

**CITY OF BALTIMORE  
COUNCIL BILL 13-0247  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Department of Finance)  
Introduced and read first time: July 15, 2013  
Assigned to: Taxation, Finance and Economic Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Employees' Retirement System,  
Department of Finance, Labor Commissioner, Department of Human Resources, Comptroller's  
Office, Fire and Police Employees' Retirement System

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Change to Grow: 10-Year Plan – Retirement Savings Plan**

3 FOR the purpose of establishing a new tax-qualified defined contribution plan (the “Retirement  
4 Savings Plan of the City of Baltimore”) for the benefit of certain employees initially  
5 employed or reemployed by the City of Baltimore on or after a certain date; providing for the  
6 administration of the Plan; requiring Plan members and the City to make certain  
7 contributions to the Plan each payroll period; permitting Plan members to select from among  
8 various investment options; imposing certain vesting rules for City contributions; providing  
9 that a member’s account balance will be distributed upon certain events; defining certain  
10 terms; correcting, clarifying, and conforming related provisions; providing for a special  
11 effective date; and generally relating to the Retirement Savings Plan of the City of Baltimore.

12 BY adding

13 New Article 22A - Retirement Savings Plan  
14 Baltimore City Code  
15 (Edition 2000)

16 BY repealing and reordaining, with amendments

17 Article 22 - Retirement Systems  
18 Sections 2, 5(b)(5)(ii)1, and 33(b)(9)(ii)1  
19 Baltimore City Code  
20 (Edition 2000)

21 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
22 Laws of Baltimore City read as follows:

23 **Baltimore City Code**

24 **ARTICLE 22A. RETIREMENT SAVINGS PLAN**

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 13-0247**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS**

**§ 1-1. DEFINITIONS.**

(A) *IN GENERAL.*

IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *ACCOUNT.*

“ACCOUNT” MEANS THE SEPARATE BOOKKEEPING ACCOUNT ESTABLISHED AND MAINTAINED ON BEHALF OF EACH MEMBER UNDER § 6-1 {“ACCOUNTS: ESTABLISHMENT”} OF THIS ARTICLE.

(C) *BENEFICIARY.*

“BENEFICIARY” MEANS ANY PERSON ENTITLED UNDER § 9-4 {“DISTRIBUTABLE EVENTS – DEATH”} OF THIS ARTICLE TO RECEIVE THE VALUE OF A MEMBER’S ACCOUNT ON THE DEATH OF THAT MEMBER.

(D) *BOARD OF TRUSTEES; BOARD.*

“BOARD OF TRUSTEES” OR “BOARD” MEANS THE BOARD OF TRUSTEES ESTABLISHED BY THIS ARTICLE.

(E) *CITY OF BALTIMORE; CITY.*

“CITY OF BALTIMORE” OR “CITY” MEANS THE MAYOR AND CITY COUNCIL OF BALTIMORE.

(F) *DEFERRED COMPENSATION PLAN.*

“DEFERRED COMPENSATION PLAN” MEANS THE CITY OF BALTIMORE DEFERRED COMPENSATION PLAN.

(G) *EARNABLE COMPENSATION.*

(1) *IN GENERAL.*

“EARNABLE COMPENSATION” MEANS THE ANNUAL SALARY AUTHORIZED FOR A MEMBER.

(2) *EXCLUSIONS.*

“EARNABLE COMPENSATION” DOES NOT INCLUDE OVERTIME PAY, DIFFERENTIAL PAY, ENVIRONMENTAL PAY, HAZARDOUS DUTY PAY, PAY FOR CONVERSION OF LEAVE OR OTHER FRINGE BENEFITS, OR ANY LIKE ADDITIONAL PAYMENTS.

**Council Bill 13-0247**

1 (H) *EMPLOYEE.*

2 (1) *IN GENERAL.*

3 “EMPLOYEE” MEANS ANY OF THE FOLLOWING, IF IN A JOB CLASSIFICATION THAT  
4 REQUIRES AT LEAST 500 HOURS PER YEAR:

5 (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY  
6 PERMANENT OFFICER OR EMPLOYEE OF THE MAYOR AND CITY COUNCIL OF  
7 BALTIMORE, INCLUDING ANY OFFICER OR EMPLOYEE OF AN AGENCY,  
8 DEPARTMENT, UNIT, SUBDIVISION, OR INSTRUMENTALITY OF THE MAYOR AND  
9 CITY COUNCIL; AND

10 (II) ANY EMPLOYEE OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM WHO IS NOT  
11 ELIGIBLE TO PARTICIPATE IN THE MARYLAND STATE RETIREMENT AND  
12 PENSION SYSTEM.

13 (2) *EXCLUSIONS.*

14 “EMPLOYEE” DOES NOT INCLUDE:

15 (I) ANY “ELECTED OFFICIAL”, AS DEFINED IN CITY CODE ARTICLE 22, § 17A(2),  
16 FOR PURPOSES OF MEMBERSHIP IN THE ELECTED OFFICIALS’ RETIREMENT  
17 SYSTEM OF THE CITY OF BALTIMORE; OR

18 (II) ANY “EMPLOYEE”, AS DEFINED IN CITY CODE ARTICLE 22, § 30(2), FOR  
19 PURPOSES OF MEMBERSHIP IN THE FIRE AND POLICE EMPLOYEES’ RETIREMENT  
20 SYSTEM OF THE CITY OF BALTIMORE.

21 (3) *IN CASE OF DOUBT.*

22 (I) IN ALL CASES OF DOUBT, THE BOARD OF TRUSTEES DETERMINES WHO IS AN  
23 “EMPLOYEE” UNDER THIS ARTICLE.

24 (II) A DETERMINATION BY THE BOARD UNDER THIS PARAGRAPH IS FINAL AND BINDING  
25 ON ALL PERSONS, SUBJECT TO THE RIGHTS OF APPEAL AND REVIEW UNDER § 2-17  
26 {“ADMINISTRATIVE APPEAL”} AND § 2-18 {“JUDICIAL AND APPELLATE REVIEW”}  
27 OF THIS ARTICLE.

28 (I) *INCLUDES; INCLUDING.*

29 “INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF  
30 LIMITATION.

31 (J) *IRC.*

32 “IRC” MEANS THE INTERNAL REVENUE CODE, AS AMENDED FROM TIME TO TIME.

33 (K) *MEMBER.*

34 “MEMBER” MEANS AN EMPLOYEE WHO IS A MEMBER OF THE PLAN.

**Council Bill 13-0247**

1 (L) *MILITARY SERVICE.*

2 “MILITARY SERVICE” MEANS “SERVICE IN THE UNIFORMED SERVICES”, AS THAT PHRASE IS  
3 DEFINED IN 38 U.S.C. § 4303(13) OR ANY SUCCESSOR LAW.

4 (M) *NORMAL RETIREMENT AGE.*

5 “NORMAL RETIREMENT AGE” MEANS AGE 65.

6 (N) *PARTICIPATING EMPLOYER; EMPLOYER.*

7 “PARTICIPATING EMPLOYER” OR “EMPLOYER” MEANS:

8 (1) THE MAYOR AND CITY COUNCIL OF BALTIMORE; AND

9 (2) THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

10 (O) *PLAN YEAR.*

11 “PLAN YEAR” MEANS THE 12-MONTH PERIOD BEGINNING ON JULY 1 OF EACH YEAR AND  
12 ENDING ON JUNE 30 OF THE FOLLOWING YEAR, BOTH DATES INCLUSIVE.

13 (P) *RETIREMENT SAVINGS PLAN; PLAN.*

14 “RETIREMENT SAVINGS PLAN” OR “PLAN” MEANS THE RETIREMENT SAVINGS PLAN OF  
15 THE CITY OF BALTIMORE ESTABLISHED BY THIS ARTICLE.

16 (Q) *SERVICE.*

17 “SERVICE”, AS APPLIED TO AN EMPLOYEE’S SERVICE WITH A PARTICIPATING EMPLOYER,  
18 HAS THE MEANING STATED IN § 4-1 {“ ‘SERVICE’ DEFINED”} OF THIS ARTICLE.

19 (R) *TRUSTEE.*

20 “TRUSTEE” MEANS A MEMBER OF THE BOARD OF TRUSTEES.

21 (S) *USERRA.*

22 “USERRA” MEANS THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT  
23 RIGHTS ACT OF 1994, AS AMENDED, 38 U.S.C. §4301 *ET SEQ.*

24 (T) *VALUE.*

25 “VALUE”, AS APPLIED TO A MEMBER’S ACCOUNT OR SUB-ACCOUNT, MEANS THE TOTAL  
26 VALUE OF THAT ACCOUNT OR SUB-ACCOUNT, AS DETERMINED UNDER § 6-3(B) {“VALUE  
27 OF FUNDS AND ACCOUNTS”} OF THIS ARTICLE.

28 (U) *VESTED ACCOUNT.*

29 “VESTED ACCOUNT” MEANS THE AGGREGATE OF THE FOLLOWING VESTED SUB-ACCOUNTS:

**Council Bill 13-0247**

- 1 (1) A MEMBER’S MANDATORY EMPLOYEE CONTRIBUTION SUB-ACCOUNT;
- 2 (2) A MEMBER’S EMPLOYER CONTRIBUTION SUB-ACCOUNT, IF VESTED UNDER § 7-2
- 3 {“VESTING: EMPLOYER CONTRIBUTION SUB-ACCOUNT”} OF THIS ARTICLE; AND
- 4 (3) IF APPLICABLE, A MEMBER’S ROLLOVER CONTRIBUTION SUB-ACCOUNT.

5 **§ 1-2. RULES OF CONSTRUCTION.**

6 (A) *IN GENERAL.*

7 IN INTERPRETING AND APPLYING THIS ARTICLE, THE FOLLOWING RULES OF CONSTRUCTION

8 APPLY.

9 (B) *CAPTIONS OR HEADINGS.*

10 THE CAPTIONS OR HEADINGS OF THE VARIOUS SECTIONS AND SUBSECTIONS:

- 11 (1) ARE FOR CONVENIENCE OF REFERENCE ONLY, INTENDED TO SUMMARIZE THE
- 12 STATUTORY PROVISIONS THAT FOLLOW; AND
- 13 (2) ARE NOT LAW AND ARE NOT TO BE TAKEN AS AFFECTING THE MEANING OR EFFECT
- 14 OF THE LAW.

15 (C) *GENDER.*

16 WORDS DENOTING ONE GENDER INCLUDE AND APPLY TO THE OTHER GENDERS AS WELL.

17 (D) *MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.*

18 (1) *MANDATORY TERMS.*

19 “MUST” AND “SHALL” ARE EACH MANDATORY TERMS USED TO EXPRESS A

20 REQUIREMENT OR TO IMPOSE A DUTY.

21 (2) *PROHIBITORY TERMS.*

22 “MUST NOT”, “MAY NOT”, AND “NO ... MAY” ARE EACH MANDATORY NEGATIVE TERMS

23 USED TO ESTABLISH A PROHIBITION.

24 (3) *PERMISSIVE TERMS.*

25 “MAY” IS PERMISSIVE.

26 (E) *NUMBER.*

27 THE SINGULAR INCLUDES THE PLURAL AND VICE VERSA.

**Council Bill 13-0247**

1 (F) *REFERENCES TO OTHER LAWS.*

2 WHENEVER A PROVISION OF THIS ARTICLE REFERS TO ANY PART OF THE CITY CODE OR TO  
3 ANY OTHER LAW, THE REFERENCE APPLIES TO ANY SUBSEQUENT AMENDMENT OF THE LAW  
4 REFERRED TO, UNLESS THE REFERRING PROVISION EXPRESSLY PROVIDES OTHERWISE.

5 (G) *SEVERABILITY.*

6 ALL PROVISIONS OF THIS ARTICLE ARE SEVERABLE. IF A COURT DETERMINES THAT A  
7 WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER  
8 PROVISION IS INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY  
9 PERSON OR CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE  
10 APPLICATION OF THOSE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT  
11 AFFECTED BY THAT DECISION.

12 (H) *TIME COMPUTATIONS.*

13 (1) *COMPUTATION OF TIME AFTER AN ACT, EVENT, OR DEFAULT.*

14 (I) IN COMPUTING ANY PERIOD OF TIME PRESCRIBED BY THIS ARTICLE, OR BY A RULE  
15 OR REGULATION ADOPTED UNDER THIS ARTICLE, THE DAY OF THE ACT, EVENT, OR  
16 DEFAULT AFTER WHICH THE DESIGNATED PERIOD OF TIME BEGINS TO RUN IS NOT  
17 INCLUDED.

18 (II) IF THE PERIOD OF TIME ALLOWED IS MORE THAN 7 DAYS, INTERMEDIATE  
19 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS ARE COUNTED.

20 (III) IF THE PERIOD OF TIME ALLOWED IS 7 DAYS OR LESS, INTERMEDIATE SATURDAYS,  
21 SUNDAYS, AND LEGAL HOLIDAYS ARE NOT COUNTED.

22 (IV) THE LAST DAY OF THE PERIOD SO COMPUTED IS INCLUDED UNLESS IT IS A  
23 SATURDAY, SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE PERIOD RUNS  
24 UNTIL THE END OF THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL  
25 HOLIDAY.

26 (2) *COMPUTATION OF TIME BEFORE A DAY, ACT, OR EVENT.*

27 (I) IN DETERMINING THE LATEST DAY FOR PERFORMING AN ACT THAT THIS ARTICLE,  
28 OR A RULE OR REGULATION ADOPTED UNDER THIS ARTICLE, REQUIRES TO BE  
29 PERFORMED A PRESCRIBED NUMBER OF DAYS BEFORE A CERTAIN DAY, ACT, OR  
30 EVENT, ALL DAYS PRECEDING THAT DAY, INCLUDING INTERVENING SATURDAYS,  
31 SUNDAYS, AND LEGAL HOLIDAYS, ARE COUNTED IN THE NUMBER OF DAYS SO  
32 PRESCRIBED.

33 (II) THE LATEST DAY IS INCLUDED IN THE DETERMINATION UNLESS IT IS A SATURDAY,  
34 SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE LATEST DAY IS THE FIRST  
35 PRECEDING DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

36 **§ 1-3. {RESERVED}**

**Council Bill 13-0247**

1    **§ 1-4. PLAN ESTABLISHED.**

2           THE RETIREMENT SAVINGS PLAN OF THE CITY OF BALTIMORE IS ESTABLISHED, EFFECTIVE AS  
3           OF JANUARY 1, 2014, FOR THE PURPOSE OF PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE  
4           EMPLOYEES.

5    **§ 1-5. QUALIFICATION UNDER INTERNAL REVENUE CODE.**

6           (A) *IN GENERAL.*

7           THE RETIREMENT SAVINGS PLAN IS INTENDED TO BE:

- 8                   (1) QUALIFIED UNDER IRC § 401(A); AND  
9                   (2) A “GOVERNMENTAL PLAN” UNDER IRC § 414(D).

10          (B) *CONSTRUCTION OF ARTICLE.*

11           ACCORDINGLY, ANY PROVISION OF THIS ARTICLE THAT IS SUBJECT TO MORE THAN ONE  
12           CONSTRUCTION OR INTERPRETATION MUST BE RESOLVED IN FAVOR OF THE CONSTRUCTION  
13           OR INTERPRETATION THAT IS CONSISTENT WITH THE REQUIREMENTS OF IRC § 401(A) AND  
14           § 414(D).

15   **§ 1-6. LIMITATIONS ON LIABILITY.**

16          NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE:

- 17                   (1) NO MEMBER IS, BY VIRTUE OF MEMBERSHIP IN THE RETIREMENT SAVINGS PLAN,  
18                   CONSIDERED TO HAVE ENTERED INTO A CONTRACT AT ANY TIME WITH THE MAYOR  
19                   AND CITY COUNCIL OF BALTIMORE;  
20                   (2) THE MAYOR AND CITY COUNCIL OF BALTIMORE DOES NOT GUARANTEE THE PAYMENT  
21                   OF ANY BENEFIT UNDER THE PLAN; AND  
22                   (3) ANY PERSON CLAIMING A BENEFIT UNDER THE PLAN MUST LOOK SOLELY TO PLAN  
23                   ASSETS.

24   **§ 1-7. EXCLUSIVE BENEFIT.**

25          (A) *IN GENERAL.*

26           NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, OTHER THAN SUBSECTION  
27           (B) OF THIS SECTION, NO PART OF THE ASSETS OF THE RETIREMENT SAVINGS PLAN MAY BE  
28           USED FOR OR DIVERTED TO ANY PURPOSES OTHER THAN FOR THE EXCLUSIVE BENEFIT OF  
29           MEMBERS AND BENEFICIARIES.

30          (B) *EXCEPTION FOR MISTAKE OF FACT.*

- 31                   (1) AN EMPLOYER CONTRIBUTION MADE BY MISTAKE OF FACT MAY BE RETURNED TO THE  
32                   APPROPRIATE PARTICIPATING EMPLOYER WITHIN, BUT NOT LATER THAN, 1 YEAR AFTER  
33                   PAYMENT OF THE MISTAKEN CONTRIBUTION.

**Council Bill 13-0247**

1 (2) THE AMOUNT RETURNED:

2 (I) MUST BE REDUCED BY ITS PROPORTIONATE SHARE OF LOSSES AND EXPENSES;  
3 AND

4 (II) MAY NOT BE INCREASED BY ANY GAINS.

5 **SUBTITLE 2. ADMINISTRATION**

6 **§ 2-1. BOARD ESTABLISHED.**

7 THERE IS A BOARD OF TRUSTEES OF THE RETIREMENT SAVINGS PLAN.

8 **§ 2-2. BOARD COMPOSITION.**

9 (A) *IN GENERAL.*

10 (1) THE BOARD CONSISTS OF 12 TRUSTEES.

11 (2) OF THESE:

12 (I) 9 TRUSTEES SERVE WITH VOTING PRIVILEGES (“VOTING TRUSTEES”); AND

13 (II) 3 TRUSTEES SERVE IN AN ADVISORY CAPACITY ONLY, WITHOUT VOTING  
14 PRIVILEGES (“NON-VOTING TRUSTEES”).

15 (B) *VOTING TRUSTEES.*

16 (1) *IN GENERAL.*

17 THE 9 VOTING TRUSTEES ARE:

18 (I) THE DIRECTOR OF FINANCE OR THE DIRECTOR’S DESIGNATED  
19 REPRESENTATIVE, WHO MUST BE EITHER THE DEPUTY DIRECTOR OF FINANCE  
20 OR THE BUDGET DIRECTOR;

21 (II) THE CITY COMPTROLLER;

22 (III) THE DIRECTOR OF HUMAN RESOURCES;

23 (IV) THE CITY LABOR COMMISSIONER;

24 (V) THE EXECUTIVE DIRECTOR OF THE EMPLOYEES’ RETIREMENT SYSTEM OF THE  
25 CITY OF BALTIMORE; AND

26 (VI) 4 RESIDENTS AND REGISTERED VOTERS OF THE CITY OF BALTIMORE, TO BE  
27 APPOINTED BY THE MAYOR IN ACCORDANCE WITH CITY CHARTER ARTICLE IV,  
28 § 6.

**Council Bill 13-0247**

1 (2) *APPOINTED TRUSTEES – QUALIFICATIONS.*

2 (I) THE 4 VOTING TRUSTEES APPOINTED UNDER PARAGRAPH (1)(VI) OF THIS  
3 SUBSECTION MUST EACH HAVE AT LEAST 10 YEARS OF RELEVANT INSTITUTIONAL  
4 INVESTMENT MANAGEMENT EXPERTISE.

5 (II) NONE OF THESE APPOINTED TRUSTEES MAY BE AN OFFICIAL OR EMPLOYEE OF THE  
6 CITY AT THE TIME OF HIS OR HER APPOINTMENT OR DURING THE ENTIRE TERM OF  
7 OFFICE.

8 (3) *APPOINTED TRUSTEES – TERM OF OFFICE.*

9 (I) EACH OF THE 4 TRUSTEES APPOINTED UNDER PARAGRAPH (1)(VI) OF THIS  
10 SUBSECTION SERVES FOR A TERM OF 4 YEARS, CONCURRENT WITH THE TERM OF  
11 THE MAYOR.

12 (II) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A  
13 SUCCESSOR IS APPOINTED AND QUALIFIES.

14 (III) A TRUSTEE APPOINTED TO FILL A VACANCY IN AN UNEXPIRED TERM SERVES ONLY  
15 FOR THE REMAINDER OF THAT TERM.

16 (C) *NON-VOTING TRUSTEES.*

17 THE 3 NON-VOTING TRUSTEES ARE:

18 (1) THE PRESIDENT OF AFSCME LOCAL 44;

19 (2) THE PRESIDENT OF THE CITY UNION OF BALTIMORE (“CUB”); AND

20 (3) THE PRESIDENT OF THE MANAGERIAL AND PROFESSIONAL SOCIETY OF  
21 BALTIMORE, INC. (“MAPS”).

22 (D) *SERVICE WITHOUT REGARD TO POLITICAL AFFILIATION.*

23 NOTWITHSTANDING CITY CHARTER ARTICLE IV, § 8, TRUSTEES MAY BE APPOINTED OR  
24 HOLD THEIR POSITIONS WITHOUT REGARD TO POLITICAL AFFILIATION.

25 **§ 2-3. BOARD FUNCTIONS.**

26 (A) *IN GENERAL.*

27 THE BOARD OF TRUSTEES SERVES BOTH:

28 (1) IN AN ADMINISTRATIVE CAPACITY, AS DESCRIBED IN SUBSECTION (B) OF THIS  
29 SECTION; AND

30 (2) AS TRUSTEE OF PLAN ASSETS, AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

**Council Bill 13-0247**

1 (B) *ADMINISTRATIVE CAPACITY.*

2 SUBJECT TO § 2-8 {"RETENTION OF SERVICES; RIGHT OF RELIANCE"} OF THIS SUBTITLE,  
3 THE BOARD IS RESPONSIBLE FOR:

4 (1) THE GENERAL ADMINISTRATION AND PROPER OPERATION OF THE PLAN; AND

5 (2) EFFECTUATING THE PROVISIONS OF THIS ARTICLE.

6 (C) *TRUSTEE OF PLAN ASSETS.*

7 (1) THE BOARD IS THE TRUSTEE OF THE PLAN ASSETS.

8 (2) SUBJECT TO § 2-8 {"RETENTION OF SERVICES; RIGHT OF RELIANCE"} OF THIS  
9 SUBTITLE, THE BOARD IS RESPONSIBLE FOR:

10 (I) DETERMINING THE MANNER OF INVESTING EMPLOYER CONTRIBUTION SUB-  
11 ACCOUNTS THAT HAVE NOT VESTED UNDER § 7-2 {"VESTING: EMPLOYER  
12 CONTRIBUTION SUB-ACCOUNT"} OF THIS ARTICLE;

13 (II) SELECTING INVESTMENT FUNDS (INCLUDING A DEFAULT INVESTMENT FUND)  
14 UNDER § 6-2 {"ACCOUNTS: INVESTMENTS"} OF THIS ARTICLE;

15 (III) MONITORING THESE INVESTMENT FUNDS ON AN ONGOING BASIS; AND

16 (IV) ADDING OR REPLACING THESE INVESTMENT FUNDS AS THE BOARD CONSIDERS  
17 PRUDENT.

18 **§ 2-4. {RESERVED}**

19 **§ 2-5. OATH OF OFFICE.**

20 EACH TRUSTEE MUST TAKE AN OATH OF OFFICE AS REQUIRED BY CITY CHARTER ARTICLE IV,  
21 § 6(I), OR OTHER APPLICABLE LAW.

22 **§ 2-6. OFFICERS.**

23 (A) *CHAIR.*

24 THE DIRECTOR OF FINANCE (OR THE DIRECTOR'S DESIGNATED REPRESENTATIVE) SERVES  
25 AS CHAIR OF THE BOARD.

26 (B) *VICE-CHAIR.*

27 THE VOTING TRUSTEES MAY ELECT A VOTING TRUSTEE TO SERVE AS VICE-CHAIR OF THE  
28 BOARD.

**Council Bill 13-0247**

1 (C) *SECRETARY.*

2 (1) IF AN EXECUTIVE DIRECTOR HAS BEEN APPOINTED BY THE BOARD UNDER § 2-8(A)  
3 {"SERVICES"} OF THIS SUBTITLE, THE EXECUTIVE DIRECTOR SERVES AS THE BOARD'S  
4 SECRETARY.

5 (2) IF NO EXECUTIVE DIRECTOR HAS BEEN APPOINTED, THE VOTING TRUSTEES MAY ELECT  
6 A VOTING TRUSTEE TO SERVE AS THE BOARD'S SECRETARY.

7 **§ 2-7. MEETINGS; VOTING; RECORDS.**

8 (A) *MEETINGS.*

9 (1) THE BOARD OF TRUSTEES MUST MEET ONCE DURING EACH CALENDAR QUARTER,  
10 UNLESS THE CHAIR DETERMINES THAT ADDITIONAL MEETINGS ARE REQUIRED.

11 (2) ALL MEETINGS OF THE BOARD MUST BE CONDUCTED IN ACCORDANCE WITH THE  
12 STATE OPEN MEETINGS ACT (STATE GOVERNMENT ARTICLE, TITLE 10, SUBTITLE 5).

13 (B) *VOTING.*

14 (1) EACH VOTING TRUSTEE IS ENTITLED TO 1 VOTE ON THE BOARD.

15 (2) 5 VOTING TRUSTEES CONSTITUTE A QUORUM.

16 (3) AN AFFIRMATIVE VOTE BY THE MAJORITY OF A QUORUM IS NEEDED FOR ANY ACTION  
17 BY THE BOARD OF TRUSTEES.

18 (C) *RECORDS.*

19 (1) THE BOARD MUST KEEP A RECORD OF ALL OF ITS PROCEEDINGS.

20 (2) THESE RECORDS ARE OPEN TO PUBLIC INSPECTION IN ACCORDANCE WITH THE STATE  
21 PUBLIC INFORMATION ACT (STATE GOVERNMENT ARTICLE, TITLE 10, SUBTITLE 6,  
22 PART III).

23 **§ 2-8. RETENTION OF SERVICES; RIGHT OF RELIANCE.**

24 (A) *SERVICES.*

25 (1) FROM TIME TO TIME, AS THE BOARD OF TRUSTEES DETERMINES NECESSARY FOR THE  
26 EFFICIENT ADMINISTRATION OF THE RETIREMENT SAVINGS PLAN, THE BOARD MAY:

27 (I) RETAIN THE SERVICES OF A THIRD-PARTY ADMINISTRATOR TO PROVIDE  
28 ADMINISTRATIVE AND RECORDKEEPING SERVICES FOR THE PLAN;

29 (II) RETAIN THE SERVICES OF 1 OR MORE INVESTMENT ADVISORS TO PROVIDE  
30 INVESTMENT ASSISTANCE AND ADVICE;

31 (III) RETAIN THE SERVICES OR SECURE THE ADVICE OF ANY OTHER PERSON OR  
32 ENTITY; AND

**Council Bill 13-0247**

1 (IV) APPOINT AN EXECUTIVE DIRECTOR FOR THE PLAN AND DELEGATE TO THE  
2 EXECUTIVE DIRECTOR AND THE EXECUTIVE DIRECTOR'S STAFF ANY OF THE  
3 BOARD'S DUTIES OR RESPONSIBILITIES UNDER THIS SUBTITLE.

4 (2) THE RETENTION OF THESE SERVICES IS SUBJECT TO THE APPROVAL OF THE BOARD OF  
5 ESTIMATES IF THE FEES FOR THE SERVICES EXCEED THE DOLLAR THRESHOLD THAT  
6 GENERALLY REQUIRES BOARD OF ESTIMATES APPROVAL.

7 (B) *RELIANCE.*

8 (1) THE BOARD OF TRUSTEES IS ENTITLED TO RELY CONCLUSIVELY ON, AND IS FULLY  
9 PROTECTED IN ANY ACTION OR OMISSION TAKEN BY IT IN GOOD FAITH RELIANCE ON,  
10 THE ADVICE OF ANY PERSON OR ENTITY.

11 (2) THE BOARD IS NOT LIABLE FOR ANY ACT OR OMISSION OF ANY PERSON TO WHOM THE  
12 BOARD HAS DELEGATED ANY OF ITS DUTIES OR RESPONSIBILITIES.

13 **§ 2-9. RULES AND REGULATIONS.**

14 SUBJECT TO ANY LIMITATIONS IMPOSED BY THIS ARTICLE, THE BOARD OF TRUSTEES MAY  
15 ADOPT RULES AND REGULATIONS FOR THE EFFICIENT ADMINISTRATION OF THE RETIREMENT  
16 SAVINGS PLAN.

17 **§ 2-10. COMPENSATION; EXPENSES.**

18 (A) *IN GENERAL.*

19 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH TRUSTEE SERVES  
20 WITHOUT COMPENSATION.

21 (B) *STIPEND FOR APPOINTED TRUSTEES.*

22 (1) EACH TRUSTEE APPOINTED UNDER § 2-2(B)(1)(VI) OF THIS SUBTITLE IS ENTITLED TO A  
23 STIPEND, IN AN AMOUNT DETERMINED BY THE BOARD OF ESTIMATES, FOR ATTENDING  
24 MEETINGS OF THE BOARD OF TRUSTEES.

25 (2) THE BOARD OF TRUSTEES MAY ESTABLISH MEETING-ATTENDANCE STANDARDS THAT  
26 APPOINTED TRUSTEES MUST SATISFY TO BE ELIGIBLE FOR THE STIPEND.

27 (C) *EXPENSES*

28 ALL VOTING AND NON-VOTING TRUSTEES ARE ENTITLED TO REIMBURSEMENT OF  
29 REASONABLE AND NECESSARY EXPENSES INCURRED THROUGH THEIR SERVICE ON THE  
30 BOARD.

31 **§ 2-11. LEGAL ADVISOR.**

32 THE CITY SOLICITOR IS THE LEGAL ADVISOR TO THE BOARD.

**Council Bill 13-0247**

**§ 2-12. FIDUCIARY STANDARDS; INDEMNIFICATION; INSURANCE.**

(A) *“ACTING AS A FIDUCIARY ...” DEFINED.*

FOR PURPOSES OF THIS SECTION, A PERSON IS “ACTING AS A FIDUCIARY WITH RESPECT TO THE PLAN” TO THE EXTENT THAT THE PERSON:

- (1) EXERCISES ANY DISCRETIONARY AUTHORITY OR DISCRETIONARY CONTROL RESPECTING MANAGEMENT OF THE RETIREMENT SAVINGS PLAN;
- (2) EXERCISES ANY DISCRETIONARY AUTHORITY OR DISCRETIONARY CONTROL RESPECTING MANAGEMENT OR DISPOSITION OF PLAN ASSETS; OR
- (3) HAS ANY DISCRETIONARY AUTHORITY OR DISCRETIONARY RESPONSIBILITY IN ADMINISTERING THE PLAN.

(B) *FIDUCIARY STANDARDS.*

THE TRUSTEES AND EVERY OTHER PERSON “ACTING AS A FIDUCIARY WITH RESPECT TO THE PLAN” MUST DISCHARGE THEIR DUTIES WITH RESPECT TO THE PLAN:

- (1) SOLELY IN THE INTEREST OF MEMBERS AND BENEFICIARIES AND FOR THE EXCLUSIVE PURPOSE OF PROVIDING BENEFITS TO MEMBERS AND BENEFICIARIES AND DEFRAYING REASONABLE EXPENSES OF ADMINISTERING THE PLAN;
- (2) WITH THE CARE, SKILL, PRUDENCE, AND DILIGENCE UNDER THE CIRCUMSTANCES THEN PREVAILING THAT A PRUDENT PERSON ACTING IN A LIKE CAPACITY AND FAMILIAR WITH THOSE MATTERS WOULD USE IN THE CONDUCT OF AN ENTERPRISE OF A LIKE CHARACTER AND WITH LIKE AIMS; AND
- (3) IN ACCORDANCE WITH THIS ARTICLE AND WITH THE DOCUMENTS AND INSTRUMENTS GOVERNING THE PLAN.

(C) *INDEMNIFICATION.*

- (1) TO THE EXTENT ALLOWABLE BY APPLICABLE LAW, THE CITY MAY INDEMNIFY EVERY PERSON WHO IS MADE OR IS THREATENED TO BE MADE A PARTY TO ANY ACTION, SUIT, OR PROCEEDING, INCLUDING ANY ADMINISTRATIVE OR INVESTIGATIVE PROCEEDING, BY REASON OF “ACTING AS A FIDUCIARY WITH RESPECT TO THE PLAN”.
- (2) THIS INDEMNIFICATION MAY COVER THOSE EXPENSES ACTUALLY AND REASONABLY INCURRED IN CONNECTION WITH THE ACTION, SUIT, OR PROCEEDING, INCLUDING ATTORNEY’S FEES, JUDGMENTS, FINES, AND AMOUNTS PAID IN SETTLEMENT.
- (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, INDEMNIFICATION MAY NOT BE MADE WITH RESPECT TO:
  - (I) ANY ACTION, SUIT, OR PROCEEDING AS TO WHICH THE PERSON ACTED WITH GROSS NEGLIGENCE OR WILLFUL MISCONDUCT; OR
  - (II) AN INDEPENDENT CONTRACTOR PROVIDING SERVICES TO THE PLAN.

**Council Bill 13-0247**

1 (D) *FIDUCIARY INSURANCE.*

2 THE CITY MAY PROVIDE INSURANCE OR SELF-INSURANCE TO COVER POTENTIAL LIABILITY  
3 RESULTING FROM AN ACT OR FAILURE TO ACT ON THE PART OF ANY PERSON “ACTING AS A  
4 FIDUCIARY WITH RESPECT TO THE PLAN”.

5 (E) *FAILURE TO INDEMNIFY OR ADEQUATELY INSURE.*

6 IF THE CITY FAILS TO INDEMNIFY OR PROVIDE ADEQUATE INSURANCE FOR ANY PERSON  
7 “ACTING AS A FIDUCIARY WITH RESPECT TO THE PLAN”, THE CITY ASSUMES ALL LIABILITY  
8 RESULTING FROM THAT PERSON’S ACT OR FAILURE TO ACT.

9 **§ 2-13. PLAN EXPENSES.**

10 EXCEPT FOR INVESTMENT FUND FEES AND EXPENSES PAID UNDER § 6-2(E) {“INVESTMENTS:  
11 FUND FEES AND EXPENSES”} OF THIS ARTICLE, ALL EXPENSES INCURRED IN THE  
12 ADMINISTRATION OF THE RETIREMENT SAVINGS PLAN AND IN THE MANAGEMENT OF PLAN  
13 ASSETS MAY ONLY BE PAID AS FOLLOWS:

14 (1) FIRST, OUT OF FORFEITURES UNDER SUBTITLE 8 {“FORFEITURES”} OF THIS ARTICLE;  
15 AND

16 (2) THEN, TO THE EXTENT EXPENSES REMAIN UNPAID, BY THE CITY.

17 **§ 2-14. RECOVERY OF OVERPAYMENTS.**

18 IF THE BOARD OF TRUSTEES DETERMINES THAT A MEMBER OR BENEFICIARY HAS RECEIVED  
19 FROM THE RETIREMENT SAVINGS PLAN A DISTRIBUTION THAT EXCEEDS THE AMOUNT TO  
20 WHICH THE MEMBER OR BENEFICIARY WAS ENTITLED, THE BOARD MUST TAKE ALL  
21 NECESSARY STEPS TO RECOVER THE OVERPAYMENT.

22 **§§ 2-15 AND 2-16. {RESERVED}**

23 **§ 2-17. ADMINISTRATIVE APPEAL.**

24 (A) *RIGHT OF APPEAL.*

25 ANY PERSON AGGRIEVED BY A DETERMINATION MADE OR ACTION TAKEN WITH RESPECT  
26 TO A PERSON’S ELIGIBILITY FOR MEMBERSHIP IN OR BENEFITS UNDER THE RETIREMENT  
27 SAVINGS PLAN MAY APPEAL THAT DETERMINATION OR ACTION TO THE BOARD OF  
28 TRUSTEES.

29 (B) *WHEN AND HOW TAKEN.*

30 A NOTICE OF APPEAL MUST BE FILED WITH THE BOARD WITHIN 1 YEAR OF THE  
31 DETERMINATION OR ACTION IN QUESTION.

**Council Bill 13-0247**

1 (C) *HEARING.*

2 (1) ON RECEIPT OF A NOTICE OF APPEAL, THE BOARD MUST HOLD A HEARING ON THE  
3 APPEAL AS SOON AS ADMINISTRATIVELY PRACTICABLE.

4 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR BY RULE OR REGULATION OF  
5 THE BOARD:

6 (I) THE HEARING MUST BE CONDUCTED IN AN ORDERLY BUT INFORMAL MANNER;  
7 AND

8 (II) FORMAL RULES OF EVIDENCE AND TRIAL PROCEDURES DO NOT APPLY.

9 (D) *COUNSEL.*

10 (1) THE PERSON FILING THE APPEAL MAY BE REPRESENTED BY COUNSEL AT THE HEARING.

11 (2) THE PLAN WILL BE REPRESENTED BY THE CITY SOLICITOR OR THE SOLICITOR'S  
12 DESIGNEE.

13 (E) *WITNESSES.*

14 ALL WITNESSES TESTIFYING AT THE HEARING MUST DO SO UNDER OATH OR BY  
15 AFFIRMATION, SUBJECT TO THE PENALTIES OF PERJURY.

16 (F) *DECISION.*

17 (1) AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THE HEARING, THE BOARD MUST  
18 RENDER ITS DECISION AND NOTIFY THE PERSON FILING THE APPEAL OF THAT DECISION.

19 (2) IN ITS DECISION, THE BOARD MAY AFFIRM, MODIFY, OR REVERSE THE DETERMINATION  
20 OR ACTION FROM WHICH THE APPEAL WAS TAKEN.

21 **§ 2-18. JUDICIAL AND APPELLATE REVIEW.**

22 (A) *JUDICIAL REVIEW.*

23 A PARTY AGGRIEVED BY A FINAL DECISION OF THE BOARD OF TRUSTEES UNDER § 2-17  
24 {"ADMINISTRATIVE APPEAL"} OF THIS SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT  
25 DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE  
26 WITH THE MARYLAND RULES OF PROCEDURE.

27 (B) *APPELLATE REVIEW.*

28 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE  
29 COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF  
30 PROCEDURE.

31 **§ 2-19. {RESERVED}**

**Council Bill 13-0247**

**§ 2-20. CONFLICTS OF INTEREST.**

*(A) APPLICATION OF CITY ETHICS CODE.*

(1) THE BOARD OF TRUSTEES IS AN “AGENCY” AND “BOARD” WITHIN THE MEANING OF AND SUBJECT TO THE STANDARDS AND REQUIREMENTS OF THE BALTIMORE CITY PUBLIC ETHICS LAW (CITY CODE ARTICLE 8).

(2) EACH TRUSTEE IS A “PUBLIC SERVANT” AND AN “OFFICIAL” WITHIN THE MEANING OF AND SUBJECT TO THE STANDARDS AND REQUIREMENTS OF THE BALTIMORE CITY PUBLIC ETHICS LAW.

(3) EACH EMPLOYEE OF THE BOARD IS A “PUBLIC SERVANT” AND AN “EMPLOYEE” WITHIN THE MEANING OF AND SUBJECT TO THE STANDARDS AND REQUIREMENTS OF THE BALTIMORE CITY PUBLIC ETHICS LAW.

*(B) ADDITIONAL STANDARDS AND REQUIREMENTS.*

*(1) IN GENERAL.*

IN ADDITION TO THE STANDARDS AND REQUIREMENTS CONTAINED IN THE BALTIMORE CITY PUBLIC ETHICS LAW, TRUSTEES AND BOARD EMPLOYEES MAY NOT ENGAGE IN ANY OF THE FOLLOWING ACTIVITIES OR HOLD ANY OF THE FOLLOWING INTERESTS, AS THESE ACTIVITIES OR INTERESTS ARE DEFINED IN THE BALTIMORE CITY PUBLIC ETHICS LAW.

*(2) BUSINESS WITH CITY BENEFIT PLAN.*

NO TRUSTEE OR BOARD EMPLOYEE MAY DO BUSINESS WITH ANY SYSTEM, PLAN, OR TRUST ADMINISTERED BY ANY OF THE FOLLOWING (COLLECTIVELY, “THE CITY BENEFIT PLANS”):

(I) THE BOARD OF TRUSTEES OF THE EMPLOYEES’ RETIREMENT SYSTEM OF THE CITY OF BALTIMORE;

(II) THE BOARD OF TRUSTEES OF THE FIRE AND POLICE EMPLOYEES’ RETIREMENT SYSTEM OF THE CITY OF BALTIMORE;

(III) THE BOARD OF TRUSTEES OF THE ELECTED OFFICIALS’ RETIREMENT SYSTEM OF THE CITY OF BALTIMORE;

(IV) THE BOARD OF TRUSTEES OF THE RETIREMENT SAVINGS PLAN OF THE CITY OF BALTIMORE; AND

(V) THE COMMITTEE OF THE CITY OF BALTIMORE DEFERRED COMPENSATION PLAN.

**Council Bill 13-0247**

1 (3) *EMPLOYMENT BY OR INTEREST IN PERSON SEEKING BUSINESS WITH CITY BENEFIT PLAN.*

2 NO TRUSTEE OR BOARD EMPLOYEE MAY BE EMPLOYED BY OR HAVE A FINANCIAL  
3 INTEREST IN ANY PERSON OR ENTITY DOING BUSINESS OR SEEKING TO DO BUSINESS  
4 WITH ANY CITY BENEFIT PLAN.

5 (4) *GIFTS, PAYMENTS, FREE ADMISSIONS, EXPENSE REIMBURSEMENTS.*

6 (I) NOTWITHSTANDING CITY CODE ARTICLE 8 {"ETHICS"}, § 6-28(3) {"GIFTS:  
7 QUALIFIED EXEMPTIONS; TRAVEL, ETC., EXPENSES"} OR § 6-30 {"HONORIA"}, NO  
8 TRUSTEE OR BOARD EMPLOYEE MAY ACCEPT ANY GIFT OR ANY PAYMENT, FREE  
9 ADMISSION, OR EXPENSE REIMBURSEMENT FOR ATTENDANCE AT A CONFERENCE,  
10 SEMINAR, OR SIMILAR MEETING, OR FOR RELATED FOOD, TRAVEL, LODGING, OR  
11 ENTERTAINMENT, IF THE GIFT OR THE PAYMENT, FREE ADMISSION, OR  
12 REIMBURSEMENT IS, DIRECTLY OR INDIRECTLY, FROM:

13 (A) ANY PERSON OR ENTITY ENGAGED IN AN ACTIVITY OR PROVIDING A  
14 PRODUCT OR SERVICE THAT THE TRUSTEE KNOWS OR HAS REASON TO  
15 KNOW HAS BEEN MARKETED TO A CITY BENEFIT PLAN OR IS OF A TYPE  
16 THAT THE TRUSTEE REASONABLY WOULD EXPECT TO BE MARKETED TO  
17 A CITY BENEFIT PLAN; OR

18 (B) ANY TRADE, PROFESSIONAL, OR OTHER ASSOCIATION THAT HAS  
19 MEMBERS ENGAGED IN AN ACTIVITY OR PROVIDING A PRODUCT OR  
20 SERVICE THAT THE TRUSTEE KNOWS OR HAS REASON TO KNOW HAS  
21 BEEN MARKETED TO A CITY BENEFIT PLAN OR IS OF A TYPE THAT THE  
22 TRUSTEE REASONABLY WOULD EXPECT TO BE MARKETED TO A CITY  
23 BENEFIT PLAN.

24 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (4) DOES NOT PRECLUDE APPLICATION  
25 OF THE QUALIFIED EXEMPTIONS CONTAINED IN CITY CODE ARTICLE 8,  
26 § 6-28(1) {"FOOD OR BEVERAGES ... CONSUMED ... IN... PRESENCE ... OF  
27 DONOR"}, § 6-28(2) {"GIFT ... [OF] INSIGNIFICANT VALUE"}, § 6-28(5) {"GIFT  
28 ... [EXEMPTED BY] ETHICS BOARD"}, OR § 6-28(6) {"GIFT FROM A SPOUSE,  
29 PARENT, CHILD, OR SIBLING"}, SUBJECT TO THE QUALIFICATIONS OF § 6-29  
30 {"EXEMPTION LIMITATIONS"}.

31 (5) *USING PLAN ASSETS FOR CONFERENCES, ETC.*

32 NO ASSETS OF THE RETIREMENT SAVINGS PLAN OR OF ANY SYSTEM, PLAN, OR  
33 TRUST ADMINISTERED BY THE BOARD OF TRUSTEES OF THE PLAN MAY BE USED TO  
34 PAY FOR THE ATTENDANCE OF A TRUSTEE OR BOARD EMPLOYEE AT ANY  
35 CONFERENCE, SEMINAR, OR SIMILAR MEETING, OR FOR RELATED FOOD, TRAVEL,  
36 LODGING, OR ENTERTAINMENT, UNLESS THAT ATTENDANCE HAS FIRST BEEN  
37 APPROVED BY THE BOARD OF ESTIMATES IN ACCORDANCE WITH THE  
38 ADMINISTRATIVE MANUAL OF BALTIMORE CITY, AM-240-3 {"BOARD OF  
39 ESTIMATES APPROVAL"}.





## Council Bill 13-0247

### SUBTITLE 5. CONTRIBUTIONS

#### § 5-1. TYPES OF CONTRIBUTIONS.

THE FOLLOWING CONTRIBUTIONS ARE MADE TO THE RETIREMENT SAVINGS PLAN:

- (1) MANDATORY EMPLOYEE CONTRIBUTIONS MADE UNDER § 5-2 {"MANDATORY EMPLOYEE CONTRIBUTIONS"} OF THIS SUBTITLE;
- (2) EMPLOYER CONTRIBUTIONS MADE UNDER § 5-3 {"EMPLOYER CONTRIBUTIONS"} OF THIS SUBTITLE; AND
- (3) ROLLOVER CONTRIBUTIONS MADE UNDER § 5-4 {"ROLLOVER CONTRIBUTIONS"} OF THIS SUBTITLE.

#### § 5-2. MANDATORY EMPLOYEE CONTRIBUTIONS.

##### (A) *IN GENERAL.*

BEGINNING WITH THE FIRST FULL PAYROLL PERIOD THAT STARTS ON OR AFTER THE DATE A MEMBER COMMENCES PARTICIPATION IN THE RETIREMENT SAVINGS PLAN AND CONTINUING THROUGH THE LAST FULL PAYROLL PERIOD ENDING ON OR BEFORE TERMINATION OF EMPLOYMENT WITH A PARTICIPATING EMPLOYER:

- (1) FOR EACH PAYROLL PERIOD, THE MEMBER MUST CONTRIBUTE TO THE PLAN 5% OF THE MEMBER'S EARNABLE COMPENSATION FOR THAT PAYROLL PERIOD;
- (2) FOR EACH PAYROLL PERIOD, THE DEPARTMENT OF FINANCE WILL CAUSE THE CONTRIBUTION TO BE DEDUCTED FROM THE MEMBER'S EARNABLE COMPENSATION FOR THAT PAYROLL PERIOD; AND
- (3) AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THE DEDUCTION IS TAKEN, THE CONTRIBUTION WILL BE CREDITED TO THE MEMBER'S MANDATORY EMPLOYEE CONTRIBUTION SUB-ACCOUNT.

##### (B) *"PICKED-UP" STATUS.*

- (1) (I) THE CONTRIBUTIONS DESCRIBED IN SUBSECTION (A) OF THIS SECTION ARE INTENDED TO BE TREATED AS BEING "PICKED UP" BY THE PARTICIPATING EMPLOYER WITHIN THE MEANING OF IRC § 414(H)(2).
- (II) THE AMOUNT OF EACH MANDATORY EMPLOYEE CONTRIBUTION IS PAID BY THE EMPLOYER IN LIEU OF CONTRIBUTIONS BY MEMBERS, AND MEMBERS MAY NOT RECEIVE THOSE AMOUNTS DIRECTLY. BECAUSE THE MANDATORY EMPLOYEE CONTRIBUTIONS ARE PAID BY THE EMPLOYER, THEY MUST BE TREATED AS EMPLOYER CONTRIBUTIONS IN DETERMINING THEIR FEDERAL INCOME TAX TREATMENT.
- (2) THE PICKED-UP CONTRIBUTIONS MAY NOT BE EXCLUDED IN COMPUTING ANY OTHER BENEFIT PAID IN CONNECTION WITH THE MEMBER'S EMPLOYMENT WITH A PARTICIPATING EMPLOYER.

**Council Bill 13-0247**

1 (3) (I) AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER ENACTMENT OF THIS  
2 ARTICLE, THE CITY WILL REQUEST A PRIVATE LETTER RULING FROM THE INTERNAL  
3 REVENUE SERVICE TO THE EFFECT THAT THE CONTRIBUTIONS SO PICKED UP BY  
4 THE EMPLOYER ON BEHALF OF MEMBERS WILL BE TREATED AS EMPLOYER  
5 CONTRIBUTIONS UNDER IRC § 414(H)(2) AND WILL NOT BE INCLUDIBLE IN THE  
6 MEMBER'S GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES FOR THE YEAR IN  
7 WHICH THEY ARE CONTRIBUTED.

8 (II) IF THE INTERNAL REVENUE SERVICE RULES THAT THE PICK UP OF CONTRIBUTIONS  
9 DOES NOT SATISFY THE REQUIREMENTS OF IRC § 414(H)(2), OR IF IRC § 414(H)(2)  
10 IS REPEALED, THE CONTRIBUTIONS REQUIRED UNDER THIS SECTION WILL REMAIN  
11 IN EFFECT, BUT THE CONTRIBUTIONS MAY NO LONGER BE TREATED AS PICKED UP  
12 AND INSTEAD WILL BE TREATED AS PAID DIRECTLY BY THE MEMBER.

13 **§ 5-3. EMPLOYER CONTRIBUTIONS.**

14 (A) *IN GENERAL*

15 EMPLOYER CONTRIBUTIONS MUST BE MADE TO THE RETIREMENT SAVINGS PLAN AS  
16 PROVIDED IN THIS SECTION.

17 (B) *ALL MEMBERS.*

18 (1) FOR EACH PAYROLL PERIOD IN WHICH A MEMBER MAKES A MANDATORY EMPLOYEE  
19 CONTRIBUTION UNDER § 5-2 {"MANDATORY EMPLOYEE CONTRIBUTIONS"} OF THIS  
20 SUBTITLE, THE MEMBER'S EMPLOYER MUST CONTRIBUTE TO THE RETIREMENT  
21 SAVINGS PLAN AN AMOUNT EQUAL TO 4% OF THE EMPLOYEE'S EARNABLE  
22 COMPENSATION FOR THAT PAYROLL PERIOD.

23 (2) AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THE EMPLOYER CONTRIBUTION  
24 IS MADE, THE CONTRIBUTION WILL BE CREDITED TO THE MEMBER'S EMPLOYER  
25 CONTRIBUTION SUB-ACCOUNT.

26 (C) *MEMBERS ALSO CONTRIBUTING TO DEFERRED COMPENSATION PLAN.*

27 (1) FOR EACH PAYROLL PERIOD IN WHICH A MEMBER MAKES A VOLUNTARY DEFERRAL TO  
28 THE CITY'S DEFERRED COMPENSATION PLAN, THE MEMBER'S EMPLOYER MUST  
29 CONTRIBUTE TO THE RETIREMENT SAVINGS PLAN AN AMOUNT EQUAL TO 50% OF THE  
30 FIRST 2% OF COMPENSATION DEFERRED BY THE MEMBER FOR THAT PAYROLL PERIOD.

31 (2) AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THIS EMPLOYER CONTRIBUTION  
32 IS MADE, THE CONTRIBUTION WILL BE CREDITED TO THE MEMBER'S EMPLOYER  
33 CONTRIBUTION SUB-ACCOUNT.

34 **§ 5-4. ROLLOVER CONTRIBUTIONS.**

35 (A) *IN GENERAL.*

36 (1) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A MEMBER MAY MAKE 1 OR MORE  
37 ROLLOVER CONTRIBUTIONS TO THE RETIREMENT SAVINGS PLAN.

**Council Bill 13-0247**

1 (2) AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER A ROLLOVER CONTRIBUTION IS  
2 MADE, THE CONTRIBUTION WILL BE CREDITED TO THE MEMBER'S ROLLOVER  
3 CONTRIBUTION SUB-ACCOUNT.

4 (B) *REQUIRED SUBMISSIONS.*

5 A MEMBER WHO WISHES TO MAKE A ROLLOVER CONTRIBUTION MUST:

6 (1) FILE A REQUEST WITH THE BOARD OF TRUSTEES IN THE FORM REQUIRED BY THE  
7 BOARD; AND

8 (2) ESTABLISH TO THE SATISFACTION OF THE BOARD THAT AMOUNTS INTENDED TO BE  
9 ROLLED OVER SATISFY THE CONDITIONS OF SUBSECTION (C) OF THIS SECTION.

10 (C) *CONDITIONS OF ROLLOVER.*

11 EVERY ROLLOVER CONTRIBUTION MUST BE:

12 (1) AN "ELIGIBLE ROLLOVER DISTRIBUTION", AS DEFINED IN IRC § 402(F)(2)(A);

13 (2) MADE SOLELY IN CASH;

14 (3) DISTRIBUTED FROM:

15 (I) A QUALIFIED PLAN UNDER IRC § 401(A) OR §403(A), EXCEPT THAT  
16 AMOUNTS ROLLED OVER MAY NOT INCLUDE NONDEDUCTIBLE OR AFTER-  
17 TAX CONTRIBUTIONS;

18 (II) A TAX-SHELTERED ANNUITY UNDER IRC § 403(B);

19 (III) AN ELIGIBLE PLAN UNDER IRC § 457(B) THAT IS MAINTAINED BY A STATE,  
20 A POLITICAL SUBDIVISION OF A STATE, OR ANY AGENCY OR  
21 INSTRUMENTALITY OF A STATE OR POLITICAL SUBDIVISION OF A STATE; OR  
22

23 (IV) AN INDIVIDUAL RETIREMENT ACCOUNT UNDER IRC § 408(A) OR AN  
24 INDIVIDUAL RETIREMENT ANNUITY UNDER IRC § 408(B), EXCEPT THAT  
25 AMOUNTS ROLLED OVER MAY NOT INCLUDE NONDEDUCTIBLE OR AFTER-  
26 TAX CONTRIBUTIONS; AND

27 (4) EITHER TRANSFERRED DIRECTLY TO THE RETIREMENT SAVINGS PLAN OR, WITHIN  
28 60 DAYS OF ITS RECEIPT, CONTRIBUTED TO THE PLAN BY THE MEMBER.

29 **§ 5-5. MAKEUP CONTRIBUTIONS AFTER MILITARY LEAVE.**

30 (A) *IN GENERAL.*

31 (1) (i) TO THE EXTENT REQUIRED BY USERRA, A MEMBER RETURNING FROM AN UNPAID  
32 LEAVE OF ABSENCE ON ACCOUNT OF MILITARY SERVICE MAY MAKE A 1-TIME  
33 IRREVOCABLE ELECTION TO MAKE UP ALL OR PART OF THE MANDATORY EMPLOYEE  
34 CONTRIBUTIONS THE MEMBER WOULD HAVE BEEN REQUIRED TO MAKE UNDER

**Council Bill 13-0247**

1 § 5-2 {"MANDATORY EMPLOYEE CONTRIBUTIONS"} OF THIS SUBTITLE HAD HE OR  
2 SHE REMAINED ACTIVELY EMPLOYED BY A PARTICIPATING EMPLOYER.

3 (II) THE MEMBER'S MAKEUP CONTRIBUTION IS BASED ON WHAT THE MEMBER'S  
4 EARNABLE COMPENSATION WOULD HAVE BEEN HAD THE MEMBER REMAINED  
5 ACTIVELY EMPLOYED.

6 (2) THE ELECTION MUST:

7 (I) BE MADE BY FILING WITH THE BOARD OF TRUSTEES IN THE FORM REQUIRED BY  
8 THE BOARD; AND

9 (II) INCLUDE THE AMOUNT OF MANDATORY EMPLOYEE CONTRIBUTIONS THE  
10 MEMBER WISHES TO MAKE UP AND THE PERIOD (NOT TO EXCEED THE LESSER OF  
11 3 TIMES THE LENGTH OF THE LEAVE OF ABSENCE OR 5 YEARS) OVER WHICH THE  
12 CONTRIBUTIONS WILL BE MADE.

13 (3) (I) AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THE BOARD RECEIVES THE  
14 MEMBER'S ELECTION, THE DEPARTMENT OF FINANCE WILL CAUSE THE AMOUNT OF  
15 MAKEUP CONTRIBUTIONS TO BE DEDUCTED FROM THE MEMBER'S EARNABLE  
16 COMPENSATION PRO-RATA FOR EACH PAYROLL PERIOD DURING THE PERIOD  
17 ELECTED (BUT NOT BEYOND THE LAST FULL PAYROLL PERIOD ENDING ON OR  
18 BEFORE THE MEMBER'S TERMINATION OF EMPLOYMENT WITH AN EMPLOYER).

19 (II) AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER EACH AMOUNT IS  
20 DEDUCTED, THE AMOUNT WILL BE CREDITED TO THE MEMBER'S MANDATORY  
21 EMPLOYEE CONTRIBUTION SUB-ACCOUNT.

22 (4) MAKEUP CONTRIBUTIONS MADE UNDER THIS SUBSECTION WILL BE TREATED AS BEING  
23 "PICKED UP" TO THE SAME EXTENT AS MANDATORY EMPLOYEE CONTRIBUTIONS ARE  
24 TREATED AS BEING "PICKED UP" UNDER § 5-2(B) {"MANDATORY EMPLOYEE  
25 CONTRIBUTIONS: 'PICKED-UP' STATUS"} OF THIS SUBTITLE.

26 (B) *ALL MEMBERS.*

27 (1) FOR EACH PAYROLL PERIOD IN WHICH A MEMBER ELECTS TO MAKE UP MANDATORY  
28 EMPLOYEE CONTRIBUTIONS UNDER SUBSECTION (A) OF THIS SECTION, THE MEMBER'S  
29 EMPLOYER MUST MAKE A CORRESPONDING CONTRIBUTION TO THE PLAN IN AN  
30 AMOUNT EQUAL TO 80% OF THE EMPLOYEE'S MANDATORY EMPLOYEE CONTRIBUTION  
31 FOR THAT PAYROLL PERIOD (AS DETERMINED UNDER SUBSECTION (A) OF THIS  
32 SECTION).

33 (2) AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THE CORRESPONDING  
34 CONTRIBUTION IS MADE, THE CONTRIBUTION WILL BE CREDITED TO THE MEMBER'S  
35 EMPLOYER CONTRIBUTION SUB-ACCOUNT.

36 (C) *MEMBERS ALSO CONTRIBUTING TO DEFERRED COMPENSATION PLAN.*

37 (1) FOR EACH PAYROLL PERIOD IN WHICH A MEMBER ELECTS TO MAKE UP VOLUNTARY  
38 DEFERRALS TO THE CITY'S DEFERRED COMPENSATION PLAN, THE MEMBER'S  
39 EMPLOYER MUST MAKE A CORRESPONDING CONTRIBUTION TO THE PLAN IN AN

**Council Bill 13-0247**

1 AMOUNT EQUAL TO 50% OF THE FIRST 2% OF COMPENSATION DEFERRED BY THE  
2 MEMBER AS A MAKEUP CONTRIBUTION FOR THAT PAYROLL PERIOD.

3 (2) AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THIS CORRESPONDING  
4 CONTRIBUTION IS MADE, THE CONTRIBUTION WILL BE CREDITED TO THE MEMBER'S  
5 EMPLOYER CONTRIBUTION SUB-ACCOUNT.

6 **§ 5-6. MAXIMUM ANNUAL ADDITIONS.**

7 (A) *DEFINITIONS.*

8 (1) *IN GENERAL.*

9 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

10 (2) "*ANNUAL ADDITIONS*".

11 (i) *IN GENERAL.*

12 "ANNUAL ADDITIONS" MEANS THE SUM OF THE FOLLOWING AMOUNTS CREDITED  
13 TO A MEMBER'S ACCOUNT FOR THE LIMITATION YEAR:

14 (A) MANDATORY EMPLOYEE CONTRIBUTIONS MADE UNDER § 5-2  
15 {"MANDATORY EMPLOYEE CONTRIBUTIONS"} OF THIS SUBTITLE; AND

16 (B) EMPLOYER CONTRIBUTIONS MADE UNDER § 5-3 {"EMPLOYER  
17 CONTRIBUTIONS"} OF THIS SUBTITLE.

18 (ii) *INCLUSIONS.*

19 "ANNUAL ADDITIONS" INCLUDES MAKEUP CONTRIBUTIONS MADE UNDER § 5-5  
20 {"MAKEUP CONTRIBUTIONS AFTER MILITARY LEAVE"} OF THIS SUBTITLE FOR THE  
21 LIMITATION YEAR TO WHICH THE CONTRIBUTIONS RELATE (NOT FOR THE  
22 LIMITATION YEAR IN WHICH THE CONTRIBUTIONS ARE MADE).

23 (iii) *EXCLUSIONS.*

24 "ANNUAL ADDITIONS" DOES NOT INCLUDE ROLLOVER CONTRIBUTIONS MADE  
25 UNDER § 5-4 {"ROLLOVER CONTRIBUTIONS"} OF THIS SUBTITLE.

26 (3) "*LIMITATION YEAR*".

27 "LIMITATION YEAR" MEANS A CALENDAR YEAR.

28 (4) "*SECTION 415 COMPENSATION*".

29 (i) *IN GENERAL.*

30 (A) "SECTION 415 COMPENSATION" MEANS WAGES, WITHIN THE MEANING OF IRC  
31 § 3401, PLUS AMOUNTS THAT WOULD BE INCLUDED IN WAGES BUT FOR AN  
32 ELECTION UNDER IRC § 125, § 132(F)(4), § 402(E)(3), § 402(H)(1)(B),

**Council Bill 13-0247**

1 § 402(K), OR § 457(B), AND ALL OTHER PAYMENTS OF COMPENSATION TO AN  
2 EMPLOYEE BY A PARTICIPATING EMPLOYER FOR WHICH THE EMPLOYER IS  
3 REQUIRED TO FURNISH THE EMPLOYEE A WRITTEN STATEMENT UNDER IRC  
4 § 6041(D), § 6051(A)(3), OR § 6052.

5 (B) SECTION 415 COMPENSATION MUST BE DETERMINED WITHOUT REGARD TO ANY  
6 RULES UNDER IRC § 3401 THAT LIMIT THE REMUNERATION INCLUDED IN  
7 WAGES BASED ON THE NATURE OR LOCATION OF THE EMPLOYMENT OR THE  
8 SERVICES PERFORMED (SUCH AS THE EXCEPTION FOR AGRICULTURAL LABOR IN  
9 IRC § 3401(A)(2)).

10 (C) SECTION 415 COMPENSATION FOR A LIMITATION YEAR IS THE SECTION 415  
11 COMPENSATION ACTUALLY PAID OR MADE AVAILABLE IN GROSS INCOME FOR  
12 THAT LIMITATION YEAR.

13 (II) *INCLUSIONS.*

14 “SECTION 415 COMPENSATION” INCLUDES THE FOLLOWING AMOUNTS PAID AFTER  
15 AN EMPLOYEE’S SEVERANCE FROM EMPLOYMENT WITH A PARTICIPATING  
16 EMPLOYER, IF THOSE AMOUNTS WOULD HAVE BEEN INCLUDED IN SUBPARAGRAPH  
17 (I) OF THIS PARAGRAPH (4) HAD THEY BEEN PAID BEFORE SEVERANCE AND IF  
18 THOSE AMOUNTS ARE PAID TO THE EMPLOYEE BEFORE THE LATER OF 2½ MONTHS  
19 AFTER SEVERANCE OR THE END OF THE CALENDAR YEAR IN WHICH THE SEVERANCE  
20 BECOMES EFFECTIVE:

21 (A) REGULAR PAYMENTS MADE AFTER SEVERANCE, IF:

22 1. THE PAYMENTS ARE:

- 23 A. COMPENSATION FOR SERVICES DURING THE EMPLOYEE’S  
24 REGULAR WORKING HOURS;
- 25 B. COMPENSATION FOR SERVICES OUTSIDE THE EMPLOYEE’S  
26 REGULAR WORKING HOURS (SUCH AS OVERTIME OR SHIFT  
27 DIFFERENTIAL); OR
- 28 C. COMMISSIONS, BONUSES, OR OTHER SIMILAR PAYMENTS;  
29 AND

30 2. THE PAYMENTS WOULD HAVE BEEN PAID TO THE EMPLOYEE BEFORE  
31 SEVERANCE HAD THE EMPLOYEE CONTINUED TO BE EMPLOYED BY  
32 THE EMPLOYER; AND

33 (B) PAYMENTS MADE AFTER SEVERANCE FOR ACCRUED AND UNUSED BONA  
34 FIDE SICK, VACATION, OR OTHER LEAVE , IF THE EMPLOYEE WOULD HAVE  
35 BEEN ABLE TO USE THAT LEAVE HAD THE EMPLOYEE CONTINUED TO BE  
36 EMPLOYED BY THE EMPLOYER.

## Council Bill 13-0247

### (III) *EXCLUSIONS.*

“SECTION 415 COMPENSATION” FOR A LIMITATION YEAR DOES NOT INCLUDE COMPENSATION IN EXCESS OF THE COMPENSATION LIMIT APPLICABLE TO THAT LIMITATION YEAR UNDER IRC § 401(A)(17) .

#### (B) *LIMITATION ON ANNUAL ADDITIONS.*

NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, TO THE EXTENT REQUIRED UNDER THE INTERNAL REVENUE CODE, THE ANNUAL ADDITIONS THAT ARE CREDITED TO THE ACCOUNT OF ANY MEMBER IN ANY LIMITATION YEAR MAY NOT EXCEED THE LESSER OF:

(1) \$40,000, AS ADJUSTED BY COST-OF-LIVING INCREASES UNDER IRC § 415(D); OR

(2) 100% OF THE MEMBER’S SECTION 415 COMPENSATION FOR THE LIMITATION YEAR.

#### (C) *CORRECTING EXCESS ANNUAL ADDITIONS.*

IF, FOR ANY LIMITATION YEAR, THE ANNUAL ADDITIONS THAT ARE CREDITED TO THE ACCOUNT OF A MEMBER EXCEED THE LIMITATION SET FORTH IN SUBSECTION (B) OF THIS SECTION, THE CITY MUST FOLLOW ANY APPLICABLE CORRECTION METHODOLOGY AUTHORIZED BY THE INTERNAL REVENUE SERVICE UNDER THE EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM (“EPCRS”) OR OTHERWISE.

### **§ 5-7. COMPENSATION LIMIT.**

PURSUANT TO IRC § 401(A)(17) AND THE REGULATIONS ADOPTED UNDER THAT SECTION, THE ANNUAL COMPENSATION OF EACH MEMBER TAKEN INTO ACCOUNT IN DETERMINING THE AMOUNT OF CONTRIBUTIONS UNDER THE RETIREMENT SAVINGS PLAN MAY NOT EXCEED \$200,000, AS ADJUSTED BY COST-OF-LIVING INCREASES UNDER IRC § 415(D).

## **SUBTITLE 6. ACCOUNTS**

### **§ 6-1. ESTABLISHMENT.**

#### (A) *IN GENERAL.*

(1) A SEPARATE ACCOUNT ON BEHALF OF EACH MEMBER WILL BE ESTABLISHED AND MAINTAINED UNDER THE RETIREMENT SAVINGS PLAN.

(2) THE ESTABLISHMENT AND MAINTENANCE OF AN ACCOUNT IS FOR BOOKKEEPING PURPOSES ONLY AND DOES NOT REQUIRE OR PERMIT ASSETS HELD IN ANY ACCOUNT TO BE SEGREGATED FOR INVESTMENT PURPOSES.

#### (B) *SUB-ACCOUNTS.*

(1) A MEMBER’S ACCOUNT CONSISTS OF THE FOLLOWING SUB-ACCOUNTS:

(I) A MANDATORY EMPLOYEE CONTRIBUTION SUB-ACCOUNT;

**Council Bill 13-0247**

1 (II) AN EMPLOYER CONTRIBUTION SUB-ACCOUNT; AND

2 (III) IF APPLICABLE, A ROLLOVER CONTRIBUTION SUB-ACCOUNT.

3 (2) TO EACH OF THESE SUB-ACCOUNTS:

4 (I) CONTRIBUTIONS ARE CREDITED UNDER § 5-2 {"MANDATORY EMPLOYEE  
5 CONTRIBUTIONS"}, § 5-3 {"EMPLOYER CONTRIBUTIONS"}, OR § 5-4  
6 {"ROLLOVER CONTRIBUTIONS"} OF THIS ARTICLE, RESPECTIVELY;

7 (II) GAINS AND LOSSES ARE ALLOCATED UNDER § 6-2(D) {"INVESTMENTS: FUND  
8 GAINS AND LOSSES"} OF THIS SUBTITLE; AND

9 (III) FEES AND EXPENSES ARE CHARGED UNDER § 6-2(E) {"INVESTMENTS: FUND  
10 FEES AND EXPENSES"} OF THIS SUBTITLE.

11 **§ 6-2. INVESTMENTS.**

12 (A) *BOARD TO SELECT AVAILABLE INVESTMENT FUNDS.*

13 (1) THE BOARD OF TRUSTEES MUST SELECT:

14 (I) 1 OR MORE SEPARATE INVESTMENT FUNDS IN WHICH A MEMBER MAY ELECT TO  
15 HAVE THE MEMBER'S VESTED ACCOUNT INVESTED; AND

16 (II) A DEFAULT INVESTMENT FUND FOR THE AUTOMATIC INVESTMENT OF THE  
17 VESTED ACCOUNT OF A MEMBER WHO FAILS TO MAKE AN AFFIRMATIVE  
18 INVESTMENT ELECTION UNDER SUBSECTION (B) OF THIS SECTION.

19 (2) FROM TIME TO TIME, THE BOARD MAY CHANGE ANY OR ALL OF THE INVESTMENT  
20 FUNDS OR THE DEFAULT INVESTMENT FUND. ANY CHANGE MUST BE COMMUNICATED  
21 TO MEMBERS BEFORE ITS EFFECTIVE DATE.

22 (B) *MEMBERS' INVESTMENT ELECTIONS.*

23 (1) EACH MEMBER WILL BE PROVIDED A LIST THAT IDENTIFIES THE AVAILABLE  
24 INVESTMENT FUNDS (INCLUDING THE DEFAULT INVESTMENT FUND) WHEN  
25 COMMENCING PARTICIPATION IN THE RETIREMENT SAVINGS PLAN.

26 (2) IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE BOARD, EACH MEMBER  
27 MAY AFFIRMATIVELY ELECT TO HAVE THE MEMBER'S VESTED ACCOUNT INVESTED IN  
28 1 OR MORE OF THE LISTED INVESTMENT FUNDS.

29 (3) AN AFFIRMATIVE INVESTMENT ELECTION REMAINS IN EFFECT UNTIL THE MEMBER  
30 CHANGES IT BY MAKING A NEW ELECTION IN ACCORDANCE WITH THE BOARD'S  
31 PROCEDURES. A NEW ELECTION REVOKES ALL PRIOR ELECTIONS.

32 (4) AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER A MEMBER'S AFFIRMATIVE  
33 INVESTMENT ELECTION IS RECEIVED, THE MEMBER'S VESTED ACCOUNT MUST BE  
34 INVESTED IN ACCORDANCE WITH THAT ELECTION.

**Council Bill 13-0247**

1 (C) *DEFAULT INVESTMENTS.*

2 UNLESS AND UNTIL A MEMBER MAKES AN AFFIRMATIVE INVESTMENT ELECTION UNDER  
3 SUBSECTION (B) OF THIS SECTION, THE MEMBER IS DEEMED TO HAVE MADE AN ELECTION  
4 TO HAVE THE MEMBER'S VESTED ACCOUNT INVESTED AUTOMATICALLY IN THE DEFAULT  
5 INVESTMENT FUND.

6 (D) *FUND GAINS AND LOSSES.*

7 ALL GAINS AND LOSSES OF AN INVESTMENT FUND IN WHICH A MEMBER'S VESTED  
8 ACCOUNT IS INVESTED WILL BE ALLOCATED TO THAT ACCOUNT BASED ON ESTABLISHED  
9 PROCEDURES APPLIED ON A UNIFORM AND NONDISCRIMINATORY BASIS.

10 (E) *FUND FEES AND EXPENSES.*

11 ALL FEES CHARGED AND EXPENSES INCURRED BY AN INVESTMENT FUND IN WHICH A  
12 MEMBER'S VESTED ACCOUNT IS INVESTED, INCLUDING SERVICING FEES PAID BY THE  
13 INVESTMENT FUND TO THE PLAN'S THIRD-PARTY ADMINISTRATOR, WILL BE CHARGED TO  
14 THAT ACCOUNT BASED ON ESTABLISHED PROCEDURES APPLIED ON A UNIFORM AND  
15 NONDISCRIMINATORY BASIS.

16 (F) *NO LIABILITY FOR INVESTMENT ELECTIONS.*

17 NEITHER THE CITY NOR THE BOARD OF TRUSTEES IS LIABLE TO A MEMBER, A  
18 BENEFICIARY, OR ANY OTHER PERSON FOR ANY LOSS RESULTING FROM:

- 19 (1) A MEMBER'S AFFIRMATIVE INVESTMENT ELECTION;
- 20 (2) A MEMBER'S FAILURE TO MAKE AN AFFIRMATIVE INVESTMENT ELECTION;
- 21 (3) A REASONABLE DELAY IN IMPLEMENTING AN AFFIRMATIVE INVESTMENT  
22 ELECTION; OR
- 23 (4) A REASONABLE DELAY IN IMPLEMENTING A DEFAULT INVESTMENT UNDER  
24 SUBSECTION (C) OF THIS SECTION.

25 (G) *APPLICABILITY TO DEFERRED COMPENSATION PLAN.*

26 VOLUNTARY DEFERRALS MADE BY A MEMBER TO THE CITY'S DEFERRED COMPENSATION  
27 PLAN WILL BE INVESTED IN ACCORDANCE WITH THE MEMBER'S AFFIRMATIVE INVESTMENT  
28 ELECTION UNDER SUBSECTION (B) OF THIS SECTION OR THE MEMBER'S DEFAULT  
29 INVESTMENT UNDER SUBSECTION (C) OF THIS SECTION.

30 (H) *NON-VESTED EMPLOYER CONTRIBUTION SUB-ACCOUNTS.*

31 EMPLOYER CONTRIBUTION SUB-ACCOUNTS THAT HAVE NOT VESTED UNDER § 7-2  
32 {"VESTING: EMPLOYER CONTRIBUTION SUB-ACCOUNT"} OF THIS ARTICLE WILL BE  
33 INVESTED AS THE BOARD OF TRUSTEES, IN ITS SOLE DISCRETION, DETERMINES.

**Council Bill 13-0247**

**§ 6-3. VALUATIONS.**

(A) *“VALUATION DATE” DEFINED.*

IN THIS SECTION, “VALUATION DATE” MEANS THE DATE, NO LESS FREQUENTLY THAN THE LAST DAY OF EACH CALENDAR QUARTER, FOR DETERMINING:

- (1) THE FAIR MARKET VALUE OF EACH INVESTMENT FUND (INCLUDING THE DEFAULT INVESTMENT FUND);
- (2) THE PORTION OF EACH MEMBER’S ACCOUNT INVESTED IN THAT FUND; AND
- (3) THE TOTAL VALUE OF EACH MEMBER’S ACCOUNT.

(B) *VALUE OF FUNDS AND ACCOUNTS.*

THE FAIR MARKET VALUE OF EACH INVESTMENT FUND, THE PORTION OF EACH MEMBER’S ACCOUNT INVESTED IN THAT FUND, AND THE TOTAL VALUE OF EACH MEMBER’S ACCOUNT WILL BE DETERMINED AS OF EACH VALUATION DATE, BASED ON ESTABLISHED PROCEDURES APPLIED ON A UNIFORM AND NONDISCRIMINATORY BASIS.

(C) *VALUE OF ACCOUNT ON DISTRIBUTABLE EVENT.*

THE DATE AS OF WHICH A MEMBER’S ACCOUNT IS VALUED ON A DISTRIBUTABLE EVENT UNDER SUBTITLE 9 {“DISTRIBUTIONS”} OF THIS ARTICLE WILL BE DETERMINED ON THE BASIS OF ESTABLISHED PROCEDURES APPLIED ON A UNIFORM AND NONDISCRIMINATORY BASIS.

**§ 6-4. PERIODIC STATEMENTS.**

ON A PERIODIC BASIS, BUT NO LESS FREQUENTLY THAN QUARTERLY, A STATEMENT SHOWING THE VALUE OF A MEMBER’S ACCOUNT AS OF THE MOST RECENT VALUATION DATE WILL BE MADE AVAILABLE TO EACH MEMBER.

**SUBTITLE 7. VESTING**

**§ 7-1. MANDATORY EMPLOYEE CONTRIBUTION SUB-ACCOUNT.**

A MEMBER’S MANDATORY EMPLOYEE CONTRIBUTION SUB-ACCOUNT IS IMMEDIATELY AND AT ALL TIMES 100% VESTED AND NON-FORFEITABLE.

**§ 7-2. EMPLOYER CONTRIBUTION SUB-ACCOUNT.**

A MEMBER’S EMPLOYER CONTRIBUTION SUB-ACCOUNT BECOMES 100% VESTED AND NON-FORFEITABLE ON THE EARLIEST OF:

- (1) THE MEMBER’S ATTAINMENT OF NORMAL RETIREMENT AGE;
- (2) THE MEMBER’S BEING CREDITED WITH 5 YEARS OF SERVICE;

**Council Bill 13-0247**

1 (3) THE MEMBER’S PROVIDING THE BOARD OF TRUSTEES WITH AN SSA DETERMINATION  
2 OF DISABILITY UNDER § 9-3 {“DISTRIBUTABLE EVENTS – DISABILITY”} OF THIS  
3 ARTICLE;

4 (4) THE MEMBER’S DEATH WHILE AN EMPLOYEE;

5 (5) A PERMANENT DISCONTINUANCE OF CONTRIBUTIONS OR PLAN TERMINATION UNDER  
6 § 11-2 {“DISCONTINUANCE OF PAYMENTS; PLAN TERMINATION”} OF THIS ARTICLE; OR

7 (6) A “PARTIAL PLAN TERMINATION”, AS DEFINED UNDER APPLICABLE LAW.

8 **§ 7-3. ROLLOVER CONTRIBUTION SUB-ACCOUNT.**

9 A MEMBER’S ROLLOVER CONTRIBUTION SUB-ACCOUNT IS IMMEDIATELY AND AT ALL TIMES  
10 100% VESTED AND NON-FORFEITABLE.

11 **SUBTITLE 8. FORFEITURES**

12 **§ 8-1. FORFEITURE OF NON-VESTED EMPLOYER CONTRIBUTIONS.**

13 THE EMPLOYER CONTRIBUTION SUB-ACCOUNT OF A MEMBER WHO TERMINATES  
14 EMPLOYMENT WITH A PARTICIPATING EMPLOYER BEFORE THAT SUB-ACCOUNT IS VESTED  
15 UNDER § 7-2 {“VESTING: EMPLOYER CONTRIBUTION SUB-ACCOUNT”} OF THIS ARTICLE IS  
16 FORFEITED AS OF THE DATE OF THE MEMBER’S TERMINATION OF EMPLOYMENT.

17 **§ 8-2. FORFEITURE ACCOUNT.**

18 FORFEITURES UNDER THIS SUBTITLE WILL BE HELD IN A SEPARATE FORFEITURE ACCOUNT FOR  
19 BOOKKEEPING PURPOSES.

20 **§ 8-3. RESTORATION.**

21 (A) *IN GENERAL.*

22 IF, FOLLOWING FORFEITURE OF A MEMBER’S EMPLOYER CONTRIBUTION SUB-ACCOUNT,  
23 THE MEMBER PROVIDES THE BOARD WITH AN SSA DETERMINATION OF DISABILITY UNDER  
24 § 9-3 {“DISTRIBUTABLE EVENTS – DISABILITY”} OF THIS ARTICLE, THE EMPLOYER  
25 CONTRIBUTION SUB-ACCOUNT WILL BE RESTORED OUT OF THE FORFEITURE ACCOUNT  
26 AND DISTRIBUTED, WITHOUT ANY ADJUSTMENT FOR EARNINGS OR LOSSES, TO THE  
27 MEMBER.

28 (B) *EMPLOYER CONTRIBUTION.*

29 IF THE FORFEITURE ACCOUNT HAS INSUFFICIENT FUNDS TO FULLY RESTORE THE  
30 EMPLOYER CONTRIBUTION SUB-ACCOUNT, THE APPROPRIATE EMPLOYER MUST MAKE A  
31 CONTRIBUTION IN THE AMOUNT NECESSARY FOR FULL RESTORATION.

**Council Bill 13-0247**

**§ 8-4. REMAINING AMOUNTS IN FORFEITURE ACCOUNT.**

(A) *TO DEFRAY REASONABLE PLAN EXPENSES.*

AFTER THE END OF EACH PLAN YEAR, ANY AMOUNT REMAINING IN THE FORFEITURE ACCOUNT AFTER ALL EMPLOYER CONTRIBUTION SUB-ACCOUNTS ARE RESTORED UNDER § 8-3 {“RESTORATION”} OF THIS SUBTITLE WILL BE USED TO DEFRAY REASONABLE PLAN ADMINISTRATIVE EXPENSES.

(B) *REDUCTION OF EMPLOYER CONTRIBUTION.*

ANY AMOUNT REMAINING IN THE FORFEITURE ACCOUNT AFTER ALL REASONABLE PLAN ADMINISTRATIVE EXPENSES ARE DEFRAYED WILL BE USED TO REDUCE THE EMPLOYER CONTRIBUTION REQUIRED UNDER § 5-3 {“EMPLOYER CONTRIBUTIONS”} OF THIS ARTICLE FOR THE PLAN YEAR IN WHICH THE FORFEITURE OCCURRED.

**SUBTITLE 9. DISTRIBUTIONS**

**§ 9-1. FORM OF PAYMENT.**

DISTRIBUTIONS FROM THE RETIREMENT SAVINGS PLAN MAY ONLY BE MADE IN 1 LUMP-SUM CASH PAYMENT.

**§ 9-2. DISTRIBUTABLE EVENTS – RETIREMENT.**

A MEMBER WHO TERMINATES EMPLOYMENT ON OR AFTER THE MEMBER’S NORMAL RETIREMENT AGE IS ENTITLED TO RECEIVE, AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THE TERMINATION, THE VALUE OF THE MEMBER’S:

- (1) MANDATORY EMPLOYEE CONTRIBUTION SUB-ACCOUNT;
- (2) EMPLOYER CONTRIBUTION SUB-ACCOUNT; AND
- (3) IF APPLICABLE, ROLLOVER CONTRIBUTION SUB-ACCOUNT.

**§ 9-3. DISTRIBUTABLE EVENTS – DISABILITY.**

(A) *“SSA DETERMINATION OF DISABILITY” DEFINED.*

“SSA DETERMINATION OF DISABILITY” MEANS A WRITTEN DETERMINATION, MADE BY A SOCIAL SECURITY ADMINISTRATION’S DISABILITY DETERMINATION SERVICE, HEARING OFFICER, OR ADMINISTRATIVE LAW JUDGE, THAT A MEMBER IS DISABLED UNDER THE FEDERAL SOCIAL SECURITY ACT.

(B) *IN GENERAL.*

IF A MEMBER TERMINATES EMPLOYMENT AS A RESULT OF A DISABILITY INCURRED WHILE AN EMPLOYEE, THE MEMBER IS ENTITLED TO RECEIVE:

**Council Bill 13-0247**

1 (1) THE VALUE OF THE MEMBER’S MANDATORY EMPLOYEE CONTRIBUTION SUB-  
2 ACCOUNT AND, IF APPLICABLE, ROLLOVER CONTRIBUTION SUB-ACCOUNT, AS  
3 SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THE TERMINATION; AND

4 (2) THE VALUE OF THE MEMBER’S EMPLOYER CONTRIBUTION SUB-ACCOUNT  
5 (DETERMINED AS OF THE DATE OF TERMINATION OF EMPLOYMENT), AS SOON AS  
6 ADMINISTRATIVELY PRACTICABLE AFTER THE MEMBER PROVIDES THE BOARD OF  
7 TRUSTEES WITH THE SSA DETERMINATION OF DISABILITY REQUIRED BY  
8 SUBSECTION (C) OF THIS SECTION.

9 (C) *SSA DETERMINATION OF DISABILITY.*

10 (1) A MEMBER WHO SEEKS TO RECEIVE A DISTRIBUTION OF HIS OR HER EMPLOYER  
11 CONTRIBUTION SUB-ACCOUNT AS A RESULT OF A DISABILITY MUST PROVIDE THE  
12 BOARD OF TRUSTEES, IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE  
13 BOARD, WITH AN SSA DETERMINATION OF DISABILITY NO LATER THAN 36 MONTHS  
14 AFTER THE MEMBER’S TERMINATION.

15 (2) IF A DETERMINATION OF DISABILITY IS NOT PROVIDED BY THAT DEADLINE:

16 (I) THE MEMBER IS NOT ELIGIBLE TO RECEIVE THE DISTRIBUTION AS A RESULT OF A  
17 DISABILITY; BUT

18 (II) THE MEMBER MIGHT STILL BE ELIGIBLE FOR A DISTRIBUTION OF THAT SUB-  
19 ACCOUNT UNDER § 9-2 {“DISTRIBUTABLE EVENTS – RETIREMENT”} OR § 9-5  
20 {“DISTRIBUTABLE EVENTS – OTHER TERMINATION OF EMPLOYMENT”} OF THIS  
21 SUBTITLE.

22 (D) *BOARD’S ADMINISTRATIVE DETERMINATION.*

23 THE FINAL DETERMINATION OF WHETHER A MEMBER IS ELIGIBLE TO RECEIVE A  
24 DISTRIBUTION OF THE MEMBER’S EMPLOYER CONTRIBUTION SUB-ACCOUNT AS A RESULT  
25 OF A DISABILITY:

26 (1) IS MADE BY THE BOARD OF TRUSTEES; AND

27 (2) IS FINAL AND BINDING ON ALL PERSONS, SUBJECT TO THE RIGHTS OF APPEAL AND  
28 REVIEW UNDER § 2-17 {“ADMINISTRATIVE APPEAL”} AND § 2-18 {“JUDICIAL AND  
29 APPELLATE REVIEW”} OF THIS ARTICLE.

30 **§ 9-4. DISTRIBUTABLE EVENTS – DEATH.**

31 (A) *IN GENERAL.*

32 ON THE DEATH OF A MEMBER WHILE AN EMPLOYEE (OR BEFORE RECEIVING A  
33 DISTRIBUTION UNDER § 9-2 {“DISTRIBUTABLE EVENTS – RETIREMENT”}, § 9-3  
34 {“DISTRIBUTABLE EVENTS – DISABILITY”}, OR § 9-5 {“DISTRIBUTABLE EVENTS – OTHER  
35 TERMINATION OF EMPLOYMENT”} OF THIS SUBTITLE), THE MEMBER’S BENEFICIARY IS  
36 ENTITLED TO RECEIVE, AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THE BOARD  
37 OF TRUSTEES HAS DETERMINED THAT THE MEMBER HAS DIED, THE VALUE OF THE  
38 MEMBER’S:

**Council Bill 13-0247**

- 1 (1) MANDATORY EMPLOYEE CONTRIBUTION SUB-ACCOUNT;
- 2 (2) EMPLOYER CONTRIBUTION SUB-ACCOUNT; AND
- 3 (3) IF APPLICABLE, ROLLOVER CONTRIBUTION SUB-ACCOUNT.

4 (B) *DESIGNATION OF BENEFICIARY.*

- 5 (1) IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE BOARD, A MEMBER MAY
- 6 DESIGNATE A BENEFICIARY TO RECEIVE DEATH BENEFITS FROM THE PLAN.
- 7 (2) THE DESIGNATION REMAINS IN EFFECT UNTIL THE MEMBER CHANGES IT BY MAKING A
- 8 NEW DESIGNATION IN ACCORDANCE WITH THE BOARD'S PROCEDURES. A NEW
- 9 DESIGNATION REVOKES ALL PRIOR DESIGNATIONS.

10 (C) *BENEFICIARY TO ESTABLISH MEMBER'S DEATH.*

11 TO RECEIVE A DEATH BENEFIT UNDER THIS SECTION, THE MEMBER'S BENEFICIARY MUST

12 ESTABLISH TO THE SATISFACTION OF THE BOARD THAT THE MEMBER HAS DIED.

13 (D) *FAILURE TO DESIGNATE BENEFICIARY.*

- 14 (1) IF THE BOARD DETERMINES THAT A MEMBER HAS DIED WITHOUT VALIDLY
- 15 DESIGNATING A BENEFICIARY OR THAT NO VALIDLY-DESIGNATED BENEFICIARY IS
- 16 STILL ALIVE, THE VALUE OF THE MEMBER'S ACCOUNT WILL BE PAID TO:
  - 17 (I) THE MEMBER'S SURVIVING SPOUSE;
  - 18 (II) IF THERE IS NO SURVIVING SPOUSE, TO THE MEMBER'S SURVIVING CHILDREN, IN
  - 19 EQUAL SHARES;
  - 20 (III) IF THERE ARE NO SURVIVING CHILDREN, TO THE MEMBER'S SURVIVING
  - 21 PARENTS, IN EQUAL SHARES; AND
  - 22 (IV) IF THERE ARE NO SURVIVING PARENTS, TO THE MEMBER'S ESTATE.
- 23 (2) IF THE MEMBER'S ESTATE WOULD BE ENTITLED TO RECEIVE THE DEATH BENEFIT
- 24 UNDER PARAGRAPH (1) OF THIS SUBSECTION, BUT NO ESTATE IS OPENED WITHIN 1
- 25 YEAR OF THE MEMBER'S DEATH, THE AMOUNT OF THE DEATH BENEFIT IS FORFEITED
- 26 AND WILL BE APPLIED IN ACCORDANCE WITH SUBTITLE 8 {"FORFEITURES"} OF THIS
- 27 ARTICLE.

28 (E) *RESOLUTION OF DISPUTES.*

- 29 (1) IF ANY QUESTION OR DISPUTE ARISES REGARDING PAYMENT OF A DEATH BENEFIT
- 30 UNDER THIS SECTION, THE BOARD MAY:
  - 31 (I) DISTRIBUTE THE DEATH BENEFIT TO THE MEMBER'S ESTATE;
  - 32 (II) RETAIN THE DEATH BENEFIT UNTIL THE BOARD IS SATISFIED THAT THE RIGHT
  - 33 TO PAYMENT HAS BEEN FINALLY DETERMINED; OR

**Council Bill 13-0247**

1 (III) DEPOSIT THE AMOUNT OF THE DEATH BENEFIT INTO ANY COURT OF  
2 COMPETENT JURISDICTION.

3 (2) A DETERMINATION BY THE BOARD UNDER THIS SECTION IS FINAL AND BINDING ON ALL  
4 PERSONS, SUBJECT TO THE RIGHTS OF APPEAL AND REVIEW UNDER § 2-17  
5 {"ADMINISTRATIVE APPEAL"} AND § 2-18 {"JUDICIAL AND APPELLATE REVIEW"} OF  
6 THIS ARTICLE.

7 **§ 9-5. DISTRIBUTABLE EVENTS – OTHER TERMINATION OF EMPLOYMENT.**

8 IF A MEMBER TERMINATES EMPLOYMENT BEFORE THE MEMBER’S NORMAL RETIREMENT AGE  
9 AND NOT AS A RESULT OF DISABILITY OR DEATH, THE MEMBER IS ENTITLED TO RECEIVE THE  
10 FOLLOWING, AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THE TERMINATION:

11 (1) THE VALUE OF THE MEMBER’S MANDATORY EMPLOYEE CONTRIBUTION SUB-  
12 ACCOUNT AND, IF APPLICABLE, ROLLOVER CONTRIBUTION SUB-ACCOUNT; AND

13 (2) IF VESTED UNDER § 7-2 {"VESTING: EMPLOYER CONTRIBUTION SUB-ACCOUNT"} OF  
14 THIS ARTICLE, THE VALUE OF THE MEMBER’S EMPLOYER CONTRIBUTION SUB-  
15 ACCOUNT.

16 **§ 9-6. NO LOANS OR WITHDRAWALS.**

17 NO LOAN AGAINST NOR IN-SERVICE WITHDRAWAL FROM ANY PART OF A MEMBER’S ACCOUNT  
18 IS PERMITTED.

19 **§ 9-7. DIRECT ROLLOVERS.**

20 (A) *DEFINITIONS.*

21 (1) *IN GENERAL.*

22 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

23 (2) "*DISTRIBUTE*".

24 "DISTRIBUTE" MEANS:

25 (I) AN EMPLOYEE OR FORMER EMPLOYEE;

26 (II) THE EMPLOYEE’S OR FORMER EMPLOYEE’S SPOUSE OR FORMER SPOUSE WHO IS  
27 THE ALTERNATE PAYEE UNDER A QUALIFIED DOMESTIC RELATIONS ORDER, AS  
28 DEFINED IN IRC § 414(P), WITH REGARD TO THE INTEREST OF THE SPOUSE OR  
29 FORMER SPOUSE; OR

30 (III) THE EMPLOYEE’S OR FORMER EMPLOYEE’S NONSPOUSE DESIGNATED  
31 BENEFICIARY, IF THE DIRECT ROLLOVER IS MADE TO AN INDIVIDUAL  
32 RETIREMENT ACCOUNT OR ANNUITY ("IRA") UNDER IRC § 408(A) OR § 408(B)  
33 THAT:

34 (A) IS ESTABLISHED ON BEHALF OF THE DESIGNATED BENEFICIARY; AND

**Council Bill 13-0247**

1 (B) IS TREATED AS AN INHERITED IRA UNDER IRC § 402(C)(11).

2 (3) “ELIGIBLE RETIREMENT PLAN”.

3 “ELIGIBLE RETIREMENT PLAN” MEANS ANY OF THE FOLLOWING THAT ACCEPTS A  
4 DISTRIBUTEES ELIGIBLE ROLLOVER DISTRIBUTION:

5 (I) AN INDIVIDUAL RETIREMENT ACCOUNT UNDER IRC § 408(A);

6 (II) AN INDIVIDUAL RETIREMENT ANNUITY UNDER IRC § 408(B);

7 (III) A QUALIFIED PLAN UNDER IRC § 401(A);

8 (IV) AN ANNUITY PLAN UNDER IRC § 403(A);

9 (V) AN ELIGIBLE DEFERRED COMPENSATION PLAN UNDER IRC § 457(B) THAT IS  
10 MAINTAINED BY A STATE, A POLITICAL SUBDIVISION OF A STATE, OR ANY  
11 AGENCY OR INSTRUMENTALITY OF A STATE OR POLITICAL SUBDIVISION OF A  
12 STATE AND THAT AGREES TO SEPARATELY ACCOUNT FOR AMOUNTS  
13 TRANSFERRED FROM THE RETIREMENT SAVINGS PLAN;

14 (VI) AN ANNUITY CONTRACT DESCRIBED IN IRC § 403(B); AND

15 (VII) A ROTH IRA DESCRIBED IN IRC § 408A.

16 (4) “ELIGIBLE ROLLOVER DISTRIBUTION”.

17 (I) *IN GENERAL*.

18 “ELIGIBLE ROLLOVER DISTRIBUTION” MEANS ANY DISTRIBUTION OF ALL OR ANY  
19 PORTION OF THE BALANCE TO THE CREDIT OF THE DISTRIBUTEES.

20 (II) *EXCLUSIONS*.

21 “ELIGIBLE ROLLOVER DISTRIBUTION” DOES NOT INCLUDE:

22 (A) ANY DISTRIBUTION THAT IS ONE OF A SERIES OF SUBSTANTIALLY EQUAL  
23 PERIODIC PAYMENTS (NOT LESS FREQUENTLY THAN ANNUALLY) MADE FOR  
24 THE LIFE (OR LIFE EXPECTANCY) OF THE DISTRIBUTEES OR THE JOINT LIVES  
25 (OR JOINT LIFE EXPECTANCIES) OF THE DISTRIBUTEES AND THE  
26 DISTRIBUTEES DESIGNATED BENEFICIARY, OR FOR A SPECIFIED PERIOD OF  
27 10 YEARS OR MORE;

28 (B) ANY DISTRIBUTION TO THE EXTENT THAT IT IS REQUIRED UNDER IRC  
29 § 401(A)(9);

30 (C) ANY DISTRIBUTION THAT IS MADE ON ACCOUNT OF HARDSHIP; AND

31 (D) SUBJECT TO SUBPARAGRAPH (III) OF THIS SUBSECTION (A)(4), THE PORTION  
32 OF ANY DISTRIBUTION THAT IS NOT INCLUDIBLE IN GROSS INCOME.

**Council Bill 13-0247**

1 (III) *QUALIFICATIONS FOR EXCLUSION UNDER SUBPARAGRAPH (II)(D).*

2 (A) NOTWITHSTANDING SUBPARAGRAPH (II)(D) OF THIS SUBSECTION (A)(4), A  
3 PORTION OF A DISTRIBUTION DOES NOT FAIL TO BE AN “ELIGIBLE ROLLOVER  
4 DISTRIBUTION” MERELY BECAUSE THE PORTION CONSISTS OF AFTER-TAX  
5 EMPLOYEE CONTRIBUTIONS THAT ARE NOT INCLUDIBLE IN GROSS INCOME.

6 (B) SUB-SUBPARAGRAPH (A) OF THIS SUBSECTION (A)(4)(III) APPLIES ONLY IF THE  
7 PORTION IS TRANSFERRED TO:

8 1. A TRADITIONAL INDIVIDUAL RETIREMENT ACCOUNT OR ANNUITY  
9 UNDER IRC § 408(A) OR § 408(B) OR A ROTH INDIVIDUAL RETIREMENT  
10 ACCOUNT OR ANNUITY UNDER IRC § 408A; OR

11 2. A QUALIFIED PLAN UNDER IRC § 401(A) OR § 403(A) OR AN ANNUITY  
12 CONTRACT UNDER IRC § 403(B), IF THE PLAN OR CONTRACT PROVIDES  
13 FOR:

14 A. SEPARATE ACCOUNTS FOR AMOUNTS SO TRANSFERRED  
15 (INCLUDING EARNINGS ON THE TRANSFERRED AMOUNTS); AND

16 B. SEPARATE ACCOUNTING FOR THE PORTION OF THE  
17 DISTRIBUTION THAT IS INCLUDIBLE IN GROSS INCOME AND THE  
18 PORTION OF THE DISTRIBUTION THAT IS NOT SO INCLUDIBLE.

19 (B) *DIRECT ROLLOVERS.*

20 NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE THAT WOULD OTHERWISE LIMIT A  
21 DISTRIBUTEES’ ELECTION UNDER THIS SECTION, A DISTRIBUTEES MAY ELECT, AT THE TIME  
22 AND IN THE MANNER DIRECTED BY THE BOARD OF TRUSTEES, TO HAVE ANY PORTION OF  
23 AN ELIGIBLE ROLLOVER DISTRIBUTION PAID DIRECTLY TO AN ELIGIBLE RETIREMENT PLAN  
24 SPECIFIED BY THE DISTRIBUTEES IN A DIRECT ROLLOVER.

25 **§ 9-8. MINIMUM DISTRIBUTION RULES.**

26 (A) *REASONABLE GOOD FAITH COMPLIANCE.*

27 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, DISTRIBUTIONS UNDER THIS  
28 ARTICLE MUST BE MADE IN ACCORDANCE WITH A REASONABLE GOOD FAITH  
29 INTERPRETATION OF IRC § 401(A)(9), AS APPLICABLE TO THE RETIREMENT SAVINGS  
30 PLAN.

31 (B) *TIME AND MANNER OF DISTRIBUTION.*

32 (1) *REQUIRED {LATEST} BEGINNING DATE.*

33 THE MEMBER’S ENTIRE INTEREST MUST BE DISTRIBUTED TO THE MEMBER NO LATER  
34 THAN THE APRIL 1 OF THE CALENDAR YEAR FOLLOWING THE LATER OF:

35 (I) THE CALENDAR YEAR IN WHICH THE MEMBER ATTAINS AGE 70½; OR

**Council Bill 13-0247**

(II) THE CALENDAR YEAR IN WHICH THE MEMBER TERMINATES EMPLOYMENT WITH  
A PARTICIPATING EMPLOYER.

(2) *DEATH OF MEMBER BEFORE DISTRIBUTION.*

IF THE MEMBER DIES BEFORE DISTRIBUTION IS MADE, THE MEMBER’S ENTIRE INTEREST  
MUST BE DISTRIBUTED NO LATER THAN DECEMBER 31 OF THE CALENDAR YEAR IN  
WHICH THE 5TH ANNIVERSARY OF THE MEMBER’S DEATH OCCURS.

**SUBTITLE 10. ANTI-ALIENATION PROVISIONS**

**§ 10-1. PROHIBITED ASSIGNMENTS, ATTACHMENTS, ETC.**

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN §§ 10-3 {“EXCEPTIONS – GENERAL  
APPLICABILITY”} THROUGH 10-10 {“EXCEPTIONS – FUNERAL EXPENSES”} OF THIS SUBTITLE:

- (1) ALL CURRENT AND FUTURE BENEFITS PROVIDED UNDER THE RETIREMENT SAVINGS  
PLAN AND ALL AMOUNTS THAT HAVE BEEN CREDITED TO A MEMBER’S ACCOUNT ARE  
UNASSIGNABLE; AND
- (2) NO PERSON MAY ATTACH, EXECUTE, GARNISH, OR OTHERWISE SEIZE ANY CURRENT OR  
FUTURE BENEFIT PROVIDED UNDER THE RETIREMENT SAVINGS PLAN OR ANY AMOUNT  
THAT HAS BEEN CREDITED TO A MEMBER’S ACCOUNT.

**§ 10-2. {RESERVED}**

**§ 10-3. EXCEPTIONS – GENERAL APPLICABILITY.**

SUBJECT TO THE REQUIREMENTS OF § 10-12 {“EXCEPTIONS – NOTICE TO BOARD”} OF THIS  
SUBTITLE, THE EXCEPTIONS PROVIDED IN §§ 10-4 {“EXCEPTIONS - COURT ORDERS”}  
THROUGH 10-10 {“EXCEPTIONS – FUNERAL EXPENSES”} APPLY NOTWITHSTANDING § 10-1  
{“PROHIBITED ASSIGNMENTS, ATTACHMENTS, ETC.”} OF THIS SUBTITLE.

**§ 10-4. EXCEPTIONS – COURT ORDERS.**

(A) *IN GENERAL.*

ALL OR ANY PORTION OF A MEMBER’S VESTED ACCOUNT MAY BE ASSIGNED PURSUANT TO:

- (1) A DECREE OR ORDER OF ALIMONY OR CHILD SUPPORT ISSUED BY A COURT OF  
COMPETENT JURISDICTION;
- (2) A COURT ORDER ISSUED BY A COURT OF COMPETENT JURISDICTION APPOINTING  
THE ASSIGNEE AS GUARDIAN OVER THE PROPERTY OF THE MEMBER; OR
- (3) A DOMESTIC RELATIONS ORDER, AS DEFINED IN SUBSECTION (B) OF THIS SECTION.

**Council Bill 13-0247**

1 (B) *DOMESTIC RELATIONS ORDERS.*

2 (1) *“DOMESTIC RELATIONS ORDER” DEFINED.*

3 IN THIS SECTION, “DOMESTIC RELATIONS ORDER” MEANS EITHER OF THE FOLLOWING  
4 THAT SATISFIES THE CONDITIONS OF PARAGRAPH (2) OF THIS SUBSECTION:

5 (I) A MEMBER’S COURT-APPROVED PROPERTY SETTLEMENT AGREEMENT INCIDENT  
6 TO A DIVORCE DECREE; OR

7 (II) A DIVISION OF MARITAL PROPERTY PURSUANT TO A COURT ORDER THAT:

8 (A) CREATES THE RIGHT OR RECOGNIZES THE EXISTENCE OF THE RIGHT OF  
9 AN ALTERNATE PAYEE (AS DEFINED IN IRC § 414(P)(8)) TO RECEIVE  
10 ALL OR A PORTION OF A MEMBER’S BENEFIT UNDER THE RETIREMENT  
11 SAVINGS PLAN; OR

12 (B) ASSIGNS TO AN ALTERNATE PAYEE THE RIGHT TO RECEIVE ALL OR A  
13 PORTION OF A MEMBER’S BENEFIT UNDER THE PLAN.

14 (2) *CONDITIONS OF AGREEMENT OR ORDER.*

15 THE PROPERTY SETTLEMENT AGREEMENT OR COURT ORDER:

16 (I) MAY NOT REQUIRE THE PLAN TO MAKE ANY DISTRIBUTION TO THE ALTERNATE  
17 PAYEE IN A FORM OF PAYMENT OTHER THAN AS REQUIRED BY § 9-1 {“FORM OF  
18 PAYMENT”} OF THIS ARTICLE;

19 (II) MAY NOT REQUIRE THE PLAN TO PROVIDE TO THE ALTERNATE PAYEE AN  
20 AMOUNT GREATER THAN THE VALUE OF THE MEMBER’S VESTED ACCOUNT;

21 (III) MAY NOT REQUIRE THE PAYMENT OF BENEFITS TO AN ALTERNATE PAYEE IF  
22 THE BENEFITS ARE REQUIRED TO BE PAID TO ANOTHER ALTERNATE PAYEE  
23 UNDER ANOTHER ORDER PREVIOUSLY ACCEPTED AS A DOMESTIC RELATIONS  
24 ORDER;

25 (IV) MUST CLEARLY SPECIFY THE PERCENTAGE OR AMOUNT OF THE MEMBER’S  
26 VESTED ACCOUNT TO BE DISTRIBUTED TO THE ALTERNATE PAYEE OR THE  
27 MANNER IN WHICH THE PERCENTAGE OR AMOUNT IS TO BE DETERMINED; AND

28 (V) MUST CLEARLY SPECIFY (OR, TO PROTECT THE PARTIES’ PRIVACY, REQUIRE  
29 SUBMISSION BY SEPARATE WRITING OF) THE NAME, SOCIAL SECURITY  
30 NUMBER, BIRTH DATE, AND LAST KNOWN MAILING ADDRESS OF THE MEMBER  
31 AND THE ALTERNATE PAYEE.

32 (3) *IMPLEMENTATION OF AGREEMENT OR ORDER.*

33 FOLLOWING A DETERMINATION BY THE BOARD OF TRUSTEES THAT A PROPERTY  
34 SETTLEMENT AGREEMENT OR COURT ORDER IS A DOMESTIC RELATIONS ORDER:

**Council Bill 13-0247**

1 (I) A SEPARATE ACCOUNT MUST BE ESTABLISHED AND MAINTAINED ON BEHALF OF  
2 THE ALTERNATE PAYEE;

3 (II) THE ALTERNATE PAYEE MUST BE AFFORDED THE SAME RIGHTS WITH RESPECT  
4 TO THE ACCOUNT AS A MEMBER HAS UNDER THIS ARTICLE, INCLUDING THE  
5 RIGHT TO MAKE AN INVESTMENT ELECTION UNDER § 6-2 {"INVESTMENTS"} OF  
6 THIS ARTICLE; AND

7 (III) DISTRIBUTIONS TO THE ALTERNATE PAYEE MUST BE MADE AT THE TIME  
8 SPECIFIED IN THE DOMESTIC RELATIONS ORDER, WHICH MAY BE BEFORE THE  
9 MEMBER (TO WHOM THE DOMESTIC RELATIONS ORDER RELATES) HAS A  
10 DISTRIBUTABLE EVENT UNDER SUBTITLE 9 {"DISTRIBUTIONS"} OF THIS  
11 ARTICLE.

12 **§ 10-5. EXCEPTIONS – TAX LIENS.**

13 ALL OR ANY PORTION OF A MEMBER’S VESTED ACCOUNT MAY BE PAID IN SATISFACTION OF A  
14 FEDERAL OR STATE TAX LIEN.

15 **§ 10-6. EXCEPTIONS – POWERS OF ATTORNEY.**

16 THE AMOUNT OTHERWISE DUE A MEMBER OR BENEFICIARY MAY BE PAID TO THE MEMBER’S  
17 OR BENEFICIARY’S ATTORNEY-IN-FACT, AS AGENT OF THE MEMBER OR BENEFICIARY, IF THE  
18 MEMBER OR BENEFICIARY HAS PROPERLY DESIGNATED THE ATTORNEY-IN-FACT TO ACT AS  
19 AGENT UNDER A DULY-EXECUTED DURABLE POWER OF ATTORNEY.

20 **§ 10-7. EXCEPTIONS – CUSTODIAN UNDER UNIFORM TRANSFERS TO MINORS ACT.**

21 THE AMOUNT OTHERWISE DUE A MINOR BENEFICIARY MAY BE PAID TO A CUSTODIAN VALIDLY  
22 APPOINTED FOR THE MINOR UNDER THE MARYLAND UNIFORM TRANSFERS TO MINORS ACT  
23 (STATE ESTATES AND TRUSTS ARTICLE, TITLE 13, SUBTITLE 3) OR SIMILAR PROVISIONS OF  
24 ANOTHER JURISDICTION.

25 **§ 10-8. EXCEPTIONS – TRUSTEE.**

26 THE AMOUNT OTHERWISE DUE A MEMBER OR BENEFICIARY MAY BE PAID TO THE MEMBER’S  
27 OR BENEFICIARY’S TRUSTEE, IF THE TRUSTEE WAS DESIGNATED TRUSTEE OF THE MEMBER OR  
28 BENEFICIARY UNDER AN ENFORCEABLE *INTER VIVOS* OR TESTAMENTARY TRUST AGREEMENT.

29 **§ 10-9. EXCEPTIONS – REPRESENTATIVE PAYEE.**

30 THE AMOUNT OTHERWISE DUE A MEMBER OR BENEFICIARY MAY BE PAID TO THE MEMBER’S  
31 OR BENEFICIARY’S SOCIAL SECURITY “REPRESENTATIVE PAYEE” PURSUANT TO THE SOCIAL  
32 SECURITY ACT, 42 U.S.C. § 405(J).

33 **§ 10-10. EXCEPTIONS – FUNERAL EXPENSES.**

34 ALL OR ANY PORTION OF A MEMBER’S VESTED ACCOUNT THAT IS PAYABLE ON ACCOUNT OF A  
35 MEMBER’S DEATH MAY BE PAID TO A FUNERAL ESTABLISHMENT PROVIDING FUNERAL  
36 SERVICES TO THE DECEASED MEMBER, IF THE MEMBER’S BENEFICIARY FILES WITH THE BOARD

**Council Bill 13-0247**

1 OF TRUSTEES, IN THE FORM REQUIRED BY THE BOARD, THE BENEFICIARY’S CONSENT TO THAT  
2 PAYMENT.

3 **§ 10-11 {RESERVED}**

4 **§ 10-12. EXCEPTIONS – NOTICE TO BOARD.**

5 AN ASSIGNMENT UNDER §§ 10-4 {“EXCEPTIONS – COURT ORDERS”} THROUGH 10-10  
6 {“EXCEPTIONS – FUNERAL EXPENSES”} OF THIS SUBTITLE MAY BE MADE ONLY AFTER THE  
7 BOARD OF TRUSTEES RECEIVES:

8 (1) A COPY, AS APPROPRIATE, OF THE COURT ORDER OR DECREE, NOTICE OF TAX LIEN,  
9 POWER OF ATTORNEY, CUSTODIAL DESIGNATION, TRUST DOCUMENT, CERTIFICATION  
10 OF REPRESENTATIVE PAYEE, OR CONSENT TO ASSIGNMENT TO FUNERAL  
11 ESTABLISHMENT; AND

12 (2) ANY ADDITIONAL DOCUMENTS OR INFORMATION THAT THE BOARD REQUIRES.

13 **§ 10-13. {RESERVED}**

14 **§ 10-14. FRAUD OR MISUSE.**

15 IF THE BOARD, THE SOCIAL SECURITY ADMINISTRATION, OR A COURT OF COMPETENT  
16 JURISDICTION DETERMINES THAT ANY AMOUNT PAID UNDER §§ 10-4 {“EXCEPTIONS – COURT  
17 ORDERS”} THROUGH 10-10 {“EXCEPTIONS – FUNERAL EXPENSES”} OF THIS SUBTITLE WAS  
18 OBTAINED BY FRAUD OR MISUSED, THE BOARD MUST TAKE ALL NECESSARY STEPS TO  
19 RECOVER THAT AMOUNT.

20 **SUBTITLE 11. PLAN MODIFICATIONS**

21 **§ 11-1. PLAN AMENDMENT.**

22 (A) *IN GENERAL.*

23 SUBJECT TO THE LIMITATIONS OF SUBSECTION (B) OF THIS SECTION, THE MAYOR AND CITY  
24 COUNCIL OF BALTIMORE RESERVES THE RIGHT, AT ANY TIME BY ORDINANCE, TO AMEND  
25 ANY PROVISION OF THIS ARTICLE.

26 (B) *LIMITATIONS.*

27 NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, NO AMENDMENT MAY CAUSE ANY  
28 VESTED CONTRIBUTIONS MADE BEFORE THE AMENDMENT’S EFFECTIVE DATE TO BECOME  
29 FORFEITABLE.

30 **§ 11-2. DISCONTINUANCE OF PAYMENTS; PLAN TERMINATION.**

31 (A) *IN GENERAL.*

32 THE MAYOR AND CITY COUNCIL RESERVES THE RIGHT, AT ANY TIME BY ORDINANCE, TO  
33 PERMANENTLY DISCONTINUE CONTRIBUTIONS TO THE PLAN OR TO TERMINATE THE PLAN.

## Council Bill 13-0247

### 1 (B) *EFFECT OF DISCONTINUANCE OR TERMINATION.*

2 ON THE EFFECTIVE DATE OF A PERMANENT DISCONTINUANCE OF CONTRIBUTIONS OR A  
3 PLAN TERMINATION, AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE:

4 (1) NO PERSON WHO IS NOT ALREADY A MEMBER MAY BECOME A MEMBER;

5 (2) NO FURTHER CONTRIBUTIONS MAY BE MADE TO THE PLAN; AND

6 (3) THE EMPLOYER CONTRIBUTION SUB-ACCOUNT OF ANY MEMBER THAT IS NOT  
7 ALREADY 100% VESTED AND NON-FORFEITABLE BECOMES 100% VESTED AND  
8 NON-FORFEITABLE.

### 9 (C) *DISTRIBUTION OF ACCOUNTS.*

10 AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THE EFFECTIVE DATE OF A  
11 PERMANENT DISCONTINUANCE OF CONTRIBUTIONS OR A PLAN TERMINATION, THE VALUE  
12 OF EACH MEMBER'S ACCOUNT MUST BE PAID TO THE MEMBER IN 1 LUMP-SUM CASH  
13 PAYMENT.

### 14 § 11-3. **PLAN MERGER, CONSOLIDATION, OR TRANSFER.**

15 IN THE CASE OF A MERGER OR CONSOLIDATION OF THE RETIREMENT SAVINGS PLAN WITH, OR  
16 A TRANSFER OF PLAN ASSETS OR LIABILITIES TO, ANY OTHER PLAN, EACH MEMBER OF THE  
17 RETIREMENT SAVINGS PLAN IS ENTITLED TO RECEIVE, IMMEDIATELY AFTER THE MERGER,  
18 CONSOLIDATION, OR TRANSFER (AS IF THE OTHER PLAN HAD THEN TERMINATED), A BENEFIT  
19 THAT IS EQUAL TO OR GREATER THAN THE BENEFIT THE MEMBER WOULD HAVE BEEN  
20 ENTITLED TO RECEIVE IMMEDIATELY BEFORE THE MERGER, CONSOLIDATION, OR TRANSFER  
21 (AS IF THE RETIREMENT SAVINGS PLAN HAD THEN TERMINATED).

## 22 Article 22 - Retirements Systems

### 23 Subtitle – Employees' Retirement System

### 24 § 2. **Name and date operative; NEW MEMBERS CUTOFF.**

#### 25 (A) *NAME AND DATE OPERATIVE.*

26 (1) A retirement system is hereby established and placed under the management of the  
27 Board of Trustees for the purpose of providing retirement allowances, pensions and  
28 other incidental benefits under the provisions of this subtitle for employees of the  
29 City of Baltimore who become members of this retirement system.

30 (2) [It] THIS SYSTEM shall be known as the "Employees' Retirement System of the City  
31 of Baltimore".

32 (3) The [Retirement System] SYSTEM so created [shall begin] BEGAN operation as of  
33 January 1, 1926.

**Council Bill 13-0247**

1 (B) *NO NEW MEMBERS ON OR AFTER JANUARY 1, 2014.*

2 NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBTITLE:

3 (1) NO PERSON WHO FIRST BECOMES AN EMPLOYEE ON OR AFTER JANUARY 1, 2014,  
4 MAY BECOME A MEMBER OF THIS SYSTEM; AND

5 (2) NO FORMER ACTIVE MEMBER OF THIS SYSTEM WHO AGAIN BECOMES AN EMPLOYEE  
6 ON OR AFTER JANUARY 1, 2014, MAY AGAIN BECOME AN ACTIVE MEMBER OF THIS  
7 SYSTEM.

8 **§ 5. Administration; Board of Trustees.**

9 (b) *Members.*

10 (5) (ii) In addition to the standards and requirements contained in the Baltimore City  
11 Public Ethics Law, Trustees and Board employees may not engage in any of  
12 the following activities or hold any of the following interests, as these  
13 activities or interests are defined in the Baltimore City Public Ethics Law[:].

14 1. No Trustee or Board employee may do business with any system, plan,  
15 or trust administered by [the City’s Deferred Compensation Plan, by  
16 the Board of Trustees of this System, by] ANY OF THE FOLLOWING  
17 (COLLECTIVELY, THE “CITY BENEFIT PLANS”):

18 A. the Board of Trustees of the Employees’ Retirement System OF  
19 THE CITY OF BALTIMORE[.]; [or by]

20 B. the Board of Trustees of the [City’s] Fire and Police  
21 Employees’ Retirement System OF THE CITY OF BALTIMORE;

22 C. THE BOARD OF TRUSTEES OF THE ELECTED OFFICIALS’  
23 RETIREMENT SYSTEM OF THE CITY OF BALTIMORE;

24 D. THE BOARD OF TRUSTEES OF THE RETIREMENT SAVINGS PLAN  
25 OF THE CITY OF BALTIMORE; AND

26 E. THE COMMITTEE OF THE CITY OF BALTIMORE DEFERRED  
27 COMPENSATION PLAN.

28 [(collectively, the “City Benefit Plans”).]

29 **Subtitle – Fire and Police Employees’ Retirement System**

30 **§ 33. Administration.**

31 (b) *Members.*

32 (9) (ii) In addition to the standards and requirements contained in the Baltimore City  
33 Public Ethics Law, Trustees and Board employees may not engage in any of

**Council Bill 13-0247**

1 the following activities or hold any of the following interests, as these  
2 activities or interests are defined in the Baltimore City Public Ethics Law[:].

3 1. No Trustee or Board employee may do business with any system, plan,  
4 or trust administered by [the City’s Deferred Compensation Plan, by  
5 the Board of Trustees of this System, by] ANY OF THE FOLLOWING  
6 (COLLECTIVELY, THE “CITY BENEFIT PLANS”):

7 A. the Board of Trustees of the [City’s] Employees’ Retirement  
8 System OF THE CITY OF BALTIMORE[.]; [or by]

9 B. THE BOARD OF TRUSTEES OF THE FIRE AND POLICE  
10 EMPLOYEES’ RETIREMENT SYSTEM OF THE CITY OF  
11 BALTIMORE;

12 C. the Board of Trustees of the Elected Officials’ Retirement  
13 System OF THE CITY OF BALTIMORE;

14 D. THE BOARD OF TRUSTEES OF THE RETIREMENT SAVINGS PLAN  
15 OF THE CITY OF BALTIMORE; AND

16 E. THE COMMITTEE OF THE CITY OF BALTIMORE DEFERRED  
17 COMPENSATION PLAN.

18 [(collectively, the “City Benefit Plans”).]

19 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the initial Plan Year under this Ordinance  
20 is the 6-month period commencing on January 1, 2014 and ending on June 30, 2014, both dates  
21 inclusive.

22 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
23 are not law and may not be considered to have been enacted as a part of this or any prior  
24 Ordinance.

25 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
26 after the date it is enacted.

