

ORDINANCE NO.: File I.D. #: 20021521
6465

AN ORDINANCE

AMENDING

City Code Section 4-12-4-010, Ordinance 4022 and City Code Section 4-12-6-010, Ordinance 4532, to clarify the period of earnings used to calculate disability retirement benefits under the City/BLW's defined benefit pension plans.

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

Section 1: That City Code Section 4-12-4-010, Ordinance 4022, Article V, Section 4, be amended to read as follows:

The amount of the disability retirement benefit shall be calculated in the same manner as the normal retirement benefit with no actuarial reduction for age imposed. In no event, however, will a participant's disability retirement benefit be less than fifty percent (50%) of the average of the participant's most recent 12 months of earnings preceding his termination of employment as a result of a disability. Upon retirement on his disability retirement date, a participant shall receive a monthly retirement benefit commencing on the first day of the month coinciding with his disability retirement date and payable on the first day of each month thereafter so long as his disability continues.

Section 2: That City Code Section 4-12-6-010, Ordinance 4532, Article V, Section 12 be amended to read as follows:

The monthly amount of the disability retirement benefit shall be determined in accordance with section 2 of this article. In no event, however, shall the benefit be less than fifty percent (50%) of the average of the participant's most recent 12 months of earnings.

If the employee has completed an initial twelve (12) months of continuous service, from date of hire to date of termination of employment as a result of a disability, but has less than twelve (12) months of monthly earnings, the disability retirement benefit shall be no less than fifty percent (50%) of the average monthly earnings for the actual number of months worked.

Section 3: 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Section 4: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 5: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: November 13, 2002

APPROVED:



William B. Dunaway, Mayor

ATTEST:



Shelia R. Hill, City Clerk

APPROVED AS TO FORM:



Douglas R. Haynie, City Attorney