

**AMENDMENT TO THE CONSOLIDATED RETIREMENT PLAN FOR THE
EMPLOYEES OF THE CITY OF MARIETTA, GEORGIA (ORDINANCE 4532)**

File I.D. #: 20161002

ORDINANCE NO.: 7926

AN ORDINANCE

AMENDING **Amending Article XI Section 1 (A) of Section 4-12-6-010 of Exhibit B of Chapter 4-12 related to increasing or decreasing the benefits of elected or appointed officials.**

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF MARIETTA
HEREBY ORDAINS:**

Section 1: That Section 4-12-6-010, Exhibit B to Chapter 4-12, also known as Ordinance 4532, the "Consolidated Retirement Plan for Employees of the City of Marietta, Georgia," Article XI Amendment and Termination, shall be amended by adding language to the end of Section 1A thereof so the Section reads as follows:

"Section 1. Amendment of the plan.

The governing authority shall have the right at any time, and from time to time, to amend, in whole or in part, any or all of the provisions of the Plan following the review and recommendation by the Pension Board; provided, however, that no such amendment shall:

- A. Reduce the accrued benefits of any employee participant or employee beneficiary as defined in Article III Section 1, however expressly an amendment may reduce or add benefits to elected or appointed members and applicable beneficiaries of the governing body from time to time as provisions under the City Pension Plan vary between employee and elected officials with the effective date being January 8, 2014, or
- B. Authorize or permit any part of the trust fund held by the provider to be diverted to purposes other than for the exclusive benefit of participants and their beneficiaries, and
- C. No amendment shall operate to deprive any participant or beneficiary of any rights or benefits irrevocably vested in him under the plan prior to such

amendment except that the governing authority may make any and all changes and modifications necessary to qualify the plan or to keep the plan qualified under the Internal Revenue Code and the regulations thereunder, or any amendment thereto."

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: October 13, 2016

APPROVED: R. Steve Tumlin, Jr.
R. Steve Tumlin, Jr., Mayor

ATTEST: Stephanie Guy
Stephanie Guy, City Clerk

Approved as to Form: Douglas R. Haynie
Douglas R. Haynie, City Attorney