

AN ORDINANCE

NO. 23-__

An ordinance amending the Columbus, Georgia Pension Plan for General Government Employees, and the Columbus, Georgia Pension Plan for Employees of the Department of Public Safety, and the Columbus, Georgia Employees Deferred Retirement Option Plan (collectively, the "Plans") to clarify that the Plans will not recognize Qualified Domestic Relations Orders.

THE COUNCIL OF COLUMBUS, GEORGIA HEREBY ORDAINS:

SECTION 1.

Section 5.03(a) of the Columbus, Georgia Pension Plan for General Government Employees is hereby stricken and replaced by a new Section 5.03(a) to read as follows:

"5.03 Direct Rollover Rules

(a) Notwithstanding any contrary provision of the Plan, but subject to any de minimis or other exceptions or limitations provided for under Section 401(a)(31) of the Code:

(i) Any prospective recipient (whether a Member, a surviving spouse or any other person eligible to make a rollover) of a distribution from the Plan which constitutes an "eligible rollover distribution" (to the extent otherwise includible in the recipient's gross income) may direct the Board to pay the distribution directly to an "eligible retirement plan";

(ii) If (A) Contribution Account refunded to a Member exceeds \$1,000, (B) the Member has not attained the later of his Normal Retirement Age or the age of sixty-two (62) and (C) the Member does not either consent in writing to a distribution to him (as opposed to a rollover to an "eligible retirement plan") or direct in writing the distribution be made to a specified "eligible retirement plan" or plans, then any "eligible rollover distribution" to the Member shall be made by the Board's paying the distribution directly to an "eligible retirement plan" which is an individual retirement plan in a direct rollover to the individual retirement plan on behalf of the Member (an "automatic rollover"), This clause does not apply to any person who is not a Member; and

(iii) Effective for distributions made in Plan Years beginning on or after January 1, 2010, any non-spouse designated Beneficiary within the meaning of Section 401(a)(9)(E) of the Code who is a prospective recipient of an "eligible rollover distribution" from the Plan may direct the Board to pay the distribution directly to an "inherited IRA."

SECTION 2.

Section 5.03(b) (i) (D) of the Columbus, Georgia Pension Plan for General Government Employees is hereby stricken and replaced by a new Section 5.03(b) (i) (D) to read as follows:

“(D) Effective for distributions made after December 31, 2001, the definition of eligible retirement plan applicable to a Participant shall also apply in the case of a distribution to a Member's surviving spouse.”

SECTION 3.

A new subsection (c) is added at the end of Section 6.04 of the Columbus, Georgia Pension Plan for General Government Employees to read as follows:

“(c) Non-Recognition of Qualified Domestic Relations Order: Notwithstanding the foregoing, the Beneficiary designation shall not be changed, created, amended, alienated, or assigned due to the issuance of a “qualified domestic relations order” (as defined in Section 414(p) of the Code). A qualified domestic relations order shall not be treated as a new Beneficiary designation under this Section 6.04. No benefits shall be paid according to a qualified domestic relations order.”

SECTION 4.

Section 9.02 of the Columbus, Georgia Pension Plan for General Government Employees is hereby stricken and replaced by a new Section 9.02 to read as follows:

“Nonalienation of Benefits: The right of a Member to a Pension payment upon death or termination, or any other right accrued or accruing to any Member or Beneficiary under the provisions of this Plan, shall be unassignable and not subject to sale, execution, garnishment, or attachment, or any other legal process whatsoever. For the avoidance of doubt, this Plan will not recognize qualified domestic relations orders or any other order purporting to divide a Member's benefits under this Plan pursuant to a domestic relations proceeding.

SECTION 5.

Section 5.03(a) of the Columbus, Georgia Pension Plan for Employees of the Department of Public Safety is hereby stricken and replaced by a new Section 5.03(a) to read as follows:

5.03 Direct Rollover Rules

(a) Notwithstanding any contrary provision of the Plan, but subject to any de minimis or other exceptions or limitations provided for under Section 401(a)(31) of the Code:

(i) Any prospective recipient (whether a Member, a surviving spouse or any other person eligible to make a rollover) of a distribution from the Plan which constitutes an "eligible rollover distribution" (to the extent otherwise includible in the recipient's gross income) may direct the Board to pay the distribution directly to an "eligible retirement plan";

(ii) If (A) Contribution Account refunded to a Member exceeds \$1,000, (B) the Member has not attained the later of his Normal Retirement Age or the age of sixty-two (62) and (C) the Member does not either consent in writing to a distribution to him (as opposed to a rollover to an "eligible retirement plan") or direct in writing the distribution be made to a specified "eligible retirement plan" or plans, then any "eligible rollover distribution" to the Member shall be made by the Board's paying the distribution directly to an "eligible retirement plan" which is an individual retirement plan in a direct rollover to the individual retirement plan on behalf of the Member (an "automatic rollover"), This clause does not apply to any person who is not a Member; and

(iii) Effective for distributions made in Plan Years beginning on or after January 1, 2010, any non-spouse designated Beneficiary within the meaning of Section 401(a)(9)(E) of the Code who is a prospective recipient of an "eligible rollover distribution" from the Plan may direct the Board to pay the distribution directly to an "inherited IRA."

SECTION 6.

Section 5.03(b)(i)(D) of the Columbus, Georgia Pension Plan for Employees of the Department of Public Safety is hereby stricken and replaced by a new Section 5.03(b)(i)(D) to read as follows:

“(D) Effective for distributions made after December 31, 2001, the definition of eligible retirement plan applicable to a Participant shall also apply in the case of a distribution to a Member's surviving spouse.”

SECTION 7.

A new subsection (c) is added at the end of Section 6.04 of the Columbus, Georgia Pension Plan for Employees of the Department of Public Safety to read as follows:

“(c) Non-Recognition of Qualified Domestic Relations Order: Notwithstanding the foregoing, the Beneficiary designation shall not be changed, created, amended, alienated, or assigned due to the issuance of a “qualified domestic relations order” (as defined in Section 414(p) of the Code). A qualified domestic relations order shall not be treated as a new Beneficiary designation under this Section 6.04. No benefits shall be paid according to a qualified domestic relations order.”

SECTION 8.

Section 9.02 of the Columbus, Georgia Pension Plan for Employees of the Department of Public Safety is hereby stricken and replaced by a new Section 9.02 to read as follows:

“Nonalienation of Benefits: The right of a Member to a Pension payment upon death or termination, or any other right accrued or accruing to any Member or Beneficiary under the provisions of this Plan, shall be unassignable and not subject to sale, execution, garnishment, or attachment, or any other legal process whatsoever. For the avoidance of doubt, the Plan will not recognize qualified domestic relations orders or any other order purporting to divide a Member’s benefits under this Plan pursuant to a domestic relations proceeding.”

SECTION 9.

The Columbus, Georgia Employees Deferred Option Retirement Plan is hereby amended by adding a new Section 6.9 to read as follows:

“6.9 Nonalienation of Benefits

The right of a Participant to a distribution of his DROP Account upon death or termination, or any other right accrued or accruing to any Participant or Beneficiary under the provisions of this DROP, shall be unassignable and not subject to sale, execution, garnishment, or attachment, or any other legal process whatsoever. For the avoidance of doubt, the DROP will not recognize qualified domestic relations orders or any other order purporting to divide a Participant’s benefits under this DROP pursuant to a domestic relations proceeding.”

SECTION 10.

This ordinance shall be effective as of its signing by the Mayor and return to the Clerk of Council (the “Effective Date”) and govern all current and future participants, except for participants with qualified domestic relations orders that the Plans have accepted and are in pay status before the Effective Date.

SECTION 11.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Introduced at a regular meeting of the Council of Columbus, Georgia held on the _____ day of _____, 2023; introduced a second time at a regular meeting of said Council held on the _____ day of _____, 2023 and adopted at said meeting by the affirmative vote of _____ members of said Council.

Councilor Allen	voting	_____
Councilor Barnes	voting	_____
Councilor Begly	voting	_____
Councilor Cogle	voting	_____
Councilor Crabb	voting	_____
Councilor Davis	voting	_____
Councilor Garrett	voting	_____
Councilor Huff	voting	_____
Councilor Thomas	voting	_____
Councilor Tucker	voting	_____

Sandra Davis
Clerk of Council

B.H. Henderson III
Mayor