

Board of County Commissioners

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Carroll County Government

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February 11, 2022

The Honorable Paul G. Pinsky, Chair
Education, Health, and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Re: SB545 – Carroll County - Commissioners – Compensation and Benefits – Favorable with Amendment

Dear Chair Pinsky and Members of the Committee,

We respectfully oppose SB545 as written and suggest steps to make the bill acceptable. The bill prescribes County Commissioner compensation and benefits in the form of salary, expenses, and authorization to participate in health insurance and pension programs available to county employees. Carroll County has for many years offered health care and pension benefits to the Board of Commissioners that differ slightly from what is offered to other employees, having significantly reduced their scope in 2018. A deeper look at the laws surrounding the issues of commissioner salary and compensation raises a number of questions regarding ambiguities in language and a lack of clear direction.

This confusion begins with Article VII of the Maryland Constitution:

“Article VII – Sundry Officers, Subsection 2. Number, *salary* and responsibilities of County Commissioners

The number, *compensation*, and powers and duties of the County Commissioners of each county not governed by Article XI-A of this Constitution shall be such as now are or may be hereafter prescribed by law.” (*Emphasis added*)

As you see, the commissioners are deemed to be officers. This is critical in determining their powers regarding health insurance and pension plans. In addition, the terms “salary” and “compensation” are used interchangeably, yet in other parts of the law we see these terms used independently.

Further, the Local Government Article, Division III, Title 12, Subsection 2 states:

“(C) The governing body of a county may:

- (1) Establish a pension plan or group insurance plan for the benefit of its officers and employees; and
- (2) Establish classifications and eligibility criteria for each pension plan or group insurance program.”

Clearly the Board of Commissioners is authorized as the governing body to establish the plans and programs referenced above and to establish classifications and criteria for said plans for its officers and employees. Since Article VII has deemed the commissioners to be officers, the Board is therefore authorized to establish classifications and criteria for each program and to qualify as officers, making them eligible for participation.

Finally, even the title of the bill lends to this confusion of language by referring to compensation and benefits as being separate matters. Given these ambiguities and confusion in language, we respectfully request that the portions of the bill regarding health insurance and pension plan programs be stricken, and that the issue be studied during the interim with the intent of further defining in Maryland law such terms as salary, compensation, and benefits; by making applicable language clear and consistent; and by providing a clear definition of officers.

For these reasons we respectfully request SB545 be amended as proposed.

Sincerely,

THE BOARD OF COUNTY COMMISSIONERS OF CARROLL COUNTY



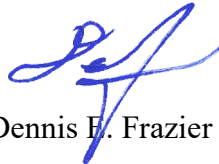
Edward C. Rothstein (COL, Ret.)
President



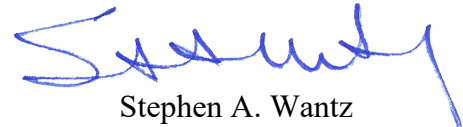
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