CHARTER AMENDMENT ORDINANCE

02-O-2102

BY CEASAR C. MITCHELL

AN ORDINANCE AND CHARTER AMENDMENT ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1, ET SEQ., AS AMENDED, SO AS TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA LAWS P. 4469, ET SEQ., BY AMENDING ARTICLE THREE, CHAPTER FIVE, SECTION 3-505(a) SO AS TO EXEMPT RETIRED SWORN PUBLIC SAFETY PERSONNEL FROM THE 520 BUSINESS DAY LIMITATION OF TEMPORARY EMPLOYMENT; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

WHEREAS, in 1998, the City Council adopted legislation that restricted the practice of hiring of retired employees as independent contractors to a term not more than one year, and in 2002 amended this legislation to increase the contract term limit to 520 business days; and

WHEREAS, there are certain essential functions that are not conducive to this practice; among them being public safety; and

WHEREAS, it would be advantageous to the City, as it strives to protect its citizens and visitors and to enhance public safety, to avail itself of its well-trained law enforcement officers.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That Section 3-505(a) of the Charter of the City of Atlanta, which reads:

(a) The mayor and council may authorize the engagement of any person who has retired under any of the pension laws, notwithstanding the age of such person, to render any special or particular service as an independent contractor, provided that such contract shall be for a period not exceeding 520 business days, whether continuously or in several sequential engagements. Such employees shall be entitled to receive their regular pension payments but shall acquire no further pension or civil service rights by virtue of such temporary contractual arrangement. No contractual engagement shall commence pursuant to this subsection until such time as the Department Head and Chief Financial Officer shall confer with the

engagement shall commence pursuant to this subsection until such time as the Department Head and Chief Financial Officer shall confer with the Mayor to confirm the exigency of retaining such particularized expertise within City government.

(b) In the event the particularized services required by the City are not amenable to an independent contractor agreement with a retiree, the City of Atlanta may reemploy a retiree for any single period of time, or any several periods of time, which shall not exceed 520 business days, whether continuously or in sequential days of employment, for the purpose of availing the City of some particularized skill possessed by said retiree. During the period of this limited reemployment said retiree shall be entitled to continue to receive his or her regular pension payments, but shall not acquire any civil service rights or any further pension rights, and shall not be required to make any contribution to the pension fund. Limited reemployment pursuant to this subsection shall not commence until such time as the Department Head and Chief Financial Officer shall confer with the mayor to confirm the exigency of retaining such particularized expertise within City government, and the Council shall have approved such reemployment by resolution.

(c) Nothing herein contained shall prevent any retiree from holding any office which is filled by an election by the people. No additional pension or civil service rights or privileges shall accrue to such officer or employee during such period and said retiree shall be entitled to continue to receive his or her regular pension payments.

Shall be amended by deleting and inserting in lieu thereof the following:

(a) The mayor and council may authorize the engagement of any person who has retired under any of the pension laws, notwithstanding the age of such person, to render any special or particular service as an independent contractor, provided that such contract shall be for a period not exceeding 520 business days, whether continuously or in several **separate** engagements. Such employees shall be entitled to receive their regular pension payments but shall acquire no further pension or civil service rights by virtue of such temporary contractual arrangement. No contractual engagement shall commence pursuant to this subsection until such time as the Department Head **or Chief Judge of the Court, as applicable,** and Chief Financial Officer shall confer with the Mayor to confirm the exigency of retaining such particularized expertise within City government.

(b) The mayor and council may authorize the engagement of sworn public safety personnel retired under any of the pension laws, notwithstanding the age of such person, to render public safety services as an independent contractor. Such contracts shall not be subject to the aforementioned 520 business day limitation. Such sworn employees shall be entitled to

receive their regular pension payments but shall acquire no further pension or civil service rights by virtue of such temporary contractual arrangement. No contractual engagement shall commence pursuant to this subsection until such time as the Department Head or Chief Judge of the Court, as applicable, and Chief Financial Officer shall confer with the Mayor to confirm the exigency of retaining such particularized expertise within City government.

(c) In the event the particularized services required by the City are not amenable to an independent contractor agreement with a retiree, the City of Atlanta may reemploy a retiree for any single period of time, or any several periods of time, which shall not exceed 520 business days, whether continuously or in **separate** days of employment, for the purpose of availing the City of some particularized skill possessed by said retiree. During the period of this limited reemployment said retiree shall be entitled to continue to receive his or her regular pension payments, but shall not acquire any civil service rights or any further pension rights, and shall not be required to make any contribution to the pension fund. Limited reemployment pursuant to this subsection shall not commence until such time as the Department Head and Chief Financial Officer shall confer with the mayor to confirm the exigency of retaining such particularized expertise within City government, and the Council shall have approved such reemployment by resolution.

(d) Nothing herein contained shall prevent any retiree from holding any office which is filled by an election by the people. No additional pension or civil service rights or privileges shall accrue to such officer or employee during such period and said retiree shall be entitled to continue to receive his or her regular pension payments.

Section 2: A copy of this proposed amendment to the Charter of the City of Atlanta, 1996 GA LAWS, p. 4469, *et seq.*, Article Three, Chapter V, Approved April 15, 1996, as amended shall be filed in the Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and the Notice of the Proposed Amendment to the Charter of the City of Atlanta attached as Exhibit "A" and made a part hereof by reference, be published in the official organs of Fulton County and DeKalb County, and a copy of said advertisement shall be attached to this ordinance prior to its final adoption by the Council of the City of Atlanta.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

NOTICE OF PROPOSED AMENDMENT
TO THE CHARTER OF THE CITY OF ATLANTA

NOTICE is hereby given that an Ordinance has been introduced to amend the Charter of the City of Atlanta (Ga. Laws, 1996, p. 4469, *et. seq.*) Approved April 15, 1996, as amended, said Ordinance being captioned as follows:

> **AN ORDINANCE AND CHARTER AMENDMEENT ADOPTED UNDER AND BY VIRTURE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1, ET SEQ., AS AMENDED, SO AS TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA LAWS P. 4469, ET SEQ., BY AMENDING ARTICLE THREE, CHAPTER FIVE, SECTION 3-305(a) SO AS TO EXEMPT RETIRED SWORN PUBLIC SAFETY PERSONNEL FROM THE 520 BUSINESS DAY LIMITATION OF TEMPORARY EMPLOYMENT; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES**

A copy of the proposed Ordinance and Charter Amendment is on file in the Office of the Municipal Clerk of the City of Atlanta and in the offices of the Clerks of the Superior Courts of Fulton and Dekalb Counties, Georgia for the purpose of examination and inspection by the public.

This _____ day of _____, 2002

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Municipal Clerk