



Legislation Details (With Text)

**File #:** 10-0520    **Version:** 0    **Name:** Elected Officials' Retirement System - Modifications  
**Type:** Ordinance    **Status:** Failed - End of Term  
**File created:** 6/7/2010    **In control:** City Council  
**On agenda:**    **Final action:**  
**Enactment date:**    **Enactment #:**  
**Title:** Elected Officials' Retirement System - Modifications

FOR the purpose of modifying certain provisions of the Elected Officials Retirement System relating to normal retirement date, membership contributions, eligibility, benefits, and method of financing; correcting, clarifying, and conforming related provisions; and generally relating to the Elected Officials' Retirement Syst

**Sponsors:** William H. Cole, IV, Helen L. Holton, Robert Curran, James B. Kraft, Sharon Green Middleton, Warren Branch, Bill Henry, Mary Pat Clarke, Edward Reisinger, Rochelle Spector, Carl Stokes, President Young, Agnes Welch

**Indexes:** Elected Officials, Modifications, Retirement

**Code sections:**

**Attachments:** 1. 10-0520 - 1st Reader.pdf, 2. Labor Comm. - 10-0520.pdf, 3. Law - 10-0520.pdf, 4. Employees & Elected Officials' Retirement - 10-0520.pdf

Date	Ver.	Action By	Action	Result
6/10/2010	0	The City Council	Referred for a Report	
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6/10/2010	0	The City Council	Referred for a Report	
6/7/2010	0	City Council	Introduced	
6/7/2010	0	City Council	Assigned	

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

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INTRODUCTORY\*

CITY OF BALTIMORE  
COUNCIL BILL

Introduced by: Councilmembers Cole, Holton

A BILL ENTITLED

AN ORDINANCE concerning  
**Elected Officials' Retirement System - Modifications**

FOR the purpose of modifying certain provisions of the Elected Officials Retirement System relating to normal retirement date, membership contributions, eligibility, benefits, and method of financing; correcting, clarifying, and conforming related provisions; and generally relating to the Elected Officials' Retirement System..

BY repealing and reordaining, with amendments

Article 22 - Retirement Systems

Section(s) 17A(22), 19(a) and (c), 22(a)(1), (a)(3), and (d)(1), and 24(a)(1)

Baltimore City Code

(Edition 2000)

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

Baltimore City Code

Article 22. Retirement Systems

Subtitle - Elected Officials' Retirement System

§ 17A. Definitions.

(22) "Normal retirement date" [shall be] IS the 1st day of the month after the date at which [the] AN elected official has:

(I) acquired at least 12 years of service credit in this [system] SYSTEM and attained [50] 55 years of age or more; or

(II) ACQUIRED AT LEAST 16 years of service credit in this [system] SYSTEM AND ATTAINED 50 YEARS OF AGE OR MORE.

§ 19. Membership.

(a) (1) Any elected official who is not an A, B, or C member of the Employees' Retirement System of Baltimore City, upon taking the oath of office, [shall] automatically [become] BECOMES a member of this [system] SYSTEM. [Such] THE official [shall be] IS eligible to receive credit for all previous service as an elected official of Baltimore City, and any service credit for membership in any Maryland State or City of Baltimore retirement system, [provided that] IF he files a claim with the Board of Trustees within 6 months after becoming a member, and [shall pay] PAYS to this Retirement System, by a single payment or increased rate of contribution, as might be approved by the Board of Trustees, [the] contributions [with regular interest that he would have paid had he been a Class A member of the Employees' Retirement System during that period] EQUAL TO 7% OF THE OFFICIAL'S EARNABLE COMPENSATION (AS THAT TERM IS DEFINED IN § 1(11) OF THIS ARTICLE), THESE CONTRIBUTIONS TO CONTINUE THROUGHOUT THE OFFICIAL'S ENTIRE PERIOD OF SERVICE.

(2) Any elected official who is an A or B member of the Employees' Retirement System [shall have] HAS the option within 120 days of [his] taking [his] THE oath of office, to become a member of this Retirement System and [shall be] IS eligible to receive credit for all service credit that he OR SHE has acquired in the Employees' Retirement System, and any service credit for membership in any Maryland State[,] or Baltimore City retirement system. In order to receive [such] THIS credit for [such] membership, within 6 months after becoming a member, the elected official shall pay to this Retirement System, by a single payment or increased rate of contribution, as might be approved by the Board of Trustees, [the] contributions [with regular interest that he would have paid for

such membership credit had he been a contributing Class A member of the Employees' Retirement System] EQUAL TO 7% OF THE OFFICIAL'S EARNABLE COMPENSATION (AS THAT TERM IS DEFINED IN § 1(11) OF THIS ARTICLE), THESE CONTRIBUTIONS TO CONTINUE THROUGHOUT THE OFFICIAL'S ENTIRE PERIOD OF SERVICE.

(3) Any elected official who is a C member of the Employees' Retirement System [shall have] HAS the option, within 120 days of [his] taking [his] THE oath of office, to become a member of this Retirement System, and [he shall be] IS entitled to receive credit in this Retirement System, for all service credit SHE OR he had acquired while a C member in the Employees' Retirement System, and any service credit for membership in any Maryland State[,] or Baltimore City retirement system. In order to receive [such] THIS credit for membership, within 6 months after becoming a member, the elected official shall pay to this Retirement System, by a single payment or increased rate of contribution, as might be approved by the Board of Trustees, [the] contributions [with regular interest that he would have paid for such membership credit had he been a contributing Class A member of the Employees' Retirement System] EQUAL TO 7% OF THE OFFICIAL'S EARNABLE COMPENSATION (AS THAT TERM IS DEFINED IN § 1(11) OF THIS ARTICLE), THESE CONTRIBUTIONS TO CONTINUE THROUGHOUT THE OFFICIAL'S ENTIRE PERIOD OF SERVICE.

(c) (1) Notwithstanding anything to the contrary, any elected official who is a member of this retirement system has the right at his or her option to continue membership in the retirement system after his or her leaving office or the end of the term of office for which he or she was last elected. This right is contingent on that person's making all the payments that would have been made by him or her and also by the City, as determined by the actuary, had he or she continued to hold the elected office. These payments shall be based on the current annual earnable rate of compensation that the person would have received had he or she remained in office. However, to the extent that any elected official leaves office to begin employment in a position covered by another City system and begins to accrue service credit in that other system, pursuant to § 48 of this article, that former elected official may not choose to continue active membership in this system.

(2) To exercise this option, the elected official is required to deposit the remainder of all the payments in advance, within 30 days after leaving office or the end of the term of office for which the elected official served, for the current fiscal year that would have been paid had he or she continued to hold office. Thereafter, payments shall be made in annual amounts, in advance within 30 days of the beginning of each fiscal year. These payments entitle the official to the same service credit that he or she was receiving as a member before leaving office. On [accruing] ATTAINING AT LEAST 12 years of membership credits and [50] 55 years of age or more or 16 years of membership credits AND 50 YEARS OF AGE OR MORE, the elected official is entitled to receive a service retirement allowance as provided for in § 22(a) of this subtitle, computed as if he or she were a member retiring from active service. Should a member so electing die before he or she becomes eligible for any benefits under this subtitle, the amount of his or her accumulated contributions with interest to the date of death shall be paid to his or her estate, or to the person that she or he nominated by written designation duly acknowledged and filed with the Board of Trustees at the time of retirement. The deceased member's beneficiary or estate is not entitled to any benefit under this subtitle other than the return of the deceased member's accumulated contributions.

## § 22. Benefits.

(a) Service retirement benefits.

(1) Eligibility.

Any member in service may retire [provided that] IF the member has:

(i) acquired AT LEAST 12 [or more] years of service IN THIS SYSTEM and attained [the age of 50] 55

YEARS OF AGE OR MORE; or

(ii) acquired AT LEAST 16 years of service IN THIS SYSTEM[, regardless of age] AND ATTAINED 50 YEARS OF AGE OR MORE.

(3) Amount of service retirement benefit.

(I) [Upon] ON retirement from service, a member is entitled to receive, SUBJECT TO THE LIMITATION SPECIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (3), an annual maximum service retirement allowance [equaling 2.5%] EQUAL TO 2.8% OF the member's current annual earnable compensation multiplied by the number of years of the member's service credit.

(II) [Such] THIS allowance shall consist of:

(A) [(i)] an annuity equal to the actuarial equivalent of the member's accumulated contributions at the time of retirement; and

(B) [(ii)] a pension, equal to the annual maximum retirement allowance less the annuity described in item [(i)] (A) of this [paragraph 2] SUBPARAGRAPH (II).

(III) FOR ANY PERSON WHO FIRST BECOMES A MEMBER OF THIS SYSTEM ON OR AFTER JULY 1, 2010, THE ANNUAL MAXIMUM SERVICE RETIREMENT ALLOWANCE TO BE PAID MAY NOT EXCEED 65% OF THE MEMBER'S ANNUAL EARNABLE COMPENSATION AT THE TIME OF HIS OR HER RETIREMENT.

(d) Deferred vested retirement benefit.

(1) Eligibility.

Any member will receive a deferred vested retirement benefit who:

(i) has acquired at least 12 years of service but less than 16 years service, all of which does not need to be continuous;

(ii) has left office before attaining age [50] 55; and

(iii) has elected to leave his or her accumulated contributions with the System, with regular interest, while the member is no longer in office.

§ 24. Method of financing.

(a) Annuity Savings Fund.

(1) The Annuity Savings Fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Effective with the 1st full payroll period commencing after the December 1983 new term of office, the contributions by a member to the Retirement System shall equal [5%] 7% of his OR HER current annual earnable compensation, [such] THESE contributions to continue throughout [such] THE member's entire period of service. However, no contributions [shall] MAY be made by the member after the member has attained age 60 and has acquired 35 years of service credit in this system.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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