

AN ORDINANCE

AMENDING the City of Marietta/BLW Retirement Plan 4532 (New Consolidated Plan) to amend the Plan to comply with IRS Notice 2014-19, relating to the Supreme Court decision in the Windsor case overturning the Defense of Marriage Act (“DOMA”).

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: That Section 4-12-6-010, Exhibit B to Chapter 4-12, also known as Ordinance 4532, the “Consolidated Plan,” Article II Definitions shall be amended by adding a new section to the end thereof to read as follows:

“Section 30. Spouse.

‘Spouse’ shall mean the person to whom the Participant is legally married under the laws of the State of Georgia, except that, effective as of June 26, 2013, for purposes of Article V section 7 (relating to minimum distribution rules under Code Section 401(a)(9)) and Article XII section 8 (relating to rollovers) ONLY, the term ‘spouse’ shall include the person to whom the Participant is legally married under the laws of the jurisdiction in which the marriage was performed (including same-sex individuals). Spouse shall not include domestic partners or other similar relationships that are not denominated as marriage.”

Section 2: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, phrases and words are severable, and if any section, paragraph, clause, phrase or word of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, clauses, phrases or words of this Ordinance.

Section 3: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

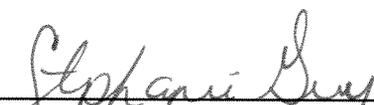
Section 4: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: September 10, 2014

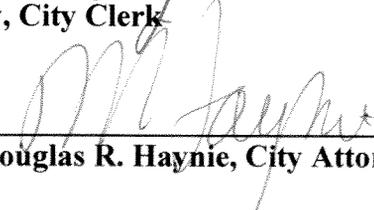
APPROVED:


R. Steve Tumlin, Jr., Mayor

ATTEST:


Stephanie Guy, City Clerk

Approved as to Form:


Douglas R. Haynie, City Attorney