

#15

11-0-1134

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER

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AN ORDINANCE TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN THE ATLANTA CODE OF ORDINANCES, ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, TO AUTHORIZE THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY, TO EXECUTE AN AGREEMENT WITH ING LIFE INSURANCE AND ANNUITY COMPANY FOR THE CONTINUATION OF ADMINISTRATIVE SERVICES OF THE CITY'S DEFINED CONTRIBUTION RETIREMENT PLAN ON A MONTH-TO-MONTH BASIS FOR A PERIOD NOT TO EXCEED TWELVE MONTHS; AND FOR OTHER PURPOSES.

ADOPTED BY
AUG 15 2011
COUNCIL

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

Date Referred 07/18/2011
 Referred To: Finance/Exec
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee Finance/Exec
 Date 7-27-11
 Chair [Signature]
 Action [Signature]
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members [Signature]
[Signature]
[Signature]
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
 Refer To _____

FINAL COUNCIL ACTION

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

CERTIFIED

CERTIFIED
 AUG 15 2011
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 AUG 15 2011
Rhonda Daughlin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 AUG 24 2011
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



AN ORDINANCE

BY COUNCILMEMBER 

AN ORDINANCE TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN THE ATLANTA CODE OF ORDINANCES, ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, TO AUTHORIZE THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY, TO EXECUTE AN AGREEMENT WITH ING LIFE INSURANCE AND ANNUITY COMPANY FOR THE CONTINUATION OF ADMINISTRATIVE SERVICES OF THE CITY'S DEFINED CONTRIBUTION RETIREMENT PLAN ON A MONTH-TO-MONTH BASIS FOR A PERIOD NOT TO EXCEED TWELVE MONTHS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") currently has a Defined Contribution Retirement Plan ("DC Plan") with two different components, one component created under Section 401(a) of the Internal Revenue Code of 1986 as amended ("Section 401(a) Component"), and one component created under Section 457(b) of the Internal Revenue Code of 1986 as amended ("Section 457(b) Component"); and

WHEREAS, the City currently has three different companies administering its DC Plan (collectively, the "DC Plan Administrators"). The Section 401(a) Component is administered by ING Life Insurance and Annuity Company ("ING"). The Section 457(b) Component is administered by ING, by Nationwide Retirement Solutions, Inc. ("Nationwide"), and by ICMA Retirement Corporation ("ICMA"). This ordinance addresses ING only; Nationwide and ICMA are addressed in companion legislation; and

WHEREAS, ING has provided DC Plan administrative services for both Components of the City's DC Plan since 2002; and

WHEREAS, the administrative services contract between the City and ING is currently expired; however, ING has continued to provide services to the City under its expired contract; and

WHEREAS, the City recently approved a new retirement plan ("Retirement Plan") for its employees and elected officials. The Retirement Plan will take effect for current employees on November 1, 2011, and will take effect for employees hired on or after September 1, 2011 on their date of hire. The Retirement Plan includes a Defined Contribution Retirement Plan that is different from the one currently in place; and

WHEREAS, one DC Plan change is the ability to make contributions to the Section 457(b) Component using either pre-tax or post-tax dollars. Currently contributions are made using only pre-tax dollars. As a result of recently-enacted federal legislation, the City may now allow post-tax contributions to the Section 457(b) Component, and the contributions will be treated as Roth contributions to the extent allowed by Section 457(b) of the Internal Revenue Code of 1986 as amended (the "Roth Option"); and



WHEREAS, another DC Plan change is the creation of a new DC Plan Management Committee that makes decisions regarding the management and operation of the DC Plan, with legislative approval where required. The Management Committee is comprised of the Mayor or her/his designee; the City Council President or her/his designee; the Chairperson of the City Council Finance and Executive Committee; the City Attorney; the Chief Financial Officer; the Commissioner of the Department of Human Resources; a City Councilmember appointed by the Mayor; a Finance Management industry expert; and an Employee representative of the DC Plan who is elected by the DC Plan Mandatory Participants and DB Hybrid Participants, and who is a member of one of those two groups; and

WHEREAS, the DC Plan Management Committee's authority includes engagement of third party service providers in a manner that is consistent with the City's procurement procedures; and

WHEREAS, the Department of Procurement is developing materials for a competitive procurement process to obtain a service provider for administration of the Defined Contribution Plan as set forth in the Retirement Plan. However, the competitive procurement process will take a number of months to complete; and

WHEREAS, it is in the best interest of the City to continue utilizing the services of the current DC Plan Administrators, including ING, until the City enters a DC Plan administration contract with the company selected pursuant to the upcoming competitive procurement (the "New Contract").

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: The Mayor or his designee, on behalf of the City, is authorized to execute an agreement with ING Life Insurance and Annuity Company for continuation of its current DC Plan administration services at the same price currently charged ("ING Extension"). Specifically, ING shall continue to administer the Section 401(a) Component of the DC Plan with a compensation rate of 0.33% of aggregate plan assets to be paid from said plan assets. It shall also continue to administer the Section 457(b) Component of the DC Plan with a compensation rate of 0.57% of aggregate plan assets to be paid from said plan assets. ING shall include the Roth Option as part of the Section 457 Component at no cost to the City or the DC Plan participants.

SECTION 2: The City of Atlanta's actions in accepting and paying for services provided by ING under its expired DC Plan administration agreement are ratified and confirmed from the time of the expiration of ING's agreement with the City through the date of execution of the ING Extension. In no event shall this ratification apply after the effective date of the New Contract.



SECTION 3: The ING Extension shall continue on a month-to-month basis for a period not to exceed twelve months after the ING Extension is fully executed by the City.

SECTION 4: The Chief Procurement Officer is directed to prepare an appropriate ING Extension agreement for execution by the Mayor or his designee.

SECTION 5: Chapter 2, Article X, Division 4 of the City of Atlanta's Code of Ordinances is hereby waived to the extent that such applies to the authorization of the ING Extension.

SECTION 6: All ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Aug. 15, 2011
Aug. 24, 2011

RCS# 1345
8/15/11
8:02 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

CONSENT AGENDA SECTION I
EXCEPT 11-R-1121, 11-R-1104, 11-O-1141
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	E Shook	Y Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

RCS# 1344
8/15/11
8:01 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

CONSENT AGENDA SECTION I
EXCEPT 11-R-1121, 11-R-1104
RECONSIDER

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

B Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	E Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

RCS# 1312
8/15/11
4:23 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

CONSENT AGENDA SECTION I
EXCEPT 11-R-1121, 11-R-1104
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I