



Legislation Details (With Text)

**File #:** 16-0756    **Version:** 0    **Name:** Retirement Savings Plan - Definition of "Employee" - Composition of Board of Trustees - Forfeitures  
**Type:** Ordinance    **Status:** Failed - End of Term  
**File created:** 9/19/2016    **In control:** Taxation, Finance and Economic Development Committee  
**On agenda:**    **Final action:** 12/5/2016  
**Enactment date:**    **Enactment #:**

**Title:** Retirement Savings Plan - Definition of "Employee" - Composition of Board of Trustees - Forfeitures For the purpose of clarifying the definition of "employee"; changing the composition of the Board of Trustees; providing for the election of the Board Chair; clarifying the provisions that require Board of Estimates' approval for the retention of services; revising the rules governing the forfeitures of certain accounts; correcting, clarifying, and conforming related language; and generally relating to the administration and operation of the Retirement Savings Plan of the City of Baltimore.

**Sponsors:** City Council President (Administration)

**Indexes:** Board of Trustees, Composition, Employee, Retirement Savings Plan

**Code sections:**

**Attachments:** 1. 16-0756~1st Reader, 2. HR 16-0756, 3. Finance 16-0756, 4. Labor Commissioner 16-0756

Date	Ver.	Action By	Action	Result
9/22/2016	0	The City Council	Refer to Retirement Savings Plan Board of Trustees	
9/22/2016	0	The City Council	Refer to Dept. of Finance	
9/22/2016	0	The City Council	Refer to Labor Commissioner	
9/22/2016	0	The City Council	Refer to Dept. of Human Resources	
9/22/2016	0	The City Council	Refer to City Solicitor	
9/22/2016	0	The City Council	Refer to Employees' Retirement System	
9/19/2016	0	City Council	Assigned	
9/19/2016	0	City Council	Introduced	

Introduced by: The Council President  
At the request of: The Administration (Finance Department)

A Bill Entitled

An Ordinance concerning  
**Retirement Savings Plan - Definition of "Employee" - Composition of Board of Trustees - Forfeitures**  
For the purpose of clarifying the definition of "employee"; changing the composition of the Board of Trustees; providing for the election of the Board Chair; clarifying the provisions that require Board of Estimates' approval for the retention of services; revising the rules governing the forfeitures of certain accounts; correcting, clarifying, and conforming related language; and generally relating to the administration and operation of the Retirement Savings Plan of the City of Baltimore.

By repealing and reordaining with amendments

Article 22 A - Retirement Savings Plan  
Section(s) 1-1(h), 2-2(a) and (b), 2-6(a), 2-7(b), 2-8(a), 2-10, and 8-1  
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 22A. Retirement Savings Plan**

**§ 1-1. Definitions.**

(h) *Employee.*

(1) *In general.*

“Employee” means any of the following, if in a job classification that requires at least 500 hours per year:

(i) except as provided in paragraph (2) of this subsection[,];

(A) any permanent officer or employee of the Mayor and City Council of Baltimore, including any officer or employee of an agency, department, unit, subdivision, or instrumentality of the Mayor and City Council; and

(B) any permanent officer or employee, by whatever authority appointed, whose salary or compensation is paid by the Mayor and City Council of Baltimore, except when the City of Baltimore acts only as an agent for the convenience of disbursing payroll funds; and

(ii) any employee of the Baltimore City Public School System who is not eligible to participate in the Maryland State Retirement and Pension System.

**§ 2-2. Board composition.**

(a) *In general.*

(1) The Board consists of [14] 11 trustees.

(2) Of these:

(i) [11] 8 trustees serve with voting privileges (“voting trustees”); and

(ii) 3 trustees serve in an advisory capacity only, without voting privileges (“non-voting trustees”).

(b) *Voting trustees.*

[(1) *In general.*]

The [11] 8 voting trustees are:

(1) [(i)] the Director of Finance or the Director’s designated representative[, who must be either the

Deputy Director of Finance or the Budget Director];

- (2) [(ii)] the City Comptroller;
  - (3) [(iii)] the Director of Human Resources;
  - (4) [(iv)] the City Labor Commissioner;
  - (5) [(v)] the Executive Director of the Employees' Retirement System of the City of Baltimore;
  - (6) [(vi)] *2 representatives of the Baltimore City Public School System, to be designated by* the Chief Executive Officer of the Baltimore City Public School System; and
  - (7) [(vii)] *a representative designated jointly by AFSCME Local 44, the City Union of Baltimore ("CUB"), and the Managerial and Professional Society of Baltimore, Inc. ("MAPS")*[; and].
- [(viii) 3 residents and registered voters of the City of Baltimore, to be appointed by the Mayor in accordance with City Charter Article IV, § 6.]

[(2) *Appointed trustees - Qualifications.*]

- [(i) The 3 voting trustees appointed under paragraph (1)(viii) of this subsection must each have at least 10 years of relevant institutional investment management expertise.]
- [(ii) None of these appointed trustees may be an official or employee of the City at the time of his or her appointment or during the entire term of office.]

[(3) *Appointed trustees - Term of office.*]

- [(i) Each of the 3 voting trustees appointed under paragraph (1)(viii) of this subsection serves for a term of 4 years, concurrent with the term of the Mayor.]
- [(ii) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.]
- [(iii) A trustee appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.]

§ 2-6. Officers.

(a) *Chair.*

The [Director of Finance (or the Director's designated representative) serves] The voting trustees shall elect a voting trustee to serve as **Chair of the Board**.

§ 2-7. Meetings; Voting; Records.

(b) *Voting.*

- (1) Each voting trustee is entitled to 1 vote on the Board.
- (2) [6] 5 voting trustees constitute a quorum.
- (3) An affirmative vote by the majority of a quorum is needed for any action by the Board of Trustees.

**§ 2-8. Retention of services; Right of reliance.**

(a) *Services.*

- (1) From time to time, as the Board of Trustees determines necessary for the efficient administration of the Retirement Savings Plan, the Board may:
  - (i) retain the services of a third-party administrator to provide administrative and recordkeeping services for the Plan;
  - (ii) retain the services of 1 or more investment advisors to provide investment assistance and advice;
  - (iii) retain the services or secure the advice of any other person or entity; and
  - (iv) appoint an Executive Director for the Plan and delegate to the Executive Director and the Executive Director's staff any of the Board's duties or responsibilities under this subtitle.
- (2) The retention of these services is subject to the approval of the Board of Estimates, [if the fees for the services exceed the dollar threshold that generally requires] as required by the City Charter and the rules and regulations of the Board of Estimates [approval].

**§ 2-10. Compensation; Expenses.**

(a) *In general.*

[Except as provided in subsection (b) of this section, each Trustee] Each trustee serves without compensation.

(b) *Stipend for appointed trustees.*

- [(1) Each of the 3 trustees appointed under § 2-2(b)(1)(viii) of this subtitle is entitled to a stipend, in an amount determined by the Board of Estimates, for attending meetings of the Board of Trustees.]
- [(2) The Board of Trustees may establish meeting-attendance standards that the appointed trustees must satisfy to be eligible for the stipend.]

(b) [(c)] *Expenses.*

All voting and non-voting [Trustees] trustees are entitled to reimbursement for reasonable expenses incurred in the performance of their duties.

**Subtitle 8. Forfeitures**

**§ 8-1. Forfeiture of non-vested [Employer Contributions ] employer contributions .**

[The Employer Contribution Sub-Account of] If a member [who] terminates employment with a participating

employer before [that sub-account] the member's Employer Contribution Sub-Account is vested under § 7-2 {"Vesting: Employer Contribution Sub-Account"} of this article and the employee is not subsequently reemployed within 180 days after termination, that sub-account is forfeited as of the [date of] 180<sup>th</sup> day after the member's termination of employment.

**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 30<sup>th</sup> day after the date it is enacted.