

File I.D. #: 20011421

ORDINANCE NO.: 6339

AN ORDINANCE

AMENDING

Code Section 4-12-4-010, Exhibit A, (Ordinance 4022) and Code Section 4-12-6-10, Exhibit B (Ordinance 4532) to modify the City's pension plans by changing the percentage multiplier used in benefit calculations from 2% to 2.1% and to add up to one year of prior active military duty or unused sick leave to credited service.

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

Section 1: That Section 4-12-4-010, Exhibit A of Ordinance 4022, Article II - Definitions, be amended by adding a new Section 45 to read as follows:

2. **Unused Sick Leave or Military Duty Used in Benefit Calculation:**
New retirees will be credited with additional service for benefit calculation purposes only (i.e. this additional credit will not be used to satisfy any eligibility criteria for plan benefits) for either unused sick leave or for active duty Federal military service prior to becoming an employee of the City of Marietta/BLW whichever is greater, to a maximum of one year. Unused sick leave or military service will be granted for whole months only. Unused sick leave will be verified by the City/BLW. Proof of military service will require evidence of an Honorable Discharge. This provision only applies to active employees who apply for normal or unreduced early retirement (if applicable) after the effective date of this ordinance.

Section 2: That Section 4-12-4-010, Exhibit A of Ordinance 4022, Article A.2(a) be amended to read as follows:

2. The monthly retirement benefit is (a) or (b), whichever is greater:
a. One and one-third percent (1.33%) of the final average earnings of the participant, multiplied by total years of credited service plus credit granted pursuant to Article II, Section 45, divided by twelve (12); or

Section 3: That Section 4-12-4-010, Exhibit A of Ordinance 4022, Appendix A.1 be amended to read as follows:

1. Past service — One and one-tenth percent (1.1%) of the final average earnings up to the amount of covered compensation applicable to the participant, plus 2.1% (for participants who terminate active service prior to the effective date of this change, the benefit percentage will remain 2%) of final average earnings in excess of the covered compensation applicable to the participant, multiplied by the total years of credited past service.

Section 4: That Section 4-12-4-010, Exhibit A of Ordinance 4022, Appendix A.2 be amended to read as follows:

2. Future service — One and one-tenth percent (1.1%) of the final average earnings up to the amount of covered compensation applicable to the participant, plus 2.1% (for participants who terminate active service prior to the effective date of this change, the benefit percentage will remain 2%) of final average earnings in excess of the covered compensation applicable to the participant, multiplied by the total years of credited future service plus credit granted pursuant to Article II, Section 45.

Section 5: That Section 4-12-6-010, Exhibit B to Chapter 4-12, also known as Ordinance 4532, the "Consolidated Plan", be amended by adding a new Section 7 to Article VI to read as follows:

7. Unused Sick Leave or Military Duty Used in Benefit Calculation:
New retirees will be credited with additional service for benefit calculation purposes only (i.e. this additional credit will not be used to satisfy any eligibility criteria for plan benefits) for either unused sick leave or for active duty Federal military service prior to becoming an employee of the City of Marietta/BLW whichever is greater, to a maximum of one year. Unused sick leave or military service will be granted for whole months only. Unused sick leave will be verified by the City/BLW. Proof of military service will require evidence of an Honorable Discharge. This provision only applies to active employees who apply for normal or unreduced early retirement (if applicable) after the effective date of this ordinance.

Section 6: That Article V-2 of Section 4-12-6-010, Exhibit B to Chapter 4-12, also known as Ordinance 4532, the "Consolidated Plan", be amended to read as follows:

Section 2. Amount of normal retirement benefit.

The monthly amount of the normal retirement benefit shall be equal to 2.1% (for participants who terminate active service prior to the effective date of this change, the benefit percentage will remain 2%) or the percentage as revised in accordance with article IV, section 2 of the participant's final average earnings multiplied by the years of credited service which he has completed plus credit granted pursuant to Article VI, Section 7 (up to a maximum of 35 years of credited service).

Section 7: That the paragraph beginning with "Normal retirement pension" in Article I, Summary of the Plan, of Section 4-12-6-010, Exhibit B to Chapter 4-12, also known as Ordinance 4532, the "Consolidated Plan", be amended to read as follows:

Normal retirement pension -- 2.1% (for participants who terminate active service prior to the effective date of this change, the benefit percentage will remain 2%)

Section 8: 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 9: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 10: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: December 12, 2001 APPROVED: *Ansley L. Meaders*
Ansley L. Meaders, Mayor

ATTEST: *Shelia R. Hill*
Shelia R. Hill, City Clerk

APPROVED AS TO FORM: *Douglas R. Haynie*
Douglas R. Haynie, City Attorney