

CITY OF DALTON
ORDINANCE
Ordinance No. 22-07

An Ordinance To Amend By Home Rule “The Mayor And Council Of The City Of Dalton Employees’ Pension Plan” (2008 Version, As Amended) In Section 12.16 Captioned “No Pension Benefit Payable Before Termination Of Employment; Pension To Cease If Again Placed On Payroll;” To Provide An Effective Date; To Provide For Severability; And For Other Purposes

WHEREAS, the City of Dalton maintains “The Mayor and Council of the City of Dalton Employees’ Pension Plan,” as amended, and desires to amend same to provide that any person receiving a Pension Benefit under the Plan and who may be re-employed by the City of Dalton on a part-time basis not exceeding compensation in excess of 16-hours per week shall be entitled during such period of re-employment to continue receiving the monthly pension benefit;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Dalton and by authority of same IT IS HEREBY ORDAINED as follows:

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Amend Section 12.16 captioned No Pension Benefit Before Termination of Employment; Pension to Cease if Again Placed on Payroll by striking subsection “(ii)” and inserting in lieu thereof the following:

“(ii) Except as provided hereinafter, any person receiving a Pension Benefit under this Plan and who shall be re-employed by an Employer hereunder shall cease to receive any monthly Pension Benefit to which he is otherwise entitled during any period of re-employment by the Employer, unless such entitlement occurred because the Participant was a Beneficiary of another Participant under the Plan. Upon termination of such reemployment, the monthly Pension Benefit to which the Participant is entitled shall resume. Notwithstanding the foregoing provisions of this subsection any person receiving a Pension Benefit under this Plan and who shall be re-employed by an Employer hereunder as a part-time employee not compensated in excess of sixteen (16) hours per week shall be entitled to continue receipt of his monthly Pension Benefit.”

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Inasmuch as this Ordinance is enacted pursuant to O. C. G. A. § 36-35-3 (b) (1), it shall be adopted in accordance with that statutory procedure and a synopsis shall be published in the official organ of Whitfield County, Georgia once per week for three (3) weeks preceding its final adoption.

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All laws or parts of law in conflict herewith are hereby repealed.

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The provisions hereof are severable and it is the intent of the Mayor and Council that should this Ordinance or any part hereof be held unlawful or unenforceable that the remaining provisions of the Mayor and Council of the City of Dalton Pension Plan be severed and remain in full force and effect.

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This Ordinance shall be effective as provided by the Municipal Home Rule Act of 1965, as amended. O. C. G. A. § 36-35-1 et seq.

ADOPTED and APPROVED this _____ day of _____, 2022, at a regular meeting of the Mayor and Council of the City of Dalton.

The foregoing Ordinance received its first reading on _____ and upon motion of _____ and second by _____ was approved. Upon second reading on _____. a motion for passage of the ordinance was made by Council member _____, second by Council member _____ and upon the question the vote is _____ ayes, _____ nays and the Ordinance is adopted.

CITY OF DALTON, GEORGIA

Mayor

Attest:

City Clerk

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of the _____ day of _____, 2022.