

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 30

Resolution No. 34-16

Introduced by Mr. Fink, Chairman
(by request of the County Executive)

By the County Council, June 6, 2016

A RESOLUTION ENTITLED
Charter Amendment – Pension Oversight Commission

1 RESOLUTION proposing an amendment to the Charter of Anne Arundel County to
2 remove the requirement for a Pension Oversight Commission

3
4 *Be it resolved by the County Council of Anne Arundel County, Maryland, That the*
5 *following amendment to the Anne Arundel County Charter is proposed for submission to the*
6 *qualified voters of the County at the General Election in November 2016:*

7
8 **Article VI. Special Boards, Commissions, and Committees**

9
10 **[PENSION OVERSIGHT COMMISSION**

11
12 **Sec. 606. Composition of Commission; terms, removal and compensation of members.**

13
14 (a) There shall be a Pension Oversight Commission which shall perform the functions set
15 forth in this Article as a commission that is independent of both the legislative and executive
16 branches of the County government.

17
18 (b) (1) The Pension Oversight Commission shall consist of nine members appointed by
19 the County Executive and confirmed by resolution of the County Council.

20
21 (2) Five of the members of the Pension Oversight Commission shall be residents of
22 the County who:

23
24 (i) are knowledgeable about pension administration and funding;

25
26 (ii) do not hold an elective or appointed office with the County or the State; and

27
28 (iii) are not participants in any retirement plan that the Commission oversees.

1 (3) Four of the members shall be members of the classified service as defined in
2 Section 803 of this Charter and shall be selected from a list of names nominated by secret
3 ballot by the members of the classified service in the manner required by ordinance of the
4 County Council. Of the four members:

5
6 (i) one shall be a uniformed police officer;

7
8 (ii) one shall be a professional fire fighter;

9
10 (iii) one shall be a member of a class represented by the employee organization
11 that represents the majority of classified employees other than uniformed police officers and
12 professional fire fighters; and

13
14 (iv) one shall be a member of the classified service other than the police
15 department and fire department, who is in a class excluded from representation by the
16 employee organization referred to in item (iii).

17
18 (c) (1) The term of a member shall be four years and the terms of the members shall be
19 staggered as provided by the terms of the initial members of the commission.

20
21 (2) At the end of a term, a member shall continue to serve until a successor is
22 appointed and qualifies.

23
24 (3) A member who is appointed after a term has begun shall serve only for the rest of
25 the term and until a successor is appointed and qualified.

26
27 (4) A person may not serve for more than two terms as a member of the Pension
28 Oversight Commission.

29
30 (d) On the recommendation of the County Executive, the County Council, on the
31 affirmative vote of at least five of its members, may remove a member of the Pension
32 Oversight Commission for cause.

33
34 (e) From among its members, the Pension Oversight Commission annually shall elect a
35 chairperson.

36
37 (f) (1) Unless otherwise authorized by ordinance, a member of the Pension Oversight
38 Commission may not receive compensation.

39
40 (2) A member of the Commission is entitled to reimbursement of expenses, as
41 provided in the budget.

42
43 **Sec. 607. Duties of the Commission.**

44 (1) The Pension Oversight Commission shall have the duties set forth in this section.

45
46 (2) The Commission shall submit an annual report of the status of each County

1 pension plan created under Section 814 of this Charter to the County Executive and the
2 County Council. The report shall include for each pension plan:

3
4 (i) the Commission's assessment of the appropriateness of the actuarial
5 assumptions used;

6
7 (ii) a statement of revenues, including contributions, investment earnings, and
8 forfeitures;

9
10 (iii) the cost of the plan, including an analysis of fees, commissions and
11 expenses;

12
13 (iv) an evaluation of the administration of the plan; and

14
15 (v) any amendment or proposal that the Commission may wish to recommend.
16

17 (3) The County Council shall provide the Pension Oversight Commission with a copy
18 of any proposed ordinance or resolution pertaining to a County retirement plan. The
19 Commission shall review any proposal that is submitted and, on or before the thirtieth day
20 after receipt of the proposal, report its findings and recommendations to the County
21 Executive and County Council. The County Council may not vote on any ordinance or
22 resolution that is subject to this paragraph until it has either received the Commission's report
23 or the time period for submission of the report has expired.
24

25 (4) On request of the County Executive, any member of the County Council, Board of
26 Appeals, the Personnel Officer, or any participant in a County pension plan, the Pension
27 Oversight Commission shall provide a written interpretation of any provisions of a County
28 pension plan.
29

30 (5) Before the County makes any change in the mediums used for funding a County
31 pension plan, the County shall submit a written statement of its proposed action to the
32 Pension Oversight Commission. The Commission shall review any proposal that is submitted
33 and, on or before the thirtieth day after receipt of the proposal, report its findings and
34 recommendations to the County official responsible for the proposal. Unless the County
35 Executive declares that an emergency exists that demands immediate action, the County may
36 not take any action that commits the County to the proposed action until it has either received
37 the Commission's report or the time period for submission of the report has expired.
38

39 (6) The Commission shall perform any additional duty assigned to it by ordinance.
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41 (7) The Commission may engage the services of actuaries or other experts to assist it
42 in carrying out its functions under this section.
43

44 **Sec. 608. Budgeting requirements.**
45

46 The Commission shall have the funds as provided for in the budget.
47

48 **Sec. 609. Terms of the initial members of the Commission; creation of staggered terms.**

1 Notwithstanding any other provision of this Article regarding the terms of the members
2 of the Commission, for the initial Commission two of the public members of the Pension
3 Oversight Commission shall be appointed for a term of two years, one of the public members
4 shall be appointed for a term of three years, and one of the public members shall be
5 appointed for a term of four years. At the completion of each of those initial terms, the
6 vacancy shall be filled by an appointment for a term as provided in Section 606 of this
7 Article.]

8
9 *And be it further resolved,* That the following question is adopted for submittal to the
10 qualified voters of the County at the General Election in November 2016 for their adoption
11 or rejection:

12
13 “To amend the Anne Arundel County Charter to remove the requirement for a Pension
14 Oversight Commission.”

15
16 *And be it further resolved,* That this question shall be designated as Question “___” on
17 the ballot at the General Election in November 2016.

18
19 *And be it further resolved,* That if the majority of qualified votes cast in the election are
20 for the Charter Amendment, this amendment shall stand adopted from and after the 30th day
21 following the election.