

Bill No. 36-09
Concerning: Elected Officials -
Compensation
Revised: December 1, 2009 Draft No.3
Introduced: November 3, 2009
Enacted: December 1, 2009
Executive: December 10, 2009
Effective: March 11, 2010 (but see §2)
Sunset Date: None
Ch. 33, Laws of Mont. Co. 2009

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President on behalf of the Committee to Study the Compensation of the County
Executive, County Council, Sheriff, and State's Attorney

AN ACT to:

- (1) modify the compensation of the County Executive, County Council, Sheriff, and State's Attorney; and
- (2) generally amend the law relating to compensation of elected officials.

By amending

Montgomery County Code
Montgomery County Code
Chapter 1A, Structure of County Government
1A-106

Chapter 2, Administration
Sections 2-7 and 2-123A

Chapter 33, Personnel and Human Resources
Sections 33-37, 33-38, 33-39, 33-40, 33-41, and 33-45

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 1A-106, 2-7, and 2-123A are amended as follows:**

2 **1A-106. Salaries of the County Executive and Councilmembers.**

3 (a) *Salary of County Executive.* Except as provided in subsection (c), the

4 County Executive must receive an annual salary of:

5 (1) [\$163,000 beginning on December 4, 2006;

6 (2) \$167,000 beginning on December 3, 2007;

7 (3) \$171,000 beginning on December 1, 2008; and

8 (4)] \$175,000 beginning on December 7, 2009; and

9 (2) \$180,250 beginning on December 3, 2012.

10 (b) *Salary of Councilmembers.*

11 (1) Except as provided in paragraph (2) and subsection (c), a

12 Councilmember must receive an annual salary of:

13 (A) [\$84,721 beginning on December 4, 2006; and

14 (B) \$89,721 beginning on December 3, 2007]

15 ~~[[\$94,595]]~~ \$94,351 beginning on December 6, 2009;

16 ~~(B) [[\$99,325]]~~ \$99,069 beginning on December 5, 2011; and

17 ~~(C) [[\$104,291]]~~ \$104,022 beginning on December 3, 2012.

18 (2) The Council President must receive an additional amount equal

19 to 10% of the salary of other Councilmembers.

20 (c) *Annual adjustments.*

21 (1) Beginning on [~~December 1, 2008~~] December 2, 2013, the

22 salaries of the Councilmembers must be increased [each year on

23 the first Monday in December] by ~~[[the lower of:~~

24 ~~(A)]]~~ the annual average percentage increase, if any, in the

25 Consumer Price Index for All Urban Consumers for the

26 Washington-Baltimore Metropolitan Area, or any

27 successor index, for the 12 months preceding [October]

28 September 1 of that year~~[[; or~~

29 (B) the amount of the general wage adjustment for members
30 of the Service, Labor, and Trades and the Office,
31 Professional, and Technical bargaining units established
32 in Section 33-105 for fiscal year 2014]].

33 (2) Beginning on [December 6, 2010] December 2, 2013, the salary
34 of the County Executive must be increased [each year on the
35 first Monday in December] by [[the lower of:

36 (A)] the annual average percentage increase, if any, in the
37 Consumer Price Index for All Urban Consumers for the
38 Washington-Baltimore Metropolitan Area, or any
39 successor index, for the 12 months preceding [October]
40 September 1 of that year~~]; or~~

41 (B) the amount of the general wage adjustment for members
42 of the Service, Labor, and Trades and the Office,
43 Professional, and Technical bargaining units established
44 in Section 33-105 for fiscal year 2014]].

45 * * *

46 **2-7. Location of Sheriff's office; compensation of Sheriff; required use of**
47 **vehicle.**

48 * * *

49 (b) *Salary.*

50 (1) Except as provided in paragraph (2), beginning on [December
51 4, 2006] December 6, 2010, the Sheriff must receive an annual
52 salary of [~~\$125,000~~] \$154,000.

53 (2) Beginning on [December 1, 2007] December 2, 2013, the
54 Sheriff's salary must be increased [each year on the annual
55 anniversary of the first day of the term of office] by [[the lower
56 of:

57 (A)] the annual average percentage increase, if any, in the
58 Consumer Price Index for All Urban Consumers for the
59 Washington-Baltimore Metropolitan Area, or any
60 successor index, for the 12 months preceding [October]
61 September 1 of that year[; or

62 (B) the amount of the general wage adjustment for members
63 of the Police bargaining unit as defined in Section 33-76
64 for fiscal year 2014]].

65 * * *

66 **2-123A. Compensation of the State's Attorney.**

67 (a) Except as provided in subsection (b), beginning on [January 1, 2007]
68 January 3, 2011, the State's Attorney must receive an annual salary of
69 [\$160,000] \$199,000.

70 (b) Beginning on [January 7, 2008] January 6, 2014, the salary of the
71 State's Attorney must be adjusted annually [on the first Monday in
72 January] by [the lower of:

73 (1)] the annual average percentage increase, if any, in the Consumer
74 Price Index for All Urban Consumers for the Washington-
75 Baltimore Metropolitan Area, or any successor index, for the 12
76 months preceding [October] September 1 of that year[; or

77 (2) the amount of the general wage adjustment for members of the
78 Service, Labor, and Trades and the Office, Professional, and
79 Technical bargaining units established in Section 33-105 for
80 fiscal year 2014]].

81 **Sec. 2. Sections 33-37, 33-38, 33-39, 33-40, 33-41, and 33-45 are amended**

82 **as follows:**

83 **33-37. Membership requirements and membership groups.**

84 * * *

85 (e) Retirement plans.

86 * * *

87 (4) (A) Except as provided in subparagraphs (B), ~~[[and]]~~ (C), and
88 Subsection (k)(5), any individual who becomes an elected
89 official must become a member of the elected officials'
90 plan on the date the individual becomes an elected official.

91 * * *

92 (k) Election to join the guaranteed retirement income plan.

93 * * *

94 (5) An individual who is an elected official after December 6, 2010
95 who participates in the elected officials' plan may make a one-
96 time irrevocable decision to terminate participation in the elected
97 officials' plan and participate in the guaranteed retirement
98 income plan. An elected official must make this decision during
99 the first 150 days after becoming an elected official. If an eligible
100 elected official decides to participate, participation must begin on
101 the first pay period after the elected official has been in office for
102 180 days. An elected official who decides to participate must
103 have his or her elected officials' plan account balance transferred
104 to the guaranteed retirement income plan. The amount
105 transferred into the guaranteed retirement income plan must
106 become the participant's initial guaranteed retirement income
107 plan account balance. An elected official who does not
108 participate in the guaranteed retirement income plan must
109 continue to participate in the elected officials' plan.

110 **33-38. Normal retirement date, mandatory retirement date, early retirement**
111 **date, and trial retirement.**

112 (a) Normal retirement date. The normal retirement date is the first day of
113 the month elected by a member after the member meets the years of
114 service and age requirements for the applicable membership group. For
115 normal retirement:

116 * * *

117 (8) An elected officials' participant or an elected official who
118 participates in the guaranteed retirement income plan must have
119 at least the lesser of a full term of office or 4 years of credited
120 service and be at least age 62.

121 (9) A guaranteed retirement income plan participant, except an
122 elected official, must be at least age 62 with 3 years of credited
123 service.

124 * * *

125 **33-39. Member contributions and credited interest.**

126 (a) Member contributions. Each member of the retirement system must
127 contribute a portion of the member's regular earnings through regular
128 payroll deductions.

129 * * *

130 (3) Member Contributions to the Elected Officials' Plan. A member
131 of the Elected Officials' Plan must contribute ~~[[3]]~~ 4 percent. To
132 the extent allowed under Section 414(h)(2) of the Internal
133 Revenue Code, the County must "pick up" (as described in the
134 Internal Revenue Code) mandatory member contributions to the
135 Elected Officials' Plan.

136 * * *

137 **33-40. Employer contributions.**

138 * * *

139 (d) Elected officials' plan. Subsections 33-40(a), (b), and (c) do not apply to
 140 the elected officials' plan. Instead, the following provisions apply:

141 (1) The County must contribute to the elected officials' plan in
 142 monthly installments, on behalf of each elected officials'
 143 participant, an amount equal to ~~[[six (6)]]~~ 8 percent of the elected
 144 officials' participants' regular earnings. The County's elected
 145 officials' contributions are to be adjusted to take into account any
 146 forfeiture under subsection 33-40(d)(2)d. In determining the
 147 amount of the County elected officials' contributions, only an
 148 elected officials' participant's regular earnings earned while that
 149 elected officials' participant made required elected officials'
 150 participant contributions are counted.

151 * * *

152 **33-41. Credited service.**

153 * * *

154 (q) For the guaranteed retirement income plan, subsections (a)-(o) do not
 155 apply and credited service must be determined only under this
 156 subsection.

157 (1) Credited service includes the total County service the participant
 158 rendered under the guaranteed retirement income plan, the
 159 retirement savings plan, the optional retirement plan, ~~[[and]]~~ the
 160 integrated plan, and the elected officials' plan. Each participant
 161 must receive one year of credited service for each year of County
 162 service while participating in one of the County's retirement
 163 plans. Each year of County service ends on the anniversary of
 164 the participant's date of participation.

165 * * *

166 **33-45. Vested benefits and withdrawal of contributions.**

167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194

(c) *Vested benefits.*

(8) Vesting for the guaranteed retirement income plan. A member, except a member who is an elected official, has a 100% vested interest in the member's County contribution credits and the credited interest on the member's County contribution credits after the member attains 3 years of credited service. A member who is an elected official has a 100% vested interest in the member's County contribution credits and the credited interest on the member's County contribution credits after the member attains the lesser of a full term of office or 4 years of credited service. A member who is not 100% vested in accordance with the preceding ~~[[sentence]]~~ two sentences must become 100% vested in the member's County contribution credits and the credited interest on the County contribution credits from the effective date of a termination of the guaranteed retirement income plan or upon death or disability. A member is disabled if the member is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. A member who terminates employment with the County and is not vested in any County contribution credits or the credited interest on the County contribution credits must forfeit the County contribution credits plus the credited interest on the County contributions credits.

* * *

195 **Sec. 3. Transition: Effective date.**

196 The County Executive, Councilmembers, Sheriff, and State's Attorney must
197 receive the salaries authorized by Section 1A-106, Section 2-7, and Section 2-123A
198 before being amended by this Act until those salaries are increased under Section 1A-
199 106, Section 2-7, and Section 2-123A, as amended by Section 1 of this Act. Section
200 2 of this Act takes effect on December 6, 2010. An eligible individual who is an
201 elected official on December 5, 2010, and remains in office on and after December 6,
202 2010, must decide to participate in the guaranteed retirement income plan on or
203 before May 1, 2011. If an elected official decides to participate between December
204 6, 2010 and May 1, 2011, that elected official's participation must begin on the first
205 pay period after June 1, 2011.

206

207 *Approved:*

208 *Nancy Floreen* *December 3, 2009*
Nancy Floreen, President, County Council Date

209 *Approved:*

210 *Isiah Leggett* *Dec 10, 2009*
Isiah Leggett, County Executive Date

211 *This is a correct copy of Council action.*

212 *Linda M. Lauer* *Dec 11, 2009*
Linda M. Lauer, Clerk of the Council Date