



CITY OF ATLANTA

55 TRINITY AVENUE, S.W.
ATLANTA, GEORGIA 30335-0300
TEL (404) 330-6100

SHIRLEY FRANKLIN
MAYOR

RECEIVED
FEB 25 2003
MUNICIPAL CLERK
RFH
6:00 p.m.

February 25, 2003

Council President Cathy Woolard
Members of the Atlanta City Council
City Hall 2nd Floor Suite 2900
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Dear President Woolard and Members of Council:

I hereby return with my veto, Ordinance # 02-O-1886

On February 17, 2003 the Atlanta City Council adopted Ordinance #02-O-1886 that proposes to allow a temporary early retirement program that will provide a pension, without an age penalty, for employees in the general employees pension fund who have thirty (30) years or more of service to the City of Atlanta.

Upon consultation with the City Attorney, I have determined that Ordinance #02-O-1886 must be vetoed because it was adopted in contravention of the City of Atlanta Charter Section 3-507. The Charter requires that *any* change to the pension law be adopted by two-thirds vote of the Atlanta City Council. It also provides that any substitute or amendment to an ordinance amending the pension plan be reconsidered by the actuary and pension board prior to passage by the City Council. Both of the foregoing steps were omitted as Ordinance #02-O-1886 was substituted on the "floor of Council" passing by a vote of 8-7.

Additionally, if allowed to become law, this is a major policy initiative that our Finance Department has determine will have an associated cost to the current general fund and a sunk cost to future general funds of the City of Atlanta. The 2003 City of Atlanta budget, as adopted and approved, does not identify or include funding to implement the policy as proposed in Ordinance #02-O-1886.

Veto 2-25-03 (page 2)

Thus, in order to avoid the confusion and uncertainty that could result to the City employees and the public from allowing a costly and improperly adopted ordinance to exist, I urge you to sustain my veto of Ordinance #02-O-1886.

Sincerely,



Shirley Franklin



CITY COUNCIL
ATLANTA, GEORGIA

02-O-1886

**AN ORDINANCE BY
COUNCILMEMBERS JIM MADDOX AND C.T. MARTIN
AS SUBSTITUTED BY CITY COUNCIL #41**

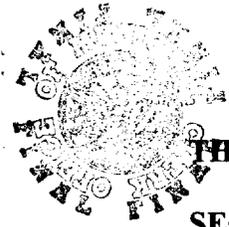
**AN ORDINANCE TO AMEND THE PENSION
ACTS APPLICABLE TO THE CITY OF
ATLANTA, SO AS TO PROVIDE FOR A
TEMPORARY EARLY RETIREMENT
PROGRAM FOR EMPLOYEES IN THE
GENERAL EMPLOYEES PENSION FUND
HAVING 30 YEARS OR MORE OF SERVICE;
AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta has faced a financial budget crisis in the 2002 and again in the 2003 budget years; and

WHEREAS, City of Atlanta employees are facing more layoffs, possible furloughs, loss of merit increases, abolishment of vacant positions, and other cutbacks; and

WHEREAS, an adoption of a temporary early retirement program will lessen the burden and loss of City of Atlanta employees who bear no responsibility for the current budget crisis; and

WHEREAS, an adoption of a temporary early retirement program will provide a pension without age penalty for those who deserve to retire after giving 30 years or more service to the City of Atlanta.



THE CITY OF ATLANTA, GEORGIA HEREBY ordains as follows:

SECTION 1: That Georgia Laws 1927, as amended by Georgia Laws 1978, is hereby further amended by adding an additional subsection which shall read as follows:

“Any officer or employee who is a member of the General Employee Pension Fund, who is fully vested, and whose creditable service before credit for accrued unused sick leave equals at least 30 years or more as of August 31, 2003 shall be entitled to a monthly pension benefit upon retirement without any reduction for any age penalties as would otherwise be applicable.

All officers and employees eligible to retire pursuant to this section must make written application to the Pension Office between March 1, 2003 and August 31, 2003.

This section shall become effective for eligible employees of the Atlanta Board of Education upon approval of the Board of Education.

SECTION 2: That the Mayor or her designee is authorized to abolish any position that becomes vacant as a result of this early retirement program.

That the Chief Financial Officer or designee be required that additional funds be transferred each year to the General Employee’s Pension Fund as determined each year by the actuary of the General Employee’s Pension Fund to make compensation to the General Employee’s Pension Fund for the entire cost of increased monthly pension benefits due to officers or employees retiring early as set out by the provisions of this Ordinance.”

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

RCS# 4478
2/17/03
3:45 PM

Atlanta City Council

Regular Session

02-0-1886

Amend Pension Acts to provide for
temporary early retirement
ADOPT ON SUB

YEAS: 8
NAYS: 7
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

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

02-0-1886

02-0-1886

(Do Not Write Above This Line)

AN ORDINANCE

BY: *027 1109/18/02*
AN ORDINANCE TO AMEND THE PENSION ACTS APPLICABLE TO THE CITY OF ATLANTA, SO AS TO PROVIDE FOR A PERMANENT EARLY RETIREMENT PROGRAM BASED UPON A COMBINATION OF AGE AND YEARS OF SERVICE FOR EMPLOYEES IN THE GENERAL EMPLOYEES PENSION FUND; AND FOR OTHER PURPOSES.

ADOPTED BY
FEB 17 2003
COUNCIL

FILED BY
CITY COUNCIL
Adopted
MAR 03 2003

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

Date Referred 10/21/02

Referred To: Finance / Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

FIN Exec

Date 10/30/02

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

AS amended

Members

Refer To

Committee

FIN Exec

Date

11-25-02

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

AS amended

Members

Refer To

Committee

FIN Exec

Date

2/12/03

Chair

AS substituted

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

FEB 17 2003

MAR 03 2003

Walter Muller

ACTING COUNCIL PRESIDENT PROTEM

CERTIFIED

FEB 17 2003

MAR 03 2003

Frank Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

VETO

FEB 25 2003

Mayor's Action