THE SAME RIGHTS AND DUTIES
9 AS PROVIDED IN THIS TITLE AND ANY OTHER APPLICABLE LAW WITHOUT
10 REGARD TO THE PLAN TO WHICH THEY BELONG.

11 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE
12 RETIREMENT SYSTEM AND THE BOARD OF TRUSTEES SHALL HAVE THE SAME
13 RIGHTS AND DUTIES AS PROVIDED IN THIS TITLE AND ANY OTHER APPLICABLE
14 LAW AS TO EACH MEMBER AND BENEFICIARY WITHOUT REGARD TO THE PLAN
15 TO WHICH THE MEMBER AND BENEFICIARY BELONGS.

16 SECTION 2. AND BE IT FURTHER ENACTED, that the Laws of Baltimore County
17 shall read as follows:

18 Article 5. Pensions and Retirement

19 § 5-1-203.

20 (9) (i) This paragraph applies to a member who begins service on or after July 1,
21 2007.

1 (ii) Notwithstanding any other provision of this subtitle, the rate of regular
2 contributions shall be:

3 5. For Deputy [Sheriffs] SHERIFFS, CORRECTIONAL OFFICERS,
4 and sworn members of the Fire Department, hired after July 1, 2011 ten (10) percent of earnable
5 compensation.

6 SECTION 3. AND BE IT FURTHER ENACTED, that the Laws of Baltimore County
7 shall read as follows:

8 Article 5. Pensions and Retirement

9 § 5-1-228

10 (a)(3)(ii)1. For a member who has attained the member's normal service retirement age
11 and who has named the member's surviving spouse, AN ADULT CHILD, OR BOTH THE
12 SPOUSE AND ADULT CHILD as the member's designated beneficiary, the allowance payable
13 to the surviving spouse OR ADULT CHILD OR BOTH shall be equal to the allowance which
14 would have been payable had the member retired immediately prior to the member's death and
15 elected option 2 with the spouse OR THE ADULT CHILD OR BOTH the person designated
16 thereunder; provided, however, if the individual has completed 15 or more years of creditable
17 service, in no event shall the allowance payable to the surviving spouse be less than the sum of
18 twenty-five (25) percent of the member's average final compensation at the date of the member's
19 death and an annuity for the life of the surviving spouse which shall be the actuarial equivalent of
20 the accumulated contributions of the member at the time of death. Such allowance shall be paid
21 to the surviving spouse until the first month coincident or preceding the death of the surviving
22 spouse.

1 SECTION 4. AND BE IT FURTHER ENACTED, that Plan A of the Employees'
2 Retirement System of Baltimore County, as defined in § 5-1-202(c) of the Baltimore County
3 Code, 2003, in Section 1 of this Act, shall be deemed to be closed to new members retroactive to
4 July 1, 2007.

5 SECTION 5. AND BE IT FURTHER ENACTED, that Section 2 of this Act shall take
6 effect retroactively to July 1, 2011.

7 SECTION 6. AND BE IT FURTHER ENACTED, that this Act is hereby declared to be
8 an emergency measure affecting the public health, safety or welfare and, having been passed by
9 the affirmative vote of five members of the County Council, shall take effect from the date of its
10 enactment.