



Bill No. 17-12

Concerning: Revisions to the Frederick County  
Employee Retirement Plan

Introduced: June 6, 2017

Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_

Enacted: July 18, 2017

Effective: September 16, 2017

Expires: \_\_\_\_\_

Frederick County Code, Chapter N/A

Section(s) N/A

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Bud Otis on behalf of County Executive Jan Gardner

**AN ACT** to: amend the Frederick County Employees Retirement Plan to make certain revisions to the Plan to: (1) require that one position on the Retirement Plan Committee be filled by a retiree member, (2) limit membership on the Committee to a maximum of two current employees within any one Division, and (3) make other nonsubstantive changes.

Executive: Jan H. Gardner Date Received: 7/25/17

Approved: ✓ Date: 7/26/17

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

By amending:

Frederick County Code, Chapter, \_\_\_\_\_ Section(s) \_\_\_\_\_

Other: Frederick County Employees Retirement Plan

**Boldface**

Underlining

[Single boldface brackets]

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*Heading or defined term.*

*Added to existing law.*

*Deleted from existing law.*

*Existing law unaffected by bill.*

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By Ordinance No. 93-11-075, the County established a retirement plan for the employees of the Frederick County Government, effective July 1, 1993. The Frederick County Employees Retirement Plan ("Plan") has been amended several times since then, most recently in Ordinance No. 14-25-680.

The County Council of Frederick County, Maryland, deems it appropriate to make certain additional revisions to the Plan to: (1) require that one position on the Retirement Plan Committee be filled by a retiree member, (2) limit membership on the Committee to a maximum of two current employees within any one Division, and (3) make other nonsubstantive changes.

NOW, THEREFORE, BE IT IN ENACTED, that the Frederick County Employees Retirement Plan be, and it is hereby, amended as shown on the attached Exhibit 1.



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Harold F. (Bud) Otis, President  
County Council of Frederick County,  
Maryland  
*WC 7/18/17*

**THIRD AMENDMENT TO THE RESTATED  
FREDERICK COUNTY  
EMPLOYEES RETIREMENT PLAN**

Section 11.3 shall be amended to read as follows:

11.3 Retirement Plan Committee – There shall be a committee, to be known as the Retirement Plan Committee, which in the absence of any designation to the contrary by the County, shall serve as Administrator. Except to the extent that the County has retained any power or authority, or allocated duties and responsibilities to another administrator or other fiduciary, said Committee shall have full power and authority to administer and operate the Plan in accordance with its terms and in particular the authority contained in this ARTICLE XI, and, in acting pursuant thereto, shall have full power and authority to deal with all persons in any matter directly connected with the Plan, including, but not limited to, the Trustees, other fiduciaries, insurance companies, investment advisors, other advisors and specialists. Participants, Beneficiaries and their representatives, in accordance with the following provisions:

- (a) The Committee shall consist of the following members:
  - (i) Director of Human Resources or [his] the Director's designee as Chairperson;
  - (ii) Director of Finance or [his] the Director's designee;
  - (iii) One representative of the Fraternal Order of Police nominated and appointed by members of the Order;
  - (iv) One representative of the Career Fire Fighters Association nominated and appointed by members of the Association;
  - (v) One “at-large” member who is [either: (A)] a former Participant who has reached a Termination Date pursuant to Section 6.1, 6.2 or 6.3 hereof at a time when he or she was a Non-Uniformed Participant (“Former Participant”), and who is appointed by the County Executive, subject to confirmation by the County Council[, or (B) an employee who is a Non-Uniformed Participant and who is appointed by County Executive, subject to confirmation by the County Council];
  - (vi) Two “at-large” members who are Non-Uniformed Participants who are nominated and appointed by the County Executive, subject to confirmation by the County Council[.];

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Underlining indicates entirely new matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

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(vii) No more than two members may be employed within the same division.

(b) The Director of Human Resources or [his] the Director's designee and the Director of Finance or [his] the Director's designee shall serve on the Committee without limitation as to the number or length of terms.

The terms of every other member of the Committee shall be established in accordance with the following schedule:

(i) At large members appointed pursuant to Section 11.3(a)[(vii)](vi) may serve continuously for no more than two consecutive terms. The length of each term of said members shall be three years [and the term of one at large member shall end on July 1, 2003 and the term of the other at-large member shall end on July 1, 2004].

(ii) The at large member appointed pursuant to Section 11.3(a)[(vi)](v) may serve continuously for no more than two consecutive terms. The length of each term of said member shall be two years [with a term beginning on July 1, 2002].

(iii) The representative nominated and appointed by the Fraternal Order of Police may serve continuously for an unlimited number of terms, until his or her successor is nominated and appointed by the Fraternal Order of Police. The length of each term of said member shall be three years [except that the term which begins on July 1, 1993 shall be a two-year term].

(iv) The representative nominated and appointed by the Career Fire Fighters Association may serve continuously for an unlimited number of terms, until his or her successor is nominated and appointed by the Career Fire Fighters Association. The length of each term of said member shall be three years [with the first term beginning on July 1, 2002].

If a member of the Committee is unable to complete his or her term, the appointing authority shall appoint another candidate to complete the member's term.

(c) Subject to his or her right to resign at any time, each member of the Committee shall serve without compensation at the pleasure of the County, and the County may appoint, and may revoke the appointment of, additional members to serve with the Committee as may be determined to be necessary or desirable from time to time. Each member of the Committee, by accepting his or her appointment to the Committee, shall thereby be deemed to have accepted all of the duties and responsibilities of such appointment, and to have agreed to the faithful performance of his or her duties thereunder.

(d) The Committee shall adopt such formal organization and methods of operation as it shall deem desirable for the conduct of its affairs. The Committee shall act as a body, and the individual members of the Committee shall have no powers and duties as such, except as provided

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herein; the Committee shall act by vote of a majority of its members at the time in office (other than those disqualified from voting pursuant to Section 11.2(g)), either at a meeting or in writing without a meeting.

(e) Except as set forth in Section 11.9, the determination of the Committee on any matter pertaining to the Plan within the powers and discretion granted to the Committee shall be final and conclusive on the County, the Trustees, all Participants and Beneficiaries and all those persons dealing in any way or capacity with the Plan.

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