

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2018-67

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 PUBLIC EMPLOYEE ELIGIBLE DEFERRED COMPENSATION PLAN PERMITTING IN-SERVICE WITHDRAWALS BY ELIGIBLE PARTICIPANTS; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; AND 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 Public Employee Eligible Deferred Compensation Plan (the "Plan") under an indenture originally dated August 9, 1995;

WHEREAS, the Plan was last amended and restated by Ordinance No. 2012-266 of the Clayton County Code of Ordinances;

WHEREAS, the Clayton County Pension Board recommended the approval of this amendment of the Plan at its May 10, 2018 regular meeting; and

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

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 July 3, 2018, except as otherwise provided herein, by adding a new Section 8.3, as follows:

“8.3 ‘Withdrawal on or after Age 70^{1/2} A Participant may request an in-service withdrawal of all or any portion of the Participant’s Account at any time on or after the first day of the Plan Year in which he or she attains the age of 70^{1/2} by submitting a request, in a form acceptable to the Plan Administrator. Any request for a withdrawal under this Section must be made in the manner prescribed by the Plan Administrator and in accordance with rules and conditions as the Plan Administrator may from time to time adopt.”

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 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.

This ordinance was approved on the 7th day of August, 2018, by a vote of 5 yeas and 0 nays. Vote unanimous.

This ordinance was approved on the 21st day of August, 2018, by a vote of 4 yeas and 0 nays. Vote unanimously by the four members present with Commissioner Franklin Warner being absent from the meeting.

This Ordinance shall become effective immediately upon its second approval by the Board of Commissioners.

[Signatures on the following page]

SO ORDAINED, this 21st day of August, 2018.

CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN

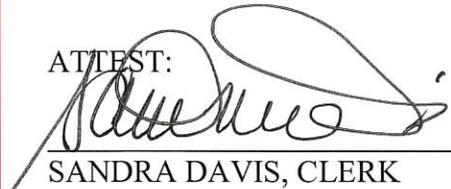

MICHAEL EDMONDSON, VICE CHAIRMAN


SONNA GREGORY, COMMISSIONER


GAIL B. HAMBRICK, COMMISSIONER


FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:


SANDRA DAVIS, CLERK