

1 **A RESOLUTION BY THE BOARD OF COMMISSIONERS OF FULTON COUNTY,**
2 **GEORGIA, AMENDING THE FULTON COUNTY EMPLOYEES RETIREMENT**
3 **SYSTEM TO MODIFY THE QUALIFICATIONS AND ELECTION REQUIREMENTS FOR**
4 **THE TRUSTEE HOLDING POSITION NUMBER EIGHT ON THE BOARD OF**
5 **TRUSTEES OF THE FULTON COUNTY EMPLOYEES RETIREMENT SYSTEM, TO**
6 **CORRECT A SCRIVENER’S ERROR, AND FOR OTHER PURPOSES.**

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8 **WHEREAS,** the number of retirees receiving a pension benefit greatly outnumbers
9 active employees participating in the Fulton County Employees Retirement System (the
10 “DB Plan”), and proportional representation among employees and retirees on the Board
11 of Trustees of the Fulton County Employees Retirement System (“Board of Trustees”) is
12 a desired goal; and

13 **WHEREAS,** the Board of Trustees voted in open meeting on July 13, 2023 to
14 recommend a revision of the qualifications of the Trustee holding position number eight
15 to provide for either an active or a retired employee to serve in that capacity; and

16 **WHEREAS,** the results of that vote have been communicated to the Board of
17 Commissioners for their adoption of the revision of the DB Plan membership; and

18 **WHEREAS,** the Board of Commissioners is authorized as the employer to amend
19 the DB Plan pursuant to Article IX of the DB Plan; and

20 **WHEREAS,** the Board of Commissioners wishes to correct a scrivener’s error
21 made in a previous amendment of the DB Plan pursuant to Agenda Item 18-0276 in order
22 to modify certain requirements of Trustee position number seven in section 7.2(b) of the
23 Plan, which mistakenly referred to this modification as impacting section 7.2(a) of the
24 Plan.

25 **NOW THEREFORE,** the Board of Commissioners hereby amends Section 7.2(b)
26 of the DB Plan related to position eight and reaffirms the previous amendment to 7.2(b)
27 pursuant to Agenda Item 18-0276 related to position seven such that section 7.2(b) reads
28 as follows:

29
30 **7.2 The Board of Trustees**

31 * * *

32 b) ***Appointment, Removal and Resignation.*** There shall be eleven members of the
33 Board of Trustees as follows:

- 1 (i) The Chairman of the Board of Commissioners of Fulton
2 County or a member of the Board of Commissioners
3 designated by the Chairman to serve in his stead
4 (Trustee Position 1).
- 5 (ii) Two members of the Board of Commissioners other
6 than the Chairman or his designee who shall be
7 elected by the members of the Board of
8 Commissioners (Trustee Positions 2 and 3).
- 9 (iii) The County Manager of Fulton County or an individual
10 designated by the County Manager to serve in his
11 stead (Trustee Position 4).
- 12 (iv) The Chief Financial Officer of Fulton County (Trustee
13 Position 5) who shall also serve as ex-officio Executive
14 Secretary and Treasurer of the Board of Trustees,
15 dispensing all funds in the Trust, and as custodian of
16 the Plan.
- 17 (v) Four persons receiving a retirement benefit from the
18 Employer (Trustee Position 6, 7, 9, and 10). Trustee
19 Position 7 shall be a retired Peace Officer.
- 20 (vi) One active or retired employee of the Employer who
21 are Participants in the Plan or participants in a Prior
22 Plan (Trustee Position 8).
- 23 (vii) A member of the public who shall be a resident and
24 taxpayer of Fulton County and not an active or retired
25 public employee or the holder of any public office
26 (Trustee Position 11).

27 Except as provided below, members of the Board of Trustees shall hold office for a term
28 of four (4) years or until their successors have been duly elected and qualified:

- 29 (i) Trustee Positions 2 and 3 shall be filled at a regular
30 January meeting of the Board of Commissioners. Such
31 members of the Board of Trustees shall hold office for

1 a term of one (1) year or until their successors have
2 been elected and qualified.

3 (ii) The members of the Board of Trustees holding Trustee
4 Positions 4 and 5 shall continue to serve on the Board
5 of Trustees so long as they hold the applicable office.

6 (iii) Trustee Position 6, 7, 9, and 10 shall be filled by
7 election by all persons receiving a pension benefit from
8 the Employer

9 (iv) Trustee Position 11 shall be filled by election by the
10 other Trustees.

11 (v) All elections for Trustee Positions 6, 7, 8, 9 and 10 shall
12 be conducted under such rules and regulations as may
13 be adopted by the Board of Trustees. Individuals to
14 serve in Trustee Position 8 shall be elected by all active
15 and retired participants in the Plan and the Prior Plans.

16 (vi) Any person designated by the Chairman of the Board
17 of Commissioners or by the County Manager to serve
18 in their stead (Trustee Position 1 or Trustee Position 4)
19 shall continue to serve as a Trustee until such
20 designation is revoked in writing, either directly or by
21 the designation of a new individual.

22 (vii) In no event shall the number of retirees on the Board
23 of Trustees exceed five members.

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25 **BE IT FURTHER RESOLVED**, that this Resolution shall become effective when
26 adopted, and that all resolutions in conflict with this Resolution are hereby repealed to the
27 extent of the conflict.
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SO PASSED AND ADOPTED, this ____ day of August, 2023.

FULTON COUNTY BOARD OF COMMISSIONERS

Robert L. Pitts, Chairman

ATTEST:

Tonya R. Grier, Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo, County Attorney