

## ORDINANCE NO. \_\_\_\_\_

**PERTAINING TO THE FIFTH AMENDMENT OF THE  
CALVERT COUNTY SHERIFF'S DEPARTMENT PENSION PLAN**

**WHEREAS**, the Board of County Commissioners of Calvert County, Maryland (the "County"), approved Ordinance No. 50-10 which adopted the Calvert County Sheriff's Department Pension Plan (the "Plan"), as amended and restated effective as of July 1, 2010; and

**WHEREAS**, the Plan Trustees have recommended and the County now desires to amend the Plan to provide service credit for prior service as a law enforcement or corrections officers by certain Members; and

**WHEREAS**, Section 14.1 of the Plan authorizes the County to amend the Plan from time to time.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of County Commissioners of Calvert County, Maryland, that, effective as of the date of enactment of this ordinance, the Plan be amended and hereby is amended by adding the following new Section 1.30(b)(vi) immediately after Section 1.30(b)(v):

(vi) in the case of a Member who, within no more than three (3) years before becoming an Eligible Class Employee, was employed as a certified law enforcement or correctional officer in another jurisdiction and had successfully completed an entry level law enforcement or corrections training program either within the State of Maryland or recognized by the Calvert County Sheriff's Department as meeting the required standards for the State of Maryland program, his or her Years of Service shall include the years of prior service credit purchased by the Member pursuant to Section 1.30(e), below. In the case of a Member who is an Active Member on the effective date of Section 1.30(e), the prior service credit may be purchased at any time after the effective date of Section 1.30(e); and, in the case of a Member who became an Eligible Class Employee after the effective date of Section 1.30(e), the prior service credit must be purchased upon completion of the Member's probation period for employment by the County.

**BE IT FURTHER ENACTED AND ORDAINED**, by the Board of County Commissioners of Calvert County, Maryland, that, effective as of the date of enactment of this ordinance, the Plan be and it hereby is amended, by adding the following new Section 1.30(e) immediately following Section 1.30(d):

(e) Purchase of Prior Law Enforcement Service: A Member who qualifies to purchase prior service under Section 1.30(b)(vi), above, may purchase at least one (1) and not more than three (3) Years of Service corresponding to a continuous period of whole years and months of prior service as a law enforcement or correctional officer in another jurisdiction, which period ended no more than three years before the date the Member becomes an Eligible Class Employee, provided

that the number of Years of Service purchased under this Section 1.30(e) shall be reduced (not below zero) by any service credit granted to the Member for military service under Section 1.30(b)(iii), above. The service credit purchased under this Section 1.30(e) shall be credited to the Member at the later of (1) the date the applicable purchase price is completely paid to the Plan or (2) in the case of a Member who is an Active Member on the effective date of this Section 1.30(e), the later of that effective date or the date the Member completes twenty (20) Years of Service (ignoring service credited under Section 1.30(b)(iii) and this Section 1.30(e)) and, in the case of a Member who became an Eligible Class Employee after the effective date of this Section 1.30(e), the date the Member completes twenty-four (24) Years of Service (ignoring service credited under Section 1.30(b)(iii) and this Section 1.30(e)). The applicable purchase price for the prior service credit under this section shall be 8% of the amount that would equal the Member's initial base salary in effect when the Member became an Eligible Class Member paid over a period equivalent to the prior service credit being purchased. The purchase price shall be paid to the Plan pursuant to procedures established by the Plan Administrator and may be paid: in one or more lump sum cash payments; by payroll deduction; by the surrender of unused paid leave; or any combination of those payment methods. The surrender of unused, paid leave as a means of payment, in whole or in part, of the purchase price for Years of Service shall be in accordance with Chapter 86 of the Code of Public Local Laws of Calvert County, Maryland. Amounts paid by the Member toward the prior service credit shall be deemed Employee Contributions for all purposes of the Plan and shall be credited with the interest described in Section 11.2. Notwithstanding anything to the contrary, in the event the Member's status as an Active Member terminates before the prior service credit under this Section 1.30(e) has been credited to the Member, the Employee Contributions paid to purchase that service credit shall immediately be returned to the Member with the interest provided under Section 11.2. In the event the Member withdraws the Employee Contributions made under this Section 1.30(e) pursuant to Section 7.4, the prior service credit that has been or would have been credited to the Member under this section shall be cancelled. If the Member is reemployed as an Eligible Class Employee and repays those Employee Contributions with interest as described in Section 11.2, the prior service credit under this Section 1.30(e) shall be restored.

**BE IT FURTHER ENACTED AND ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

**BE IT FURTHER ENACTED AND ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall become effective upon recordation and publication of a fair summary.

DONE, this 18<sup>th</sup> day of October, 2016, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.



Aye: 5  
Nay: 0  
Absent/Abstain: 0

ATTEST:

Maureen L. Frederick  
Maureen L. Frederick, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF CALVERT COUNTY, MARYLAND

Evan K. Slaughenhoupt, Jr.  
Evan K. Slaughenhoupt, Jr., President

Tom Hejl  
Tom Hejl, Vice President

Approved for Form and Legal  
Sufficiency on

Mike Hart  
Mike Hart

September 27, 2016

Steven R. Weems  
Steven R. Weems

By: Edward J. Adkins  
Edward J. Adkins, Plan Attorney

Pat Nutter  
Pat Nutter

Received for Record... October 19, 2016  
... 10:45 o'clock... 4 M. Same day  
recorded in Liber KPS No. 50  
Folio... 205... COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.

Garry P. Smith