

Bill No. 31-10  
Concerning Board of Investment  
Trustees - Membership  
Revised: April 23, 2010 Draft No. 1  
Introduced: May 4, 2010  
Enacted: June 22, 2010  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

By: Council President at the Request of the County Executive

---

**AN ACT** to:

- (1) add an additional member of the Board of Trustees with an indefinite term of office and delete a member with a definite term of office;
- (2) amend the law establishing the Board of Investment Trustees; and
- (3) generally amend the law regarding the employees' retirement system.

By amending

Montgomery County Code  
Chapter 33, Personnel and Human Resources  
Section 33-59

<b>Boldface</b>	<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:*

**Sec. 1. Section 33-59 is amended as follows:**

**33-59. Board of Investment Trustees**

\* \* \*

(b) Membership.

\* \* \*

(3) The County Executive must appoint [2] 3 voting certified employee organization representatives, subject to County Council confirmation, as members of the Board, who serve indefinitely while each remains the designee of the certified employee representative. These trustees must not vote on any matter involving the County deferred compensation plan. These trustees should be:

(A) one representative nominated by the employee organizations certified as the representative of the Office, Professional, and Technical (OPT) and Service, Labor and Trades (SLT) bargaining units; [and]

(B) one representative nominated by the employee organization certified as the representative for the fire and rescue employee unit[.]; and

(C) one representative nominated by the employee organization certified as the representative for the police employee bargaining unit under Article V.

(4) The following [7] 6 trustees must be appointed by the Executive and confirmed by the Council:

(A) [One active County employee who is a member of an employee organization certified under Article V, and who is a vested member of the retirement system, or an

28 individual recommended by the employee organization  
29 certified under Article V. The employee organization  
30 may recommend 3 to 5 individuals for the respective  
31 trustee position. Before appointing this trustee, the  
32 Executive must consider, and should select from, the  
33 individuals recommended by the employee organization.  
34 The Executive must notify the Council when appointing  
35 an individual not recommended by an employee  
36 organization. A 3-year term for this trustee ends on  
37 March 1 of every third year after each trustee is  
38 confirmed by the Council. Any trustee appointed under  
39 this subparagraph must not vote on any matter involving  
40 the County deferred compensation plan.]

41 An active County employee who is a vested member of  
42 the retirement system and the Merit System, and not a  
43 member of a collective bargaining unit. A 3-year term  
44 for this trustee ends on March 1 of every third year after  
45 the trustee is confirmed by the Council.

46 [(C)] (B) A retired County employee who is a member of  
47 the retirement system. Before appointing this trustee, the  
48 Executive must consider, and should select from, a list of  
49 3 to 5 individuals recommended by the Montgomery  
50 County Retired Employees' Association. The Executive  
51 must notify the Council when nominating an individual  
52 not recommended by the Association. A 3-year term for  
53 this trustee ends on March 1 of every third year after the  
54 trustee is confirmed by the Council.

55                    ~~[(D)]~~(C)      Two persons recommended by the Council who  
 56                    are knowledgeable in pensions, investments, or financial  
 57                    matters. A 3-year term for these trustees ends on March  
 58                    1 of every third year after each trustee is confirmed by  
 59                    the Council.

60                    ~~[(E)]~~(D)      Two individuals knowledgeable in pensions,  
 61                    investments, or financial matters. Before nominating  
 62                    these trustees, the Executive must consider, and should  
 63                    select from, individuals recommended by citizens or  
 64                    countywide citizens' groups. An individual  
 65                    recommended by a citizens' group need not be a member  
 66                    of the group. The Executive must notify the Council  
 67                    when nominating an individual not recommended by a  
 68                    citizens' group. A 3-year term for these trustees ends on  
 69                    March 1 of every third year after each trustee is  
 70                    confirmed by the Council.

71                    ~~[(4)]~~ (5)      A trustee appointed under paragraph (3) continues to  
 72                    serve after the trustee's term ends until the Council confirms a  
 73                    successor, but the term for each position is not affected by any  
 74                    holdover. A trustee who, after appointment and before the end  
 75                    of a term, is no longer qualified for the trustee's position is  
 76                    removed from the Board by operation of law.

77                    ~~[(5)]~~ (6)      The Executive must not appoint as a trustee any person  
 78                    who furnishes, or is employed by a firm that furnishes, to  
 79                    pension funds and other institutional investors the kind of  
 80                    investment services purchased by the Board.

81                    \*                    \*                    \*

82 *Approved:*

83

84

*Nancy Floreen*

*6/24/10*

Nancy Floreen, President, County Council

Date

85 *Approved:*

86

Isiah Leggett, County Executive

Date

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

88

Linda M. Lauer, Clerk of the Council

Date