

DEKALB COUNTY  
BOARD OF COMMISSIONERS

ITEM NO. 1

BUSINESS AGENDA/MINUTES

MEETING DATE July 23, 2002

PREL.       
ACTION       
PUB.HRG. X

RESOLUTION       
ORDINANCE X  
PROCLAMATION     

**SUBJECT:** Amendment to the Pension Act - Home Rule Ordinance

DEPARTMENT: Finance

PUBLIC HEARING: X Yes      No

ATTACHMENT: X Yes      No 4 pp

INFORMATION CONTACT: Michael J. Bell, Director of Finance  
PHONE NUMBER: (404) 371-2741

Deferred from the 5/28/02, 6/11/02, and 6/25/02 BOC Meetings and amended at the 7/9/02 meeting.

**PURPOSE:** To consider amending the DeKalb County Pension Act under home rule(1) to establish term-of-office for the Chairperson of the DeKalb County Pension Board, (2) to provide that no pension may be granted without the affirmative vote of at least four of the seven voting members of the Pension Board, and (3) to modify the terms under which a former participant in the Pension Plan may repurchase former service credit upon returning to the service of DeKalb County. This item was amended at the July 9, 2002 public hearing.

In accordance with Home Rule Provisions for Counties, this amendment must be adopted before the Board of Commissioners at two consecutive regularly scheduled meetings.

**NEED/IMPACT:**

In reference to the attached proposed ordinance, Parts I and II are recommended by the Administration. Part III is recommended by the DeKalb County Pension Board. The modification of Part III is to codify a rule that the returning participant must apply to repurchase prior service within six months of returning to service and must repay the contributions within 24 months of notification of the application having been approved and with interest at the actuarially projected rate of eight percent per annum.

The proposed ordinance has been approved as to form by the Law Department.

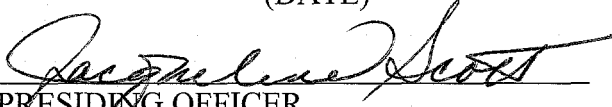
**RECOMMENDATION(S):** 1. Adopt the attached ordinance to amend the DeKalb County Pension Act under home rule as indicated.

**FOR USE BY COMMISSION OFFICE/CLERK ONLY**

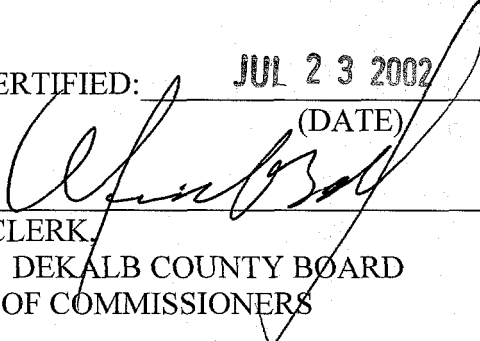
**ACTION:**

MOTION was made by Commissioner Boyer, seconded by Commissioner Yates, and passed 5-0-0-2, to approve adopting the attached ordinance to amend the DeKalb County Pension Act under home rule as indicated and defer to the next Board Meeting for a third vote because of an amendment. The next meeting will be held on August 13, 2002. Commissioners Ellis and Walldorff were out of the room and not voting.

ADOPTED: JUL 23 2002  
(DATE)

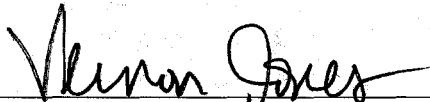
  
PRESIDENT OFFICER  
DEKALB COUNTY BOARD OF COMMISSIONERS

CERTIFIED: JUL 23 2002  
(DATE)

  
CLERK  
DEKALB COUNTY BOARD  
OF COMMISSIONERS

**FOR USE BY CHIEF EXECUTIVE OFFICER ONLY**

APPROVED: AUG - 9 2002

  
CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

VETOED: \_\_\_\_\_

CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

VETO STATEMENT ATTACHED: \_\_\_\_\_

**MINUTES:**

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	<input checked="" type="checkbox"/>			
DISTRICT 2 - GALE WALLDORFF	<input checked="" type="checkbox"/>			
DISTRICT 3 - JACQUELINE SCOTT	<input checked="" type="checkbox"/>			
DISTRICT 4 - BURRELL ELLIS				<input checked="" type="checkbox"/>
DISTRICT 5 - HANK JOHNSON	<input checked="" type="checkbox"/>			
DISTRICT 6 - JUDY YATES	<input checked="" type="checkbox"/>			
DISTRICT 7 - LOU WALKER				<input checked="" type="checkbox"/>

**A HOME RULE ORDINANCE**

**BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA UNDER THE HOME RULE PROVISIONS FOR COUNTIES OF THE CONSTITUTION OF THE STATE OF GEORGIA, TO AMEND AN ACT CREATING THE DEKALB COUNTY PENSION BOARD, KNOWN AS GA. LAWS 1962, P. 3088, ET SEQ., AS AMENDED TO AMEND THE PROVISIONS RELATING TO PLAN PARTICIPATION AND FOR OTHER PURPOSES.**

**BE IT ORDAINED** by the Board of Commissioners of DeKalb County, Georgia, and it is hereby ordained by the authority of same, pursuant to the home rule provisions for counties of the Constitution of the State of Georgia, that the Act, as amended, creating the DeKalb County Pension Board, known as Ga. Laws 1962, p. 3088, *et seq.*, as amended, be and the same is hereby further amended as follows:

**Part I.**

*By amending Section 3 (codified as Section 903 of the Code of DeKalb County) by deleting in its entirety the first sentence of this section and replacing same with the following:*

The members of the pension board shall serve without pay, shall elect their own chairperson, vice-chairperson, and secretary and shall delegate to them their respective duties. The pension board shall elect their chairperson at the first meeting of each calendar year, and the chairperson shall be elected to serve a one-year term.

**Part II.**

*By amending Section 5 (codified as Section 905 of the Code of DeKalb County) of the Act by deleting in its entirety the second sentence of this section and replacing same with the following:*

A quorum of said pension board shall be necessary for the transaction of any business or the conduct of any hearing before said board, and the majority of the voting members shall be sufficient to act upon all matters coming before the board, provided no pension shall be granted without the affirmative vote of at least four (4) voting members of the board.

**Part III.**

*By amending Section 15.1 (codified as Section 915.1 of the Code of DeKalb County) of the Act by deleting in its entirety the first sentence of this section and replacing same with the following:*

Any participant in the plan herein who shall return to the service of DeKalb County after an absence therefrom, whether under resignation, leave of absence or discharge, shall be entitled to credit against his service for all periods of time he has served as an officer or employee, or as a deputy of an officer of DeKalb County, provided such participant makes formal application to repurchase prior service credit (on such form as provided by DeKalb County) within six (6) months of the date of return to service, and provided that such participant shall restore to the pension fund, within twenty-four (24) months after official written notice of approval by the human resources and merit system director of the participant's application to repurchase prior service credit, all sums which he may have withdrawn from the pension fund on the date of his resignation or discharge from county service, together with interest thereon at the rate of eight (8) percent per annum from the date of his resignation or discharge from county service.

**Part IV.**

All laws or parts of laws in conflict with this ordinance are hereby repealed.

**Part V.**

Should any part, portion, or paragraph of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this ordinance not so declared to be invalid, but the same shall remain in full force and effect as if separately adopted.

**Part VI.**

This ordinance shall be presented to the Board of Commissioners of DeKalb County, Georgia for adoption at two regular, consecutive meetings of the County Commissioners, held not less than seven (7) nor more than sixty (60) days apart after notice containing a synopsis of the proposed amendment shall have been published in the official organ of DeKalb County once a week for three (3) weeks within a period of sixty (60) days immediately preceding its final adoption, such notice stating that a copy of the proposed amendment is on file in the office of the Clerk of Superior Court of DeKalb County for the purposes of examination and inspection by the public.

**Part VII.**

This ordinance shall be first presented to the Board of Commissioners of DeKalb County, Georgia on the 23<sup>rd</sup> day of July 2002 and again on the 13<sup>th</sup> day of August 2002 at the regular time and place of the meeting of the Board of Commissioners of DeKalb County, Georgia.

**Part VIII.**

A copy of this ordinance shall be filed with the Clerk of the DeKalb County Superior Court for the purpose of examination and inspection by the public along with sufficient copies of same for distribution to those members of the public.

**Part IX.**

The provisions of this ordinance shall become effective upon its adoption.

**ADOPTED** by the DeKalb County Board of Commissioners this \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
**JACQUELINE SCOTT**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, Georgia this \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
**VERNON JONES**  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

\_\_\_\_\_  
Michael J. Bell, Ex-Officio Clerk  
Board of Commissioners and Chief  
Executive Officer, DeKalb County, Georgia

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles G. Hicks  
County Attorney  
DeKalb County, Georgia

### **Sec. 903. - Compensation of board members; internal organization.**

The members of the pension board shall serve without pay, shall elect their own chairperson, vice-chairperson, and secretary and shall delegate to them their respective duties. The pension board shall elect their chairperson at the first meeting of each calendar year, and the chairperson shall be elected to serve a one-year term. It shall be the duty of the pension board to designate some officer or employee of the county to act as clerk of the pension board, and as such to keep all of the records, books and minutes of said board. Each member of the pension board shall perform his duties in a manner to preserve the immunity granted to such individuals under O.C.G.A. § 51-1-20.

### **Sec. 905. - Quorum.**

A majority of the voting members of the pension board shall constitute a quorum for all purposes. A quorum of said pension board shall be necessary for the transaction of any business or the conduct of any hearing before said board, and the majority of the voting members shall be sufficient to act upon all matters coming before the board, provided no pension shall be granted without the affirmative vote of at least four (4) voting members of the board.

### **Sec. 915.1. - Credit for prior service.**

Any participant in the plan herein who shall return to the service of DeKalb County after an absence therefrom, whether under resignation, leave of absence or discharge, shall be entitled to credit against his service for all periods of time he has served as an officer or employee, or as a deputy of an officer of DeKalb County, provided such participant makes formal application to repurchase prior service credit (on such form as provided by DeKalb County) within six (6) months of the date of return to service, and provided that such participant shall restore to the pension fund, within twenty-four (24) months after official written notice of approval by the human resources and merit system director of the participant's application to repurchase prior service credit, all sums which he may have withdrawn from the pension fund on the date of his resignation or discharge from county service, together with interest thereon at the rate of eight (8) percent per annum from the date of his resignation or discharge from county service. Said sum may be paid in equal installments over a period not to exceed twenty-four (24) months; provided, however, should a participant under this section become eligible for any benefits before this amount is fully paid, the amount due the pension fund by him shall be deducted from such benefits at a rate to be determined by the board. Any participant who is granted an official leave of absence by the county for a period not to exceed six (6) months at any one (1) time and who does not withdraw his contributions from the pension fund may receive service credit for the duration of such leave of absence by paying into the pension fund the contributions he would have had had he been in continuous employment based on his salary or wages as of the last day of active duty. This amount may be repaid within twelve (12) months of the date of his return to duty and the county shall pay into the pension fund the same contribution required of it as if such employee had continued on active duty; provided, however, that should a participant under this section become eligible for benefits before this amount is fully paid, the amount due the pension fund shall be deducted from such benefits at a rate to be determined by the board.

Any participant who becomes a participant in this plan, leaves the service of DeKalb County, and then, on or after September 1, 2005, returns to the service of DeKalb County under this plan following an absence, shall resume participation in this plan as part of the same group of participants (group 1, 2, or 3, as defined in [section 908](#) above) that he was part of immediately

before such absence, provided that he did not receive a return of contributions. If any such participant received a return of contributions, he shall resume participation in this plan as a group 2 participant upon return to DeKalb County service between August 31, 2005 and January 1, 2016, and shall resume participation in the plan as a group 3 participant upon return to DeKalb County service on or after January 1, 2016, whether or not he restores the amounts that he withdrew with interest.