

A HOME RULE ORDINANCE

A HOME RULE ORDINANCE BY THE GOVERNING AUTHORITY OF DEKALB COUNTY UNDER THE HOME RULE PROVISIONS FOR COUNTIES OF THE CONSTITUTION OF THE STATE OF GEORGIA, TO AMEND AN ACT OF THE GENERAL ASSEMBLY OF 1962, FOUND IN GEORGIA LAWS 1962, PAGE 3088, ET SEQ., AS AMENDED, CREATING THE DEKALB COUNTY PENSION BOARD, SO AS TO PROVIDE FOR A COST OF LIVING INCREASE FOR CERTAIN RETIREES, BENEFICIARIES, AND JOINT ANNUITANTS.

WHEREAS, the Governing Authority of DeKalb County seeks to grant a cost of living increase to certain retirees, beneficiaries, and joint annuitants who receive monthly pension benefits under the DeKalb County Pension Code;

NOW THEREFORE, BE IT ORDAINED by the Governing Authority 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 state law creating the DeKalb County Pension Board, known as 1962 Ga. Laws p. 3088, *et seq.*, as amended, be and the same is hereby further amended as follows:

PART I.

By amending section 908.1 of the Act (codified in the Code of DeKalb County, Georgia, Appendix B, as Section 908.1) to delete the existing heading for section 908.1 (“Sec. 908.1. – Historical provisions and 2019 benefit adjustment”) and replace it with the new heading: “Sec. 908.1. – Historical provisions and benefit adjustments.”

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By amending Section 908.1 of the Act (codified in the Code of DeKalb County, Georgia, Appendix B, as Section 908.1) to add the following language as subsection 908.1(a)(4):

(4) 2020 benefit adjustment for certain retirees, beneficiaries, and joint annuitants.

A. Retirees, beneficiaries, and joint annuitants eligible for 2020 benefit adjustment.

i. 5.2% Group. An increase in monthly pension benefit amount under the terms and conditions described below shall be provided to the following (the “5.2% Group”):

- I. Any retiree who retired and began receiving monthly pension benefits on or before January 1, 2015 with twenty or more years of service (as defined in subsection 908(a)(6) of this Plan), who is otherwise eligible to receive a monthly pension benefit as of September 1, 2020, and whose monthly pension benefit as of September 1, 2020 would be less than \$3136 if the increase provided for in this subsection 908.1(a)(4) is not taken into account; and
 - II. Any beneficiary or joint annuitant of a deceased retiree who retired and began receiving monthly pension benefits and/or died on or before January 1, 2015 with twenty or more years of service (as defined in subsection 908(a)(6) of this Plan), who is otherwise eligible to receive a monthly pension benefit as of September 1, 2020, and whose monthly pension benefit as of September 1, 2020 would be less than \$3136 if the increase provided for in this subsection 908.1(a)(4) is not taken into account.
- ii. *2.2% Group.* An increase in monthly pension benefit amount under the terms and conditions described below shall be provided to the following (the “2.2% Group”):
- I. Any retiree who retired and began receiving monthly pension benefits on or before January 1, 2015, who is otherwise eligible to receive a monthly pension benefit as of September 1, 2020, whose monthly pension benefit as of September 1, 2020 would be less than \$5000 if the increase provided for in this subsection 908.1(a)(4) is not taken into account, and who is not part of the 5.2% Group; and
 - II. Any beneficiary or joint annuitant of a deceased retiree who retired and began receiving monthly pension benefits and/or died on or before January 1, 2015, who is otherwise eligible to receive a monthly pension benefit as of September 1, 2020, whose monthly pension benefit as of September 1, 2020 would be less than \$5000 if the increase

provided for in this subsection 908.1(a)(4) is not taken into account, and who is not part of the 5.2% Group.

B. *Calculation of 2020 benefit adjustment for certain retirees, beneficiaries and joint annuitants.*

- i. Each member of the 5.2% Group, as defined above, shall receive an increase in his or her monthly pension benefit amount, applicable to monthly pension benefits payable on and after January 1, 2020 (or, if later, the first date a monthly pension benefit amount is payable to the eligible beneficiary or joint annuitant), equal to 5.2% of the monthly pension benefit amount otherwise payable to such individual for the month of September 2020 (not taking into account any increase provided for in this subsection 908.1(a)(4)).
- ii. Each member of the 2.2% Group, as defined above, shall receive an increase in his or her monthly pension benefit amount, applicable to monthly pension benefits payable on and after January 1, 2020 (or, if later, the first date a monthly pension benefit amount is payable to the eligible beneficiary or joint annuitant), equal to 2.2% of the monthly pension benefit amount otherwise payable to such individual for the month of September 2020 (not taking into account any increase provided for in this subsection 908.1(a)(4)).

C. *Timing of benefit adjustment.* Such increased monthly pension benefit amounts payable pursuant to this subsection shall commence with the first monthly pension benefit payment payable after the effective date of this amendment; any monthly pension benefit increase amounts applicable to months from January 2020 (or, if later, from the first month a monthly pension benefit amount was payable to the eligible beneficiary or joint annuitant) until the effective date of this amendment shall be accumulated and paid with such first increased monthly pension benefit payment.

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PART II. REPEALER.

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

PART III. SEVERABILITY.

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 IV. ADOPTION PROCESS.

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 purpose of examination and inspection by the public.

PART V. DATES OF ADOPTION.

This ordinance shall be first presented to the Board of Commissioners of DeKalb County, Georgia on the ____ day of _____, 2020, and again on the ____ day of _____, 2020, at the designated time and place of the meeting of the Board of Commissioners of DeKalb County, Georgia.

PART VI. FILING.

A copy of this Ordinance shall be filed with the Clerk of the DeKalb County Superior Court for the purpose of making it available for examination and inspection by the public.

PART VII. EFFECTIVE DATE.

The provisions of this ordinance shall become effective when a copy of this ordinance, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which such notice was published are filed with the Secretary of State.

ADOPTED by the DeKalb County Board of Commissioners this _____ day of _____, 2020.

STEPHEN R. BRADSHAW
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, Georgia this _____ day of _____, 2020.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD
Clerk to Board of Commissioners and Chief
Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

Dianne McNabb
Director, Finance Department
DeKalb County, Georgia

Viviane H. Ernstes
County Attorney
DeKalb County, Georgia