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

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

Chapter 33, Personnel and Human Resources

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 1A-106, 2-7, and 2-123A are amended as follows:

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

(a) Salary of County Executive. Except as provided in subsection (c), the County Executive must receive an annual salary of:

(1) $163,000 beginning on December 4, 2006;
(2) $167,000 beginning on December 3, 2007;
(3) $171,000 beginning on December 1, 2008; and
(4) $175,000 beginning on December 7, 2009 and
(5) $180,250 beginning on December 3, 2012.

(b) Salary of Councilmembers.

(1) Except as provided in paragraph (2) and subsection (c), a Councilmember must receive an annual salary of:

(A) $84,721 beginning on December 4, 2006; and
(B) $89,721 beginning on December 3, 2007

[[[$94,595]] $94,351 beginning on December 6, 2009;
(B) [[[$99,325]] $99,069 beginning on December 5, 2011; and
(C) [[[$104,291]] $104,022 beginning on December 3, 2012.

(2) The Council President must receive an additional amount equal to 10% of the salary of other Councilmembers.

(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]].

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2-7. Location of Sheriff’s office; compensation of Sheriff; required use of vehicle.

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(b) * Salary.

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

(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]].

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

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

(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]].

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.

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(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.

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

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(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.

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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.

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(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.

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33-40. Employer contributions.

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(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)]] 6 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.

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33-41. Credited service.

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(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.

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

Approved:

Nancy Floreen, President, County Council  
Dec 3, 2009

Isiah Leggett, County Executive  
Dec 19, 2009

This is a correct copy of Council action.

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