

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2025-16

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 REFLECT A CHANGE IN THE TERMS OF PENSION BUYBACK OPPORTUNITIES; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; AND TO PROVIDE EFFECTIVE DATES 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. 2023-88 of the Clayton County Code of Ordinances; and

WHEREAS, the Board of Commissioners now wishes to amend the Plan as set forth below;

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

Section 1. 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 by amending the Plan effective as of February 1, 2025, as follows:

1. By deleting the existing Sections 7.6(a)(iii) and (iv) and substituting therefor the following new Section 7.6(a)(iii):

“(iii) If the Participant (A) terminates employment with or without a vested Accrued Benefit, (B) receives a distribution of his Contribution Account Balance under Section 6.3 or 7.4 hereof, and (C) is rehired by a Plan Sponsor, any Credited Service, Compensation, and Vesting Service earned prior to his termination of employment shall be disregarded for all purposes under the Plan unless (1) the Participant is credited with at least seven (7) years of Vesting Service following his reemployment date; and (2) the Participant repays the amount of such prior distribution to the Plan in a lump sum (increased by interest from the date of distribution through the scheduled date of repayment) by the later of the last day of the twenty-four (24)-month period beginning on the date notice of such repayment opportunity is provided by the Plan Administrator or July 31, 2025. If the Participant is credited with at least seven (7) years of Vesting Service following his reemployment date and timely repays his Contribution Account Balance, any Credited Service, Compensation, and Vesting Service prior to his termination of employment shall be considered for all purposes under the Plan and his Accrued Benefit shall be determined in accordance with Section 5.2(a).”

2. By deleting the existing Section 7.6(b) and substituting therefor the following:

“(b) For Participants first employed by a Plan Sponsor prior to January 1, 2016, and rehired on or after January 1, 2016,

(i) if the Participant (A) terminates employment with a vested Accrued Benefit, (B) does not receive a distribution of his Contribution Account Balance under Section 6.3 or 7.4 hereof, and (C) has not commenced benefit payments, any Credited Service, Compensation and Vesting Service prior to his termination of employment shall be considered for all purposes under the Plan and his Accrued Benefit shall be determined in accordance with Section 5.2(a).

(ii) if the Participant (A) terminates employment without a vested interest in his Accrued Benefit, (B) does not receive a distribution of his Contribution Account Balance under Section 6.3 or 7.4 hereof, and (C) has not commenced benefit payments, any Credited Service, Compensation and Vesting Service prior to his termination of employment shall be disregarded for all purposes under the Plan unless the Participant is credited with at least ten (10) years of Vesting Service following his reemployment date. If the Participant is credited with at least ten (10) years of Vesting Service following his reemployment date, any Credited Service, Compensation and Vesting Service prior to his termination of employment

shall be considered for all purposes under the Plan and his Accrued Benefit shall be determined in accordance with Section 5.2(a).

(iii) if the Participant (A) terminates employment with a vested Accrued Benefit, (B) receives a distribution of his Contribution Account Balance under Section 6.3 or 7.4 hereof, (C) has not commenced benefit payments (other than a distribution of his Contribution Account Balance), and (D) is rehired before August 1, 2025, any Credited Service, Compensation, and Vesting Service earned prior to his termination of employment shall be disregarded for all purposes under the Plan unless (1) the Participant is credited with at least seven (7) years of Vesting Service following his reemployment date; and (2) the Participant repays the amount of such prior distribution to the Plan in a lump sum (increased by interest from the date of distribution through the scheduled date of repayment as described in Subsection (f) of this Section) by the later of the last day of the twenty-four (24)-month period beginning on the date notice of such repayment opportunity is provided by the Plan Administrator or July 31, 2025. If the Participant is credited with at least seven (7) years of Vesting Service following his reemployment date and timely repays his Contribution Account Balance, any Credited Service, Compensation, and Vesting Service prior to his termination of employment shall be considered for all purposes under the Plan and his Accrued Benefit shall be determined in accordance with Section 5.2(a).

(iv) if the Participant (A) terminates employment with a vested Accrued Benefit, (B) receives a distribution of his Contribution Account Balance under Section 6.3 or 7.4 hereof, (C) has not commenced benefit payments (other than a distribution of his Contribution Account Balance), and (D) and is rehired on or after August 1, 2025, any Credited Service, Compensation, and Vesting Service earned prior to his termination of employment shall be disregarded for all purposes under the Plan unless (1) the Participant is credited with at least seven (7) years of Vesting Service following his reemployment date; and (2) the Participant repays the amount of such prior distribution to the Plan in a lump sum (increased by interest from the date of distribution through the scheduled date of repayment as described in Subsection (f) of this Section) no later than the last day of the twenty-four (24)-month period beginning on the date notice of such repayment opportunity is provided by the Plan Administrator. If the Participant is credited with at least seven (7) years of Vesting Service following his reemployment date and timely repays his Contribution Account Balance, any Credited Service, Compensation, and Vesting Service prior to his termination of employment shall be considered for all purposes under the Plan and his Accrued Benefit shall be determined in accordance with Section 5.2(a).

(v) if the Participant (A) terminates employment without a vested interest in his Accrued Benefit, (B) receives a distribution of his Contribution Account Balance under Section 6.3 or Section 7.4 hereof, and

(C) is rehired prior to August 1, 2025, any Credited Service, Compensation, and Vesting Service earned prior to his termination of employment shall be disregarded for all purposes under the Plan unless (1) the Participant is credited with at least ten (10) years of Vesting Service following his reemployment date; and (2) the Participant repays the amount of such prior distribution to the Plan in a lump sum (increased by interest from the date of distribution through the scheduled date of repayment as described in Subsection (f) of this Section) by the later of the last day of the twenty-four (24)-month period beginning on the date notice of such repayment opportunity is provided by the Plan Administrator or July 31, 2025. If the Participant is credited with at least ten (10) years of Vesting Service following his reemployment date and timely repays his Contribution Account Balance, any Credited Service, Compensation, and Vesting Service prior to his termination of employment shall be considered for all purposes under the Plan and his Accrued Benefit shall be determined in accordance with Section 5.2(b).

(vi) if the Participant (A) terminates employment without a vested interest in his Accrued Benefit, (B) receives a distribution of his Contribution Account Balance under Section 6.3 or Section 7.4 hereof, and (C) is rehired on or after August 1, 2025, any Credited Service, Compensation, and Vesting Service earned prior to his termination of employment shall be disregarded for all purposes under the Plan unless (1) the Participant is credited with at least ten (10) years of Vesting Service following his reemployment date; and (2) the Participant repays the amount of such prior distribution to the Plan in a lump sum (increased by interest from the date of distribution through the scheduled date of repayment as described in Subsection (f) of this Section) by the last day of the twenty-four (24)-month period beginning on the date notice of such repayment opportunity is provided by the Plan Administrator. If the Participant is credited with at least ten (10) years of Vesting Service following his reemployment date and timely repays his Contribution Account Balance, any Credited Service, Compensation, and Vesting Service prior to his termination of employment shall be considered for all purposes under the Plan and his Accrued Benefit shall be determined in accordance with Section 5.2(b).”

Section 2. 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 3. All laws, ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. This Ordinance shall become generally effective as of the date 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.

{Signatures on following page}

{2nd Read}

SO ORDAINED, this 18th day of February, 2025.

CLAYTON COUNTY BOARD OF COMMISSIONERS


DR. ALIEKA ANDERSON-HENRY, CHAIRWOMAN


ALAINA REAVES, VICE-CHAIR


GAIL HAMBRICK, COMMISSIONER


TASHE ALLEN, COMMISSIONER


DEMONT DAVIS, COMMISSIONER

ATTEST:


COURTNEY RUSHIN, CLERK