



Fulton County Board of Commissioners

# Agenda Item Summary

## (Commissioners' Items – New Business)

BOC MEETING DATE

7/15/09

ITEM NUMBER (Clerk's Use Only)

**#09-0726**

REQUESTING AGENCY:

Eaves/Riley

COMMISSION DISTRICTS AFFECTED

1 2 3 4 5 6 7 All N/A

REQUESTED ACTION:

Approval

REQUIREMENT FOR BOARD ACTION

(cite Board policy, statute, or code requirement)

IS ACTION RELATED TO BOARD GOALS?

Yes  No (if yes, please describe)

SUMMARY / BACKGROUND

**09-0726** Request approval of a Resolution regarding the reemployment of retired employees who are receiving pension benefits under the 1991 Fulton County Defined Benefit Pension Plan. **(Eaves/Riley)**

Fiscal Impact and Source of Funds:

Exhibit(s)

Contact Information

SOURCE OF ADDITIONAL INFORMATION (STAFF CONTACT NAME AND TITLE)

PHONE

DIRECTOR'S SIGNATURE:

DIRECTOR'S NAME AND TITLE

PHONE

County Manager's Approval

1       **RESOLUTION REGARDING THE REEMPLOYMENT OF RETIRED**  
2       **EMPLOYEES WHO ARE RECEIVING PENSION BENEFITS UNDER**  
3       **THE 1991 FULTON COUNTY DEFINED BENEFIT PENSION PLAN**  
4

5           **WHEREAS**, the Georgia Constitution (Art. 9, Sec. 2, Para. 3(a)(14)) and local  
6 amendments thereto (1939 Ga. Laws, p. 39; 1947 Ga. Laws, p. 1749) authorize Fulton  
7 County to create and maintain retirement and pension plans for, among others, County  
8 officers and employees; and

9           **WHEREAS**, pursuant to the above authority, the Fulton County Board of  
10 Commissioners has previously created several defined-benefit pension plans, with the  
11 most recent such plan being the 1991 Defined Benefit Pension Plan (Fulton County Code  
12 §§ 154-91, et seq., as amended)(hereinafter “the 1991 Plan”); and

13           **WHEREAS**, the 1991 Plan was closed to new participants as of July 1, 1999,  
14 with all persons newly employed thereafter being ineligible to participate in the 1991  
15 Plan; and

16           **WHEREAS**, the 1991 Plan is administered by a twelve-member Board of  
17 Trustees as established within the 1991 Plan; and

18           **WHEREAS**, Section 154-140(a) of the 1991 Plan generally provides that, if a  
19 retiree receiving benefits under the 1991 Plan is reemployed by Fulton County, his or her  
20 benefits shall be suspended during the term of that reemployment; and

21           **WHEREAS**, as an exception to the above rule, Section 154-140(c) generally  
22 provides that, if a retiree receiving benefits under the 1991 Plan is “reemployed by the  
23 employer [Fulton County] on a temporary basis not exceeding a period of six months in  
24 any calendar year . . .” he or she shall continue to receive pension benefits during that  
25 period of “reemployment”; and

1           **WHEREAS**, questions have recently arisen regarding the proper interpretation  
2 and implementation of the above provisions of the 1991 Plan regarding the  
3 “reemployment” of retired employees;

4           **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners  
5 hereby directs the County Manager, County Attorney, and Personnel Director to  
6 investigate and report on 1) the proper meaning and application of the above provisions  
7 of the 1991 Plan and 2) whether the above provisions are at present being properly  
8 administered as to the reemployment of retired employees receiving pension benefits  
9 under the 1991 Plan.

10           **BE IT FURTHER RESOLVED**, that the above report shall be submitted to the  
11 Board of Commissioners within thirty (30) days of the effective date of this Resolution.

12           **BE IT FURTHER RESOLVED**, that this Resolution will take effect upon its  
13 adoption, and that all resolutions and parts of resolutions in conflict with this Resolution  
14 are hereby repealed to the extent of such conflict.

15           **PASSED AND ADOPTED**, this \_\_\_\_\_ day of July, 2009.

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**SPONSORED BY:**

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John H. Eaves, Chairman  
District 1, At-large

\_\_\_\_\_  
Lynne Riley, Commissioner  
District 3

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mark Massey, Clerk to the Commission

\_\_\_\_\_  
R. David Ware, County Attorney