

MEMORANDUM

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Action:** Bill 36-09, Elected Officials – Compensation

Bill 36-09, Elected Officials – Compensation, sponsored by the Council President at the request of the Committee to Study Compensation of the County Executive, County Council, Sheriff and State's Attorney, was introduced on November 3. A public hearing was held on November 24.

The Council established the Committee to Study the Compensation of the County Executive, County Council, Sheriff, and State's Attorney (Committee), by Resolution No. 16-877, on March 17, 2009. The Council is authorized to establish the compensation for the Councilmembers and the Executive by Charter Sections 107 and 204. State law authorizes the Council to establish the compensation for the Sheriff and the State's Attorney. Article III, Section 35 of the Maryland Constitution prohibits an increase or decrease in the salary of these elected officials during their term of office.

The Committee, consisting of 5 volunteer citizens appointed by the Council, studied this matter for 6 months and issued a final report in September 2009.¹ Bill 36-09 would modify the compensation of the County Executive, County Council, Sheriff and State's Attorney as recommended by the Committee. The Bill, based upon the Committee's recommendations, would make the following changes:

County Executive: Increase salary to \$180,250 beginning on December 3, 2012 and, on December 2, 2013, by the lower of:

- (A) the annual average percentage increase, if any, in the Consumer Price Index for All Urban Consumers for the Washington-Baltimore Metropolitan Area, or any successor index, for the 12 months preceding September 1 of that year; or
- (B) the amount of the general wage adjustment for members of the Service, Labor, and Trades and the Office, Professional, and Technical bargaining units established in Section 33-105 for fiscal year 2014.

¹ A copy of the report is available at:

http://www.montgomerycountymd.gov/content/council/pdf/agenda/col/2009/091013/20091013_3.pdf

Dec. 2008	Dec. 2009	Dec. 2010	Dec. 2011	Dec. 2012	Dec. 2013
\$171,000	\$175,000	\$175,000	\$175,000	\$180,250	\$180,250 plus CPIU or MCGEO GWU

Councilmembers: Increase salary to \$99,069 on December 5, 2011 and \$104,022 on December 3, 2012. Increase salary on December 2, 2013 by the lower of:

- (A) the annual average percentage increase, if any, in the Consumer Price Index for All Urban Consumers for the Washington-Baltimore Metropolitan Area, or any successor index, for the 12 months preceding September 1 of that year; or
- (B) the amount of the general wage adjustment for members of the Service, Labor, and Trades and the Office, Professional, and Technical bargaining units established in Section 33-105 for fiscal year 2014.

	Dec. 2008	Dec. 2009 ²	Dec. 2010	Dec. 2011	Dec. 2012	Dec. 2013
Councilmembers	\$94,040	\$94,351	\$94,351	\$99,069	\$104,022	\$104,022 plus CPIU or MCGEO GWA
Council President ³	\$103,444	\$103,786	\$103,786	\$108,976	\$114,424	\$114,424 plus CPIU or MCGEO GWA

Sheriff: Increase salary to \$154,000 on December 6, 2010 and on December 2, 2013 by the lower of:

- (A) the annual average percentage increase, if any, in the Consumer Price Index for All Urban Consumers for the Washington-Baltimore Metropolitan Area, or any successor index, for the 12 months preceding September 1 of that year; or
- (B) the amount of the general wage adjustment for members of the Police bargaining unit established in Section 33-76 for fiscal year 2014.

Dec. 2008	Dec. 2009	Dec. 2010	Dec. 2011	Dec. 2012	Dec. 2013
\$135,298	\$136,096	\$154,000	\$154,000	\$154,000	\$154,000 plus CPIU or Police GWA

² Councilmember salaries will be increased by .33% in December 2009 under current law based upon the annual average percentage increase in the CPIU.

³ The Council President currently receives 10% more than the other Councilmembers. The Committee recommended no change to this supplement.

State's Attorney: Increase salary to \$199,000 on January 3, 2011 and adjust it on January 6, 2014 by the lower of:

- (A) the annual average percentage increase, if any, in the Consumer Price Index for All Urban Consumers for the Washington-Baltimore Metropolitan Area, or any successor index, for the 12 months preceding September 1 of that year; or
- (B) the amount of the general wage adjustment for members of the Service, Labor, and Trades and the Office, Professional, and Technical bargaining units established in Section 33-105 for fiscal year 2014.

Jan. 2009	Jan. 2010	Jan. 2011	Jan. 2012	Jan. 2013	Jan. 2014
\$173,181	\$174,203	\$199,000	\$199,000	\$199,000	\$199,000 adjusted by CPIU or MCGEO GWA

Public Hearing

The lone speaker at the November 24 public hearing, Yale Wiesberg, on behalf of the Committee to Study the Compensation of the County Executive, County Council, Sheriff, and State's Attorney, recommended that the Council amend the Bill to extend the recent changes to the employee retirement plans to the elected officials in the next term. See ©8-9.

Issues

1. The average annual increase in the CPIU for the 12 months preceding October 2009.

Councilmembers salaries are scheduled to be increased by the average annual increase in the Consumer Price Index for All Urban Consumers in the Washington-Baltimore Metropolitan Area (CPIU) for the 12 months preceding October 1, 2009. The Committee recommended an increase of 5% in December 2011. The Bill, as introduced, assumed an average annual increase in the CPIU of .59%. However, after the Bill was introduced, the Office of Human Resources calculated the average annual increase in the CPIU as .33%. See ©7. Therefore, the salary of Councilmembers in December 2009 will increase to \$99,351 rather than \$99,325 as specified in the Bill as introduced. *Therefore, the salary of Councilmembers should be \$94,351 on line 15, \$99,069 on line 16, and \$104,022 on line 17 of the Bill.*⁴ **Council staff recommendation:** amend the Bill to correctly reflect the .33% CPIU increase under current law for Councilmember salaries in December 2009.

⁴ Current law provides for a CPIU adjustment for each year into the future. The Committee only recommended a CPIU adjustment for the 4th year of the next term for each elected official. The Bill follows the Committee recommendation that no CPIU adjustment be established now for years beginning after the next 4-year term.

2. Does linking raises to the general wage increase negotiated with a union and approved by the Council violate Art. III, §35 of the Maryland Constitution?

Article III, §35 of the Maryland Constitution provides, in relevant part, that:

Extra compensation may not be granted or allowed by the General Assembly to any public Officer, Agent, Servant or Contractor, after the service has been rendered, or the contract entered into; nor may the salary or compensation of any public officer be increased or diminished during his term of office except those whose full term of office is fixed by law in excess of 4 years. (Emphasis added.)

The State's Attorney, the Sheriff, the Executive, and the Councilmembers are all public officers who serve a 4 year term subject to Art. III, §35. *Marshall v. Director of Finance for Prince George's County*, 294 Md. 435 (1982). The Court, in *Marshall*, described the purpose of this provision as follows:

[t]he second clause was intended to prevent a public officer from using his office for the purpose of putting pressure upon the General Assembly or other authorized agency to award him additional compensation and, on the other hand, to prevent the General Assembly or other agency from putting pressure on a public officer by offering him increased compensation or threatening a decrease thereof. 294 Md. at 438

The Committee recommended that the salary for the final year of the next term of office for each of these elected officials be adjusted by the lower of the average annual increase in the CPIU or the approved general wage adjustment (GWA) for a specific union representing County employees. Although the average annual increase in the CPIU is not under the direct control of any elected official, the GWA for the unions representing County employees is under the direct control of both the Executive and the Councilmembers. The Executive is responsible for negotiating the GWA with the unions and the Council is responsible for approving or rejecting the negotiated GWA. Although the CPIU would represent a maximum increase, Article III, §35 prohibits both an increase and a decrease in a public officer's salary during the term of office. Using the GWA to determine an in-term increase in salary would give the Executive and the Council the authority to control the increase for the last year of the term of office for all of the elected officials covered by the Bill. It is the opinion of Council staff that linking the GWA to the increase in the final year of the term would violate Art. III, §35 of the Maryland Constitution. **Council staff recommendation:** amend the Bill to remove the link between the raises for the last year of the terms to the approved GWA for certain County unions. See Staff Amendment 1 at ©10-11.

3. Should the retirement benefits for elected officials be consistent with the retirement benefits for County employees?

The Elected Official's Plan (EOP) is a County retirement plan that covers the County Executive, Councilmembers, the Sheriff, and the State's Attorney.⁵ The EOP is a self-directed defined contribution plan similar to the Retirement Savings Plan (RSP) for non-public safety employees hired after 1994. An elected official contributes 3% of salary and the County contributes 6% of salary. The Retirement Savings Plan was amended, effective July 1, 2008, to increase the employee's contribution to 4%⁶ and the County contribution to 8%.

In addition, County employees participating in the RSP were offered a one-time opportunity to transfer into a new plan, the Guaranteed Retirement Income Plan (GRIP), effective July 1, 2009. The GRIP is a cash balance plan that creates an individual participant account similar to the RSP except that the participant's account balance is automatically credited with a 7.25% interest rate instead of the amount earned by the self-directed investments under the RSP. Under the GRIP, a participant's account balance is invested by the Board of Investment Trustees along with the assets of the traditional defined benefit plan. The employee and the County contribution rate for the GRIP and the RSP are the same.

The Committee, in its report, did not recommend any change to the EOP for the next term for these elected officials. However, Yale Wiesberg, Chair of the Committee, testified at the public hearing that the Committee reconsidered this position and now recommends that the recent changes to the RSP contribution rates and the GRIP option be extended to elected officials in the next term for consistency with the retirement benefits afforded County employees. See ©8-9. **Council staff recommendation:** amend the Bill to increase the employee and employer contribution rates for the EOP to 4% and 8% and permit an elected official to make a one-time irrevocable decision to transfer to the GRIP. See Staff Amendment 2 ©12-16.

<u>This packet contains:</u>	<u>Circle #</u>
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⁵ A person who is a member of a different County retirement plan immediately before being elected to one of these offices may continue to participate in the other retirement plan.

⁶ The employee's contribution increases to 8% for that portion of salary exceeding the maximum salary for social security contributions. EOP participants are already permitted to voluntarily contribute up to an additional 7% of earnings.

Bill No. 36-09
Concerning: Elected Officials -
Compensation
Revised: October 27, 2009 Draft No. 2
Introduced: November 3, 2009
Expires: May 3, 2011
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

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

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 beginning on December 6, 2009;
16 (B) \$99,325 beginning on December 5, 2011; and
17 (C) \$104,291 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

LEGISLATIVE REQUEST REPORT

Bill 36-09

Elected Officials - Compensation

DESCRIPTION: To modify the compensation of the County Executive, County Council, Sheriff and State's Attorney

PROBLEM: The Council is authorized to establish the compensation for the Councilmembers and the Executive by Charter Sections 107 and 204. State law authorizes the Council to establish the compensation for the Sheriff and the State's Attorney. Article III, Section 35 of the Maryland Constitution prohibits changes in the salary of these elected officials during their term of office.

GOALS AND OBJECTIVES: The Council established the Committee to Study the Compensation of the County Executive, County Council, Sheriff, and State's Attorney (Committee), by Resolution No. 16-877, on March 17, 2009. This Bill would implement the recommendations of the Committee.

COORDINATION: Committee to Study the Compensation of the County Executive, County Council, Sheriff, and State's Attorney

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: See the September 2009 Committee Report.

SOURCE OF INFORMATION: Robert H. Drummer, Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: Not applicable.

PENALTIES: None.



OFFICE OF HUMAN RESOURCES

Isiah Leggett
County Executive

Joseph Adler
Director

TO: Stephen Farber, Director of Council Staff

FROM: Joseph Adler, Director
Office of Human Resources 

SUBJECT: Salary Increase- Council Members and Council President

DATE: November 9, 2009

In accordance with Montgomery County Code, Section 1A-106 (c)(1), beginning on December 1, 2008, the salaries of the Councilmembers must be increased each year on the first Monday in December by the annual average percentage increase (if any) in the Consumer Price Index for All Urban consumers for the Washington-Baltimore Metropolitan Area, or any successor index for the 12 months preceding October 1 of that year.

The average change of the Consumer Price Index for All Urban consumers in the Washington-Baltimore MSA for the period November 2008 to September 2009 was .33%. Accordingly, the Councilmembers salaries are to be increased .33% from \$94,040 to \$94,351 effective December 7, 2009.

The Council President must receive an additional amount equal to 10% of the salary of the other Councilmembers. The annual salary of the Council President is to be increased from \$103,444 to \$103,786 effective December 7, 2009.

By way of this memorandum, I have copied Mary Jane Berry, Administrative Services Coordinator so that she can initiate an Electronic Personnel Action Form (E-PAF) for the Council President and each Council Member to effect this action. If you have any questions concerning this action, please contact Lisa Craft at 240-777-5075.

cc: Mary Jane Berry, Administrative Services Coordinator
County Council

JA/lc

44

TESTIMONY OF YALE WIESBERG, CHAIR, COMMITTEE TO STUDY THE
COMPENSATION OF THE COUNTY EXECUTIVE, COUNTY COUNCIL,
SHERIFF, AND STATE'S ATTORNEY

November 24, 2009

To the Montgomery County Council:

The Committee to Study the Compensation of the County Executive, County Council, Sheriff, and State's Attorney for the next term of office appreciated the opportunity to present our report to the Council on October 13. We were pleased to see that on November 3 the Council introduced Bill 36-09, which would implement the Committee's recommendations.

As you know, the Committee concluded that in this difficult economic and fiscal environment, increases in the salaries for the County Executive and County Council in the next term of office need to be constrained. With regard to benefits for elected officials, including group insurance and retirement, we believe that these benefits should be consistent with those in place for other County employees.

This is already the case for group insurance benefits. For retirement benefits, however, we note that two recent changes in the defined contribution plan for several thousand County employees, the Retirement Savings Plan (RSP), have not been extended to elected officials who participate in a similar plan. Effective July 1, 2008 the County contribution to employees' RSP accounts went from 6 percent to 8 percent of salary, while the contribution for the elected officials' plan remained at 6 percent. (The employee contribution went from 3 to 4 percent.)

Effective July 1, 2009 County employees in the RSP were able, at their option, to transfer their account balance to a new plan, the Guaranteed Retirement Income Plan (GRIP), which provides a 7.25 percent annual return, while participants in the elected officials' plan did not have this option.

The Committee believes that in the interest of consistency, these two changes in the retirement plan for County employees should be extended to participants in the elected officials' plan starting in the next term of office. We recommend that the Council amend Bill 36-09 to achieve this result. Please let me know if we can provide further information on this or other matters affecting this bill.

Thank you.

STAFF AMENDMENT 1

Amend lines 20-44 as follows:

- (c) *Annual adjustments.*
- (1) Beginning on [December 1, 2008] December 2, 2013, the salaries of the Councilmembers must be increased [each year on the first Monday in December] by [[the lower of:
- (A)]] the annual average percentage increase, if any, in the Consumer Price Index for All Urban Consumers for the Washington-Baltimore Metropolitan Area, or any successor index, for the 12 months preceding [October] September 1 of that year [; or
- (B) the amount of the general wage adjustment for members of the Service, Labor, and Trades and the Office, Professional, and Technical bargaining units established in Section 33-105 for fiscal year 2014.]]
- (2) Beginning on [December 6, 2010] December 2, 2013, the salary of the County Executive must be increased [each year on the first Monday in December] by [[the lower of:
- (A)]] the annual average percentage increase, if any, in the Consumer Price Index for All Urban Consumers for the Washington-Baltimore Metropolitan Area, or any successor index, for the 12 months preceding [October] September 1 of that year [; or
- (B) the amount of the general wage adjustment for members of the Service, Labor, and Trades and the Office, Professional, and Technical bargaining units established in Section 33-105 for fiscal year 2014.]]

Amend lines 53-64 as follows:

- (2) Beginning on [December 1, 2007] December 2, 2013, the Sheriff's salary must be increased [each year on the annual anniversary of the first day of the term of office] by [[the lower of:
- (A)]] the annual average percentage increase, if any, in the Consumer Price Index for All Urban Consumers for the Washington-Baltimore Metropolitan Area, or any successor index, for the 12 months preceding [October] September 1 of that year [[; or
- (B) the amount of the general wage adjustment for members of the Police bargaining unit as defined in Section 33-76 for fiscal year 2014.]]

Amend lines 70-80 as follows:

- (b) Beginning on [January 7, 2008] January 6, 2014, the salary of the State's Attorney must be adjusted [[annually]] [on the first Monday in January] by [[the lower of:
- (1)]] the annual average percentage increase, if any, in the Consumer Price Index for All Urban Consumers for the Washington- Baltimore Metropolitan Area, or any successor index, for the 12 months preceding [October] September 1 of that year [[; or
- (2) the amount of the general wage adjustment for members of the Service, Labor, and Trades and the Office, Professional, and Technical bargaining units established in Section 33-105 for fiscal year 2014.]]

STAFF AMENDMENT 2

Amend lines 81-85 as follows:

Sec. 2. Sections 33-37, 33-38, 33-39, 33-40, 33-41, and 33-45 are amended as follows:

33-37. Membership requirements and membership groups.

* * *
(e) Retirement plans.

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

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

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

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

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

* * *

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

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

* * *

33-39. Member contributions and credited interest.

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

* * *

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

* * *

33-40. Employer contributions.

* * *

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

(1) The County must contribute to the elected officials' plan in monthly installments, on behalf of each elected officials' participant, an amount

equal to ~~[[six (6)]]~~ 8 percent of the elected officials' participants' regular earnings. The County's elected officials' contributions are to be adjusted to take into account any forfeiture under subsection 33-40(d)(2)d. In determining the amount of the County elected officials' contributions, only an elected officials' participant's regular earnings earned while that elected officials' participant made required elected officials' participant contributions are counted.

* * *

33-41. Credited service.

* * *

- (q) For the guaranteed retirement income plan, subsections (a)-(o) do not apply and credited service must be determined only under this subsection.
- (1) Credited service includes the total County service the participant rendered under the guaranteed retirement income plan, the retirement savings plan, the optional retirement plan, ~~[[and]]~~ the integrated plan, and the elected officials' plan. Each participant must receive one year of credited service for each year of County service while participating in one of the County's retirement plans. Each year of County service ends on the anniversary of the participant's date of participation.

* * *

33-45. Vested benefits and withdrawal of contributions.

* * *

- (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.

* * *

Sec. 3. Transition; Effective date.

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

December 6, 2010 and May 1, 2011, that elected official's participation must begin on the first pay period after June 1, 2011.