

APPENDIX 4

2001 Pension Legislation

A SUBSTITUTE ORDINANCE

BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE TO AMEND THE GENERAL EMPLOYEES' PENSION FUND ADOPTED BY G.A.L.1927, P.265, ET SEQ. SO AS TO ESTABLISH A DEFINED CONTRIBUTION RETIREMENT PLAN EFFECTIVE JULY 1, 2001 FOR THOSE CITY EMPLOYEES WHO ARE OR WOULD OTHERWISE BECOME MEMBERS OF THE GENERAL EMPLOYEES' PENSION FUND; TO ESTABLISH THE PROVISIONS AND PROCEDURES FOR THE PLAN'S OPERATION; TO ESTABLISH THE PROVISIONS FOR THE REQUIRED PARTICIPATION IN THE CITY OF ATLANTA DEFINED CONTRIBUTION RETIREMENT PLAN BY ALL NEW PERMANENT EMPLOYEES WHO WOULD OTHERWISE PARTICIPATE IN THE GENERAL EMPLOYEES' PENSION FUND; TO ESTABLISH PROVISIONS WHEREBY CURRENT EMPLOYEES PARTICIPATING IN THE GENERAL EMPLOYEES' PENSION FUND MAY ELECT TO PARTICIPATE IN THE DEFINED CONTRIBUTION RETIREMENT PLAN AT THEIR OPTION; TO ESTABLISH FUNDING REQUIREMENTS FOR THE PLAN; AND FOR OTHER PURPOSES.

WHEREAS, the Chief Financial Officer of the City of Atlanta has recommended that a new defined contribution retirement plan be established effective July 1, 2001; and

WHEREAS, participation in the new defined contribution retirement plan is mandatory for all new employees who would otherwise participate in the General Employees' Pension Fund, on and after the effective date of the defined contribution plan; and

WHEREAS, all active employees currently participating in the General Employees' Pension Fund will be given the option of remaining in the General Employees' Pension Fund or participating in the defined contribution retirement plan;

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

Section 1. A defined contribution retirement plan, which shall be qualified as a governmental plan under the provisions of section 401(a) of the Internal Revenue Code of 1986, as amended, is hereby established for all permanent employees of the City of Atlanta, except (i) those who are or would be covered under the Police Officers Pension Plan or the Firefighters Pension Fund (ii) temporary or casual employees or (iii) Atlanta Board of Education employees who are covered under the State of Georgia Teachers Retirement System.



Section 2. New employees who would otherwise become members of the General Employees' Pension Fund for officers and employees, established pursuant to Ga. L. 1927, p. 265, as amended, (the "General Employees' Pension Fund") who enter employment with the City on and after the effective date of the defined contribution retirement plan, shall participate in the defined contribution retirement plan in lieu of the General Employees' Pension Fund

Section 3. The targeted effective date of the defined contribution retirement plan is July 1, 2001 for all such new employees.

Section 4. The General Employees' Pension Fund is hereby amended to freeze future participation so that no new or rehired employees shall be eligible to participate in the General Employees' Pension Fund effective as of the effective date of the defined contribution retirement plan.

Section 5. The defined contribution retirement plan shall contain the following provisions: (i) a pre-tax employee contribution of 6% of compensation which shall always be 100% vested, (ii) an optional after-tax employee contribution which shall be 100% vested, (iii) a City contribution of 6% of compensation which shall vest over a 5 year period at 20% per year, (iv) participants shall direct the investment of all amounts in their accounts from an array of funds selected by the Plan Administrator of the defined contribution retirement plan, and (v) lump sum distributions shall be available to be paid to participants upon termination of employment, death, disability or retirement.

Section 6. A long term disability insurance policy will be provided to all participants in the defined contribution retirement plan, the intent of which is to provide disability benefits equivalent to those provided in the General Employees' Pension Fund.

Section 7. The designated Plan Administrator shall be the Chief Financial Officer or his designee, who shall oversee the day to day administration of the defined contribution retirement plan. The Plan Administrator shall report to the Management Committee of the defined contribution retirement plan which shall be composed of the Chief Financial Officer, the Chairman of the Finance Committee, and the Mayor or his designee.

Section 8. The Plan Administrator shall have complete control of the administration of the defined contribution plan, with all powers necessary to enable it properly to carry out its duties which include the following: (i) engaging the services of third party service provider(s) and trustee, consistent with the City's purchasing procedures and based on the recommendation of an outside consultant, which shall provide recordkeeping services for the plan, provide investment fund options and trustee services, provide and present investment education and other communications materials to employees; and provide disability insurance; (ii) preparing and construing the plan documents and agreements and determining all questions arising thereunder; (iii) deciding all questions relating to eligibility and benefit entitlement under the plan; (iv) maintaining records relating to participants and preparing and furnishing to participants



all information required under state or federal law; (v) preparing and furnishing to the third party service provider and/or trustee necessary employee and financial data and providing direction and oversight of such providers; (vi) preparing and filing with all other appropriate government entities all reports and other information required under law to be so filed or published; (vii) engaging consultants, attorneys, actuaries or other assistants and professional advisers as necessary to aid in plan administration; (viii) arranging for fiduciary bonding, if necessary; (ix) providing procedures for directions for benefit payments; and (x) delegating any or all of its responsibilities.

Section 9. The General Employees' Pension Fund is hereby amended to provide that on or about November 1, 2001, all employees currently participating in the General Employees' Pension Fund shall be given the opportunity to elect whether to remain a participant in the General Employees' Pension Fund or to become a participant in the defined contribution retirement plan.

Section 10. Employees who elect to participate in the defined contribution plan may be required to transfer the present value of their plan benefit under the General Employees' Pension Fund into the defined contribution plan.

Section 11. The assumptions to be used to determine the present value of plan benefits under the General Employees' Pension Fund and other issues related to the election to transfer into the defined contribution plan shall be determined by the Management Committee previously named in Section 7.

Section 12. Any assumptions used to determine the present value of plan benefits under the General Employees' Pension Fund shall maximize plan benefits without causing an increase in cost to the General Employees' Pension Fund.

Section 13. Any ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

FEB 05, 2001
FEB 13, 2001

PUBLIC NOTICE

**There is an emergency called meeting of the Solid
Waste Management Authority
Scheduled for February 14, 2001
At 2:00 pm
(or just prior to the start of Finance/Executive
Committee meeting)
in Committee Room 2**

**The meeting is to sign an agreement consenting to
the change of the City of Atlanta's Bond Registrar
and Paying Agent**



CITY OF ATLANTA

BILL CAMPBELL
MAYOR

DEPARTMENT OF LAW
Suite 4100
City Hall Tower
68 Mitchell Street, S.W.
Atlanta, Georgia 30335-0332
(404) 330-6400
FAX (404) 658-6894

SUSAN PEASE LANGFORD
CITY ATTORNEY

January 31, 2001

The Atlanta City Council
c/o The Honorable Robb Pitts, President
55 Trinity Street, SW
Atlanta, GA 30335

Re: Proposed Ordinance No. 01-O-0064 — Defined Contribution Plan for General Employees of the City of Atlanta

Dear President Pitts and Councilmembers:

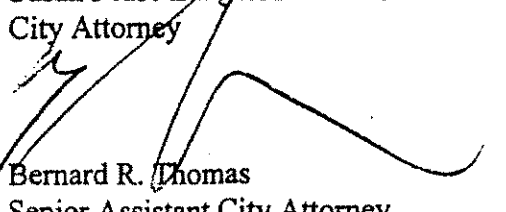
We have reviewed the above-referenced proposed ordinance and find no legal impediment to the enactment of said ordinance by the City.

If we may be of further assistance in this regard, please advise.

Sincerely,



Susan Pease Langford
City Attorney



Bernard R. Thomas
Senior Assistant City Attorney

cc: Members, Board of Trustees
General Employees Pension Fund



February 19, 2001

The Atlanta City Council
c/o The Honorable Robb Pitts, President
55 Trinity Avenue, S.W.,
Atlanta, GA 30335

Re: Proposed Ordinance No. 00-0-1099 (Substitute) - Modification of pension
benefits/Police Officers Pension Funds

Dear President Pitts and Councilmembers:

In accordance with Section 3-507(2)b of the Charter of the City of Atlanta, please be advised that the Board of Trustees of the Police Officers Pension Fund attempted to have a special call meeting today. Although a quorum was not present, the three police officer members of the six member pension board are in support of this pension modification.

The proposed substitute ordinance raises the pension formula multiplier from 2% to 3% with an 80% cap and would apply to all active and future sworn police officers. Attached to this letter is an actuarial report which shows among other things, the estimated cost of this modification to be \$5.9 million dollars in year 2001.

The Board of Trustees of the Police Officers Pension Fund respectfully requests your consideration and approval of this proposed enhancement to the pension benefit package for police officers.

Sincerely,

A handwritten signature in black ink that reads "Don V. Lee" followed by the date "2/19/01".

Don V. Lee
Chairman, Board of Trustees
of the Police Officers
Pension Fund

Handwritten initials in black ink, possibly "JBL" or similar, written in a cursive style.

cc: Members, Board of Trustees,
Police Officers Pension Fund

One Atlanta Plaza
850 East Paces Ferry Road
Atlanta, GA 30326-1118
404 365-1600



Towers Perrin

CONFIDENTIAL

February 19, 2001

Board of Trustees
Police Officers' Pension Fund
City of Atlanta
68 Mitchell Street, SW
Suite 1600
Atlanta, GA 30335-0317

Dear Sirs:

ACTUARIAL COST STUDIES FOR POLICE OFFICERS' PENSION FUND

As the Board requested, we have calculated the incremental annual cost for an improvement to the plan provisions of the Police Officers' Pension Fund. This letter specifies the net employer contribution percentage and expected annual contribution based on the most recent valuation.

The improvement includes an increase in the benefit formula from 2% per year of credited service to 3% per year of credited service. A maximum of 26.67 years will be recognized in the formula (for a maximum benefit of 80% of final average earnings). The improvement increases accrued benefits for all active participants included in the valuation but does not affect the benefits of former or retired participants.

The following chart displays the results of the January 1, 2001 actuarial valuation of the plan, the incremental cost of the proposed plan improvement and total proposed cost of the plan after the improvement.

	Current Plan Provisions	Incremental Cost for Improvement	Proposed Plan Cost
Unfunded Actuarial Accrued Liability	\$35.4 million	\$47.3 million	\$82.7 million
Employer Contribution Percentage	12.77%	9.31%	22.08%
Expected 2001 Employer Contribution Amount	\$8 million	\$5.9 million	\$13.9 million

February 19, 2001

Page 2.

The logo for Towers Perrin, featuring the company name in a stylized font with a horizontal line underneath.

We have performed the actuarial valuation of the Plan as of January 1, 2000 based on asset values and participant data provided by the City of Atlanta Pension Office. The net employer contribution for the 2001 and 2002 plan years (including the 1% employee contribution that the City has paid on behalf of employees) for the Police Officers' Pension Fund is 12.77% of payroll. The expected 2001 payroll (projected from the level of earnings from the participant data) is about \$62.8 million, resulting in an expected employer contribution amount of \$8 million.

The incremental employer contribution for 2001 associated with this benefit improvement is 9.31% of payroll. Based on the expected 2001 payroll, the additional employer contribution amount would be \$5.8 million, for a total employer contribution of \$13.9 million, or 22.08% of payroll.

Compared to the preceding actuarial valuation as of January 1, 1998, which covers the 1999 and 2000 plan years, the net employer contribution was 21.31% of payroll. While we do not have the exact payroll amounts for the 2000 plan year, the expected employer contribution amount is \$12.2 million based on a projected 2000 payroll of \$57 million.

The underlying actuarial cost method assumes that the annual incremental cost is the sum of 1) additional normal cost (the cost of benefits assigned to the current year) plus 2) amortization of the additional unfunded actuarial accrued liability over 18 years (from 2001 to 2018). The actuarial assumptions used in determining the additional liability due to the plan improvements are the same as those used in the actuarial valuation of the plan.

We have assumed that the City will continue funding the Plan at the recommended funding level for two-year periods based on the actuarial valuation completed as of the preceding January 1 (e.g., the contribution level for 2001 and 2002 is determined by the January 1, 2000 valuation). If this plan improvement is adopted by the City for its police officers, we assume that the City will fund the additional employer contribution associated with those improvements. If the City improves the Plan and contributes the respective amounts identified in this letter, then the Plan will fund current benefits accruing under the plan and fund unfunded liabilities created by this and previous improvements by the year 2018. Further, the actuarial soundness of the Plan will be maintained, assuming that the actuarial assumptions are realized.

Board of Trustees

February 19, 2001

Page 3.

Towers Perrin

These cost studies are based on proposals submitted to the Board for consideration in ordinance form and subsequent discussion at Board meetings. It is our understanding that once an ordinance amending the current plan is adopted we must provide you with revised cost and contribution percentage, if applicable. If you require further information for proposed plan improvements, please let us know.

Sincerely,



Jean S. Tillis, F.S.A.
Consultant

JST:ldo



RCS# 2601
2/05/01
5:32 PM

Atlanta City Council

Regular Session

01-O-0064

Amend General Employees Pension Fund
Re. Defined Contribution Plan, etc.
ADOPT ON SUB

YEAS: 10
NAYS: 4
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y McCarty	B Dorsey	N Moore	N Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
N Bond	Y Morris	Y Maddox	N Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

CORRECTED COPY

01-O-0064

01 (Do not write above this line)

AN ORDINANCE

BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE TO AMEND THE GENERAL EMPLOYEES PENSION ACT ADOPTED BY GA. L. 1927, P. 265, ET SEQ. SO AS TO ESTABLISH A DEFINED CONTRIBUTION PLAN EFFECTIVE JANUARY 1, 2001 FOR THOSE CITY EMPLOYEES WHO ARE MEMBERS OF THE GENERAL EMPLOYEES PENSION FUND; TO ESTABLISH THE PROVISIONS AND PROCEDURES FOR THE PLAN'S OPERATION; TO ESTABLISH THE PROVISIONS FOR THE REQUIRED PARTICIPATION IN THE CITY OF ATLANTA DEFINED CONTRIBUTION PLAN BY ALL NEW PERMANENT EMPLOYEES; TO ESTABLISH PROVISIONS WHEREBY CURRENT EMPLOYEES PARTICIPATING IN THE EXISTING DEFINED BENEFITS PENSION PLAN CAN ELECT TO PARTICIPATE IN THE DEFINED CONTRIBUTION PLAN AT THEIR OPTION; TO ESTABLISH FUNDING REQUIREMENTS FOR THE PLAN; AND FOR OTHER PURPOSES.

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

Date Referred 1/16/01
Referred To: Finance/Executive
Date Referred
Referred To:
Date Referred
Referred To:
ADOPTED BY
FEB 05 2001
COUNCIL

Committee Finance/Executive
Date 1-31-01
Chair
Action: Fav. Adv. Hold (see rev. side)
Other: Subst. Jut. on
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
Consent
V Vote
RC Vote
CERTIFIED
FEB 5 2001
ATLANTA CITY COUNCIL PRESIDENT
MAYOR'S ACTION
FEB 13 2001



CITY COUNCIL
ATLANTA, GEORGIA

00-O-1099

A SUBSTITUTE ORDINANCE BY FINANCE AND
EXECUTIVE COMMITTEE

A SUBSTITUTE ORDINANCE TO AMEND SECTION 6-222 OF THE RELATED
LAW SECTION (1978 PENSION ACT) OF THE CHARTER AND THE CODE OF
ORDINANCES OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

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

Section 1. That Section 6-222. 1978 Pension Act, Part (c.) be amended by changing "2%" to 3%" but not
more than 26.67 years of creditable service.

Section 2. To incur 5.9 million, appropriate it in the appropriate cost center to cover the 1%
increase to police benefit accrual.

Section 3. This ordinance shall be applicable to all active sworn police officers employed as of the effective
date of this ordinance.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

OMC - Amendment Incorporated by tcp - 2/27/01

A true copy,

Rhonda Daphne Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

FEB 19, 2001
FEB 24, 2001



Sec. 6-222. 1978 pension act.

(a) The pension benefits provided by this section and the several subsections hereof shall be in lieu of like pension benefits provided by the existing provisions of this act [1933 Ga. Laws, page 213, as amended].

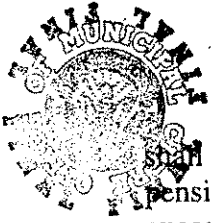
(b) (1) Any officer or employee coming under the terms of this act who is in the employment of the city prior to the effective date of this amendment may elect to come under the provisions of this amendment by making written application to the board of trustees. The applicant must agree in writing to accept the benefits and obligations of this amendment, in lieu of other pension benefits and obligations under this act, as amended. All such officers and employees in the employment of the city on the effective date of this act who do not in writing agree to accept the benefits and obligations of this amendment shall have their rights and obligations determined under the law as it existed prior to this amendment, even though such provisions of law are specifically repealed as hereinafter set forth.

All regular officers or employees of the city, eligible for participation in this act, as amended, who shall be elected or employed after the effective date of this act, shall be required to come under provisions of this act, as now amended, and shall have all rights and duties provided in the amended act. Temporary and casual employees shall not be required to participate in this act, as amended.

(2) Pension Application; Procedure. Unless the pension applicant withdraws a pending application for pension benefits, or abandons his or her appeal from the denial of such application by the board of trustees, no new application for a different category of pension benefits shall be accepted by the board of trustees. Further, whenever an officer or employee has been granted a certain category of pension benefits, no new application for a different category shall be accepted by the board of trustees. (1981 Ga. Laws, page 4381, § 1)

(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%~~) (3%) of such person's average monthly earnings multiplied by the number of such person's years, or fraction thereof, of creditable service. 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.

(d) 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 (1/2) 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 (1/4) 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.

(e) (1) Whenever any officer or employee, electing to or having been required to come under the terms of this amendment, shall have completed at least five (5) years of active service with such city and not yet have reached the age of 60 years, then such person shall have the right to terminate such person's employment with such city upon completion of said five (5) years, or any time thereafter; elect not to withdraw or have paid to such person the amount which said person would have paid into the pension fund prior to terminating such employment; and upon subsequently attaining 60 years of age commence to receive at said time, and be paid thereafter a monthly pension benefit, hereinafter referred to as a "vested monthly pension benefit," as set forth below based upon the number of years of completed service:

a. Completion of 15 or more years of service--A normal monthly pension benefit.

b. Completion of 10 or more years of service--A normal monthly pension benefit decreased by 10 percent per year for each year or fraction thereof which such completed service lacks being 15 years.

c. Completion of five (5) or more years of service--One-half (1/2) of a normal monthly pension benefit decreased by five percent (5%) per year for each year or fraction thereof which such completed service lacks being 10 years.

Should such person have provided for the payment of a pension to a beneficiary, as authorized by said act, as amended, by making the required payments or contribution to the pension fund, then after terminating the employment with such city, thereby electing to exercise such person's vesting rights, and upon the death of such officer or employee, either before or after attaining 60 years of age, such beneficiary designated under the terms of this act, as amended, shall be entitled to a beneficiary pension equal to three-fourths (3/4) of the amount the pensioner was receiving or such person would have received in accordance with the applicable provisions of this act, as amended.

(2) Pension Benefits; No Simultaneous Payment of Benefits and Salary; No Entitlement to Interest.

a. Whenever an officer or employee has been declared eligible for pension benefits, such pension benefits shall only commence the day following the last day of paid employment for such city.

b. In each and every instance where pension benefits shall become payable pursuant to this act, as amended, such payments shall be limited to the statutorily required amount as provided by this act, as amended, and shall be exclusive of interest or other amounts.

(1981 Ga. Laws, page 4381, § 5)



(f) No department head who elects to come under the provisions of this act shall be entitled to receive any emeritus salary as provided by the governing authorities of any city coming within the provisions of this act.

(g) (1) Any officer or employee who is a member of the pension fund shall be considered totally and permanently disabled by the board of trustees while the officer or employee is in a continuous state of incapacity due to illness or injury:

a. During the first 12 months which the officer or employee is prevented from performing his/her regular assigned or comparable duties; and

b. Thereafter, if the condition continues to prevent the officer or employee from engaging in any occupation for which he/she is or becomes reasonably qualified by education, training or experience.

(2) A member who is considered by the board of trustees to be totally and permanently disabled in accordance with subsection (g)(1)a. and b. on or after January 1, 1986, shall receive a monthly disability benefit which shall commence on the day following the officer's or employee's last date on the payroll and continue until the earlier of.

a. Cessation of total and permanent disability;

b. Attainment of age 55.

(3) Such monthly disability benefit shall be equal to 50 percent of the officer's or employee's average monthly earnings during the highest three (3) consecutive years of service prior to the date of approval by the board of trustees or the officer's or employee's accrued normal retirement benefit, whichever is greater.

(4) Upon the cessation of disability benefits pursuant to section (g)(2)a. or b., and the officer's or employee's failure to return to city employment, the officer or employee would be entitled to a pension benefit as calculated in accordance with subsection b., c. or d. of Ga. Laws 1978, page 4527, as applicable. Provided further, that the calculation of any such subsequent benefit shall include credit for all years and fractions thereof during the time disability pension benefits have been paid, but shall not include credit for any disability pension payments made. Provided further, that for the purposes of calculating any cost-of-living adjustments, the subsequent benefits shall be considered as a new pension with a new effective date.

(5) Disability pension benefits shall be offset by worker's compensation payments so that the combination of payments shall not exceed 75 percent of the officer's or employee's salary at the time disability pension benefits are to commence or 60 percent of an officer's or employee's salary at the time of disability or death in the case of a beneficiary. However, this subsection shall not affect any cost-of-living adjustments as provided in subsection (h), nor prevent the restoration of disability pension benefits payable upon the reduction or termination of any such compensation benefits payable by the city under applicable worker's compensation laws.

(6) a. Pensions for beneficiaries designated under the terms of this act, as amended, shall be three-fourths of the amount the pensioner was receiving, at the time of his death, as a result of retirement as a matter of right or because of total and permanent disability, or three-fourths of the amount such officer or employee would have been entitled to receive had such person retired prior to death.

b. The pension benefits for a primary beneficiary shall be continued to the secondary beneficiary, upon the death, or ineligibility for benefits, of the primary beneficiary. Provided, however, if such primary beneficiary was not receiving the maximum



beneficiary payment provided for in this act because of any provision of this act reducing such amount, such maximum beneficiary amount shall be paid to the secondary beneficiary, notwithstanding any lesser amount previously paid to the primary beneficiary.

c. No spouse, designated as a beneficiary, shall be entitled to receive any of said service pension benefits unless such spouse shall have been legally married to such officer or employee of such city for a period of one (1) year prior to the death of such pensioner; provided the officer or employee has made payment for such benefits prior to retirement.

d. In determining all pensions of officers or employees referred to above, fractional parts of years of service shall be counted and accumulated annual sick leave days credited to such officer or employee shall be counted as provided for in paragraph e.

e. In determining creditable service, accumulated, unused sick leave days credited to such officer or employee shall be added as work days to the creditable service otherwise provided by this act, as amended. In determining average monthly earnings, such accumulated unused sick leave day shall be credited at the highest daily rate of regular salary or earnings during the highest three (3) consecutive years' salary or earnings and all accumulated unused sick leave days shall be substituted for a like number of days at the lowest rate of regular salary or earnings during such highest three (3) consecutive years' salary or earnings during the term of employment.

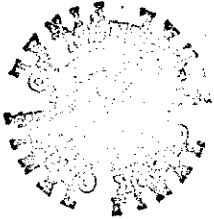
f. Any person entitled to disability benefits under the provisions of this act, as amended, may receive benefits after he/she has been in the active employment of the city for at least a period of five (5) years. Provided, however, said requirement shall not apply to an officer or employee disabled as a direct result of a traumatic event or events occurring during and as a result of the performance of an officer's or employee's regular or assigned duties and not the result of such officer's or employee's willful negligence.

(7) Disability pensions; annual review. The retirement of a pension applicant by reason of permanent and total disability shall be subject to the following conditions:

a. The board of trustees shall have the right to at least once a year require the pensioner to submit to a medical examination for the purpose of determining whether or not the pensioner has sufficiently recovered from his disability and is able to return to any occupation for which he/she is or becomes reasonably qualified by education, training or experience.

b. If the board, after such examination, determines that the pensioner is not actually totally and permanently disabled but is able to return to any occupation for which he/she is or becomes reasonably qualified by education, training or experience, then the payment of such disability pension shall cease. (1981 Ga. Laws, page 4381, § 3; Ord. No. 1985-94, § 9, 12-19-85; Ord. No. 1987-28, § 1, 4-8-87; Ord. No. 1994-45, § 1, 9-25-94)

Editor's note--The ordinances listed in the left-hand column below are found in the state session laws at the location listed opposite them in the right-hand column below:



Ord. No.	Year	Page
1985-94	--	--
1987-28	--	--
1994-45	--	--

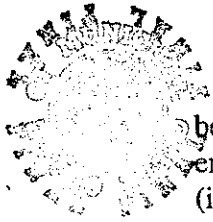
(h) Any person coming under the provisions of this amendment, either voluntarily or by compulsion, shall be entitled to cost-of-living adjustments as hereinafter set forth. As used herein, the following terms shall have the following meanings:

(1) Current average cost-of-living index. The average of the monthly Consumer Price Index for the 12 month period from November 1 through October 31, prior to the annual adjustment date, as determined by the Bureau of Labor Statistics of the United States Department of Labor for all items and major groups, United States city average.

(2) Pensioner base index. The average of the Consumer Price Index for the 12 month period ending two (2) months prior to the date of retirement for any participant who retires under the provisions of this amendment. In the event the base year used in computing the monthly Consumer Price Index should be changed by the Bureau of Labor Statistics, the board of trustees shall, with the advice of an independent actuary, adjust the pensioner base index of each retired pensioner and of each pensioner or beneficiary, with benefit payments commencing during the first year in which such change was made, so as to effect the original intent of this section in an equitable manner:

(3) Adjusted pensioner index. The pensioner base index, adjusted, on a cumulative basis, for all percentage adjustments made in benefits prior to the current annual adjustment date. The adjusted pensioner index and the pensioner base index shall be applicable to any beneficiary becoming entitled to benefits under this amendment in the same manner as they would have been applicable to the pensioner had such pensioner continued in life.

(4) Annual adjustment date. January 1 of each year. The board of trustees shall ascertain the current average cost-of-living index as of January 1 each year, and the benefits being paid under this amendment shall be adjusted as of the annual adjustment date as follows: If the current average cost-of-living index is more than 100 percent of the adjusted pensioner index, the benefit shall be increased by a percentage equal to the difference between 100 percent and the percentage representing the current average cost-of-living index divided by such person's adjusted pensioner index. If the current average cost-of-living index is less than 100% of the adjusted pensioner index, such person's basic benefit shall be reduced by a percentage equal to the difference between 100 percent and the percentage representing the current average cost-of-living index divided by his adjusted pensioner index. Notwithstanding the foregoing provisions of this subsection, no increase or decrease in the amount of the monthly retirement benefit due to changes in the current average cost-of-living index, effective at any annual adjustment date, shall be in excess of three percent (3%) of the amount of the monthly retirement benefit payable immediately prior to such date. Neither shall the provisions of this subsection be applied so as to reduce the amount of the benefits of a pensioner or



beneficiary to any amount less than that to which such pensioner or beneficiary would be entitled to receive under the other provisions of this amendment.

(i) There shall be deducted from the total salary of any officer or employee electing to come under this amendment the sum of seven percent (7%), in the event such person does not provide for payment of a pension to such person's beneficiary, as authorized by this act, as amended, or the sum of eight percent (8%) in the event such person does provide for the continuance of a pension to such person's beneficiary. Like deductions shall be made from the salary of future employees required to come under this amendment.

(j) (1) In addition to the payments required to be made in subsection (i) above, any officer or employee who becomes a participant under this amendment shall be entitled to all benefits and receive credit for all the years, or fraction thereof, of such person's creditable service, provided such person shall pay into the fund the sum of six percent (6%) of such person's total salary or earnings, received by such person during the years claimed for such creditable service, if such person does not provide for the payment of a pension to a beneficiary; and the sum of seven percent (7%) of such person's total salary or earnings, received during the years claimed for such creditable service, if such person does provide for the payment of a pension to a beneficiary. Payments previously made to the pension fund, not exceeding the amount due to the fund, shall be deducted from the total amount due in arriving at the total payment due, plus any additional sums as may be required by the following provisions for prior service credits. If any part of the creditable service consists of prior service, as defined by this act, as amended, which was allowed and credited prior to this amendment, the percentages of salary or earnings, used in computing the sum to be paid for such prior service credit shall be twice those set forth above, and shall constitute both the employee and employer contributions. Provided further that payment for any such creditable service rendered on or after April 1, 1978, shall be twice the payment due as computed above.

Any officer or employee electing to come under the provisions of this amendment within six (6) months subsequent to the enactment of this amendment, shall have a period of 60 months from the date of such election in which to pay all back pension contributions, as provided in this subsection, without interest. Any officer or employee electing to come under the provisions of this amendment, subsequent to the expiration of six (6) months after the enactment of this amendment, shall have a period of 60 months from the date of such election in which to pay all back pension contributions, as provided in this subsection, and shall be required to pay interest on said back pension contributions at the rate of seven percent (7%) per annum from October 1, 1978, to the date of such payment. The board of trustees is authorized to establish rules and regulations for extending the period in which back pension contributions may be paid provided that interest in the amount of seven percent (7%) per annum shall be added to any amounts not paid within the above specified time period. The board of trustees shall require as a prerequisite for the granting of such extension an assignment of life insurance in an amount sufficient to cover the outstanding obligation.

(2) Employee Back Pension Contributions, Deductions From Benefits; Assignment of Group Life Insurance Proceeds.

a. In the event an officer or employee obligated to pay back pension contributions should retire or die before said payments into the fund are completed, the secretary of the



retirement fund is authorized to deduct an appropriate amount, as determined by the board of trustees, from the monthly retirement or beneficiary benefits, or in lieu thereof, such lump sum amounts as the board, in its discretion, deems appropriate until the obligation is discharged.


b. In the event an officer or employee obligated to pay back pension contributions should retire before said payments into the fund are completed, the board of trustees shall require, in consideration of the payment of such indebtedness, an assignment of such officer's or employee's group life insurance in an amount sufficient to satisfy the outstanding obligation. (1981 Ga. Laws, page 4381, § 4)

(k) (1) Any officer or employee coming under the provisions of this amendment shall be entitled to all of the forms and types of prior service authorized under the act approved August 20, 1927 (1927 Ga. Laws, page 265 et seq.) as amended, prior to this amendment. Provided, however, contributions for any such prior service shall be based on the salary or wages then being earned by such officer or employee as and when such person becomes eligible for such prior service and such is credited.

To be eligible for such prior service credit, the officer or employee must have completed at least five (5) continuous years in the employment of the city, and must have filed, five (5) years prior thereto, an application with the board of trustees for such prior service credit. Thereafter prior service credit may be granted to such person eligible and continuing in the service of such city on a pay period basis (one (1) year of prior service credit, not to exceed a maximum of 10 years, for each year such person continues in the service of such city) upon the payment of contributions by such person for such prior service credit based on the wages or salary earned by such person at the time of such prior service being credited.

The contributions to be paid by such officer or employee, herein referred to, shall be at the rates set forth in subsection (i) above, plus the rates of the employer's contribution set forth in subsection (m).

(2) Credit for previous city service, contributions, payment. Any officer or employee claiming previous service credit for previous employment as a regular, temporary, or part-time employee of the city may be eligible for previous service credit immediately upon filing application for same, and upon payment of the contribution in accordance with the provisions set forth in subsection (I) of the 1978 Pension Act Amendment (Ga. Laws 1978, pages 4527, 4534) [subsection (j) of this section]; provided, however, the penalty provision of said subsection (I) shall be applicable only to such officers or employees who failed to elect enrollment under said 1978 Pension Act Amendment prior to October 1, 1978, and who terminated employment subsequent to April 1, 1978. The total amount of such required contributions shall be increased by a sum equal to the amount previously paid into the pension fund by a regular officer or employee and withdrawn upon termination of employment multiplied by an interest factor of seven percent (7%) per annum compounded from the date of termination to the date of filing of the application. The total amount of such required contributions, less a sum equal to the amount previously paid into the pension fund by a regular officer or employee and withdrawn upon termination of employment, shall be increased by an amount equal to such required contributions, less the said amount withdrawn multiplied by an interest factor of seven percent (7%) per annum compounded from the date of termination or October 1, 1978, whichever is later to the date of application. The total amount of such



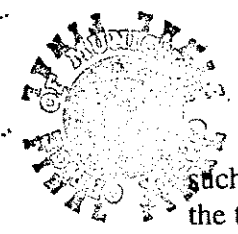
required contribution shall be decreased by the amount previously paid into the pension fund by a regular officer or employee and not withdrawn upon termination of employment plus an amount equal to seven percent (7%) per annum compounded of such amount not withdrawn from the date of termination to the date of filing of the application. As to credit for part-time or temporary service with the city, such previous service credit shall be on the basis of one (1) day for each day worked by such person as a temporary employee or on a part-time basis; except that the required contribution shall be based upon the gross salary of such person at the time of filing of the application for previous service credit. The payment of the contributions of previous service credit for previous employment as a regular, temporary, or part-time employee of the city may be paid upon the filing of the application for such credit; or such officer or employee shall have a period of sixty (60) months from the date of filing the application in which to pay such contributions; provided, however, the total amount of such contribution shall bear interest at seven percent (7%) per annum on the unpaid balance.

The board of trustees is authorized to establish rules and regulations for extending the period in which back pension contributions may be paid provided that interest in the amount of seven percent (7%) per annum shall be added to any amounts not paid within the above-specified period. The board of trustees shall require as a prerequisite for the granting of such extension an assignment of life insurance in an amount sufficient to cover the outstanding obligation.

(l) This section and the several subsections shall be effective as of April 1, 1978, except for the provisions of subsection (m) which shall be effective as of January 1, 1979. Payments required by subsection (i) above, as to those persons then employed and electing to come under this amendment, shall commence on April 1, 1978. As to such persons subsequently coming into the service of such city or subsequently electing to participate under the terms of this amendment, said payments shall begin with the date of employment or date of such election.

(m) In addition to the funds derived from deductions from salaries and wages, as required by subsection (i) of this amendment, it shall be the duty of the governing authority of such cities to appropriate and pay into the pension fund each year an amount which shall be equal to the actuarially determined percentage of members' salary and wages necessary to pay the normal cost contribution of benefits earned by members and to amortize the unfunded accrued liability of the pension fund within 40 years commencing January 1, 1979, after deducting contributions required of officers and employees required by subsection (i) of this amendment.

For purposes of paying the required employer contributions provided above, the governing authority of such cities shall be authorized to levy ad valorem taxes payable to the pension fund sufficient to amortize the unfunded accrued liability under provisions of this amendment within 40 years commencing January 1, 1979, and upon the determination by an independent actuarial valuation as provided in subsection (n) below that such unfunded accrued liability has been amortized, such authorization to levy such ad valorem taxes shall cease. Should said pension fund at any time be insufficient to meet and pay the pension due to such officers and employees, the governing authority shall appropriate from current funds amounts sufficient to make up the deficiency as it relates to the respective officers and employees and deposit same into said pension fund. Should



such actuarial valuation as provided in subsection (n) below result in a determination that the total required employer contribution would be less than the contribution required of members by subsection (i) of this amendment, then the contributions required of members by subsection (i) of this amendment shall be reduced and the required employer contributions in this subsection shall be increased so that the member contributions required by subsection (i) will not be greater than the required employer contributions under this subsection.

(n) When any person covered by the provisions of this act shall die as a result of injuries incurred in the line of duty, the compensation to which such person would have been entitled had such person continued in active service shall be continued for two years by such city and paid to the primary beneficiary designated by such officer or employee. Any compensation received by the member due to said injury shall be deducted from the two-years' compensation herein provided for. At the expiration of the two-year period referred to above, the pension benefits due the beneficiary shall be computed in accordance with the provisions of this amendment. The pension benefits for a primary beneficiary shall be continued to the secondary beneficiaries upon the death or ineligibility of the primary beneficiary.

The city employing any officer or employee coming under the provisions of this act shall immediately notify the board of trustees upon the occurrence of the disability or death of any such officer or employee, and the board of trustees shall conduct an investigation within 90 days of the date of the event which caused such disability or death.

Thereafter, the board of trustees shall make a determination as to whether such disability or death was incurred in line of duty or not in line of duty. Should such city, or any person having an interest in said decision, disagree with such decision of the board then either such city or such person may appeal from such decision as provided by law.

It shall also be the duty and responsibility of the board of trustees to employ an independent actuary to render an actuarial review of the pension fund at periodic intervals of no more than five (5) years, commencing with the enactment of this amendment. The term "independent actuary" as used herein means a fellow of the Society of Actuaries, or a member of the American Academy of Actuaries, or an organization of which one or more members is a fellow of the Society of Actuaries or a member of the American Academy of Actuaries, or both.

(o) In the event there should accumulate more funds than are needed for immediate use, the board of trustees shall be empowered to invest such excess funds as follows:

- (1) Without limitation in:
 - a. Bonds, notes or other obligations of the United States or those guaranteed by the United States or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof.
 - b. State bonds pledging the full faith and credit of the state and revenue bonds additionally secured by the full credit of the state.
 - c. Bonds of the several counties or municipalities in the state containing a pledge of the full faith and credit of the counties and municipalities involved.
 - d. Savings accounts in, or certificates of deposit of, any bank incorporated under the laws of this state or any national bank organized under the laws of the United States doing business and situated in the state, to the extent that such savings accounts are insured by the federal government or an agency thereof.



- (2) Not more than 10 percent of such funds in:
 - a. Bonds, notes or obligations of any municipality or political subdivision or any agency or authority of this state, if such obligations are rated by at least two nationally recognized rating services in any one of the four highest classifications approved by the comptroller of the currency for the investment of the funds of national banks.
 - b. Savings accounts of any savings and loan association incorporated under the laws of this state or in savings accounts of any federal savings and loan association situated in this state, to the extent that such investments are insured by the federal government or an agency thereof.
 - c. Savings accounts in, or certificates of deposit of, any bank incorporated under the laws of this state or any national bank organized under the laws of the United States doing business and situated in this state, to the extent that such savings accounts are insured by the federal government or any agency thereof.
 - d. Notes secured by first liens of Deeds To Secure Debt on real property, insured or guaranteed by the federal housing administration or the Veteran's Administration.
 - e. Interest-bearing obligations of the International Bank for Reconstruction and Development or the Inter-American Development Bank.
 - f. Group annuity contracts of an investment type issued by an insurance company authorized to do business in this state.
- (3) Not more than 55 percent of such funds in:
 - a. Common stock, preferred stock, and any obligations of a corporation having an option to convert into common stock, issued by a corporation organized under the laws of the United States, provided:
 - 1. The corporation is listed on any one or more of the recognized national stock exchanges in the United States, or traded on the NASDAQ National Market.
 - 2. The board shall not invest more than three percent of the assets of any fund in common stock, preferred stock and other obligations of any one issuing corporation, and the aggregate investment of any fund in any one issuing corporation shall not exceed three percent of the outstanding capital stock of that corporation.
 - b. Mutual funds organized under the laws of the United States.
- (4) Not more than 65 percent of any fund, in obligations with a fixed maturity of any corporation within the United States or corporation or government registered in the United States, if such obligations are rated by at least two nationally recognized rating services in any one of the four highest classifications approved by the comptroller of the currency for the investment of funds of national banks.
- (5) For the purpose of determining the above investment limitations, the value of bonds shall be the par value thereof, and the value of evidence of ownership and obligations having an option to convert to ownership shall be the cost thereof. (Ord. No. 1992-45, § 2, 7-28-92; Ord. No. 1994-13, § 9, 3-24-94; Ord. No. 1996-37, § 1, 6-10-96)
Editor's note--The ordinances listed in the left-hand column below are found in the state session laws at the location listed opposite them in the right-hand column below:



Ord. No.	Year	Page
1992-45	--	--
1994-13	--	--

(p) Notwithstanding any other provisions of this act, as amended, regarding the rights of officers or employees to designate beneficiaries of their pension benefits after their death, every male or female officer, coming under the provisions of this amendment, either voluntarily or by compulsion, having a spouse or unmarried child or children (natural or legally adopted) under the age of 18 years shall be compelled to make the necessary additional contributions in order to provide continued pension benefits for such spouse or unmarried child or children (natural or legally adopted) under the age of 18 years, and designated as beneficiaries.

Nothing herein provided shall prevent an officer or employee from designating a primary beneficiary (spouse or unmarried child or children (natural or legally adopted) under 18 years of age and a secondary beneficiary (either spouse or unmarried child or children (natural or legally adopted) under 18 years of age and not named as primary beneficiary). If an officer or employee designates a beneficiary, and thereafter such beneficiary should cease to be qualified to receive a pension in the event of the member's death, then such officer or employee may at his or her option, designate some other beneficiary who does qualify for pension benefits under this amendment, and continue to make contributions for such beneficiaries, or should no qualified beneficiary exist, cease to make further contributions for beneficiaries, in which event contributions theretofore made for the benefit of a beneficiary shall not be refunded except insofar as refunds may be allowed by other provisions of this act, as amended.

Should any officer or employee become eligible for a service pension, and thereafter remain in the service of such city, then upon the death of such person, without having retired, the spouse of such person may apply for a beneficiary pension as provided for in this amendment, which shall continue for the life of such spouse. In the event of the death or disqualification of a spouse to receive such beneficiary pension, then the unmarried child or children (natural or legally adopted) under the age of 18 years shall succeed to the rights of such deceased or disqualified spouse, as above provided, and such beneficiary pension shall be continued to such child or children until the youngest living child shall reach the age of 18 years, die, or marry, whichever event should first occur. No child (natural or legally adopted) of such officer or employee shall be entitled to receive any benefits unless such child is less than 18 years of age and unmarried, or unless such child is less than 23 years of age and enrolled as a full-time student at an accredited college or university and unmarried.

Any officer or employee coming under the provisions of this amendment either voluntarily or by compulsion, who, at such time, has no qualified beneficiary, either spouse or unmarried child or children under 18 years of age, shall not be required to make the contributions necessary to provide for the continuation of pension benefits to a beneficiary. Provided, however, upon the occurrence of the event by which such officer or employee acquires a qualified beneficiary, then such officer or employee shall



immediately commence making required contributions to provide benefits for such beneficiary and shall within a period of two (2) years thereafter, in addition to current requirements, pay into the pension fund one percent (1%) of his total salary or earnings for all creditable service prior to the occurrence of such event.

Any officer or employee electing to come under the provisions of this act, who prior thereto had a qualified beneficiary but who had not made the contributions to provide for the payment of continued pension benefits to such beneficiary, shall be required to pay to the pension fund the amount of such beneficiary contributions for the number of years of service with such city and during which such officer or employee had a qualified beneficiary, such payments to be at the rates and in the manner as set forth in subsection (j) hereof.

In the event that a member dies after retirement, either before or after receiving retirement payments, the named beneficiary, or the member's estate in the absence of a named beneficiary, shall receive a refund in an amount equal to the amount such member paid into said pension fund less the total amount received by such member or beneficiaries in retirement benefits. (Ord. No. 1985-94, § 10, 12-19-85)

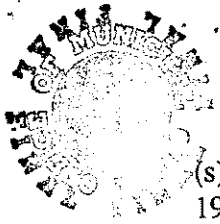
Editor's note--The ordinances listed in the left-hand column below are found in the state session laws at the location listed opposite them in the right-hand column below:

Georgia Laws

Ord. No.	Year	Page
1985-94	--	--

(q) The board of trustees may pool any amount of the funds administered by them with the funds of any other pension or retirement fund for other employees of such city for the purpose of joint investments. When such pooling occurs, the pooled trust funds shall be accounted for in accordance with generally accepted principles of accounting in order to maintain the separate accountability of such pension funds. The board of trustees may employ an independent investment counselor who shall advise them on the best and most appropriate portfolio of investments.

(r) Should an officer or employee in the employment of such cities transfer from a position of employment covered by another pension fund to a position of employment covered by this pension fund, the accumulated employee and employer contributions of such officer or employee paid to such other pension fund shall be transferred to this pension fund and such officer or employee shall be credited with all creditable service certified in such other pension fund as though such service had been rendered under this pension fund, provided, however, that should such officer or employee retire as a matter of right within three (3) years subsequent to the date of such transfer, the service retirement benefits payable to such officer or employee shall be the lesser of the service retirement payable under the provisions of this act, as amended, or the provisions of the pension fund from which such officer or employee transferred.



(s) Any employee participating in the provisions of the act approved February 15, 1933 (Ga. Laws 1933, page 213 et seq.) [this section], or of the several acts amendatory thereof, who leaves the employ of such municipality prior to retirement shall be entitled to a refund of all monies paid into such fund by said employee; provided, however, that such refunds shall be subject to withholding or deduction for any debts owed or amounts due to such municipality by such ex-employee.

(t) The terms of this amendment to said act shall apply to any member who meets the following terms and conditions:

(1) Any officer who has received an in-line-of-duty disability pension from the police officer's pension fund prior to November 13, 1987; and

(2) Thereafter has been reemployed by the city in the police department.

(3) Any such employee meeting the aforementioned conditions shall make application for such credit within 90 days of the enactment of this amendment or within 90 days of their return to work, whichever is later.

(4) Such employee may receive credit toward retirement for the years they received and in-line-of-duty disability pension.

(5) The maximum credit to be received under this amendment at the time of retirement is limited to the number of years an employee works after being reemployed. (Ord. No. 1993-41, § 1, 9-7-93)

(u) Subject to approval by the United States Internal Revenue Service in accordance with IRC section 414(h), employee contributions shall be treated as employer contributions in determining tax treatment effective with the following payroll periods in 1994:

Groups I, III, IV, VI Pay period 6

Group II Pay period 11

Group V Pay period 3

Such contributions shall not be included as gross income of the employee for tax purposes until such time as they are distributed or made available. The City of Atlanta shall reduce the compensation payable to a member in an amount of the contributions made on behalf of the employee.

(v) Any officer or employee who retires pursuant to this section between August 15, 1994, and September 30, 1994, and whose age and creditable service before credit for accrued unused sick leave equals at least 75 years, shall be entitled to a monthly pension benefit upon retirement without any reduction for any age or vesting penalties as would otherwise be applicable. Provided further that such officer or employee shall receive a benefit calculated by adding three (3) years to their service.

Entitlements specified under subsection (v), above, shall be accorded to those officers and employees not covered by the aforesaid 1978 pension amendment, under applicable provisions of amendments to said law adopted prior to the 1978 amendment.



(w) Any officer or employee whose age and creditable service before credit for accrued unused sick leave equals at least 73 years as of March 31, 1998, shall be entitled to a monthly pension benefit upon retirement without any reduction for any age or vesting 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 February 13, 1998 and March 31, 1998.

(x) Any officer or employee who was eligible to elect coverage under the pension laws as amended by Ordinance No. 1985-94 and who failed to make such election may do so by making written application on forms provided by the pension office within 60 days of the effective date of this subsection.

(1978 Ga. Laws, page 4527, § 1; 1979 Ga. Laws, page 3616, §§ 1, 2; 1979 Ga. Laws, page 3623, § 1; 1979 Ga. Laws, page 3635, § 1; 1981 Ga. Laws, page 3208, §§ 1, 2; Ord. No. 1994-11, § 3, 3-14-94; Ord. No. 1994-37, § 3, 8-1-94; Ord. No. 1994-45, § 1, 9-25-94; Ord. No. 1998-2, § 1, 2-10-98; Ord. No. 1998-5, § 3, 2-23-98; Ord. No. 2000-2, § 1, 1-11-00)

Editor's note--Ord. No. 1987-28, § 2 provides "The provisions of this amendment shall apply only to all officers and employees who are not covered by the 1986 Amendment" i.e., this subsection (g).

It should be noted that, according to sections 4 and 5 of Ord. No. 1994-37, adopted 8-1-94, approved 8-1-94:

"Based on the number of retirees, only a predetermined number or percentage of those vacant positions can be filled and only at step one (1). To exceed this number or percentage mayor and council approval is required.

The mayor is directed to present to council by the first meeting of December, 1994, not less than 25% and up to 50% of the number of general fund positions which were vacated as a result of this early retirement program for the purpose of abolishing the positions."

Ord. No. 1995-14, approved May 8, 1995, amended Ord. No. 1994-45 to provide that such latter ordinance applied to all active employees as of September 25, 1994. Such latter ordinance removed the age penalties imposed upon a designated pension beneficiary when the surviving spouse is younger in age than the deceased pensioner.

Sec. 6-223. Consent by applicant to participate in system.

The receipt of an applicant's executed enrollment or application card by the commissioner of finance or his agent shall constitute the irrevocable consent of the applicant to participate under the provisions of this act, as amended, or as may hereinafter be amended.

(1980 Ga. Laws, page 3205, § 1)

Sec. 6-224. Refunds regulated.

Except upon the separation of employment other than retirement or death of an employee, or in the case of bookkeeping, clerical or data processing errors, the refund of pension contributions paid by an employee shall be prohibited.

(1980 Ga. Laws, page 3205, § 2)

Sec. 6-225. Tax on salaries of policemen.

Beginning April 1, 1945, three per centum (3%) shall be deducted from the salaries or wages of all members of said police department up to a maximum of \$200 per month, or a total of \$6.00 per month, but if the member desires to name either his wife or dependent mother or minor child or children as beneficiary, he may do so and in that case, there



shall be deducted the sum of four per centum (4%) from his salary or wage up to a maximum of \$200 or a total of \$8.00 per month, as and when paid. If the person does not name a beneficiary on or before April 1, 1945, but later decides to name a beneficiary, he shall pay the additional one percent (1%) up to a maximum of \$2.00 per month, from April 1, 1945, or the date of his entry into the police department, whichever shall be the latest date; provided, however, that the widow shall not be eligible to receive the pension benefits of the deceased pensioner unless she married such member at least one (1) year before he became eligible to retire by reason of length of service.

(1933 Ga. Laws, page 213, § 9; 1939 Ga. Laws, page 356, § 4; 1945 Ga. Laws, page 1067, § 8)

Editor's note--The provisions compiled in the above section were repealed by 1978 Ga. Laws, page 4527 but have been retained at the request of the city due to their applicability to certain individuals.



RCS# 2635
2/19/01
6:32 PM

Atlanta City Council

Regular Session

00-0-1099

Repeal Sec. 6-221 (1978 Pension Act) of
Charter & Code & Substi. in lieu thereof
ADOPT SUB/AMEND

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Unanimous

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

CORRECTED COPY

00-0-1099

00-0-1099

(Do Not Write Above This Line)

AN ORDINANCE

BY

AN ORDINANCE TO REPEAL SECTION 6-221, ET. SEQ. OF THE RELATED LAW SECTION (1978 PENSION ACT) OF THE CHARTER AND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA AND TO SUBSTITUTE IN LIEU THEREOF; AND FOR OTHER PURPOSES.

ADOPTED BY
FEB 19 2001
COUNCIL

Substitute
AS AMENDED

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

Date Referred 7-17-00

Referred To: *Fin/Executive*

Date Referred

Referred To:

Date Referred

Referred To:

Committee: *Finance/EXECUTIVE*
 Date: *7-17-00*
 Chair: *[Signature]*
 Referred to: *Finance/EXECUTIVE*

First Reading

Committee: *Finance/Exec*
 Date: *8-2-2000*
 Chair: *[Signature]*

Action: *Hold* (see rev. side)

Other: *Refer to Police Pension Board*

Members: *[List]*

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: *NO RECALL*

Members

Refer To

Committee

Date

Chair

Action: Fav, Adv, Hold (see rev. side)

Other: *NO RECALL*

Members

Refer To

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

CERTIFIED

CERTIFIED
FEB 19 2001

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
FEB 20 2001

MUNICIPAL CLERK
[Signature]

MAYOR'S ACTION

APPROVED
FEB 24 2001
[Signature]

CITY COUNCIL
ATLANTA, GEORGIA

00-O-1103

A SUBSTITUTE ORDINANCE BY FULL COUNCIL
AS INTRODUCED BY COUNCILMEMBER C. T. MARTIN

A SUBSTITUTE ORDINANCE TO AMEND SECTION 6-366 OF THE RELATED LAW SECTION (1978 PENSION ACT) OF THE CHARTER AND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

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

Section 1. That Section 6-366. 1978 Pension Act, Part (c.) be amended by changing "2% " to 3%" **prospectively.**

Section 2. To incur 2.1 million, appropriate it in the appropriate cost center to cover the 1 % increase to **fire** benefit accrual.

Section 3. This ordinance shall be applicable to all active sworn **fire fighters** employed as of the effective date of this ordinance.


Section: 4 Funding for revised pension benefit for 2001 only shall be in the amount of \$2,000,000.00 borrowed from the Park Improvement Fund to be replaced by December 31, 2001 from sources to be identified by year end. The additional \$100,000.00 is to come from salary savings out of the Fire Department's Budget.

Section 5: To reduce appropriations to all departments by .44% and transfer the amount to the Park Improvement Fund for reimbursement of the \$2,000,000.00 by 12-31-01.

Section 6: All ordinance or parts of ordinances in conflict herewith are hereby **waived.**

OMC – Amendment Incorporated by tcp 3/14/01

A true copy,



Deputy Clerk

ADOPTED as amended
APPROVED by the Mayor

March 5, 2001
March 12, 2001

Proposed Retirement Plan

Atlanta Professional Fire Fighters
I.A.F.F. Local 134



July 2000

Atlanta Professional Fire Fighters Association 5809 Memorial Drive Stone Mountain, Georgia 30083
Phone 404-297-0397 Fax 404-297-4029



J. David Rhodes
President

Kalen Evans
Vice-President

Michael Rogers
Secretary Treasurer

ATLANTA PROFESSIONAL FIRE FIGHTERS
AFF LOCAL 134
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
AFL-CIO-CLC
5609 Memorial Drive
Stone Mountain, Georgia 30083
TELEPHONE 404-297-0337
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Chris Messers
Trustee

Stephen -
Trustee

Dear Members and Supporters:

On behalf of the Executive Board of the Atlanta Professional Fire Fighters Association, I.A.F.F. Local 134 I am proud to present to you our proposal for changes in your current pension. This proposal was ratified by the general membership at the regularly scheduled meeting held on May 13, 2000.

This proposal contains many of the same proposed changes found in the recently completed Police Benevolent Associations' Proposed Retirement Plan. However, we feel that we have taken the proposal to new level by the recommendation of a Deferred Retirement Option Plan.

Our plan proposes the following changes to the current pension:

- Permanent Rule of 70 (age + years of service)
- An increase in the formula from 2% per year to 4%
- Reduction of age penalties from 6% to 2%
- Increase in disability benefits from 50% to 70%
- Must be able to perform firefighter duties before disability benefits can be terminated
- Beneficiaries age extended from age 18 to 21 and age 23 if beneficiaries are in school and unmarried
- A Deferred Retirement Option Plan that provides the opportunity to DROP out of the pension plan and remain employed in your current position for up to 5 years saving you and the city money

These proposed changes are being offered as an incentive to improve existing benefits in an attempt to attract and retain quality employees. It is impossible for the fire department to compete in this strong market with a 1978 pension plan. It is time for a new 2000 pension plan that can meet the needs of the city and our members.

Sincerely,

J. David Rhodes
President, IAFF Local 134

Editors Note:

This document is to be used as a guide in the negotiations of improvements to the existing Fire Fighters Pension Plan. It is not inclusive of each existing section of the current Pension Plan and is not the result of any actuary study. This is a working document in which the proposed changes are negotiable. Certain language changes may be necessary in sections of the existing Pension Plan in order to accomplish the changes proposed in this document.

1 FINAL SUBMISSION DRAFT TO ATLANTA PROFESSIONAL FIRE FIGHTERS

2 IAFF LOCAL 134

3 Sec. 6-186. Statement of accumulated benefits.

4 An accurate statement, including the amount the employee has accumulated in the pension fund
5 for the current year and the total amount the employee has accumulated in the pension fund from
6 date of employment to the present date, shall be sent to each employee within 60 days after the
7 end of each fiscal year (1975 Ga. Laws, page 3175, § 1)

8 Sec. 6-187-6-220. Reserved.

9 ARTICLE IV FIRE FIGHTERS

10 DIVISION 1. GENERALLY

11 Sec. 6-366. Establishment of funds

12 There shall be raised and established funds for the aid relief and pension of members of fire
13 departments, who are in active service at the time of the passage of this act, and
14 whose names are on the payroll of such department, and future members of such
15 departments, and their dependents in all cities in the state of Georgia having a population of
16 300,000 or more, according to the United States Decennial census of 1970, or any such future
17 census of the United States.

18 (1924 Ga. Laws, page 167, § 1; 1973 Ga. Laws, page 2837, § 4; 1973 Ga. Laws, page 2880,
19 § 2)

20 Sec. 6-367. 1978 pension act.

21 The pension benefits provided by this section and the several subsections hereof shall be in
22 lieu of like pension benefits provided by the existing provision of the act [1924 Ga. laws, page
23 167, as amended].

24 (b) (1) Any officer or employee coming under the terms of this act who is in the employment of
25 the city prior to the effective date of this amendment may elect to come under the provision of
26 this amendment by making written application to the board of trustees. The applicant must agree
27 in writing to accept the benefits and obligations of this amendment, in lieu of other pension
28 benefits and obligations under this act, [as amended].

1 All such officers and employees in the employment of the city on the effective date of this act,
2 who do not in writing agree to accept the benefits and obligations of this amendment shall have
3 their rights and obligations determined under the law as it existed prior to this amendment, even
4 though such provisions of law are specifically repealed as hereinafter set forth.

5 All regular officers or employees of the city, eligible for participation in the act, as amended,
6 who shall be elected or employed after the effective date of this act, shall be required to come
7 under provisions of this act, as now amended, and shall have all rights and duties provided in the
8 amended act. Temporary and casual employees shall not be required to participate in this act, as
9 amended.

10 (2) Pension Application; Procedure.

11 Unless the pension applicant withdraws a pending application for pension benefits, or abandons
12 His or her appeal from the denial of such application by the board of trustees, no new application
13 For a different category of pension benefits shall be accepted by the board of trustees. Further,
14 Whenever an officer or employee has been granted a certain category of pension benefits, no new
15 Application for a different category shall be accepted by the board of trustees. (1981 Ga. laws,
16 page 4381. § 1)

17 (c) All officers and employees, who shall or be required to come under the terms of this
18 amendment, may as a matter of right retire from active service and receive a monthly pension
19 benefit hereinafter set forth and referred to here-in after as a "normal monthly pension
20 benefit", provided such person shall have served 5 years in the active service of such city and
21 shall have attained a combined total of age and service of at least 70 years prior to
22 commencement of such benefit. Upon such officer or employee retiring as a matter of right, such
23 person shall be paid thereafter a normal monthly pension benefit equal to
24 FOUR percent (4%) of such person's average monthly earnings multiplied by the number of
25 each person's years, or fraction thereof, of creditable service. Average monthly earnings shall be
26 the average of the monthly earnings of the highest three (3) consecutive years' salary or earnings
27 during the term of employment. In computing the average monthly earnings, if the officer or
28 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 equitably distributed over the period of time in which such compensation or benefit was earned or accumulated.

Editors Note:(section (d) is currently under investigation to be included or defeted at a later date)

(e) (1) Whenever any officer or employee, electing to or having been required to come under the terms of this amendment, shall have completed at least five (5) years of active service with such city and has reached an age when combined with years of service totals 70 years then such person shall have the right to terminate such person's employment with such city upon completion of said five (5) years, or any time thereafter; elect not to withdraw or have paid to such person the amount which said person would have paid into the pension fund prior to terminating such employment; and upon subsequently attaining the rule of 70 commence to receive at said time, and be paid thereafter a monthly pension benefit, hereinafter referred to as a "vested monthly pension benefit," as set forth below based upon the number of years of completed service:

(a) Be age 45, and

(b) A normal monthly pension benefit

(c) Completion of five (5) or more years of service- One-half (1/2) of a normal monthly pension benefit decreased by two percent (2%) per year for each year or fraction thereof which such completed service lacks being 10 years.

Should such person have provided for the payment of a pension to a beneficiary, as authorized by said act, as amended, by making the required payments or contribution to the pension fund, then after terminating the employment with such city, thereby electing to exercise such person's vesting rights, and upon the death of such officer or employee, either before or after attaining 60 years of age, such beneficiary designated under the terms of this act, as amended, shall be entitled to a beneficiary pension equal to three fourths (3/4) of the amount the pensioner was receiving or such person would have received in accordance with the applicable provisions of this act, as amended.

1 (2) Pension benefits; No Simultaneous Payment of Benefits and Salary; No Entitlement to Interest;
2 Deferred Retirement Option Plan

3 (a) Whenever an officer or employee has been declared eligible for pension benefits, such
4 pension benefits shall only commence the day following the last day of paid
5 employment for such city unless the officer or employee has enrolled in the Deferred
6 Retirement Option Plan.

7 (b) In each and every instance where pension benefits shall become payable pursuant to
8 this act, as amended, such payments shall be limited to the statutorily required amount
9 as provided by this act, as amended, and shall be exclusive of interest or other amounts,
10 unless the officer or employee has enrolled in the Deferred Retirement Option Plan

11 (f) No department head who elects to come under the provisions of this act shall be entitled to
12 receive any emeritus salary as provided by the governing authorities of any city coming within the
13 provisions of this act.

14 (g) (1) Before any officer or employee who is a member of the pension fund shall be considered
15 partially, totally, and or permanently disabled by the board of trustees shall implement a percent
16 of partial disability examination to determine the extent of the disability while the officer or
17 employee is in a state of incapacity due to illness or injury:

18 (a) During the first 12 months which the officer or employee is prevented from performing
19 his/her regular assigned or comparable duties; and

20 (b) Thereafter, if the condition continues to prevent the officer or employee from
21 engaging in any occupation for which he/she is or becomes reasonably qualified by
22 education, training or experience

23 (2) A member who is considered by the board of trustees to be partially, total, and or
24 permanently disabled in accordance with subsection (g)(1) a. and b. on or after January 1, 1986,
25 shall receive a monthly disability benefit based on the percent of partial disability which shall
26 commence on the day following the officer's or employee's last date on the payroll and continue
27 until the earlier of;

28 (a) Cessation of partial, total or permanent disability,

(b) Amendment of age 50

(3) Such monthly total disability benefit shall be equal to 70% of the officer's or employee's average monthly earnings during the highest three (3) consecutive years of service prior to the date of approval by the board of trustees or the officer's or employee's accrued normal retirement benefit, whichever is greater.

(4) Upon the cessation of disability benefits pursuant to section (g) (2) a. or b. and the officer's or employee's failure to return to city employment, the officer or employee would be entitled to a pension benefit as calculated in accordance with subsection b., c. or d. of Ga Laws 1978, page 4508, as applicable. Provided further, that the calculation of any such subsequent benefits shall include credit for all years and fractions thereof during the time disability pension benefits have been paid; but shall not include credit for any disability pension payments made. Provided further, that for the purposes of calculating any cost-of-living adjustments, the subsequent benefits shall be considered as a new pension with a new effective date.

(5) Disability pension benefits shall be offset by worker's compensation payments so that the combination of payments shall not exceed 75 percent of the officer's or employee's salary at the time disability pension benefits are to commence or 60 percent of an officer's or employee's salary at the time of disability or death in the case of a beneficiary. However, this subsection shall not affect any cost-of-living adjustments as provided in sub-section (h), nor prevent the restoration of disability pension benefits payable upon the reduction or termination of any such compensation benefits payable by the city under applicable worker's compensation laws.

(6) (a) Pensions for beneficiaries designated under the terms of this act, as amended shall be three-fourths of the amount the pensioner was receiving, at the time of his or her death, as a result of retirement as a matter of right or because of total and permanent disability, or three fourths of the amount such officer or employee would have been entitled to receive had such person retired prior to death.

(b) The pension benefits for a primary beneficiary shall be continued to the secondary beneficiary, upon the death, or ineligibility for benefits, of the primary beneficiary. Provided, however, if such primary beneficiary was not receiving the maximum

1 beneficiary payment provided for in this act because of any provision of this act;
2 reducing such amount, such maximum beneficiary amount shall be paid to the
3 secondary beneficiary, notwithstanding any lesser amount previously paid to the
4 primary beneficiary.

5 (c) No spouse, designated as a beneficiary, shall be entitled to receive any of said
6 service pension benefits unless such spouse shall have been legally married to such
7 officer or employee of such city for a period of one (1) year prior to the death of such
8 pensioner; provided the officer or employee has made payment for such benefits prior
9 to retirement.

10 (d) In determining all pensions of officers or employees referred to above, fractional parts
11 of years of service shall be counted and accumulated annual sick leave days credited
12 to such officer or employee shall be counted as provided for in paragraph e.

13 (e) In determining credible service, accumulated, unused sick leave days credited to
14 such officer or employee shall be added as work days to the creditable service
15 otherwise provided by this act, as amended. In determining average monthly earnings;
16 such accumulated unused sick leave days shall be credited at the highest daily rate of
17 regular salary or earnings during the highest three (3) consecutive years salary or
18 earnings and all accumulated unused sick leave days shall be substituted for a number
19 of days at the lowest rate of regular salary or earnings during such highest three (3)
20 consecutive years' salary or earnings during the term of employment.

21 (f) Any person entitled to disability benefits under the provisions of this act, as amended,
22 may receive benefits after he/she has been in the active employment of the city for at
23 least a period of five (5) years. Provided, however, said requirement shall not apply to
24 an officer or employee disabled as a direct result of a traumatic event or events
25 occurring during and as a result of the performance of an officer's or employee's
26 regular or assigned duties and not the result of such officer's or employee's willful
27 negligence.

28

1 (f) Disability pension: annual review. The retirement of a pension applicant by reason of
2 permanent, partial or total disability shall be subject to the following conditions:

3 (a) The board or trustees shall have the right to at least once a year require the pensioner
4 to submit to a medical examination that may include a partial permanent
5 disability (PPD) rating for the purpose of determining whether or not the pensioner
6 has sufficiently recovered from his/her disability and is able to return to any
7 occupation for which he/she is or becomes reasonably qualified by education,
8 training or experience.

9 (b) If the board, after such examination, determines that the pensioner is actually
10 partial or totally or permanently unable to perform Atlanta Firefighter duties
11 but is able to return to any other occupation for which he/she is or becomes
12 reasonably qualified by education, training or experience, then the payment
13 of such disability pension shall not cease. (1981 Ga. Laws, page 3553 § 3;
14 Ord. No. 1985-94, § 5, 12-19-85; Ord. No. 1967-30, § 1.4-6-87; Ord. No. 1994-45,
15 §1.9-25-94)

16 (h) Any person coming under the provisions of this amendment, either voluntarily or by
17 compulsion, shall be entitled to cost-of-living adjustments as hereinafter set forth. As
18 used herein, the following terms shall have the following meanings:

19 (1) Current average cost-of-living index. The average of the monthly Consumer Price
20 Index for the 12 month period from November 1 through October 31, prior to the
21 annual adjustment date, as determined by the Bureau of Labor Statistics of the United
22 States Department of Labor for all items and major groups, United States city average.

23 (2) Pensioner base index. The average of the Consumer Price Index for the 12 month
24 period ending two (2) months prior to the date of retirement for any participant who
25 retires under the provisions of this amendment. In the event the base year used in
26 computing the monthly Consumer Price Index should be changed by the Bureau of
27 Labor Statistics, the board of trustees shall, with the advice of an independent actuary,
28 adjust the pensioner base index of each retired pensioner and of each pensioner or

1 beneficiary, with benefit payable to his commanding during the first year in which such
2 change was made, so as to effect the original intent of this section in an equitable
3 manner.

4 (3) Adjusted pensioner index. The pensioner base index, adjusted, on a cumulative basis,
5 for all percentage adjustment made in benefits prior to the current annual adjustment
6 date. The adjusted pensioner index and the pensioner base index shall be applicable to
7 any beneficiary becoming entitled to benefits under this amendment in the same
8 manner as they would have been applicable to the pensioner had such pensioner
9 continued in life.

10 (4) Annual adjustment date, January 1 of each year.

11 The board of trustees shall ascertain the current average cost-of-living index as of January
12 1 each year, and the benefits being paid under these amendment shall be adjusted as of
13 the annual adjustment date as

14 follows: If the current average cost-of-living index is more than 100 percent of the
15 adjusted pensioner index, the benefit shall be increased by a percentage equal to the
16 difference between 100 % and the percentage representing the current average
17 cost-of-living index divided by such person's adjusted pensioner index. If the current
18 average cost-of-living index is less than 100% of the adjusted pensioner index, such
19 person's basic benefit shall be reduced by a percentage equal to the difference between
20 100 % and the percentage representing the current average cost-of-living index
21 divided by his/her adjusted pensioner index. Notwithstanding the foregoing provisions of
22 this subsection, no increase or decrease in the amount of the monthly retirement
23 benefit due to changes in the current average cost-of-living index, effective at any
24 annual adjustment date, shall be in excess of three percent (3%) of the amount of the
25 monthly retirement benefit payable immediately prior to such date. Neither shall the
26 provisions of this subsection be applied so as to reduce the amount of the benefits of a
27 pensioner or beneficiary to an amount less than that to which such pensioner or
28 beneficiary would be entitled to receive under the other provisions of this amendment.

1 (herein) shall be deducted from the total salary of any officer or employee electing to come
 2 under this amendment the sum of seven percent (7%); in the event such person does not provide for
 3 payment of a pension to such person's beneficiary, as authorized by this act, as amended, or the
 4 sum of eight percent (8%) in the event such person does provide for the continuance of a pension to
 5 such person's beneficiary. Like deductions shall be made from the salary of future employees
 6 required to come under this amendment.

7 (j) (1) In addition to the payments required to be made in subsection (i) above, any officer or
 8 employee who becomes a participant under this amendment shall be entitled to all benefits and
 9 receive credit for all the years or fraction thereof, of such person's creditable service, provided such
 10 person shall pay into the fund the sum of six percent (6%) of such person's total salary or earnings,
 11 by such person during the years claimed for such creditable service, if such person does
 12 not provide for the payment of a pension to a beneficiary, and the sum of seven percent (7%) of
 13 such person's total salary earnings, received during the years claimed for such creditable service,
 14 if such person does provide for the payment of a pension to a beneficiary. Payments previously
 15 made to the pension fund, not exceeding the amount due to the fund, shall be deducted from the
 16 total amount due in arriving at the total payment due, plus any additional sums as may be required
 17 by the following provisions for prior service credits. If any part of the creditable service consists of
 18 prior service, as defined by this act, as amended, which was allowed and credited prior to this
 19 amendment, the percentages of salary or earning, used in computing the sum to be paid for such
 20 prior service credit shall be twice those set forth above, and shall constitute both the employee and
 21 employer contributions. Provided further that a payment for any such creditable service rendered on
 22 or after April 1, 1978, shall be twice the payment due as computed above.

23 Any officer or employee electing to come under the provisions of this amendment within six(6)
 24 months subsequent to the enactment of this amendment, shall have a period of 60 months from the
 25 date of such election in which to pay all back pension contributions, as provided in this subsection,
 26 without interest. Any officer or employee electing to come under the provisions of this amendment,
 27 subsequent to the expiration of six (6) months after the enactment of this amendment, shall have a
 28 period of 60 months from the date of such election in which to pay all back pension contributions, as

1 provided in this subsection, and shall be required to pay interest on said back pension contributions
2 at the rate of seven percent (7%) per annum from October 1, 1978, to the date of such payment.
3 The board of trustees is authorized to establish rules and regulations for extending the period in
4 which back pension contributions may be paid provided that interest in the amount of seven percent
5 (7%) per annum shall be added to any amounts not paid within the above specified time period. The
6 board of trustees shall require as a prerequisite for the granting of such extension an assignment of
7 life insurance in an amount sufficient to cover the outstanding obligation.

8 (2) Employee back Pension Contributions, Deductions From Benefits, Assignment of Group Life
9 Insurance Proceeds:

10 (a) In the event an officer or employee obligated to pay back pension contributions should
11 retire or die before said payments into the fund are completed, the secretary of
12 the retirement fund is authorized to deduct an appropriate amount, as determined by
13 the board of trustees, from the monthly retirement or beneficiary benefits, or in lieu
14 thereof, such lump sum amounts as the board, in its discretion, deems appropriate
15 until the obligation is discharged.

16 (b) In the event an officer or employee obligated to pay back pension contributions
17 should retire before said payments into the fund are completed, the board of trustees
18 shall require, in consideration of the payment of such indebtedness, an assignment of
19 such officer's or employee's group life insurance in an amount sufficient to satisfy the
20 outstanding obligation. (1981 Ga. Laws, Page 3553, §4)

21 (k)(1) Any officer or employee coming under the provision of this amendment shall be entitled to
22 all of the forms and types of prior service authorized under the act approved August 20, 1927 as
23 amended, prior to this amendment. Provided, however, contributions for any such prior service
24 should be based on the salary or wages then being earned by such officer or employee as and when
25 such person becomes eligible for such prior service and such is credited.
26 To be eligible for such prior service credit, the officer or employee must have completed at least five
27 (5) continuous years in the employment of the city, and must have filed, five (5) years prior thereto,
28 an application with the board of trustees for such prior service credit. Thereafter prior service credit

1 may be granted to such person eligible and continuing in the service of such city on a day period
2 based on (one (1) year of prior service credit, not to exceed a maximum of 10 years, for each year
3 such person continues in the service of such city) upon the payment of contributions by such
4 person for such prior service credit based on the wages or salary earned by such person at the time
5 of such prior service being credited.

6 The contributions to be paid by such officer or employee, herein referred to, shall be at the rates set
7 forth in subsection (i) above, plus the rates of the employer's contribution set forth in subsection
8 (m)

9 (2) Credit for previous city service, contributions, payment. Any officer or employee claiming
10 previous service credit for previous employments as a regular, temporary, or part-time employee of the
11 city may be eligible for previous service credit immediately upon filing application for same, and
12 upon payment of the contribution in accordance with the provisions set forth in subsection (l) of the
13 1978 Pension Act Amendment (Ga. Laws 1978, pages 4508, 4516) [subsection (j) of this section];
14 provided, however, the penalty provision of said subsection (l) shall be applicable to such officers or
15 employees who failed to elect enrollment under said 1978 Pension Act Amendment prior to October
16 1, 1978, and who terminated employment subsequent to April 1, 1978. The total amount of such
17 required contribution shall be increased by a sum equal to the amount previously paid into the
18 pension fund by a retired officer or employee and withdrawn upon termination of employment,
19 multiplied by an interest factor of seven percent (7%) per annum compounded from the date of
20 termination to the date of filing of the application. The total amount such required contributions, less
21 a sum equal to the amount previously paid into the pension fund by a regular officer or employee
22 and withdrawn upon termination of employment, shall be increased by an amount equal to such
23 required contributions, less the said amount withdrawn multiplied by an interest factor of seven
24 percent (7%) per annum compounded from the date of termination or October 1, 1978, whichever is
25 the later to the date of application. The total amount such required contributions shall be decreased
26 by the amount previously paid into the pension fund by a regular officer or employee and not
27 withdrawn upon termination of employment plus an amount equal to seven percent (7%) per annum
28 compounded of such amount not withdrawn from the date of termination to the date of filing of the

1 application. As to credit for part-time or temporary service with the city, such previously service credit
2 shall be on the basis of one (1) day for day worked by such person as a temporary employee or on a
3 part-time basis; except that are required contribution shall be based upon gross salary of such
4 person at the time of filing the application for the previous service credit. The payment of the
5 contributions of previous service credit for previous employment as a regular, temporary, or part-time
6 employee of the city paid upon the filing of the application for credit; or such officer or employee shall
7 have a period of sixty (60) months from the date of filing the application in, which to pay such
8 conditions; provided, however, the total amount of contribution shall bear interest at seven percent
9 (7%) annum on the unpaid balance. The board of trustee is authorized to establish rules and
10 regulations for extending the period in which back pension contributions may be paid provided that
11 interest in the amount of seven percent (7%) per annum shall be added to any amounts not paid
12 within the above specified period. The board of trustees shall require as a prerequisite for the
13 granting of such extension an assignment of life insurance in an amount sufficient to cover the
14 outstanding obligation.

15 (1) This section and the several subsection shall be effective as of April 1, 1978, except
16 for the provisions of subsection (m) which shall be effective as of January 1, 1979.

17 Payments required by subsection (i) above, as to those persons then employed and
18 electing to come under this amendment, shall commence on April 1, 1978. As to
19 those persons subsequently coming into the service of such city or subsequently
20 electing to participate under the terms of this amendment, said payments shall begin
21 with the date of employment or date of such election.

22 (m) In addition to the funds derived from deductions from salaries and wages, as required by subsection
23 (i) of this amendment, it shall be the duty of the governing authority of
24 such cities to appropriate and pay into the pension fund each year an amount which
25 shall be equal to the actuarially determined percentage of members' salary and wages
26 necessary to pay the normal cost contribution of benefits earned by members and to
27 amortize the unfunded accrued liability of the pension fund within 40 years
28 commencing January 1, 1979, after deducting contribution required of officers and

1 employees required by subsection (i) of the amendment

2 For purposes of paying the required employer contributions provided above, the

3 governing authority of such cities shall be authorized to levy ad valorem taxes payable

4 to the pension fund sufficient to amortize the unfunded accrued liability under

5 provision of this amendment within 40 years commencing January 1, 1979, and upon

6 determination by an independent actuarial valuation as provided in subsection (n)

7 below that such unfunded accrued liability has been amortized, such authorization to

8 levy such ad valorem taxes shall cease. Should said pension fund at any time be

9 insufficient to meet and pay the pension due to such officers and employees the

10 governing authority shall appropriate from current funds amount sufficient to make

11 up the deficiency as it relates to the respective officers and employees and deposit

12 same into said pension fund. Should such actuarial valuation as provided in

13 subsection (n) below result in a determination that the total required employer

14 contribution would be less than the contribution required of members by subsection

15 (i) of this amendment, then the contribution required of the members by subsection (i) of

16 this amendment shall be reduced and the required employer contributions in this

17 subsection shall be increased so the member contribution required by subsection

18 (i) will not be greater than the required employer contributions under this subsection.

19 (n) When any person covered by the provision of this act shall die as a result of injuries

20 incurred in the line of duty, the compensation to which such person would have been

21 entitled had such person continued in active services shall be continued for two (2)

22 years by such city and paid to the primary beneficiary designated by such officer or

23 employee. At the expiration of the two (2) year period referred to above, the pension benefits due the

24 beneficiary shall be computed in accordance with the provisions of this amendment. The pension

25 benefits for a primary beneficiary shall be continued to the secondary beneficiaries

26 upon the death or ineligibility of the primary beneficiary.

27 The city employing any officer or employee coming under the provisions of this act

28 shall immediately notify the board of trustees upon the occurrence of the disability or

1 death of any such officer or employee, and the board of trustees shall conduct an
2 investigation within 90 days of the event which caused such disability or death.

3 Thereafter, the board of trustees shall make a determination as to whether such
4 disability or death was incurred in line of duty or not in line of duty. Should such city,
5 or any person having an interest in said decision, disagree with such decision of the
6 board then either such city or such person may appeal from such decision as provided
7 by law.

8 It shall also be the duty and responsibility of the board of trustees to employ an
9 independent actuary to tender an actuarial review of the pension fund at periodic
10 intervals of no more than five (5) years, commencing with the enactment of this
11 amendment. The term "independent actuary" as used herein means a fellow of the
12 Society of Actuaries, or a member of the American Academy of Actuaries, or an
13 organization of which one or more members is a fellow of the Society of Actuaries or
14 a member of the American Academy of Actuaries, or both.

15 (c) In the event there should accumulate more funds than are needed for immediate use,
16 the board of trustees shall be empowered to invest such excess funds as follows:

17 (1) Without limitation in:

18 (a) Bonds, notes or other obligations of the United States or those guaranteed by the
19 United States or for which the credit of the United States is pledged for the payment
20 of the principal and interest or dividends thereof.

21 (b) State bonds pledging the full faith and credit of the state and revenue bonds
22 additionally secured by the full credit of the state.

23 (c) Bonds of the several counties or municipalities in the state containing a pledge of the
24 full faith and credit of the counties and municipalities involved.

25 (d) Savings accounts in, or certificates of deposit of, any bank incorporated under the
26 laws of this state or any national bank organized under the laws of the United States
27 doing business and situated in the state, to the extent that such savings accounts are
28 insured by the federal government or an agency thereof.

- 1 (3) Not more than 10 percent of such funds in:
- 2 (a) Bonds, notes or obligations of any municipality or political subdivision or any
3 agency or authority of the state, if such obligations are rated by at least two nationally
4 recognized rating services in any one of the four highest classifications approved by
5 the comptroller of the currency for the investment of the funds of national banks.
- 6 (b) Savings accounts of any savings and loan association incorporated under the
7 laws of this state or in savings accounts of any federal savings and loan
8 association situated in this state, to the extent that such investments are insured
9 by the federal government or an agency thereof.
- 10 (c) Savings accounts in, or certificates of deposit of, any bank incorporated under
11 the laws of this state or any national bank organized under the laws of the
12 United States doing business and situated in this state, to the extent that such
13 savings accounts are insured by the federal government or any agency thereof.
- 14 (d) Notes secured by first liens of Deeds To Secure Debt on real property, insured
15 or guaranteed by the federal housing administration or the Veteran's
16 Administration.
- 17 (e) Interest-bearing obligations of the International Bank for Reconstruction and
18 Development or the Inter-American Development Bank.
- 19 (f) Group annuity contracts of an investment type issued by an insurance company
20 authorized to do business in this state.
- 21 (3) Not more than 55 percent of such funds in:
- 22 (a) Common stock, preferred stock, and any obligations of a corporation having an
23 option to convert into common stock, issued by a corporation organized under
24 the laws of the United States, provided:
- 25 (1) The corporation is listed on anyone or more of the recognized national stock
26 exchanges in the United States, or traded through the NASDAQ National Market.
- 27 (2) The board shall not invest more than three percent of the assets of any fund in
28 common stock, preferred stock and other obligations of any one issuing

- 1 corporation, and the aggregate investment of any fund in any one issuing
2 corporation shall not exceed three percent of the outstanding capital stock of
3 that corporation.
- 4 (b) Mutual funds organize under the laws of the United States.
- 5 (4) Not more than 65 percent of any fund, in obligations with a fixed maturity of any
6 corporation within the United States or corporation or government registered in
7 the United States, if such obligations are rated by at least two nationally
8 recognized rating services in any one of the four highest classifications approved
9 by the comptroller of the currency for the investment of funds of national banks.
- 10 (5) For the purpose of determining the above investment limitations, the value of
11 bonds shall be the par value thereof, and the value of evidence of ownership and
12 obligations having an option to convert to owner-ship shall be the cost thereof.
13 (Ord. No. 1992-45, § 2, 7-28-92; Ord. No. 1994-13, § 6, 3-24-94; Ord. NO. 1996-
14 37, § 2, 6-10-96)
- 15 (p) Notwithstanding any other provisions of this act, as amended, regarding the
16 rights of officers or employees to designate beneficiaries of their pension benefits
17 after their death, every male or female officer, coming under the provisions of this
18 amendment, either voluntarily or by compulsion, having a spouse or unmarried
19 child or children (natural or legally adopted) under the age of 21 years shall be
20 compelled to make the necessary additional contributions in order to provide
21 continued pension benefits for such spouse or unmarried child or children
22 (natural or legally adopted) under the age of 21 years, and designated as
23 beneficiaries. Nothing herein provided shall prevent an officer or employee from designation
24 a primary beneficiary (spouse or unmarried child or children (natural or legally adopted) under 21
25 years of age and a secondary beneficiary (either spouse or unmarried child or children (natural or
26 legally adopted) under 21 years of age and not named as primary beneficiary). If an officer or
27 employee designates a beneficiary, and thereafter such beneficiary should cease to be qualified to
28 receive a pension in the event of the member's death, then such officer or employee may at his or

1 ner option, designate some other beneficiary who does qualify for pension benefits under this
2 amendment, and continue to make contributions for such beneficiaries, or should no qualified
3 beneficiary exist, cease to make further contributions for beneficiaries, in which event contributions
4 theretofore made for the benefit of a beneficiary shall not be refunded except insofar as refunds may
5 be allowed by other provisions of this act, as amended.

6 Should any officer or employee become eligible for a service pension, and thereafter remain in the
7 service of such city, then upon the death of such person, without having retired, the spouse of such
8 person may apply for a beneficiary pension as provided for in this amendment, which shall continue
9 for the life of such spouse. In the event of the death or disqualification of a spouse to receive such
10 beneficiary pension, then the unmarried child or children (natural or legally adopted) under the age
11 of 21 years shall succeed to the rights of such deceased or disqualified spouse, as above provided,
12 and such beneficiary pension shall be continued to such child or children until the youngest living
13 child shall reach the age of 21 years, die, or marry, whichever event should first to occur. No child
14 (natural or legally adopted) of such officer or employee shall be entitled to receive any benefits
15 unless such child is less than 21 years of age and unmarried, or unless such child is less than 23
16 years of age and enrolled as a full-time student at an accredited college or university and unmarried.
17 Any officer or employee coming under the provisions of this amendment either voluntarily or by compulsion,
18 who, at such time, has no qualified beneficiary, either spouse or unmarried child or children under 21 years
19 of age, shall not be required to make the contributions necessary to provide for the continuation of pension
20 benefits to a beneficiary. Provided, however, upon the occurrence of the event by which such officer or
21 employee acquires a qualified beneficiary, then such officer or employee shall immediately commence
22 making required contributions to provide benefits for such beneficiary and shall within a period of two (2)
23 years thereafter, in addition to current requirements, pay into the pension fund one percent (1%) of his total
24 salary or earnings for all creditable service prior to the occurrence of such event.

25 Any officer or employee election to come under the provisions of this act, who prior thereto had a
26 qualified beneficiary but who had not made the contributions to provide for the payment of continued
27 pension benefits to such beneficiary, shall be required to pay to the pension fund the amount of such
28 beneficiary contributions for the number of years of service with such city and during which such

1 officer or employee had a qualified beneficiary, such payments to be at the rates and in the manner
2 set forth in sub-section (j) hereof.

3 In the event that a member dies after retirement, either before or after receiving retirement
4 payments, the named beneficiary, or the member's estate in the absence of a named beneficiary
5 shall receive a refund in an amount equal to the amount such member paid into said pension fund
6 less the total amount received by such member or beneficiaries in retirement benefits.

7 (Ord. No. 1981-94, § 6, 12-19-85)

8 (q) The board of trustees may pool any amount of the funds administered by them with
9 the funds of any other pension or retirement fund for other employees of such city for
10 the purpose of joint investments. When such pooling occurs, the pooled trust funds
11 shall be accounted for in accordance with generally accepted principles of accounting
12 in order to maintain the separate accountability of such pension funds. The board of
13 trustees may employ an independent investment counselor who shall advise them on
14 the best and most appropriate portfolio of investments.

15 (r) Should an officer or employee in the employment of such cities transfer from a
16 position of employment covered by another pension fund to a position of employment
17 covered by this pension fund, the accumulated employee and employer contributions
18 of such officer or employee paid to such other pension fund shall be transferred to this
19 pension fund and such officer or employee shall be credited with all creditable service
20 certified in such other pension fund as though such service had been rendered under
21 this pension fund, provided, however, that should such officer or employee retire as a
22 matter of right within three (3) years subsequent to the date of such transfer, the
23 service retirement benefits payable to such officer or employee shall be the lesser of
24 the service retirement benefits payable under the provisions of this act, as amended, or the
25 provisions of the pension fund from which such officer or employee transferred.

26 (s) Any employee participating in the provisions of the act approved August 13, 1924
27 (Ga. Laws 1933, page 167 et seq.) [This section], or of the several acts amendatory
28 thereof, who leaves the employ of such municipality prior to retirement shall be

Atlanta Professional Fire Fighters Association International Association of Fire Fighters, Local 134

1 credited to a refund of all monies paid into such fund by said employee, provided,
2 however, that such refunds shall be subject to withholding or deduction for any debts
3 owed or amounts due to such municipality by such ex-employee.

4 (t) The terms of this amendment to said act shall apply to any member who meets the
5 following terms and conditions:

6 (1) Any officer who has received an in-line-of-duty disability pension from the fire fighters
7 pension fund prior to November 13, 1987; and

8 (2) Thereafter has been re-employed by the city in the fire department.

9 (3) Any such employee meeting the aforementioned condition shall make application for
10 such credit within 90 days of the enactment of this amendment or within 90 days of
11 their return to work, whichever is later.

12 (4) Such employee may receive credit toward retirement for the years they received an
13 in-line-of-duty disability pension

14 (5) The maximum credit to be received under this amendment at the time of retirement is
15 limited to the number of years an employee works after being reemployed. (Ord. No.
16 1993-41, § 2, 9-7-93)

17 (u) Subject to approval by the United States Internal Revenue Service in accordance with
18 IRS section 414(h), employee contributions shall be treated as employer contributions
19 in determining tax treatment effective with the following payroll periods in 1994:

- 20 Groups I, III, IV, VI Pay period 6
- 21 Group II Pay period 11
- 22 Group V Pay period 3

23 Such contributions shall not be included as gross income of the employee for tax purposes
24 until such time as they are distributed or made available. The City of Atlanta shall reduce
25 the compensation payable to a member in an amount of the contributions made on behalf
26 of the employee.

27 **Sec. 6-368. Consent by applicant to participate in system.**

28 The receipt of an applicant's executed enrollment or application card by the commissioner of finance

1 an agent shall constitute the approval a consent of the applicant to participate under the
2 provisions of this act, as amended, or as may hereinafter be amended.

3 (1980 Ga. Laws page 3204, § 1)

4 **Section 6-224. Refunds regulated**

5 Except upon the separation of employment other than retirement or death of an employee
6 Or in the case of bookkeeping, clerical or data processing errors, the refund of pension contributions
7 paid by an employee shall be prohibited. (1980 Ga. Laws, page 3204, § 2)

8 **Sec. 6-225 Tax on salaries of fire fighters**

9 Beginning April 1, 1945, three percent (3%) shall be deducted from the salaries or wages of all
10 Members of said fire department up to a maximum of \$200 per month, or a total of \$6.00 per
11 month. Where a member has either a spouse or minor child or children, which children are under the age of
12 18 years, it shall be mandatory the he/she designates such spouse or child or children as his/her
13 beneficiaries and in such case, there shall be deducted the sum of four
14 per centum (4%) from his/her monthly salary or wage up to a maximum of \$200 or a total of \$8.00 per
15 month, as and when paid. If the person does not name a beneficiary on or before April 1, 1945, but later
16 decides to name a beneficiary, he/she shall pay the additional one percent (1%) up to a maximum of \$2.00
17 per month, from April 1, 1945, or the date of his/her entry into the fire department, whichever shall be the
18 latest date; provided, however, that the widow/widower shall not be eligible to receive the pension benefits
19 of the deceased pensioner unless he/she married such member at least one (1) year before he/she became
20 eligible to retire by reason of length of service.

21 **Sec. 6-474 Compensation for death from injuries in line of duty**

- 22 (a) Payment of compensation. When any person covered by the provisions of this act shall die as a
23 result of injuries incurred in the line of duty, the compensation to which he/she would have been
24 entitled shall be continued for two (2) years and paid to his/her widow/widower or minor children, if
25 no widow/widower,
26 (b) Payment of pension. At the expiration of the two year period referred to in the proceeding paragraph
27 the widow/widower of such deceased person shall be entitled to a minimum pension of \$250 per
28 month until he/she remarries or until his/her death

- 1 (c) Termination of widow/widower benefits. The compensation and pension benefits for the
- 2 widow/widower provided by this act [section] shall terminate upon his/her remarriage or death

Deferred Retirement Option Plan

(DROP)

Benefits of the Deferred Retirement Option Plan

- The employee stops contributing to the pension and realizes a 7-8 percent increase in pay for up to 5 years
- The employee can leave with a lump sum amount saved over a short period of time to help in the retirement transition
- The employee can choose the method of disbursement as a lump sum or a specific amount per year over a period of time to augment their monthly pension
- The City stops contributing to the individuals pension and realizes up to a 5 year savings
- The City retains the experienced employee at a reduced cost
- Attracts and retains employees from other jurisdiction that do not have this option

This type of option is being implement all over the country as a tool to attract and retain public safety employees

1 Final Submission Draft To Atlanta Professional Fire Fighters, IAFF Local 114

2 Details of Deferred Option Retirement Plan

3 **Eligibility**

4 Any active member of the Atlanta Fire Fighters Pension Fund who has, (1) attained the
5 age of 47, and (2) completed a minimum of twenty (20) years of credited service, and (3)
6 is eligible to receive a normal retirement pension, may elect to participate in the DROP.

7 However, said election must be made at or before the employee has attained twenty-five
8 (25) years of continuous service with the City. Except as provided below, after an

9 employee has reached twenty-five (25) years of continuous service, but still has not

10 become eligible to elect to participate in the DROP upon (but not after) reaching

11 eligibility for normal retirement. The member will "retire" for purposes of the pension plan,

12 but may continue their employment with the City for a maximum 60 months from the

13 effective date of the member's DROP election. At the conclusion of the DROP period

14 and as a condition of participating in the DROP, the member's employment with the City

15 will end.

16 Upon the effective date of the implementation of the Deferred Retirement Option Plan,

17 but not thereafter, any employee who is eligible to receive a normal retirement pension, is

18 currently an active member of the Atlanta Fire Fighters Pension Fund, and who has

19 exceeded twenty-five (25) years of continuous service may elect to participate in the

20 DROP for the full sixty-(60) month period. Any such employee not making an election

21 upon the effective date of the deferred retirement option plan will forfeit his or her right to

22 enter the DROP.

23 **Written Election**

24 A member electing to participate in the DROP must complete and execute the proper

25 forms supplied by the Pension Fund administrator in a time and manner determined by

26 the board of trustees and shall be effective on the first day of the first calendar month

27 which is at least five business days after it is received by the board. Election in the DROP

28 is irrevocable once payments to the DROP account begin.

Limitations and Disqualifications for Other Benefits

A member may participate in the DROP only once. After commencement of participation, the member shall not again have the right to be a contributing member of the Pension Fund and shall not be eligible for the Pension Plan.

Cessation of Contributions

Upon the effective date of a members' commencement of participation in the DROP, the member's contributions and the city's contributions to the Pension Fund for the normal cost of the member's service after the effective date will be discontinued.

Benefit Calculation

For all Pension Plan purposes, the average monthly earnings and continuous service of a member participating in the DROP shall remain as they existed on the effective date of commencement of participation in the DROP. Service, earnings or increases in earnings thereafter shall not be recognized by the Pension fund or used for the calculation or determination of any benefits payable by the Pension Fund.

On the effective date that the member enters the DROP, the city will calculate a members accrued sick and vacation time for payment. The member will then continue to earn sick and vacation time in accordance with the appropriate city policy. The calculated payment amount will be paid to the member in five (5) equal payments over the next five (5) years with each payment made on the member's DROP participation anniversary date.

However, should the member terminate participation in the DROP and employment with the city before the full sixty (60) months, the remainder of the calculated payment amount due to the member shall be paid to the member upon his final termination. Any accrued sick time in excess of the maximum number of hours accruable for pay out purposes, will be carried over into the DROP. However, at the members conclusion of participating in the DROP, the member will forfeit all unused accrued sick leave and thus will not be compensated for a portion of said leave.

1 **Payments to DROP Account**

2 The monthly pension benefits that would have been payable had the member elected to
3 cease employment and receive a normal retirement benefit including a cost-of-living
4 increase shall be paid in to the member's deferred retirement option account.

5 **DROP Account Earnings**

6 After each fiscal year quarter, the average daily balance in a members deferred
7 retirement option account shall be credited or debited at a rate equal to the actual net
8 rate of investment return realized by the Pension Fund for that quarter. "Net investment
9 return" for the purpose of this paragraph is the total return of the assets in which the
10 members deferred retirement option account is invested by the board of trustees net of
11 brokerage commissions and transaction costs.

12 Payments to the DROP earn interest at a rate set quarterly by the board of trustees.

13 However, if a member does not terminate employment at the end of participation in the
14 DROP, interest credits shall cease on all future payments and earned money. No
15 amounts shall be paid from the Pension Fund until the member terminates employment
16 with the city.

17 **Expenses**

18 To compensate the system for the expenses of administering and operating the DROP,
19 each members account shall be charged an annual administrative fee, which shall be
20 reviewed and subject to increase or decrease annually. The initial expense charge of
21 three-quarters of one percent of the account balance (0.75%), shall be deducted from the
22 members account after each fiscal year quarter at the rate of 0.1875% of the accounts
23 average balance during that quarter.

24 **Payout**

25 Upon termination of a members employment (for any reason), the retirement benefits
26 payable to the member or to the members beneficiary (if provided for), shall be paid to

27
28

1 the member or beneficiary and shall no longer be paid to the members deferred
2 retirement option account. No payments will be made from the DROP account until the
3 member terminates employment.

4 Within ninety days after the end of any calendar quarter following the termination of a
5 Member's employment, the balance in the members deferred retirement account shall be
6 payable at the members option:

7 (1) in full in a single lump sum payment, or

8 (2) in annual installments in amounts requested by the member by June 30th of each
9 year, or

10 (3) in equal monthly installments requested by the member, which can be changed
11 only once each year by making such request by June 30th of each year, or

12 (4) in a single lump sum payment of the balance remaining after payment of any
13 annual or monthly installments, which will be paid within 90 days after
14 receiving a member's request, which request can be made at any time after
15 termination of a members employment.

16 Regardless of the selected option by the member, the board of trustees has the right to
17 accelerate payments in order to comply with Section 401(A)(9) of the Internal Revenue
18 Code and the right to defer payments to comply with Sect 415 of the Internal Revenue
19 Code. The DROP is meant to comply with the provision of the Internal Revenue Code and
20 the board of trustees will take no action which would jeopardize the tax qualification of the
21 Pension Fund.

22 Promotions

23 On the effective date that a member enters the DROP, the member is not eligible to
24 participate in the promotional examination process as covered by the existing
25 promotional process.

26 Death

27 If a DROP member dies before their account balance is paid out in full, the participant
28 members designated beneficiary shall have the same rights as the member to elect an

1 receive the payout options set forth. DROP payments to a beneficiary shall be in addition
2 to any retirement benefits payable to the beneficiary under any optional form of
3 retirement benefits elected by the member.

4 **Benefits Not Guaranteed**

5 All benefits payable under the DROP shall be paid only from the assets of the DROP and
6 neither the city nor the Board of Trustees shall have any duty or liability to furnish the
7 DROP with any funds, securities or other assets except to the extent required by any
8 applicable law.

Deferred Retirement Option Plan

Hypothetical Example

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Age of Member at Hire	25
Age of Member at NRD	47 ½
Years of Service at NRD	22 ½
Salary for Year Ending at NRD	\$ 45,000
Rate of Salary for Increase for 3 Years Prior and 5 Years after NRD	5%
Annual Pension if Member Retires At Age 47 ½	\$ 28,308
Annual Pension if Member Does Not Enter DROP and Retires at Age 52 (27 years of Service)	\$ 41,056

DROP Account Balance (Assuming 8% Investment Earnings):

Age	Annual Addition	Investment Earnings	Balance at Year End
47 to 48	\$ 28,308	\$1,132	\$29,440
48 to 49	\$28,308	\$3,488	\$61,236
49 to 50	\$28,308	\$6,031	\$95,236
50 to 51	\$28,308	\$8,778	\$132,661
51 to 52	<u>\$28,308</u>	<u>\$11,745</u>	\$172,714
	\$141,540	\$31,174	

At the end of five years in DROP, member would retire with a lump sum of \$ 172,714 and an annual pension of \$ 28,308. In addition, if the member were to save the 8% of salary that he would not be contributing to the System, he/she would have an additional \$21,000 at the end of five years (not including any investment earnings)



RCS# 2684
3/05/01
6:19 PM

Atlanta City Council

Regular Session

00-0-1103

Repeal Sec. 6-366 of Charter & GA
Related Laws (1978 Pension Act)
ADOPT SUB/AMEND

YEAS: 10
NAYS: 4
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

N McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	N Woolard	Y Martin	Y Emmons
Y Bond	N Morris	B Maddox	Y Alexander
Y Winslow	N Muller	Y Boazman	NV Pitts

00-0-1103

RCS# 2683
3/05/01
6:18 PM

Atlanta City Council

Regular Session

00-O-1103

Repeal Sec. 6-366 of Charter & GA
Related Laws (1978 Pension Act)
AMEND MARTIN #1

YEAS: 11
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	N Woolard	Y Martin	Y Emmons
Y Bond	N Morris	B Maddox	Y Alexander
Y Winslow	N Muller	Y Boazman	NV Pitts

00-O-1103

RCS# 2682
3/05/01
6:10 PM

Atlanta City Council

Regular Session

00-O-1103

Repeal Sec. 6-366 of Charter & GA
Related Laws (1978 Pension Act)
AMEND BOND #1

YEAS: 10
NAYS: 4
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

N McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	N Woolard	Y Martin	Y Emmons
Y Bond	N Morris	B Maddox	N Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

00-O-1103

CITY COUNCIL
ATLANTA, GEORGIA

A Resolution

Councilmember C. T. Martin

01-R-0525

A Resolution requesting the next Administration (Mayor and Council) to examine the Firemen's Pension Fund; to provide funding for an increased percentage, retroactively, for those employees with fifteen (15) years or more service; and for other purposes

WHEREAS, for many years, the City of Atlanta has had three (3) pension plans: the General Employees' Pension Fund, the Policemen's Pension Fund and the Firemen's Pension Plan; and

WHEREAS, these Plans have enjoyed parity in that they each allowed employees to retire with the formula two percent (2%) times the number of years served (minus certain age penalties); and

WHEREAS, sworn personnel (police and fire) had an exception whereby they were allowed to retire at age fifty-five (55); and

WHEREAS, in 2001, the Council adopted, and the Mayor subsequently approved, legislation that Changed the Policemen's pension benefits from two percent to three percent; and

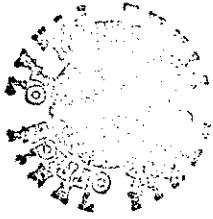
WHEREAS, this three percent (3%) is to be retroactive, in that three percent will be applicable to years previously served; and

WHEREAS, at a subsequent meeting on March 5, the Council adopted, and the Mayor approved legislation increasing the Fireman's Pension Fund benefits from two to three (2 - 3) percent; and

WHEREAS, this legislation was **not** retroactive since funds were not available to fund such an initiative; and

WHEREAS, this legislation penalizes those firefighters who have achieved longevity with the City.

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



Section 1: That the incoming Administration (2002 Mayor and Council) examine the Firemen's Pension Fund and make it a priority to increase its benefits retroactively for those employees with fifteen (15) years or more service

Section 2: That said Administration make such funding available in it 2002 Budgets (all applicable funds).

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council

RETURNED WITHOUT SIGNATURE OF THE MAYOR

APPROVED as per City Charter Section 2-403

MAR 19, 2001

MAR 28, 2001

01-2-0525

(Do Not Write Above This Line)

A Resolution

Councilmember C. T. Martin

A Resolution requesting the next Administration (Mayor and Council) to examine the Firemen's Pension Fund; to provide funding for an increased percentage, retroactively, for those employees with fifteen (15) years or more service; and for other purposes

ADOPTED BY
MAR 19 2001
COUNCIL

Adopted

Voice Vote
By Full Council
3/19/01

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

Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

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

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

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

CERTIFIED

CERTIFIED
 MAR 19 2001
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 MAR 19 2001
[Signature]
 DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 28 2001

WITNESS MY HAND
BY: OPERATOR OF...



RESOLUTION BY

**BY COUNCILMEMBER MICHAEL J. BOND AS SUBSTITUTED AND
AMENDED BY THE FINANCE/EXECUTIVE COMMITTEE**

**A RESOLUTION AUTHORIZING THE
CREATION OF A TASK FORCE FOR THE
PURPOSE OF REVIEWING THE CITY'S
PENSIONS PLANS AND DEVELOPING
RECOMMENDATIONS FOR THE OVERALL
IMPROVEMENT OF SUCH PLANS; AND FOR
OTHER PURPOSES.**

WHEREAS, the City of Atlanta is a creation of the State of Georgia under the authority of the Municipal Home Rule Act; and

WHEREAS, as a creation of the State of Georgia the City of Atlanta has the authority under the Municipal Home Rule Act to offer its employees a pension plan and certain other benefits; and

WHEREAS, under the Municipal Home Rule Act the City of Atlanta has created three separate pension funds for its police, fire and all other employees; and

WHEREAS, these pension funds are created by the City under the authority given to it by the State of Georgia and vary in their benefits; and

WHEREAS, all three Pension Plans should be examined and a plan of action developed to ensure their viability in future years as city employees retire with expectation of enjoying their golden years; and

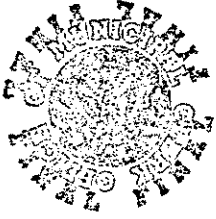
WHEREAS, the creation of a Task Force to review, plan and implement a plan of action will hopefully provide stability and growth for the City's three pension funds :

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA; as follows:

SECTION 1: That a Employee Pension Task Force is hereby established with the Department of Finance providing the necessary support (technical, clerical, MIS, etc.) through the Bureau of Treasury, Licensing and Employee Benefits' Pension Division.

SECTION 2: That the Employee Pension Task Force shall consist of seventeen members to be appointed in the following manner:

- **The President of the Atlanta City Council, or his designee**
- **The Chair of the Finance/Executive Committee or his designee**
- **Chief Financial Officer, Chief Operating Officer, and the Commissioner of Personnel and Human Resources**
- **One representative from each of the three (3) Pension Boards, to be appointed by the respective Boards**
- **One representative from AFSME**
- **One representatives from the Firefighters Union**
- **One representatives from PACE General Employee Union Members**



- One representatives from the Police Union International Brotherhood of Police Officers (IBOP)
- One representatives from the Police Benevolent Association (PBA)
- The Chairperson of the Civil Services Board
- Three citizen representatives - one to be appointed by the Mayor, one to be appointed by the President of Council and one to be appointed by the City Council. Each representative shall have knowledge of finance, generally, and/or pension plans, specifically.

SECTION 3: That the Chairperson of the Finance/Executive Committee of the City Council shall convene this Task Force upon approval and adoption of this legislation by the Mayor and Council. The Task Force shall make periodic reports to the City Council

SECTION 4: That all resolutions and parts of resolutions in conflict herewith are and the same is hereby repealed.

A true copy,

Thonda Daphnia Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

JUL 02, 2001
JUL 10, 2001

RCS# 2964
7/02/01
2:13 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 11

ADOPT

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

SEE ATTACHED LISTING OF ITEMS
ADOPTED/ADVERSED ON
CONSENT AGENDA

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	B Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0819

CONSENT

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0869
2. 01-O-0965
3. 01-O-0969
4. 01-O-0977
5. 01-O-0857
6. 01-O-0911
7. 01-O-0968
8. 01-O-0920
9. 00-R-1625
10. 01-R-0929
11. 01-R-0931
12. 01-R-0932
13. 01-R-0989
14. 01-R-0993
15. 01-R-0957
16. 01-R-0926
17. 01-R-0982
18. 01-R-0923
19. 01-R-0956
20. 01-R-0963
21. 01-R-0975
22. 01-R-1001
23. 01-R-0933
24. 01-R-0934
25. 01-R-0935

**ITEMS ADVERSED
ON CONSENT AGENDA**

26. 01-R-0936
 27. 01-R-0937
 28. 01-R-0938
 29. 01-R-0939
 30. 01-R-0940
 31. 01-R-0941
 32. 01-R-0942
 33. 01-R-0943
 34. 01-R-0944
 35. 01-R-0945
 36. 01-R-0946
 37. 01-R-0947
 38. 01-R-0948
 39. 01-R-0949
 40. 01-R-0950
 41. 01-R-0951
 42. 01-R-0952
 43. 01-R-0953
 44. 01-R-0954
 45. 01-R-0955
-

017 R-0975

(Do Not Write Above this Line)

A RESOLUTION BY
 BY COUNCILMEMBER MICHAEL JULIAN BOND
 A RESOLUTION AUTHORIZING THE CREATION OF A TASK FORCE FOR THE PURPOSE OF REVIEWING THE CITY'S PENSIONS PLANS AND DEVELOPING RECOMMENDATIONS TO BRING ABOUT PARITY TO THE THREE PLANS; AND FOR OTHER PURPOSES.

ADOPTED BY

JUL 0 2 2001

COUNCIL

Resolution As Amended

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

Date Referred *6/18/01*

Referred To: *Finance / Executive*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee *FINANCE*
 Date *6/27/01*
 Chair *EN*
 Action: *ON SUBD. A.S.*
 Fav. Adv. Hold (see rev. side)
 Other: *Members*
 Members *Michael Julian Bond, Kevin D. Williams*
 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

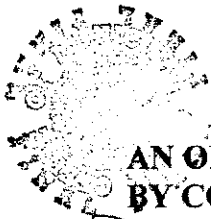
CERTIFIED
 JUL 0 2 2001
 ATLANTA CITY COUNCIL PRESIDENT
Michael Julian Bond

CERTIFIED
 JUL 0 2 2001
Rachel Douglas Johnson
 MUNICIPAL CLERK

APPROVED

JUL 10 2001

Michael Julian Bond



**AN ORDINANCE
BY COUNCILMEMBER MICHAEL J. BOND**

Jim Miller *Carl* *Demetrius* *Veron* *County* *Shorey*
Ally *Mad* *Shore*
C.T. Moore

TO AMEND SECTION 6-222 OF THE CITY OF ATLANTA'S CODE OF ORDINANCES RELATED LAWS SECTION (1978 PENSION ACT) BY REPEALING EXISTING PROVISIONS GOVERNING POLICE PENSION BOARD POLICY ON EMPLOYMENT RESTRICTIONS FOR PENSIONED OFFICERS SEVERLY INJURED IN THE LINE OF DUTY AND SUBSTITUTING IN LIEU THEREOF THE ARTICLE CONTAINED HEREIN; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Dorey *Shelb*
Alan Muller

WHEREAS, the City of Atlanta recognizes that the duties and responsibilities of its sworn police officers are inherently dangerous and require its officers to routinely place themselves in harm's way in the performance of their duties; and

WHEREAS, the City of Atlanta provides reasonable accommodation to police officers who are otherwise qualified for sworn positions, consistent with the Americans with Disabilities Act (42 U.S.C. § 14001, et seq.); and

WHEREAS, there are some officers who have suffered such severe or catastrophic injuries, making them unable to return to sworn status; and

WHEREAS, the current police disability provisions do not allow for distinctions between mild, moderate, and severe/catastrophic injuries; and

WHEREAS, the City of Atlanta supports the goal of providing a disability plan for its officers that accommodates a range of injury levels; and

WHEREAS, such severely or catastrophically injured officers are therefore only able to receive a disability pension; and

WHEREAS, the City of Atlanta respects its responsibilities to prevent and avoid contributing to the financial harm experienced by its police officers who are severely injured in the line of duty; and



WHEREAS, the current law precludes such pensioned officer from supplementing his or her disability benefits through any form of gainful employment, which results in due economic consequences to the officer and the officers family; and

WHEREAS, the City of Atlanta has not updated or significantly revised its disability and pension provisions since 1978 and recognizes the need to accommodate the changes in the law and in medical technology; and

WHEREAS, jurisdictions outside of the City of Atlanta have implemented and/or modified their provisions to provide work eligibility for its officers who have been severely injured in the line of duty and who have, therefore, been "pensioned"; and

WHEREAS, City of Atlanta Police Officers who are severely injured in the line of duty during the early period of their service are inadvertently penalized based upon the current plan for compensation; and

WHEREAS, providing financial protection in the event of serious injury sustained in the line of duty will serve to motivate and promote improved morale among current City of Atlanta police officers and aid in the recruitment and retention of qualified law enforcement personnel in the future; and

WHEREAS, the City of Atlanta recognizes that the opportunity or such officers to pursue alternative employment after suffering a permanent and catastrophic, on the job injury is fundamental to recouping self esteem and human dignity; and

WHEREAS, prior to the 1986 Amendment, the City of Atlanta pension and disability provisions did allow an injured employee to seek and, upon approval, obtain eligibility for other employment;

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

SECTION 1.

That the current ordinance governing the policies of the City of Atlanta's Pension Board, entitled "1978 Pension Act," City of Atlanta Code of Ordinances, Related Laws Section 6-222 (g) be amended to add a new subsection which shall be identified as Section 6-222 (g)(8), and which shall read as follows:

(g) (8) Catastrophic Disability Sustained In The Line Of Duty. A sworn employee who has been injured in the line of duty, and whose permanent injury is severe or catastrophic, may make an application to the board through the City of Atlanta Department of Finance, Division of Employee Benefits. The Board is thereafter

authorized to make a finding, by a simple majority vote, that such in the line of duty injury is catastrophic such that the employee is disabled. In connection therewith:

a. The determination of whether a disability was incurred "In The Line Of Duty" or "Not In The Line Of Duty" shall be made by the board in accordance with the board of trustees' investigation procedures as provided in subsection (n) hereof, below.

b. The determination of whether a disability is catastrophic shall be in the sole discretion of the board by a preponderance of the evidence and as supported by official medical records, qualified medical expert opinions, sworn testimony and/or other such reliable source accepted by the board in its discretion. For the purposes of this Code Section, a catastrophic injury is a sudden, violent, life-threatening, injury sustained by a member who is or was employed as a sworn employee by the City at the time of the injury, which injury is due to an externally-caused event or events, as supported by evidence, including, but not specifically limited to, one of the conditions described below: (1) loss of sight in one or both eyes;(2) loss of one or both feet at or above the ankle;(3) loss of one or both hands at or above the wrist;(4) an injury to the spine that results in permanent and complete paralysis of both arms, both legs, or one arm and one leg, or;(5) an externally caused traumatic physical injury to the brain or skull that renders one physically or mentally unable to perform **two or more Activities of Daily Living (feeding oneself, dressing, continence, bathing, toileting and transferring, i.e. getting in and out of bed), driving a motor vehicle, etc. or catastrophically disabled includes a permanent severely disabling injury, disorder, that compromises the ability to carry out the activities of daily living to such a degree that the individual requires personal or mechanical assistance to leave home or bed or requires constant supervision to avoid physical harm to self or others.**

c. Upon a finding by the board that an officer or employee covered by the provisions of this Act meets the criteria under this subsection, the officer or employee covered by the provisions of this Act shall be entitled to receive compensation or other income from third-party sources while receiving disability pension payments and/or other benefits without suffering any penalty or otherwise forfeiting or waiving any right to continue receiving disability pension benefits the officer or employee would otherwise be entitled to receive pursuant to the pension plan.

d. Should any individual or department of the City having an interest in the board's decision pursuant to this subsection disagree with such decision of the board, then such department may appeal from such decision as provided in subsection (n), hereof, below, and as otherwise provided by law.

e. Any finding by the board that an individual meets the criteria of this subsection shall be subject to periodic review in accordance with subsection (g)(7)a, and any such finding may be rescinded review in accordance with subsection (g)(7)b and only upon motion properly brought forth by a duly authorized member of the board.

OMC – Amendment incorporated by tcp 10/09/01

- f. Any claimed injury to the mind or emotional well-being of an individual shall not serve as basis for a finding that the injury satisfies the criteria of section 1(A) but shall be presumed to be governed by existing provisions regarding non-catastrophic injuries. Any such presumption shall be considered rebuttable.
- g. The provisions of this Ordinance Amendment shall be retroactive to 1986.

SECTION 2.

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

SECTION 3.

If any provision, clause, sentence or paragraph of this Code, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Article which can be given effect without the invalid provisions or application and, to this end, the provisions of this Code are hereby declared to be severable.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMO

ADOPTED as amended by the Council
APPROVED by the Mayor

SEP 17, 2001
SEP 25, 2001

RCS# 3100
9/17/01
3:05 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 11

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Unanimous

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1458

CONSENT

ITEMS ADOPTED ON CONSENT AGENDA

1. 01-O-1231
 2. 01-O-1453
 3. 01-O-1449
 4. 01-O-1475
 5. 01-O-1476
 6. 01-O-1477
 7. 01-O-0976
 8. 01-O-1327
 9. 01-O-0591
 10. 01-O-1457
 11. 01-R-1431
 12. 01-R-1432
 13. 01-R-1306
 14. 01-R-1443
 15. 01-R-1455
 16. 01-R-1353
 17. 01-R-1486
 18. 01-R-1330
 19. 01-R-1331
 20. 01-R-1332
 21. 01-R-1333
 22. 01-R-1427
 23. 01-R-1450
 24. 01-R-1474
-

01-0-0976

(Do Not Write Above This Line)

AN ORDINANCE *City of Atlanta*
BY COUNCIL MEMBER *James Smith*
MAYOR *Michael B. Bond*

MICHAEL J. BOND
TO AMEND SECTION 6-222 OF THE
CITY OF ATLANTA'S CODE OF
ORDINANCES RELATED LAWS
SECTION (1978 PENSION ACT) BY
REPEALING EXISTING PROVISIONS
GOVERNING POLICE PENSION BOARD
POLICY ON EMPLOYMENT
RESTRICTIONS FOR PENSIONED
OFFICERS SEVERELY INJURED IN THE
LINE OF DUTY AND SUBSTITUTING IN
LIEU THEREOF THE ARTICLE
CONTAINED HEREIN; TO REPEAL
CONFLICTING ORDINANCES; AND FOR
OTHER PURPOSES.

ADOPTED BY

SEP 17 2001

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

Date Referred *6/18/01*

Referred To: *Finance / Executive*

Date Referred *7/2/01*

Referred To: *Finance / Executive*

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee *FIN EXEC*
Date *6/27/01*
Chair *[Signature]*

Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
[Signatures]

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

Committee *Finance / Executive*
Date *9/13/01*
Chair *[Signature]*
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: *AS Amended*
Members *[Signature]*

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

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

CERTIFIED

CERTIFIED
SEP 17 2001
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
SEP 17 2001
[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
SEP 25 2001
[Signature]
MAYOR



A RESOLUTION BY
FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION EXPRESSING THE INTENT OF THE CITY COUNCIL TO AMEND THE PENSION LAWS APPLICABLE TO THE POLICE OFFICERS OF THE CITY OF ATLANTA SO AS TO INCREASE THE MONTHLY PENSION BENEFIT OF OFFICERS WHERE A DETERMINATION HAS BEEN MADE BY THE BOARD OF TRUSTEES OF THE POLICE OFFICERS PENSION FUND THAT AN OFFICER HAS BECOME DISABLED AS A RESULT OF A CATASTROPHIC INJURY AS DEFINED BY ORDINANCE 01-O-0976 RECEIVED IN THE LINE OF DUTY; TO PROVIDE THAT THE ELIGIBILITY FOR SAID INCREASED MONTHLY PENSION BENEFIT SHALL BE RETROACTIVE, BUT THAT THE PAYMENT OF SAID BENEFIT SHALL BE PERSPECTIVE FROM THE EFFECTIVE DATE OF THE PASSAGE OF AN ORDINANCE PROVIDING FOR SUCH BENEFIT; TO FUND THE COSTS OF SAID BENEFIT IN THE APPROXIMATE AMOUNT OF \$400,000 FROM THE 2002 CITY OF ATLANTA BUDGET AND SUCH ADDITIONAL AMOUNTS AS MAY BE NECESSARY AND REQUIRED TO FUND THE CONTINUATION OF SAID BENEFIT IN SUBSEQUENT BUDGET YEARS; AND FOR OTHER PURPOSES.

WHEREAS, it is in the best interest of the city to provide the finest and most supportive pension benefits to the city's law enforcement officers that it can afford; and

WHEREAS, it is also in the best interest of the city to use police pension benefits as a tool by which to attract qualified applicants for the many unfilled police positions as well as to retain current law enforcement officers in their present positions; and

WHEREAS, the current pension laws of the City of Atlanta do not address the situation of adequate benefits regarding catastrophic injuries received in the line of duty.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY
RESOLVES** as follows:


OMC – Amendment Incorporated by tcp 11/28/01



Section 1: The City Council hereby expresses its intent to amend the pension laws applicable to the police officers of the City of Atlanta so as to increase the monthly pension benefit of police officers where a determination has been made by the Board of Trustees of the Police Officers Pension Fund that an officer has become disabled as a result of a catastrophic injury received in the line of duty; to provide that the eligibility for said increased monthly pension benefit shall be retroactive, but the payment of said benefit shall be perspective from the effective date of the passage of an ordinance providing for such benefit; to fund the costs of said benefit in the approximate amount of \$400,000 from the 2002 City of Atlanta budget and such additional amounts as may be necessary and required to fund the continuation of said benefit in subsequent budget years.

Section 2. The Chief Financial Officer of the City of Atlanta shall identify any and all funding required to implement this resolution, and shall include said amount in the 2002 City of Atlanta budget.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby rescinded.

A true copy,

Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

NOV 19, 2001
NOV 27, 2001



AN ORDINANCE
BY COUNCILMEMBER MICHAEL J. BOND

Jim Miller *Carl* *Demetrius v. E. m. County* *Ally* *Max* *Stone* *C. T. M. 0976*

TO AMEND SECTION 6-222 OF THE CITY OF ATLANTA'S CODE OF ORDINANCES RELATED LAWS SECTION (1978 PENSION ACT) BY REPEALING EXISTING PROVISIONS GOVERNING POLICE PENSION BOARD POLICY ON EMPLOYMENT RESTRICTIONS FOR PENSIONED OFFICERS SEVERLY INJURED IN THE LINE OF DUTY AND SUBSTITUTING IN LIEU THEREOF THE ARTICLE CONTAINED HEREIN; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Dory *Shelb* *Alan Muller*

WHEREAS, the City of Atlanta recognizes that the duties and responsibilities of its sworn police officers are inherently dangerous and require its officers to routinely place themselves in harm's way in the performance of their duties; and

WHEREAS, the City of Atlanta provides reasonable accommodation to police officers who are otherwise qualified for sworn positions, consistent with the Americans with Disabilities Act (42 U.S.C. § 14001, et seq.); and

WHEREAS, there are some officers who have suffered such severe or catastrophic injuries, making them unable to return to sworn status; and

WHEREAS, the current police disability provisions do not allow for distinctions between mild, moderate, and severe/catastrophic injuries; and

WHEREAS, the City of Atlanta supports the goal of providing a disability plan for its officers that accommodates a range of injury levels; and

WHEREAS, such severely or catastrophically injured officers are therefore only able to receive a disability pension; and

WHEREAS, the City of Atlanta respects its responsibilities to prevent and avoid contributing to the financial harm experienced by its police officers who are severely injured in the line of duty; and



WHEREAS, the current law precludes such pensioned officer from supplementing his or her disability benefits through any form of gainful employment, which results in due economic consequences to the officer and the officers family; and

WHEREAS, the City of Atlanta has not updated or significantly revised its disability and pension provisions since 1978 and recognizes the need to accommodate the changes in the law and in medical technology; and

WHEREAS, jurisdictions outside of the City of Atlanta have implemented and/or modified their provisions to provide work eligibility for its officers who have been severely injured in the line of duty and who have, therefore, been "pensioned"; and

WHEREAS, City of Atlanta Police Officers who are severely injured in the line of duty during the early period of their service are inadvertently penalized based upon the current plan for compensation; and

WHEREAS, providing financial protection in the event of serious injury sustained in the line of duty will serve to motivate and promote improved morale among current City of Atlanta police officers and aid in the recruitment and retention of qualified law enforcement personnel in the future; and

WHEREAS, the City of Atlanta recognizes that the opportunity or such officers to pursue alternative employment after suffering a permanent and catastrophic, on the job injury is fundamental to recouping self esteem and human dignity; and

WHEREAS, prior to the 1986 Amendment, the City of Atlanta pension and disability provisions did allow an injured employee to seek and, upon approval, obtain eligibility for other employment;

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

SECTION 1.

That the current ordinance governing the policies of the City of Atlanta's Pension Board, entitled "1978 Pension Act," City of Atlanta Code of Ordinances, Related Laws Section 6-222 (g) be amended to add a new subsection which shall be identified as Section 6-222 (g)(8), and which shall read as follows:

(g) (8) Catastrophic Disability Sustained In The Line Of Duty. A sworn employee who has been injured in the line of duty, and whose permanent injury is severe or catastrophic, may make an application to the board through the City of Atlanta Department of Finance, Division of Employee Benefits. The Board is thereafter

authorized to make a finding, by a simple majority vote, that such in the line of duty injury is catastrophic such that the employee is disabled. In connection therewith:

a. The determination of whether a disability was incurred "In The Line Of Duty" or "Not In The Line Of Duty" shall be made by the board in accordance with the board of trustees' investigation procedures as provided in subsection (n) hereof, below.

b. The determination of whether a disability is catastrophic shall be in the sole discretion of the board by a preponderance of the evidence and as supported by official medical records, qualified medical expert opinions, sworn testimony and/or other such reliable source accepted by the board in its discretion. For the purposes of this Code Section, a catastrophic injury is a sudden, violent, life-threatening, injury sustained by a member who is or was employed as a sworn employee by the City at the time of the injury, which injury is due to an externally-caused event or events, as supported by evidence, including, but not specifically limited to, one of the conditions described below: (1) loss of sight in one or both eyes;(2) loss of one or both feet at or above the ankle;(3) loss of one or both hands at or above the wrist;(4) an injury to the spine that results in permanent and complete paralysis of both arms, both legs, or one arm and one leg, or;(5) an externally caused traumatic physical injury to the brain or skull that renders one physically or mentally unable to perform **two or more Activities of Daily Living (feeding oneself, dressing, continence, bathing, toileting and transferring, i.e. getting in and out of bed), driving a motor vehicle, etc. or catastrophically disabled includes a permanent severely disabling injury, disorder, that compromises the ability to carry out the activities of daily living to such a degree that the individual requires personal or mechanical assistance to leave home or bed or requires constant supervision to avoid physical harm to self or others.**

c. Upon a finding by the board that an officer or employee covered by the provisions of this Act meets the criteria under this subsection, the officer or employee covered by the provisions of this Act shall be entitled to receive compensation or other income from third-party sources while receiving disability pension payments and/or other benefits without suffering any penalty or otherwise forfeiting or waiving any right to continue receiving disability pension benefits the officer or employee would otherwise be entitled to receive pursuant to the pension plan.

d. Should any individual or department of the City having an interest in the board's decision pursuant to this subsection disagree with such decision of the board, then such department may appeal from such decision as provided in subsection (n), hereof, below, and as otherwise provided by law.

e. Any finding by the board that an individual meets the criteria of this subsection shall be subject to periodic review in accordance with subsection (g)(7)a, and any such finding may be rescinded review in accordance with subsection (g)(7)b and only upon motion properly brought forth by a duly authorized member of the board.

OMC – Amendment Incorporated by tcp 10/09/01

f. Any claimed injury to the mind or emotional well-being of an individual shall not serve as basis for a finding that the injury satisfies the criteria of section 1(A) but shall be presumed to be governed by existing provisions regarding non-catastrophic injuries. Any such presumption shall be considered rebuttable.

g. The provisions of this Ordinance Amendment shall be retroactive to 1986.

SECTION 2.

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

SECTION 3.

If any provision, clause, sentence or paragraph of this Code, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Article which can be given effect without the invalid provisions or application and, to this end, the provisions of this Code are hereby declared to be severable.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMO

ADOPTED as amended by the Council
APPROVED by the Mayor

SEP 17, 2001
SEP 25, 2001

01-0-0976

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER

MICHAEL J. BOND

TO AMEND SECTION 6-222 OF THE CITY OF ATLANTA'S CODE OF ORDINANCES RELATED LAWS SECTION (1978 PENSION ACT) BY REPEALING EXISTING PROVISIONS GOVERNING POLICE PENSION BOARD POLICY ON EMPLOYMENT RESTRICTIONS FOR PENSIONED OFFICERS SEVERELY INJURED IN THE LINE OF DUTY AND SUBSTITUTING IN LIEU THEREOF THE ARTICLE CONTAINED HEREIN; TO REPEAL CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES.

ADOPTED BY

SEP 17 2001

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

COUNCIL

Date Referred

6/18/01

Referred To:

Finance / Executive

Date Referred

7/2/01

Referred To:

Finance / Executive

Date Referred

7/2/01

Referred To:

Finance / Executive

First Reading

Committee

Date

Chair

Referred to

Committee

Date

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote ERC Vote

CERTIFIED

CERTIFIED
SEP 17 2001

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
SEP 17 2001

ATLANTA CITY COUNCIL PRESIDENT

MAYOR'S ACTION

APPROVED

SEP 25 2001

MAYOR

01-1940
(Do Not Write Above This Line)

A RESOLUTION BY:

FINANCE/EXECUTIVE COMMITTEE

A A RESOLUTION EXPRESSING THE INTENT OF THE CITY COUNCIL TO AMEND THE PENSION LAWS APPLICABLE TO THE POLICE OFFICERS OF THE CITY OF ATLANTA SO AS TO INCREASE THE MONTHLY PENSION BENEFIT OF OFFICERS WHERE A DETERMINATION HAS BEEN MADE BY THE BOARD OF TRUSTEES OF THE POLICE OFFICERS PENSION FUND THAT AN OFFICER HAS BECOME DISABLED AS A RESULT OF A CATASTROPHIC INJURY RECEIVED IN THE LINE OF DUTY; TO PROVIDE THAT THE ELIGIBILITY FOR SAID INCREASED MONTHLY PENSION BENEFIT SHALL BE RETROACTIVE, BUT THAT THE PAYMENT OF SAID BENEFIT SHALL BE PERSPECTIVE FROM THE EFFECTIVE DATE OF THE PASSAGE OF AN ORDINANCE PROVIDING FOR SUCH BENEFIT; TO FUND THE COSTS OF SAID BENEFIT IN THE APPROXIMATE AMOUNT OF \$400,000 FROM THE 2002 CITY OF ATLANTA BUDGET AND SUCH ADDITIONAL AMOUNTS AS MAY BE NECESSARY AND REQUIRED TO FUND THE CONTINUATION OF SAID BENEFIT IN SUBSEQUENT BUDGET YEARS; AND FOR OTHER PURPOSES.

As Amended ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER NOV 19 2001
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee: FIN
Date: 11-14-01
Chair: Kim Mable
Action: Fav, Adv, Hold (see rev. side)
Other: (see rev. side)
Members: Clay Thulle

Refer To _____

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

Refer To _____

FINAL COUNCIL ACTION

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

CERTIFIED

CERTIFIED
NOV 19 2001
Kim Mable
ATLANTA MUNICIPAL GOVERNMENT

CERTIFIED
NOV 19 2001
ATLANTA MUNICIPAL GOVERNMENT

ADOPTED ACTION
NOV 27 2001
MAYOR
[Signature]