

A CHARTER AMENDMENT ORDINANCE

BY

Jelicia A. Moore

AN ORDINANCE AND CHARTER AMENDMENT ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1, *ET SEQ.*, AS AMENDED, SO AS TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA LAWS P. 4469, *ET SEQ.*, BY AMENDING ARTICLE THREE, CHAPTER FIVE, SECTION 3-505 SO AS TO AUTHORIZE THE REEMPLOYMENT OF RETIREES UNDER CERTAIN CIRCUMSTANCES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, in the last twelve years, the City of Atlanta has conducted three programs which resulted in early retirement for many City employees; and

WHEREAS, the unanticipated departure of certain key employees resulted in a loss of critical job skills which are integral to the effective and efficient operation of Atlanta City Government; and

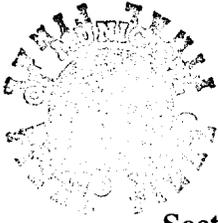
WHEREAS, one mechanism for availing the City of this lost expertise is through the temporary employment of retirees; and

WHEREAS, in 1998 the Council adopted legislation that clearly restricted such temporary reemployment to a period of no more than one year; and

WHEREAS, the Council now desires to create an appropriate mechanism to avail the City of highly skilled and knowledgeable employees who performed vital municipal functions prior to their retirement.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section One: That the Charter of the City of Atlanta Georgia, 1996 GA. LAWS, p. 4469, *et seq.*, ARTICLE THREE, CHAPTER V be amended by deleting the existing Section 3-505 in its entirety and inserting in lieu thereof the following:



Section 3-505 Temporary engagement by contract, reemployment or election of persons retired under municipal laws.

- (a) The mayor and council may authorize the engagement of any person who has retired under any of the pension laws, notwithstanding the age of such person, to render any special or particular service as an independent contractor, provided that such contract shall be for a period not exceeding 520 business days, whether continuously or in several sequential engagements. Such employees shall be entitled to receive their regular pension payments but shall acquire no further pension or civil service rights by virtue of such temporary contractual arrangement. No contractual engagement shall commence pursuant to this subsection until such time as the Department Head and Chief Financial Officer shall confer with the Mayor to confirm the exigency of retaining such particularized expertise within City government.
- (b) In the event the particularized services required by the City are not amenable to an independent contractor agreement with a retiree, the City of Atlanta may reemploy a retiree for any single period of time, or any several periods of time, which shall not to exceed 520 business days, whether continuously or in sequential days of employment, for the purpose of availing the City of some particularized skill possessed by said retiree. During the period of this limited reemployment said retiree shall be entitled to continue to receive his or her regular pension payments, but shall not acquire any civil service rights or any further pension rights, and shall not be required to make any contribution to the pension fund. Limited reemployment pursuant to this subsection shall not commence until such time as the Department Head and Chief Financial Officer shall confer with the Mayor to confirm the exigency of retaining such particularized expertise within City government, *and the Council shall have approved such reemployment by resolution.*
- (c) Nothing herein contained shall prevent any retiree from holding any office which is filled by an election by the people. No additional pension or civil service rights or privileges shall accrue to such officer or employee during such period and said retiree shall be entitled to continue to receive his or her regular pension payments.

Section Two: A copy of this proposed amendment to the Charter of the City of Atlanta, 1996 GA LAWS, p. 4469, *et seq.*, ARTICLE THREE, CHAPTER V, Approved April 15, 1996, as amended shall be filed in the Office of the Clerks of the Superior Courts of Fulton and DeKalb Counties and the Notice of the Proposed Amendment to the Charter of the City of Atlanta attached hereto as Exhibit "A" and made a part hereof by reference, be published once a week for three weeks in a newspaper of general circulation in the City of Atlanta and in the official organs of Fulton county and DeKalb County, and a copy of



said advertisement shall be attached to this ordinance prior to its final adoption by the Council of the City of Atlanta.

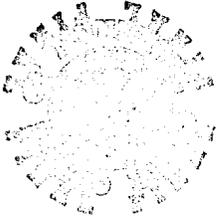
Section Three: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Khonda Daughin Johnson
Municipal Clerk, GMC

ADOPTED as amended by the Council
APPROVED by the Mayor

SEP 03, 2002
SEP 11, 2002



**NOTICE OF PROPOSED AMENDMENT TO THE CHARTER
OF THE CITY OF ATLANTA, GEORGIA**

NOTICE is hereby given that an Ordinance has been introduced to amend the Charter of the City of Atlanta, Georgia, 1996 GA. LAWS, p. 4469, *et seq.*, ARTICLE THREE, CHAPTER V, Approved April 15, 1996, as amended, said Ordinance being captioned as follows:

AN ORDINANCE AND CHARTER AMENDMENT ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1, *ET SEQ.*, AS AMENDED, SO AS TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA LAWS P. 4469, *ET SEQ.*, BY AMENDING ARTICLE THREE, CHAPTER V, SECTION 3-505 SO AS TO AUTHORIZE THE TEMPORARY REEMPLOYMENT OF RETIREES UNDER CERTAIN CIRCUMSTANCES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

A copy of the proposed Ordinance and Charter Amendment is on file in the Office of the Municipal Clerk of the City of Atlanta and in the Office of the Clerks of the Superior Courts of Fulton and DeKalb Counties, Georgia, for the purpose of examination and inspection by the public.

This _____ day of _____, 2002

Municipal Clerk

EXHIBIT "A"

RCS# 3975
9/03/02
2:35 PM

Atlanta City Council

Regular Session

02-O-1296

As Amended/Amend Charter to Authorize
Reemployment of Certain Retirees
FINAL ADOPT

YEAS: 13
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
B Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	N Boazman	NV Woolard

02-O-1296

02-0 -1296

(Do Not Write Above This Line)

A CHARTER AMENDMENT ORDINANCE

BY *Shirley A. Johnson*

AN ORDINANCE AND CHARTER AMENDMENT ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1, ET SEQ., AS AMENDED, SO AS TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA LAWS P. 4469, ET SEQ., BY AMENDING ARTICLE THREE, CHAPTER V, SECTION 3-505 SO AS TO AUTHORIZE THE TEMPORARY REEMPLOYMENT OF RETIREES UNDER C E R T A I N CIRCUMSTANCES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES. ^{1st} ADOPTED BY

As Amended AUG 19 2002

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 07/15/02 COUNCIL

Referred To: *Finance / Exec*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee *FINANCE / EXEC*
Date *7/30/02*
Chair *Shirley A. Johnson*
Action: *Fav. Adv. Hold (see rev. side) 1st Reading - 1st Reading 2nd Adv. 1st Reading*
Members *Shirley A. Johnson, Clay Johnson, Blake Muller, Shirley A. Johnson*
Refer To _____

Committee *FINANCE*
Date *8/28/02*
Chair *Shirley A. Johnson*
Action: *Fav. Adv. Hold (see rev. side) 3rd Read Final*
Members *Shirley A. Johnson, Clay Johnson, Blake Muller*
Refer To _____

FINAL COUNCIL ACTION
 2nd & 3rd
 1st & 2nd
 Consent
 V Vote
 RC Vote

CERTIFIED

CERTIFIED
 SEP 03 2002
Shirley A. Johnson
 MUNICIPAL CLERK

CERTIFIED
 SEP 03 2002
Shirley A. Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

Shirley A. Johnson
 SEP 11 2002
 MAYOR