

File Reference No.: 991267**ORDINANCE NO.: 6064****AN ORDINANCE****AMENDING**

the 4022 Plan and the Consolidated Retirement Plan for the Employees of the City of Marietta, Georgia adopted by Ordinance Nos. 4022 and 4532 to terminate the 4022 Plan for General Employees and amend the Consolidated Plan to include 4022 public safety employees who move to a general employee position.

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

**Section 1:** Article XI, Section 2 of the 4022 plan is hereby amended by adding subsection (E) as follows:

The City hereby terminates the 4022 plan for general employees and any contributions thereunder as there are no employees actively at work currently remaining under the plan. All employees covered by the 4022 plan are in the public safety portion of the plan, and that portion of the plan and any contributions thereunder remains in full force and effect. The City shall notify the provider with written notice that the 4022 plan for general employees has been terminated. The employees shall have no further rights or claim to the 4022 plan for general employees.

**Section 2:** Article III, Section 3 of the 4022 Plan is hereby amended to add subsection (E) as follows:

Any eligible employee who terminates employment as a public safety participant under the 4022 plan, and who moves to a general employee position on or after June 1, 1999 shall participate in the consolidated retirement plan, adopted by Ordinance No. 4532, on the first day of the pay period immediately coinciding with the employee's change to such position. The employee shall have no right whatsoever to participate or become eligible to participate in the general employee portion of the retirement plan adopted by Ordinance No. 4022 as such portion has been terminated by the City. The employee also has no right to continue participation in the public safety portion of the retirement plan adopted by Ordinance No. 4022 after the employee moves to a general employee position. However, the employee shall be entitled to a vested right in his accrued retirement benefits, and shall have the option to receive benefits upon retirement as a public safety participant under the 4022 plan from the time the employee became eligible to the date the employee moves to a general employee position and benefits under the consolidated retirement plan from the date the employee changes to a general employee position to the date of retirement, or the employee may waive all rights to receipt of benefits under the 4022 plan and have all benefits calculated under the consolidated retirement plan at the date of retirement.

**Section 3:** Article III, Section 1 of the Consolidated Pension Plan is hereby amended to add the following paragraph to the end of the section as follows:

Any eligible employee who terminates employment as a public safety participant under the 4022 plan, and who moves to a general employee position on or after June 1, 1999 shall participate in the consolidated retirement plan adopted by Ordinance No. 4532 on the first day of the pay period immediately coinciding with the employee's change to such position. The employee shall have no right whatsoever to participate or become eligible to participate in general employee portion of the retirement plan adopted by Ordinance No. 4022 as such portion has been terminated by the City. The employee also has no right to continue participation in the public safety portion of the retirement plan adopted by Ordinance No. 4022 after the employee moves to a general employee position. However, the employee shall be entitled to a vested right in his accrued retirement benefits, and shall have the option to receive benefits upon retirement as a public safety participant under the 4022 plan from the time the employee became eligible to the date the employee changes to a general employee position and benefits under the consolidated retirement plan from the date the employee changes to a general employee position to the date of retirement, or the employee may waive and relinquish any and all rights to receipt of any benefits under the 4022 plan and have all benefits calculated under the consolidated retirement plan at the date of retirement.

Section 4: 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 5: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia Laws 1983, page 4119.

DATE: November 10, 1999

APPROVED:

Ansley Meaders  
ANSLEY MEADERS, MAYOR

ATTEST:

Sheila Hill  
SHEILA HILL, CITY CLERK

APPROVED AS TO FORM:

D. R. Haynie  
DOUGLAS R. HAYNIE, CITY ATTORNEY