



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Motion Signature

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File Number: 20210730

### Pension Plan Amendments

Motion approving an ordinance amending the defined benefit pension plans to simplify and streamline Pension Board nomination and election procedures.

### *Second Reading*

Date October 13, 2021

A handwritten signature in cursive script, reading "R. Steve Tumlin, Jr.", written over a horizontal line.

R. Steve Tumlin, Jr., Mayor

A handwritten signature in cursive script, reading "Stephanie Guy", written over a horizontal line.

Stephanie Guy, City Clerk

**AN ORDINANCE**

**Amending the defined benefit pension plans to simplify and streamline pension board nomination and election procedures.**

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**NOW THEREFORE, THE COUNCIL OF THE CITY OF MARIETTA HEREBY ORDAINS:**

Section 1: That Article 4-12-4, Exhibit A to Chapter 4-12, Ordinance 4022, "Retirement Plan for the Employees of the City of Marietta, Georgia," Section 5 of Article X (Pension Board) be amended to read as follows:

**ARTICLE X  
Pension Board**

Section 5. Membership and operation of pension board.

The pension board shall consist of nine members appointed by the City Council which may be selected from the following:

Post 1: City manager or his nominated designee, to be appointed by City Council and reappointed with each successive City Council. The City Council shall consider, but not be bound by, nominations made by the City Manager.

Post 2: Council member

Post 3: Council member

Post 4: General employee representative

Post 5: General employee representative

Post 6: General employee representative

Post 7: General employee representative

Post 8: Police department representative

Post 9: Fire department representative

Subject to being appointed by the City Council, the police chief and fire chief shall be ex officio members of the pension board and shall only vote in the absence of the police and fire representatives. Each chief must be reappointed with each successive City Council.

Terms. All members shall be nominated as hereinafter provided in November and shall begin service on January 1 for a term of three years.

Selection of council, police, fire and general employee members:

Council representative. Two members of the council shall serve on the pension board. Effective October 1, 2016, the two members representing council shall be the Chairman of the Personnel/Insurance Committee and the Chairman of the Finance/Investments Committee as provided in Section 1-4-040 of City Code. If either of the chairmen is unable to serve or declines to serve for any reason, then the Vice Chairman of the applicable committee shall serve in their stead. If a vacancy still exists, then the Mayor with consent of council shall appoint an alternate.

Police Nomination. One member of the pension board shall be appointed by the City Council as a representative of the police department. The senior officer in the rank of police deputy chief shall serve as the department's senior election officer, responsible for organizing and overseeing the nomination via election for the police department.

Fire Nomination. One member of the pension board shall be appointed by the City Council as a representative of the fire department. The senior officer in the rank of deputy fire chief shall serve as the department's senior election officer, responsible for organizing and overseeing the nomination via election for the fire department.

Nomination of police and fire representatives. The senior election officer of each respective department shall advertise the upcoming election at least ten calendar days prior to the election, collect the names of all interested and eligible employees to be placed on the ballot, and hold the election in the month of November immediately preceding the expiration of the terms of the police and fire representatives. The names of the employees shall be placed on a ballot with space provided for write-ins. The duration of the election period will not exceed ten business days, including periods of early voting. Ballots shall be distributed to all of the eligible employees in the respective departments of police and fire. When used, paper ballots shall be marked in secret and returned to the senior election officer the same day they are distributed. If electronic voting is used, the method must be certified by the director of information technology as maintaining anonymity. Each eligible employee will vote for one candidate and the candidate receiving a plurality of votes shall be nominated for appointment by the City Council as the representative of their respective departments to the pension board. In the case of only one interested and eligible employee, the chief of the department, on or after the advertised election day, will submit the name of the nominee to the secretary of the pension board as having run unopposed. If for any reason the duly nominated representative of the police or fire departments cannot fulfill his or her office, the city manager, having received a recommendation from the chief of the department, shall nominate a replacement for the duration of the vacated membership. The City Council shall consider, but not be bound by, nominations made as a result of elections or the nominating process.

Nomination of General employees. Four members of the pension board shall be appointed by the City Council as representatives of the general employees. The director of human resources and risk management shall serve as the senior election officer, responsible for organizing and overseeing the nomination via election for the general employees. The senior election officer shall advertise the upcoming election at least ten calendar days prior to the election, collect the names of all interested and eligible employees to be placed on the ballot, and hold the election in the month of November immediately preceding the end of the current member's term. The names of such employees shall be placed on a ballot with space provided for write-ins. The duration of the election period will not exceed ten business days, including periods of early voting. Ballots shall be distributed to all eligible general employees. When used, paper ballots shall be marked in secret

and returned to the senior election officer the same day they are distributed. If electronic voting is used, the method must be certified by the director of information technology as maintaining anonymity. Each employee will vote for as many candidates as there are representative seats of the general employees set to expire at the end of the year. The candidate(s) receiving the highest plurality of votes for such seats shall be nominated as the representative(s) of the general employees to the pension board. In the case of only one interested and eligible employee per post, the senior election officer will submit the name(s) of the nominee(s) to the secretary of the pension board as having run unopposed. If for any reason a duly nominated representative of the general employees cannot fulfill his or her office, the city manager, in consultation with the senior election officer, shall nominate a replacement for the duration of the vacated membership. The City Council shall consider, but not be bound by, nominations made as a result of elections or the nominating process.

Notwithstanding anything contained herein, no person shall serve as a member of the Pension Board without having been appointed by the City Council of the City of Marietta.

Officers. The pension board may elect such officers as it deems necessary. The board shall elect a chairperson and a secretary.

The chairperson shall preside at meetings of the board, cast a vote on any issue, call meetings as may be necessary, and do all things necessary to carry on the orderly affairs of the board. The chairperson shall be selected by a majority vote of the board for a one-year term. The board shall designate, in writing, a secretary or other representative who shall have full authority to represent the board in all communications with any provider and the city's employees, including elected and appointed members of the governing authority. The secretary shall keep accurate minutes of all meetings of the board, recording those voting for and against any issue. Minutes shall be distributed to each member of the board, the council of the City of Marietta and shall be posted in a prominent place(s) within the City Government Complex.

Legal assistance. The city attorney or other attorney appointed by the governing authority shall furnish legal advice to the pension board on any issue before it upon which legal advice is sought.

Meetings. The pension board shall meet at least quarterly. Five members of the board (including the chairman) shall constitute a quorum. The city manager or his designee shall have authority to approve pension, retirement and disability payments pending a meeting of the board.

Rules of procedure. The pension board shall have the authority to promulgate rules and regulations for its internal operation, as well as the approval of payments within its jurisdiction.

Education. As mandated by Georgia law, each appointed pension board member (including ex officio) or staff member as designated by the board shall complete appropriate education applicable to his or her fiduciary duties and obligations under the plan.

Applicable education shall include education and training in the following areas:

1. Laws applicable to public retirement systems, which may include federal and state laws applicable to specific public retirement systems, laws applicable to public retirement system trustees, the applicable common law duties of trustees listed in Title 53 of the Georgia Code, and laws related to open meetings and open records;

2. Roles, duties, and responsibilities of public retirement system trustees;
3. Ethics and conflicts of interest;
4. Governance, administration, and funding of public retirement systems;
5. Investments; investment management, portfolios, and strategies; and measurements of performance; and
6. Audit and actuarial principles and methods related to public retirement systems.

Applicable education may include:

1. Seminars, conferences, or schools sponsored by educational institutions or professional organizations;
2. Online continuing education coursework;
3. Continuing education received at any public retirement system meeting; or
4. Any other continuing education approved by the Board.

The secretary shall maintain a record of each member's applicable trustee education and provide a report to the Board and Council on an annual basis, with the first report due not later than March 31, 2020. Each member or designated staff member first appointed or elected on or after July 1, 2019, shall complete a minimum of eight hours of education designated to orient new public retirement system trustees in the areas described in this Section within one year of becoming a new trustee. If the member from Posts 1 through 9 or one of the chiefs of public safety fails to complete such requirement within 14 months, such member shall be deemed removed from his or her position as trustee by operation of State law (currently O.C.G.A. 47-1-17 and as later amended) and shall be removed without any further action, and the Council shall appoint a new member in accordance with this Section. Each appointed member or designated staff member who was appointed or elected prior to July 1, 2019, or who has served one or more years as a public retirement system trustee shall complete a minimum of 12 hours of continuing education every two years in the areas described in this Section. If the member from Posts 1 through 9 or one of the chiefs of public safety fails to complete such requirement within 26 months, such member shall be deemed removed from his or her position as trustee by operation of State law (currently O.C.G.A. 47-1-17 and as later amended) and shall be removed without any further action, and the Council shall appoint a new member in accordance with this Section.

(Ord. No. 5923, 11/11/98, § 2; Ord. No. 7103, 10/10/2007, § 2; Ord. No. 7379, 9/9/2009, § 1; Ord. No. 7872, 3/9/2016, § 1; Ord. No. 7893, 6/8/2016, § 1; Ord. No. 8078, 2/13/2019, § 2; Ord. No. 8118, 10/10/2019, § 2)

Section 2: That Article 4-12-6, Exhibit B to Chapter 4-12, Ordinance 4532, "Consolidated Retirement Plan for the Employees of the City of Marietta, Georgia," Section 5 of Article X (Pension Board) be amended to read as follows:

**ARTICLE X**  
**Pension Board**

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Police Nomination. One member of the pension board shall be appointed by the City Council as a representative of the police department. The senior officer in the rank of police deputy chief shall serve as the department's senior election officer, responsible for organizing and overseeing the nomination via election for the police department.



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3. Ethics and conflicts of interest;
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6. Audit and actuarial principles and methods related to public retirement systems.

Applicable education may include:



1. Seminars, conferences, or schools sponsored by educational institutions or professional organizations;
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Section 3: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 4: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 5: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: October 13, 2021

APPROVED:   
R. Steve Tumlin, Jr., Mayor

ATTEST:   
Stephanie Guy, City Clerk

Approved as to Form:   
Douglas R. Haynie, City Attorney