

AN ORDINANCE

AMENDING

City Code Sections 4-12-4-010 and 4-12-6-010 so as to revise position titles appointing fire and general employees to nominate candidates for membership on the pension board.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA:

Section 1: That Section 4-12-4-010 Exhibit A to Chapter 4-12. Ordinance No. 4022, Article X, Section 5, Membership and operation of pension board, of the Code of Ordinances of the City of Marietta be modified to read as follows:

4-12-4-010 Section 5. Membership and operation of pension board.

The pension board shall consist of nine (9) members elected from posts as follows:

Post 1: City manager or his designee

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

The police chief and fire chief shall be ex-officio members of the pension board and shall vote in the absence of the police and fire representatives.

Terms. All members shall be elected as hereinafter provided in November and shall begin service on January 1 for a term of two (2) years.

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

Council representative. Two (2) members of the council shall serve on the pension board. They shall be appointed by the mayor with consent of the council and shall serve for their duly elected term. If for some reason a duly appointed member cannot fulfill his or her term on the board, he or she shall be replaced by a member of the council appointed by the mayor with consent of the council.

Police representative. One member of the pension board shall be a representative of the police department. The senior officer in each of the ranks of police deputy chief, police captain, police lieutenant, police sergeant, detective and police officer shall serve as a nominating committee for the police department. The highest ranking officer shall serve as chairman of the nominating committee.

Fire representative. One member of the pension board shall be a representative of the fire department. The senior officer in each of the ranks of deputy chief, assistant chief, commander, lieutenant, firefighter engineer, and firefighter shall serve as a nominating committee for the fire department. The highest ranking officer shall serve as chairman of the nominating committee.

Election of police and fire representatives. The chairman of each respective nominating committee of police and fire shall call a meeting of the committee in November of the year immediately preceding the termination of the police and fire representatives on January 1 of the next year. The purpose of this meeting will be to nominate three (3) employees from each of the departments of fire and police. The names of the three (3) employees nominated shall be placed on a ballot with space provided for write-ins. Ballots shall be distributed by the nominating committees to all of the employees in the respective departments of police and fire. Ballots shall be marked in secret and returned to the nominating committee the same day they are distributed. Each employee will vote for one (1) candidate and the candidate receiving a plurality of votes shall be the representative of their respective departments to the pension board. If for any reason the duly elected representative of the police or fire departments cannot fulfill his or her office, the respective nominating committee shall designate a replacement for the duration of the vacated membership.

General employees. Four (4) members of the pension board shall be representatives of the general employees. A nominating committee consisting of the director of personnel, or a designee thereof; two (2) person(s) appointed by the director of public works, one (1) of which cannot be in a supervisory position; three (3) persons appointed by the BLW general manager, one (1) of which cannot be in a supervisory position; two (2) persons appointed by the city manager, one (1) of which cannot be in a supervisory position; and one person appointed by the director of parks and recreation shall nominate the candidates for membership on the pension board. The director of personnel, or the designee thereof, shall act as presiding officer of the nominating committee and call a meeting of the committee in the month of November in the year immediately preceding the end of the current members term. The purpose of this meeting shall be to nominate two (2) candidates for each expiring term of a member of the pension board represented by the general employees. The names of such employees nominated shall be placed on a ballot with space provided for write-ins. Ballots shall be distributed to all general employees. Ballots shall be marked in secret and returned to the nominating committee the same day they are distributed. Each employee will vote for as many candidates as there are representative seats of the general employees expiring on January 1. The candidates receiving the highest plurality votes for such seats shall be selected as the representatives of the general employees to the pension board. If for any reason the duly elected representative of the general employees cannot fulfill his or her office, the nominating committee shall designate a replacement for the duration of vacated membership.

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

The chairman 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 chairman 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 (5) 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.

(Ord. No. 5923, 11/11/98, § 1)

Section 2: That Section 4-12-6-010 Exhibit B to Chapter 4-12. Ordinance No. 4532, Article X, Section 5, Membership and operation of pension board, of the Code of Ordinances of the City of Marietta be modified to read as follows:

4-12-6-010 Section 5. Membership and operation of pension board.

Section 5. Membership and operation of pension board.

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Post 3: Council member

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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

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.

Terms. All members shall be elected as hereinafter provided in November and shall begin service on January 1 for a term of two (2) years.

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

Council representative. Two (2) members of the council shall serve on the pension board. They shall be appointed by the mayor with consent of the council and shall serve for their duly elected term. If for some reason a duly appointed member cannot fulfill his or her term of the board, he or she shall be replaced by a member of the council appointed by the mayor with consent of the council.

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Fire representative. One member of the pension board shall be a representative of the fire department. The senior officer in each of the ranks of deputy chief, assistant chief, commander, lieutenant, firefighter engineer, and firefighter shall serve as a nominating committee for the fire department. The highest ranking officer shall serve as chairman of the nominating committee.

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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 (5) 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.

(Ord. No. 5923, 11/11/98, § 2)

Section 3: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, phrases and words are severable, and if any section, paragraph, clause, phrase or word of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, clauses, phrases or words of this Ordinance.

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

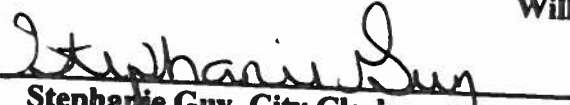
Section 5: This Ordinance shall become effective after the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: 10/08/2007

APPROVED:


William B. Dunaway, Mayor

ATTEST:


Stephanie Guy, City Clerk

Approved as to Form:


Douglas R. Haynie, City Attorney



City of Marietta
Motion Signature

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

20071063

Motion to approve proposed changes to City Code Sections 4-12-4-010 and 4-12-6-010 as adopted in Pension Ordinances 4022 and 4532.

Date: 10/10/2007

William B. Dunaway, Mayor

Stephanie Guy, City Clerk

MEMORANDUM

DATE: October 8, 2007

TO: Personnel & Insurance Committee Members

THRU: William Bruton, City Manager

FROM: Fran Diedrich, Director of Personnel

SUBJECT: Revision to Pension Ordinances – General Employees

Issue: This is a request to revise the language for Marietta Code 4-12-4-010 and 4-12-6-010 regarding the nominating process for members of the City of Marietta/BLW Pension Board.

Discussion/Financial Considerations: Members of the City's Pension Board representing *General Employees* are determined by an annual election process each November. Part of that election process involves the appointment of a nominating Committee by certain Department Directors, the BLW Board Manager and the City Manager. One of the positions assigned to appoint a member to that Nominating Committee has been eliminated from the City's organizational structure. As that position has been eliminated we are recommending revisions as follow:

Marietta Code 4-12-4-010 (Plan 4022) Article X, Section 5 - Membership and operation of pension board.

General employees. Four (4) members of the pension board shall be representatives of the general employees. A nominating committee consisting of the director of personnel, or a designee thereof, ~~one- two~~ persons appointed by the director of public works, ~~one (1) of which cannot be in a supervisory position,~~ three (3) persons appointed by the blw board ~~general~~ manager, one (1) of which cannot be in a supervisory position, two (2) persons appointed by the City Manager, one (1) of which cannot be in a supervisory position, ~~and one person appointed by the director of parks and recreation, and one person appointed by the director of property management~~ shall nominate the candidate for membership on the pension board.

and

Marietta Code 4-12-6-010 (Plan 4532) Article X, Section 5 - Membership and operation of pension board.

General employees. Four (4) members of the pension board shall be representatives of the general employees. A nominating committee consisting of the director of personnel, or a designee thereof, ~~one- two~~ persons appointed by the director of public works, ~~one (1) of which cannot be in a supervisory position,~~ three (3) persons appointed by the blw board ~~general~~ manager, one

(1) of which cannot be in a supervisory position, two (2) persons appointed by the City Manager, one (1) of which cannot be in a supervisory position, and one person appointed by the director of parks and recreation, ~~and one person appointed by the director of property management~~ shall nominate the candidate for membership on the pension board.

There are no financial considerations involved in this request.

Recommendation:

We would recommend the proposed revisions be reviewed and approved by Council allowing changes to be implemented during the upcoming Pension Board election.