

ORDINANCE NO. 38-14**PERTAINING TO THE SECOND AMENDMENT OF THE  
CALVERT COUNTY EMPLOYEES RETIREMENT PLAN**

**WHEREAS**, the Board of County Commissioners of Calvert County, Maryland (the "County"), approved Ordinance No. 52-10 which adopted the Calvert County Employees Retirement Plan (the "Plan"), as amended and restated effective as of July 1, 2010; and

**WHEREAS**, the County now desires to eliminate as ineffectual the set-off for gainful employment that applies to disability benefits because the set-off would never apply in light of the fact that to have a total and permanent disability under the Plan, a Plan participant must be incapable of engaging in any gainful employment; and

**WHEREAS**, the County now desires to eliminate the requirement that a "total and permanent disability" be evidenced by a physician's certificate; and

**WHEREAS**, the County now desires to clarify that where the participant has elected a benefit payment option that includes a guaranteed return feature, the beneficiary may be changed; and

**WHEREAS**, Section 9.1 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 October 1, 2014, the Plan be and hereby is amended by deleting the current Subparagraph 5.4(e)(5), titled "Set Off for Gainful Employment," and adding the following new Subparagraph 5.4(e)(5) in its place:

**(5) Participant Must Be Incapable of Gainful Employment**

A participant shall not be eligible to receive disability benefits if it is determined by the County that he or she is capable of engaging in any substantial gainful activity.

**BE IT FURTHER ENACTED AND ORDAINED**, by the Board of County Commissioners of Calvert County, Maryland, that, effective as of October 1, 2014, the Plan be and hereby is amended by deleting the current Subparagraph 5.4(e)(7), titled "Definition," and adding the following new Subparagraph 5.4(e)(7) in its place:

**(7) Definition**

A participant shall be considered to have incurred a "total and permanent disability" if he or she 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 to be of long-continued and indefinite duration. A participant shall be considered to have incurred a "total and permanent

disability" under this definition if he or she is awarded Social Security disability benefits.

**BE IT FURTHER ENACTED AND ORDAINED**, by the Board of County Commissioners of Calvert County, Maryland, that, effective as of October 1, 2014, the Plan be and hereby is amended by deleting the current Subparagraph 6.3(b), titled "Election Procedures," and adding the following new Subparagraph 6.3(b) in its place:

**(b) Election Procedures**

An election of any optional form of benefit described in section 6.2 shall be made by a participant in writing, on a form supplied by the Plan Administrator. Upon the participant's benefit commencement date, such election (including the designation of a Beneficiary) shall be irrevocable, except where the participant has elected a guaranteed return option as described in sections 6.2 (c) and 6.2 (d).

DONE, this 23<sup>rd</sup> day of September, 2014, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS  
OF CALVERT COUNTY, MARYLAND**

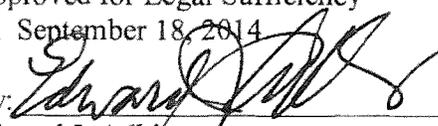
  
Maureen L. Frederick, Clerk

  
Pat Nutter, President

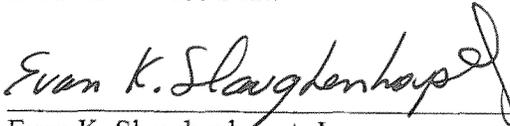
  
Steve Weems, Vice President

  
Gerald W. "Jerry" Clark

Approved for Legal Sufficiency  
on September 18, 2014

By:   
Edward J. Adkins  
Plan Attorney

  
Susan Ellsworth Shaw

  
Evan K. Slaughenhoupt, Jr.

Received for Record..... 9/24 ..... 2014  
at 10:26 o'clock ..... A.M. Same day  
recorded in Liber KPS No. 45  
Folio 477 ..... COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.

