



Bill No. 22-15

Concerning: Revisions to the Frederick County Employees Retirement Plan: Addition of Retiree Committee Member

Introduced: August 16, 2022

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: November 14, 2022

Frederick County Code, Chapter _____

Section(s) _____

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President M.C. Keegan-Ayer 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 provide for an additional member of the Retirement Plan Committee who is a retiree of the County.

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned to Council by County Executive with no action: _____

By amending:

Frederick County Code, Chapter, _____ Section(s) _____

Other: Frederick County Employees Retirement Plan

Boldface

Underlining

[Single boldface brackets]

Heading or defined term.

Added to existing law.

Deleted from existing law.

Existing law unaffected by bill.

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 enacted Bill No. 22-07.

The County Council of Frederick County, Maryland, deems it appropriate to make certain additional revisions to the Plan to provide for an additional member of the Retirement Plan Committee for the Plan who is a County retiree.

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.

M.C. Keegan-Ayer, President
County Council of Frederick County,
Maryland

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

First and Only Change – 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 the Director's designee as Chairperson;

(ii) Director of Finance or the Director's designee;

(iii) One representative of the Fraternal Order of Police – Law Enforcement Officers 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 representative of the Fraternal Order of Police – Corrections Officers nominated and appointed by members of the Order;

Underlining indicates entirely new matter added to existing law.

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

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(vi) [One] Two “at-large” [member] members who [is] are former [Participant] Participants who have 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] are appointed by the County Executive, subject to confirmation by the County Council;

(vii) 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;

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

(b) The Director of Human Resources or the Director’s designee and the Director of Finance or 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) may serve continuously for no more than two consecutive terms. The length of each term of said members shall be three years.

(ii) The at large [member] members appointed pursuant to Section 11.3(a)(vi) may serve continuously for no more than two consecutive terms. The length of each term of said [member] members shall be two years.

(iii) The representative nominated and appointed by the Fraternal Order of Police – Law Enforcement Officers may serve continuously for an unlimited number of terms, until his or her successor is nominated and appointed by the Fraternal Order of Police – Law Enforcement Officers. The length of each term of said member shall be three years.

(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.

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(v) The representative nominated and appointed by the Fraternal Order of Police – Corrections Officers may serve continuously for an unlimited number of terms, until his or her successor is nominated and appointed by the Fraternal Order of Police - Corrections Officers. The length of each term of said member shall be three years.

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 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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