

City of Marietta



Motion Signature

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

File Number: 20160747

Limited Appeal Rights of Surviving Spouse as to Beneficiary Benefits:

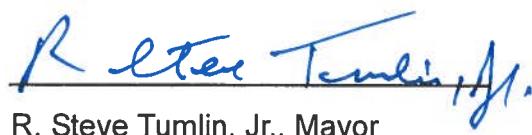
Motion to approve recommendation of amendment of City of Marietta Consolidated Retirement Plan for consideration of Pension Board subject to compliance with Federal and State laws and all promulgated rules and regulations of all regulating bodies thereto:

Notwithstanding any other provision to the contrary in the City of Marietta Consolidated Retirement Plan, a non-employee surviving spouse who was married for at least 1 year to and was married at the time of death to a City of Marietta employee who was vested in the Consolidated Retirement Plan and had yet to retire and file a beneficiary designation form ("qualified employee") shall have the option and right to apply for pension benefits of qualified employee that could have been extended to said surviving spouse if beneficiary form had been completed. The pension benefit shall be determined at the joint beneficiary rate of 50% as adjusted for death benefits paid in lieu of "no pension benefits" including any refund of participant contributions and payment of life insurance proceeds of qualified employee either paid previously to surviving spouse or that could have been paid to surviving spouse.

Appeal/application period shall be open for 2 years following the death of the qualified employee addressed to the Pension Board subject to approval by Council for period following effective date of this amended ordinance and the limited period of five years following the death of the qualified employee prior to the adoption of this amendment (from October 2011 forward). Determinations will be on a case-by-case basis by Pension Board. Pension annuity shall commence upon approval of appeal with no recapture of payments from date of death of qualified employee with the Pension Board given flexibility to allow Appealing Beneficiary to retain employee death benefits paid previously in lieu of pension as calculated and then commence adjusted pension annuity benefits, as adjusted, commencing at a later date reflecting the amount of retained benefit or any combination thereto. Upon determination and detail of distribution of benefit by Pension Board, said decision is subject to approval of City Council. These amended spousal protection distributions shall be funded from the pension fund.

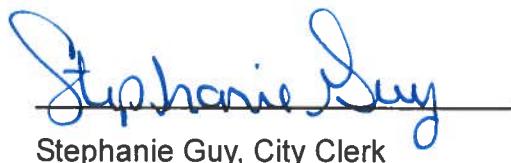
This amended provision is limited to the above stated surviving spouse of qualified deceased employee for stated periods with no other appeal rights created, implied, or stated.

Date 08/10/2016



R. Steve Tumlin, Jr.

R. Steve Tumlin, Jr., Mayor



Stephanie Guy

Stephanie Guy, City Clerk