Agenda No. 20141039
Ordinance No. 7766

AN ORDINANCE

AMENDING The City of Marietta and the Board of Lights and Water Personnel Rules and Regulations Section 4-12-2-40.

WHEREAS, the City/BLW regularly monitors the marketplace for legitimate opportunities to reduce the cost of retiree health care coverage without reducing or otherwise negatively impacting such coverage; and

WHEREAS, the City/BLW desires to be permitted to pass some or all of such cost reductions on to the retirees receiving such coverage whenever such opportunities are identified and implemented; and

WHEREAS, the term, "frozen at retirement" as used in Section 4-12-2-40 could be construed as prohibiting both cost increases and cost reductions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARIETTA, AS FOLLOWS:

Section 1. That Section 4-12-2-40 A, shall be amended by adding a new item number five to the end thereof to read as follows:

5. The City/BLW regularly monitors the marketplace for legitimate opportunities to reduce the cost of retiree health care coverage without reducing or otherwise negatively impacting such coverage. When such opportunities are identified and implemented, the City/BLW desires to be able to pass some or all of the resulting cost reductions on to the retirees receiving such coverage. To this end, for purposes of Section 4-12-2-40, the term "frozen at retirement" henceforth shall mean that the calculated premium cost to the retiree for retiree coverage shall not exceed the cost paid by the retiree at the time of his/her retirement. As so defined, nothing in Section 4-12-2-40 shall preclude the City/BLW, in its sole discretion, from reducing the calculated premium cost to the retiree below the cost paid by the retiree at the time of his/her retirement when the circumstances described above so permit. Likewise, in the event the calculated premium cost to the retiree is so reduced, the City/BLW reserves the right to increase said premium cost up to, but not in excess of, the cost paid by the retiree at the time of his/her retirement. Nothing in this section is intended or shall be interpreted or applies as granting any retiree a vested or enforceable right to retiree coverage at a premium cost below the cost he/she paid at the time of his/her retirement.

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,

sentence, clause, phrase or word of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, phrases or words of this Ordinance.

Section 3: All Ordinances or parts of Ordinances in conflict with the 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, 4119.

DATE: October 8, 2014 **APPROVED:** R. Steve Tumlin Jr.
R. Steve Tumlin, Jr., Mayor

ATTEST: Stephanie Guy
Stephanie Guy, City Clerk

Approved as to Form: DRHaynie
Douglas R. Haynie, City Attorney