AN ORDINANCE BY FINANCE EXECUTIVE COMMITTEE 10-O-_____

AN ORDINANCE TO AMEND SECTION 6-222(c) and 6-222(d) OF THE 1978 PENSION ACT (RELATED LAWS) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO PROVIDE NEW AND NON-VESTED MEMBERS WHO HAVE LESS THAN TEN YEARS OF CREDITABLE SERVICE IN THE POLICE OFFICERS PENSION FUND A FIFTEEN (15) YEAR VESTING SCHEDULE, TWO PERCENT (2.0%) MULTIPLIER FOR ALL CREDITABLE YEARS OF SERVICE, ONE HUNDRED PERCENT (100%) CAP OF AVERAGE EARNINGS, TO REPEAL CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta City Council in 2001 and 2005 passed several amendments that increased the multiplier to 3%; shortened the vesting schedule and capped benefits at 80% of average monthly earnings; and

WHEREAS, the escalating future liability costs of providing these benefits under these amendments are becoming financially unsustainable for the City; and

WHEREAS, the City desires to provide a benefit that will continue to increase over the life span of employment; and

WHEREAS, the City's intent is to restructure the benefits levels to those required by the general assembly.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

SECTION ONE: That Chapter Six, Article III, Section 6-222 (c) of the Related Laws Section of the Code of Ordinances of the City of Atlanta be amended by deleting subsection (c) in its entirety and the following inserted in lieu thereof:

(c) All officers and employees, who shall elect or be required to come under the terms of this amendment, may as a matter of right retire from active service and receive a monthly pension benefit hereinafter set forth and referred to hereinafter as a "normal monthly pension benefit." Provided such person shall have served 15 years in the active service of such city and shall have attained the age of 55 years prior to commencement of such benefit. Upon such officer or employee retiring as a matter of right, such person shall be paid thereafter a normal monthly pension benefit equal to **two percent (2%)** of such person's average monthly earnings multiplied by the number of each person's years, or fraction thereof, of creditable service **and that normal pension benefit shall not exceed one hundred percent (100%) of such person's average monthly earnings.** Average monthly earnings shall be the average of the monthly earnings of the highest three (3) consecutive years' salary or earnings during the term of employment. In computing the average monthly earnings, if the officer or employee shall have received a lump sum payment for compensation, accumulated vacation, sick leave bonus pay, or similar benefits, the amounts of such payments shall be equally distributed over the period of time in which such compensation or benefit was earned or accumulated.

SECTION TWO: That Chapter Six, Article III, Section 6-222 (d) of the Related Laws Section of the Code of Ordinances of the City of Atlanta be amended by deleting subsection (d) in its entirety and the following inserted in lieu thereof:

All officers and employees, who shall elect or be required to come under the terms of this amendment, may as a matter of right retire from active service and receive an early retirement benefit, hereinafter referred to as "early monthly retirement benefit," provided such person shall have served **15 years** in the active service of such city. When such officer or employee shall elect early retirement as a matter of right, such person shall be paid thereafter an early monthly retirement benefit equal to a normal monthly pension benefit less one-half (½) of one percent (1%) per month for each month not to exceed 60 months that the officer or employee lacks in being 55 years of age and one-fourth (¼) of one percent (1%) per month for each month in excess of 60 months that the officer or employee lacks in being 55 years of age. Provided, however, as to any officer or employee coming under the terms of this act who was in the employment of such city prior to the effective date of this amendment, such officer or employee may elect a monthly pension benefit, hereinafter referred to as a "reduced monthly pension benefit," provided such person shall have served 25 years and shall have attained the age of 50 years. Said reduced monthly pension benefit shall be equal to a normal monthly pension benefit less one-twelfth (1/12) of three percent (3%) per month for each month the officer or employee lacks in being 55 years of age.

SECTION THREE: This ordinance shall be applicable to all non-vested sworn police officers with less than 10 years of creditable service as of the effective date of this amendment.

SECTION FOUR: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.