

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2015-29

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 DEFINE THE TERM "LEASED EMPLOYEE" AS SUCH TERM IS USED BY THE PLAN; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; AND TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE.

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 and restated by Ordinance No. 2013-318 of the Clayton County Code of Ordinances; and

WHEREAS, the Board of Commissioners of Clayton County now desires to amend the Plan in response to a request from the Internal Revenue Service, in connection with the pending favorable determination letter request made on behalf of the Plan now pending before the Internal Revenue Service, that the Plan add a definition for the term "leased employee," as such term is used by the Plan;

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 1, 2013, by adding the following language to the end of Section 1.25:

“For purposes of the Plan, the term “leased employee” means any person (other than a common law employee of a Plan Sponsor or a related person) who, pursuant to an agreement between the Plan Sponsor or a related person and any other person, has performed services for the Plan Sponsor or a related person (determined in accordance with Code Section 414(n)(6)), on a substantially full-time basis for a period of at least one year, and such services are performed under the primary direction or control of the Plan Sponsor or a related person.”

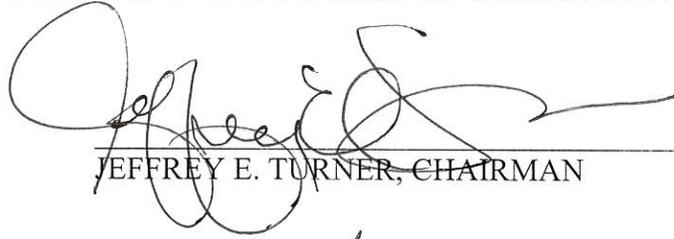
Section II. In the event any section, paragraph, subpart, sentence, clause, phrase or word of this Ordinance shall be declared or adjudged unconstitutional or invalid by any Court, such declaration or adjudication shall not affect the remaining portions of this Ordinance which shall remain in full force 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 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 17th day of February 2015.

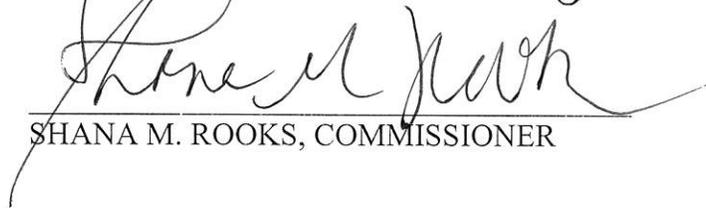
CLAYTON COUNTY BOARD OF COMMISSIONERS


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ATTEST:


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