

## AN ORDINANCE

## AMENDING

Article VII of Section 4-12-6-010, Exhibit B of Ordinance 4532 known as the Consolidated Pension Plan by adding a new Section 7 to allow the participant to choose a Joint and Survivor option that would provide the single life benefit if the beneficiary pre-deceases the participant.

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

Section 1: That Section 4-12-6-010, Exhibit B of Ordinance 4532, Article VII – Forms of Benefit Payment be amended by the addition of Section 7, as follows:

**Section 7. Joint and Survivor Benefit with Pop-up Feature.**

Effective on or after May 13, 2004, a participant may elect to receive an actuarially reduced monthly retirement benefit with a continuation upon his death after retirement of fifty percent (50%), seventy-five percent (75%) or one hundred percent (100%) of his benefit, to that person he might name as his beneficiary, with the continuation of benefits being for the life of the beneficiary. In the event the beneficiary predeceases the participant, after benefits have commenced, the participant's monthly benefit shall be adjusted to the single life benefit. This "pop-up" adjustment shall be made the month following written notification to the Plan of the beneficiary's death. Notification shall also include a certified copy of the death certificate of the beneficiary. This option is available to participants until the day before the beginning date of any plan year in which the provision of this option would result in an increase in the City/BLW's contribution to the pension plans. In which case, authorization for this option will cease and it will no longer be available to participants.

If this option is elected, the participant's monthly retirement benefit amount shall be a percentage of the full monthly amount otherwise payable as a single life benefits (after adjustment, if any), for early retirement as follows:

1. *50% joint and survivor option:*
  - a. If the participant's pension is a non-disability retirement – the percentage shall be 87.5%, plus 0.4% for each full year the beneficiary is older than the participant, or 87.5% minus 0.4% for each full year the beneficiary is younger than the participant.
  - b. If the participant's pension is a disability retirement – the percentage shall be 77.0% plus 0.4% for each full year the beneficiary is older than the participant, or 77.0% minus 0.4% for each full year the beneficiary is younger than the participant.
  - c. In no event is the percentage to be greater than 99%; and
2. *75% joint and survivor option:*
  - a. If the participant's pension is a non-disability retirement – the percentage shall be 82.9%, plus 0.5% for each full year the beneficiary is older than the participant, or 82.9% minus 0.5% for each full year the beneficiary is younger than the participant.

b. If the participant's pension is a disability retirement – the percentage shall be 69.4% plus 0.5% for each full year the beneficiary is older than the participant, or 69.4% minus 0.5% for each full year the beneficiary is younger than the participant.

c. In no event is the percentage to be greater than 99%; and

3. 100% joint and survivor option:

a. If the participant's pension is a non-disability retirement – the percentage shall be 78.3%, plus 0.6% for each full year the beneficiary is older than the participant, or 78.3% minus 0.6% for each full year the beneficiary is younger than the participant.

b. If the participant's pension is a disability retirement – the percentage shall be 62.3% plus 0.6% for each full year the beneficiary is older than the participant, or 62.3% minus 0.6% for each full year the beneficiary is younger than the participant.

c. In no event is the percentage to be greater than 99%.

4. Modification of benefit reduction factors:

Periodically the above factors will be reviewed and may be modified as necessary to ensure that the option provided under this Section 7 does not increase the City/BLW's required contributions necessary to fund the Plan.

**Section 2:** 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 3:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 4:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: May 12, 2004

APPROVED:   
William B. Dunaway, Mayor

ATTEST:   
Sheila B. Hill, City Clerk

Approved as to Form:   
Doug Haynie, City Attorney