**ORDINANCE**

**ENTITLED**

**AN ORDINANCE TO AMEND THE CHARTER OF THE MAYOR AND ALDERMAN OF THE CITY OF SAVANNAH, GEORGIA, TO AMEND THE PENSION PLAN ADOPTED AND APPROVED JUNE 8, 1972, AS AMENDED AND RESTATED, AND CODIFIED AS APPENDIX IV OF DIVISION I OF THE 2003 CITY CODE, AS AMENDED, TO UPDATE DISABILITY DETERMINATION PROVISIONS; TO REQUIRE A RETIREE’S PENSION BENEFITS TO BE SUSPENDED UPON RE-EMPLOYMENT; TO INCORPORATE APPLICABLE LAW; AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES**

BE IT ORDAINED by the Mayor and Alderman of the City of Savannah, Georgia, in regular meeting of Council assembled, and pursuant to lawful authority thereof, and after proper notice and advertisement in accordance with O.C.G.A. Section 36-35-3 that the Charter of the City of Savannah be amended by amending the City of Savannah Employees’ Retirement Plan (the “Plan”) as follows:

**SECTION 1**

1. Amend Article II, Definitions, A. Section 16, *Total and Permanent Disability*, by adding a new sentence to the end of such section as follows:

“Notwithstanding the foregoing, for determining if a Participant has incurred a Total and Permanent Disability on or after January 1, 2023, Total and Permanent Disability shall mean (i) eligible for disability benefits by the Social Security Administration, as evidenced by certificate of disability award by the Social Security Administration, or (ii) eligible for disability benefits under the City’s long-term disability plan, as determined by the long-term disability plan provider.”

1. Amend Article VI, Benefits, C. All Employees, Section 3, *Occupational Disability Benefit*, (a) *Participant’s Benefit*, by adding a new subsection (6) as follows:

“(6) Notwithstanding any provision of the Plan to the contrary, for determining if a Participant has incurred a Total and Permanent Disability on or after January 1, 2023, a Participant should only be considered Total and Permanent Disability if the Participant is determined to be (i) eligible for disability benefits by the Social Security Administration, as evidenced by certificate of disability award by the Social Security Administration, or (ii) eligible for disability benefits under the City’s long-term disability plan, as determined by the long-term disability plan provider. For the avoidance of doubt, the provisions of Section C3(a)(2) of this Article shall no longer apply.”

1. Amend Article VI, Benefits, C. All Employees, Section 4, *Non-occupational Disability Benefit*, (a) *Participant’s Benefit*, by adding a new subsection (5) as follows:

“(5) Notwithstanding any provision of the Plan to the contrary, for determining if a Participant has incurred a Total and Permanent Disability on or after January 1, 2023, a Participant should only be considered Total and Permanent Disability if the Participant is determined to be (i) eligible for disability benefits by the Social Security Administration, as evidenced by certificate of disability award by the Social Security Administration, or (ii) eligible for disability benefits under the City’s long-term disability plan, as determined by the long-term disability plan provider. For the avoidance of doubt, the provisions of Section C4(a)(2) of this Article shall no longer apply.”

1. Amend Article VI, Benefits, C. All Employees, Section 9, *Re-employment of Retired Participant*, by deleting such subsection and substituting therefor the following:

“9. *Re-employment of Retired Participant*

Except as provided in the paragraph below, for re-employments on and after

January 1, 2023, a Participant shall not be entitled to receive any benefits from this Plan while he is receiving any remuneration for services rendered on an employment basis for the City. In the event a Participant who is receiving benefits from the Plan is re-employed and returns to work for the City, the Participant’s pension benefits shall cease to be paid to the Participant under the Plan. During the period of re-employment, the Participant shall make contributions to the Plan and shall earn Credited Service under the Plan. Upon re-retirement, the Participant’s pension benefits shall be recalculated and payment shall commence on the first day of the month coinciding with or next following the Participant’s re-retirement.

If a Participant who is receiving benefits is elected to office or selected to fill a vacancy in an appointed office (City Manager, City Attorney, or City Clerk) while receiving benefits under the Plan, such Participant shall choose one of the following options regarding the payment of pension benefits:

1. While the Participant is in office, pension benefits shall cease to be paid under the Plan and the Participant shall make contributions to the Plan. Upon re-retirement, benefits shall be recalculated and payments shall commence to be made; or
2. The Participant shall continue to receive pension benefits from the Plan. The Participant, however, shall not make any additional contributions to the Plan, shall not receive additional Credited Service under the Plan, and shall not be entitled to a recalculation of benefits upon re-retirement.”

**SECTION 6**

The City of Savannah Employees’ Retirement Plan amends set forth herein shall be effective for all purposes as of January 1, 2023.

**SECTION 7**

All Charter, Code provisions, Ordinances and Laws not in conflict herewith shall continue in full force and effect, but where in conflict, are hereby repealed.

ADOPTED AND APPROVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022

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 MAYOR

ATTEST:

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CLERK OF COUNCIL