

(c) Council Bill #127680, Ordinance #3662, Amending Ordinance #3042, Joint Municipal Employees Retirement (JMERS) to comply with age discrimination in employment act, to allow regular full-time employees hired after effective date of the plan to participate if hired up to five (5) years before normal retirement age, to raise mandatory retirement to age seventy (70), and to define voting for pension committee members (postponed January 9, 1980 meeting).

COUNCIL BILL NO. 127680

AN ORDINANCE

ORDINANCE NO. 3662

AMENDING Ordinance No. 3042, approved September 20, 1973, as amended, establishing a retirement plan for the employees of the City of Marietta, Georgia and setting forth the joint trust agreement and the contract for the administration of said plan by the City and the Joint Municipal Employees' Retirement System as provided by Ga. Law 1965, p. 421, as amended, so as to raise the maximum age at which a full-time employee hired subsequent to the effective date of the plan may participate in the plan; to define voting for pension committee members; to repeal conflicting ordinances; and for other purposes.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MARIETTA, GEORGIA:

Section 1. That Ordinance No. 3042, approved September 20, 1973, as amended, establishing a retirement plan for the employees of the City of Marietta, Georgia and setting forth the joint trust agreement and the contract for the administration of said plan by the City and the Joint Municipal Employees' Retirement System as provided by Ga. Law 1965, p. 421, as amended, is hereby amended by striking from Article III, Section 3b. the words "fifty-six (56)" and substituting in lieu thereof the words "sixty-one (61)"; and by striking from said Article III, Section 3b. the words "forty-six (46)" and substituting in lieu thereof the words "fifty-one (51)".

Section 2. That said Ordinance is further amended by striking the words "ten (10)" and substituting in lieu thereof the words "five (5)" in the following places: Article IV, Sections 4 a. (1), 4 a. (2), and 4 a. (2)(a); and Article V, Section 1b. (1)(b).

Section 3. That said Ordinance is further amended by striking Paragraphs a., b., c., and d. in Article IX, Section 1, in their entirety and substituting in lieu thereof the following paragraphs to read as follows:

- a. City Manager.
- b. Two Class 1 Employees as defined in Article III, Section 2, elected annually by such Class 1 Participants.
- c. Two Class 2 Employees as defined in Article III, Section 2, elected annually by such Class 2 Participants.
- d. Two appointed members of the Governing Authority. The City Attorney and the Secretary shall not be empowered to cast a vote on issues before the Pension Committee. However, this section should in no way be construed to limit the power of the City Attorney or the Secretary to furnish advice to the Pension Committee or to freely engage in discussion of issues considered by the Pension Committee.

Section 4. That the rights and obligations under the Plan with respect to persons whose employment with the City was terminated for any reason whatsoever prior to the effective date of this amendment are fixed and shall be governed by such Plan as existed and was in effect at the time of such termination.

Section 5. That the effective date of this ordinance shall be February 13, 1980, and all ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

DATE: February 13, 1980

ATTEST: /s/ BARBARA M. GOSCHA, City Clerk

APPROVED AS TO FORM: /s/ ROY E. BARNES, City Attorney

APPROVED: /s/ J. DANA EASTHAM
Mayor and Council

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