

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 - 107

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 54 "LAW ENFORCEMENT", ARTICLE I "IN GENERAL", BY ADDING A NEW SECTION 54-4 "RETENTION OF BADGE AND WEAPON BY RETIRED LAW ENFORCEMENT OFFICERS"; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 62 "Offenses and Miscellaneous Provisions", Article I "General", by Chapter 54 "Law Enforcement", Article I "In General", by adding a new Section 54-4 "Retention of Badge and Weapon by Retired Law Enforcement Officers", which shall read as follows:

"Sec. 54-4. Retention of Badge and Weapon by Retired Law Enforcement Officers.

(a) For the purpose of this ordinance, the following definitions shall apply:

1. *County law enforcement officer* means any County police officer, deputy sheriff, or investigator employed by the district attorney's office or solicitor general's office.
2. *Disability* means a medical condition that prevents an individual from working as a County law enforcement officer.
3. *Weapon* means a county owned handgun issued to the law enforcement officer by his agency for official use as a

county law enforcement officer.

4. *Reimbursement schedule* means the dollar amount the retiring County law enforcement officer will reimburse the County for the cost of the weapon. For the purpose of this schedule, the age of the weapon is computed from the date the weapon was first put in service by a County law enforcement agency. For a weapon that is less than three years old the retiring officer shall reimburse the County 80% of the County's cost of the weapon but not more than \$200.00. For a weapon that is three years old but less than five years old, the retiring officer shall reimburse the County 50% of the County's cost of the weapon but not more than \$100.00. For a weapon that is five years or more in age, the retiring officer shall reimburse the County \$1.00.
- (b) In recognition of the sacrifice made by our law enforcement officers who have served at least 15 years with the county and who retire and leave active duty under honorable conditions and in good standing, may retain their weapon and badge as part of their compensation. The retiring law enforcement officer shall reimburse the County for the cost of the weapon pursuant to the Reimbursement Schedule. Once the County receives payment, ownership of the weapon shall transfer to the retiring officer and the weapon will be removed from the County's inventory.
 - (c) When a county law enforcement officer leaves active duty as a result of a disability arising from a line of duty injury, such member shall be entitled as part of such officer's compensation to retain his or her weapon and badge. The County waives reimbursement in such cases and ownership of the weapon shall transfer to the officer and the weapon shall be removed from the County's inventory.
 - (d) The Director of Human Resources is designated by the Board of Commissioners to act on behalf of the county in determining an employee's qualifications under this ordinance.
 1. To determine if the employee meets the 15 year requirement, the Director shall calculate each year of service or part thereof that the employee has served either as a county police officer, deputy sheriff or investigator for the district attorney or solicitor general or any combination thereof. The total years of service must equal or exceed 15 years. This will only include years of service as a County employee, provided however that investigators for the district attorney's office who are paid in part or in whole by the state, will receive credit for each year or part thereof that they work for the county's district attorney's office.
 2. In addition, the Director shall determine if the employee has met all other conditions of this ordinance.

3. The decision of the Director of Human Resources in these matters is final.
4. The employee's department head or elected official shall notify the Director of Human Resource thirty days prior to the employee's last work day before retirement or as close as possible thereto, to allow the Director sufficient time to make the determinations required by this ordinance."

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

Section 3 If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 4. This Ordinance shall become effective upon its approval by the Board of Commissioners and shall be retroactive in its effect for all retired county law enforcement officers who retired under honorable conditions and who meet the years of service conditions of this ordinance. The reimbursement provision of this ordinance is waived for all such officers. These firearms are to be removed from the County's inventory and ownership transferred to the applicable retired officer.

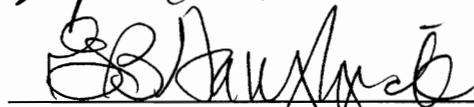
[Signatures on the next page]

SO ORDAINED, this the 11th day of May, 2010.

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