

**THE TOWN OF FOREST HEIGHTS  
RESOLUTION NO. 15-24**

**A RESOLUTION TO REPEAL AND REVISE THE TOWN'S RETIREMENT POLICY,  
AND GENERALLY RELATING TO EMPLOYEE PENSIONS AND BENEFITS.**

Introduced by: Mayor Troy Barrington Lilly

**WHEREAS**, pursuant to Section 33-68 of the Town Charter, the Town shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the Town; and

**WHEREAS**, pursuant to Section 2.3 of the Town Ordinance Code, the Town Council is authorized and empowered to provide the employees of the Town with benefits, including, but not limited to, death benefits, surgical, hospitalization and other sick benefits, under group insurance plans or otherwise; and

**WHEREAS**, pursuant to Section 3.40 of the Employee Handbook, the benefits for eligible employees includes a Pension Plan (through a plan approved by the Governing Body); and

**WHEREAS**, pursuant to Resolution 25-11 adopted on June 17, 2011, the Council approved an ICMA Retirement Corporation 457 Defined Compensation Plan and executed a Declaration to dissolve a previous plan through the Vantage Trust Company; and

**WHEREAS**, pursuant to Resolution 09-14 adopted on February 19, 2014, the Council approved a Town Retirement Policy administered through the ICMA-RC as a 457 deferred compensation plan and trust, which included a three (3) year vesting period, and a 6% of wages pre-tax-payment contribution by the Town paid quarterly with an allowance for employee contributions to accelerate account balances; and

**WHEREAS**, the Town of Forest Heights Retirement Plan (the "Plan") has been administered through ICMA-RC (now known as MissionSquare Retirement owned by ICMA) with the Town Administrator serving as the Plan Administrator; and

**WHEREAS**, the Mayor and Council finds it to be in the best interest of the Town and its employees to terminate the 6% employer contribution to the 457 Governmental Deferred Compensation Plan with Mission Square (the successor of ICMA-RC), authorizing the eventual termination of the current 457 plan, and allowing the Interim Town Administrator to commence the process of approving a new 457 employee-only contribution plan with a qualified vendor and commence the process for the Maryland State Retirement and Pension System and the Law Enforcement Officers Pension system; and

**WHEREAS**, the Mayor and Council further finds that as a condition precedent to participation in the Maryland State Retirement and Pension system and the Law Enforcement

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Officer Pension System, the Town must cease its contributions to the 457 Governmental Deferred Compensation Plan; and

**WHEREAS**, the Mayor and Council further finds that as a qualified plan under section 401(a) of the Internal Revenue Code, the Maryland State Retirement and Pension System (SRPS) and Law Enforcement Officers' Pension System (LEOPS) are defined benefit plans and membership in the SRPS and LEOPS is governed by the State Personnel and Pensions Article, Annotated Code of Maryland, and the Code of Maryland Regulations (COMAR).

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Town Council of the Town of Forest Heights that said governing body hereby elects to discontinue and repeal its Retirement Policy previously adopted and made consistent with the ICMA-RC 457 Governmental Deferred Compensation Plan and Trust Document adopted by Resolution 09-14 ("The Town of Forest Heights Retirement Policy") and to further instruct the staff to commence the transition to provide its permanent employees with the option of enrolling in the Maryland State Retirement and Pension System (SRPS) and Pension System (SRPS) and Law Enforcement Officers' Pension System (LEOPS), which are defined benefit plans.

**AND BE IT FURTHER RESOLVED**, That the last contribution to the current 457 employer contribution plan will occur during the last pay period in June of Fiscal Year 2024.

**AND BE IT FURTHER RESOLVED** that the Mayor and Council hereby authorizes the Interim Town Administrator to take any and all actions required to implement this Resolution, to complete, execute or prepare any necessary forms, administration agreements, or other documents, and to otherwise carry out the intent of the Mayor and Council as expressed herein, provided that any new plan shall be finally approved by the Mayor and Council, and hereby further adopts and incorporates the above recitals as if they were written word for word herein.

**AND BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon passage.

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**PASSED** this 17<sup>th</sup> day of April 2024.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LITTLE

Yea

KENNEDY II

Yea

NOBLE

Yea

MC DONALD

Yea

HINES

Nay

LILLY

Yea

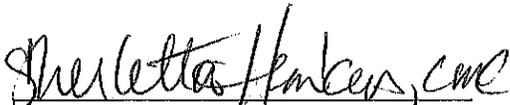
BROWNSON

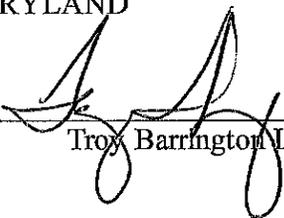
Yea

Yea

ATTEST:

THE TOWN OF FOREST HEIGHTS,  
MARYLAND

  
\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

By:   
\_\_\_\_\_  
Troy Barrington Lilly, Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Clerk of the Town of Forest Heights, Maryland, that on the 17 day of April 2024 with 6 Aye votes and 1 Nay votes the aforesaid Resolution 15-24 passed.

  
\_\_\_\_\_  
Sherletta Hawkins, Town Clerk