

STATE OF GEORGIA  
COUNTY OF CLAYTON

ORDINANCE NO. 2007- 128

AN ORDINANCE ADOPTED UNDER THE HOME RULE POWERS GRANTED TO CLAYTON COUNTY PURSUANT TO ARTICLE IX, SECTION II, PARAGRAPH i OF THE CONSTITUTION OF THE STATE OF GEORGIA OF 1983, AMENDING THE CLAYTON COUNTY CODE OF ORDINANCES, SPECIFICALLY RELEVANT SECTIONS OF THE CLAYTON COUNTY, GEORGIA PUBLIC EMPLOYEE RETIREMENT SYSTEM TO SPECIFY THE NORMAL RETIREMENT BENEFIT APPLICABLE TO AN IDENTIFIED CLASS OF PARTICIPANTS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County and the Clayton County Water Authority maintain the Clayton County, Georgia Public Employee Retirement System (Pension Plan) (the "Plan") by an Act of the General Assembly of the State of Georgia, which originally became effective as of July 1, 1971;

WHEREAS, the Plan was last amended by Ordinance No. 2006-70 of the Clayton County Code of Ordinances; and

WHEREAS, the Board of Commissioners now desires to amend the Plan to specify the normal retirement benefit applicable to an identified class of participants.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED:

Section I. By the authority granted to Clayton County pursuant to Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983, the Board of

Commissioners hereby amends the Clayton County Code of Ordinances, as amended, by amending the Plan, effective as of September 1, 2007, in the following particulars:

1. By adding the following new paragraph to the end of Section 5.2:

“Notwithstanding the foregoing and in lieu of any other payment of benefits under the Plan, the Accrued Benefit of certain Participants identified in Appendix F as of their Normal Retirement Date shall be the monthly benefit payable in the Normal Fund Payment specified in Appendix F.”

2. By adding the following new sentence to the end of Section 5.3:

“The Accrued Benefit of certain Participants identified in Appendix F, however, shall not be subject to the reduction described in the immediately preceding sentence.”

3. By deleting “and E” from Section 14 and substituting “, E and F” therefor.

4. By adding the following new Appendix F:

**“APPENDIX F  
ACCRUED BENEFIT OF CERTAIN IDENTIFIED PARTICIPANTS**

The Accrued Benefit of the Participants listed below as of their Normal Retirement Date shall be a monthly benefit (payable in monthly installments as an annuity for the Participant’s life with 60 months guaranteed commencing at the Participant’s Normal Retirement Date) as follows:

Larry A. Bartlett	\$5,326.17
Michael G. Maddox	\$4,685.89
Hiram D. Massengale	\$5,141.09”

Section II. In the event any section, paragraph, subpart, sentence, clause, phrase or word of this Ordinance shall be declared or adjudged unconstitutional or invalid by any Court, such declaration or adjudication shall not affect the remaining portions of this Ordinance which shall remain in full force and effect as if the portions declared invalid or unconstitutional had never been enacted into law.

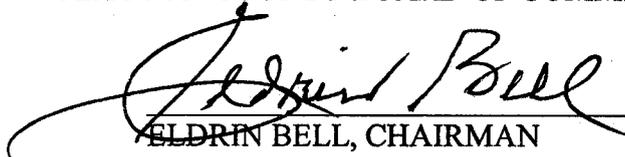
Section III. All laws, ordinances or resolutions, or parts thereof, in conflict with provisions of this Ordinance are hereby repealed.

Section IV. This Ordinance shall become effective as of the dates provided herein upon its approval by the Board of Commissioners after the second reading of the Ordinance,

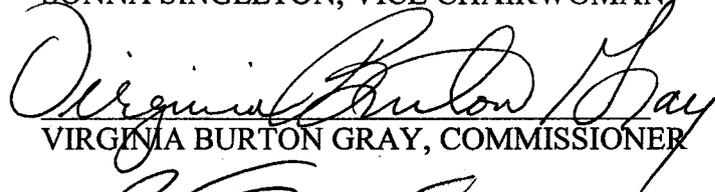
provided the same receives an affirmative vote of three or more members, and provided further that a copy of the Ordinance has been published in the official organ of Clayton County and filed with the Secretary of the State of Georgia as required by law.

SO ORDAINED, this 4<sup>th</sup> day of September, 2007

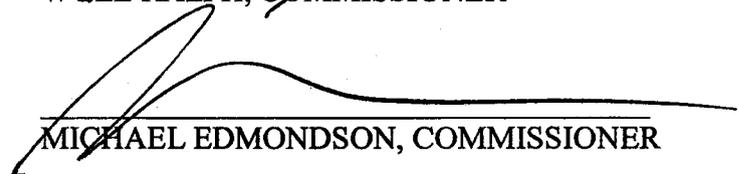
CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

  
SONNA SINGLETON, VICE CHAIRWOMAN

  
VIRGINIA BURTON GRAY, COMMISSIONER

  
WGLE RALPH, COMMISSIONER

  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK