

STATE OF GEORGIA  
COUNTY OF CLAYTON

ORDINANCE NO. 2012 – 266

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 THE CLAYTON COUNTY PUBLIC EMPLOYEE ELIGIBLE DEFERRED COMPENSATION PLAN; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County maintains the Clayton County Public Employee Eligible Deferred Compensation Plan (the “Plan”) under an indenture dated August 9, 1995, as amended from time to time;

WHEREAS, the Board of Commissioners now desires to amend and restate the Plan to consolidate amendments made subsequent to the last restatement of the Plan; to comply with applicable law changes, including the Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief Tax Act of 2008, and the Worker, Retiree, and Employer Recovery Act of 2008; and to make other miscellaneous changes to the Plan;

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, as amended, by amending and restating the Plan in substantially the manner set forth in the instrument entitled the “Clayton County Public Employee Eligible Deferred Compensation Plan” in the form attached hereto and incorporated herein.

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 All laws, ordinances or resolutions, or parts thereof, in conflict with provisions of this Ordinance are hereby repealed.

Section 4. This Ordinance shall become generally 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 18<sup>th</sup> day of December, 2012.

CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

  
WOLE RALPH, VICE-CHAIRMAN

  
GAIL B. HAMBRICK, COMMISSIONER

  
SONNA SINGLETON, COMMISSIONER

  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK