

MAYOR
Brian West

CITY COUNCIL
Monty Parks Mayor pro tem
Bill Garbett
Spec Hosti
Tony Ploughe
Nick Sears
Kathryn Williams



INTERIM CITY MANAGER
Michelle Owens

CLERK OF COUNCIL
Jan LeViner

CITY ATTORNEY
Edward M. Hughes
Tracy O'Connell

CITY OF TYBEE ISLAND

AGENDA

REGULAR MEETING OF TYBEE ISLAND CITY COUNCIL

April 25, 2024 at 6:30 PM

Please silence all cell phones during Council Meetings

Opening Ceremonies

- Call to Order
- Invocation: Rev. Sue Jackson, Trinity Methodist Church
- Pledge of Allegiance

Announcements

Recognitions and Proclamations

1. Honorable Mayor Ernest Arthur, Cape Coast Metropolitan Assembly, Ghana

Consideration of Items for Consent Agenda

Consideration of the approval of the minutes of the meetings of the Tybee island City Council

- [2.](#) Minutes, City Council Meeting, April 11, 2024
- [3.](#) Attachments to Minutes

City Manager Discussion and Action Items

Citizens to be Heard: Please limit comments to 4 minutes.

4. Shawnessy Cargile, The Front Porch.

If there is anyone wishing to speak to anything on the agenda other than the Public Hearings, please approached the podium. Please limit your comments to 4 minutes.

Consideration of Approval of Consent Agenda

Consideration of Bids, Contracts, Agreements and Expenditures

- [5.](#) Budget Amendments
 - Amendment #1: To use unassigned fund balance to cover the unexpected and/or additional costs related to information technology and legal.
 - Amendment #2: To use unassigned fund balance to cover three quarters of costs related to the City's dune monitoring project with Skidaway Institute

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(866) 786-4573 – FAX (866) 786-5737
www.cityoftybee.org



- Amendment #3: To use fund balance reserved for beach related projects to fund the City's planning work for the beach nourishment project with US Corps of Engineers

Consideration of Ordinances, Resolutions

6. Second Reading, 2024-02, GMEBS-R, City of Tybee Island Defined Benefit Retirement Plan
7. Resolution: Tybee Island Resilience Resolution

Council, Officials and City Attorney Considerations and Comments

8. Tracy O'Connell: 2024-07: Potential Amendment of Ordinance on the Temporary Use of Recreational Vehicles – For Discussion and Direction to Staff/Counsel
9. Spec Hosti: Workforce Housing
10. Tony Ploughe: North Beach Erosion due to Ship Traffic

Minutes of Boards and Committees

11. Minutes, Marine Science Center Board Meeting, March 25, 2024

Executive Session

Discuss litigation, personnel and real estate

Possible vote on litigation, personnel and real estate discussed in executive session

Adjournment

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact Jan LeViner at 912.472.5080 promptly to allow the City to make reasonable accommodations for those persons.

***PLEASE NOTE:** Citizens wishing to speak on items listed on the agenda, other than public hearings, should do so during the citizens to be heard section. Citizens wishing to place items on the council meeting agenda must submit an agenda request form to the City Clerk's office by Thursday at 5:00PM prior to the next scheduled meeting. Agenda request forms are available outside the Clerk's office at City Hall and at www.cityoftybee.org.



THE VISION OF THE CITY OF TYBEE ISLAND

"is to make Tybee Island the premier beach community in which to live, work, and play."



THE MISSION OF THE CITY OF TYBEE ISLAND

"is to provide a safe, secure and sustainable environment by delivering superior services through responsible planning, preservation of our natural and historic resources, and partnership with our community to ensure economic opportunity, a vibrant quality of life, and a thriving future."

File Attachments for Item:

2. Minutes, City Council Meeting, April 11, 2024

Mayor West called the meeting to order at 6:30PM, April 11, 2024. Those in attendance were, Nick Sears, Monty Parks, Kathryn Williams, Tony Ploughe and Bill Garbett. Also attending were Michelle Owens, Interim City Manager; Bubba Hughes, City Attorney; Tracy O'Connell, City Attorney; and Jan LeViner, Clerk of Council. Spec Hosti was excused.

Opening Ceremonies

Call to Order

Invocation: Jan LeViner, Clerk

Pledge of Allegiance

Mayor West gave an update on the upcoming unpermitted event, April 19 – 21, 2024. He continued the City of Tybee has been planning for additional measures necessary for Spring Break travel and unpermitted events on the Island, which will keep our visitors and residents safe. Mayor West stated the City is a small island and is necessary to bring in extra resources related to public safety and sanitation to deal with large crowds during busy peak weekends. The City of Tybee has been in coordinated meetings for several months with neighboring jurisdictions, administrations, including Chatham County and the City of Savannah to prepare for this event. In response to the events of last year, the City is committed to the safety of locals and visitors and has cautiously prepared for anticipated unpermitted events this year. Mayor West continued, the City of Tybee would continue to do what is necessary to handle these unfortunate events. We have received great support from the community and hope continue to receive the same support from our neighboring municipalities.

Consideration of Items for Consent Agenda

- Minutes: City Council Meeting, March 28, 2024, as amended
- Ante Litem: Mariah Hay and Joseph Schmidt, Nuisance/Zunzibar, **TO DENY**

City Manager Discussion and Action Items

- Ms. Owens stated Georgia Southern is interested in working with the City on a **Resident Sentiment Survey**. She stated she spoke with Ben McKay and he will send a proposal.
- Ms. Owens stated at a previous workshop a group named **Live Oak Fiber** that is interesting in providing internet to the City. They are working in the region and would like to extend their services to Tybee Island. She continued, they have been in talks with them and are looking for a suitable location to install a cabinet.

Citizens to be Heard: Please limit comments to 4 minutes.

Pat Leiby approached Mayor and Council to give an update on the **Dedication Ceremony, Tybee Island Black History Trail**. Ms. Leiby stated the dedication ceremony will be on May 7, 2024 at 10:00AM and invited everyone to attend. Mayor West thanked Ms. Leiby for her work with the Tybee Black History Trail Committee.

Julia Pearce approached Mayor and Council to discuss the impending visit of the **Cape Coast Mayor and Delegation Visit**. Ms. Pearce stated the Mayor of Cape Coast will visit Tybee Island this month. She thanked the community and businesses for supporting the Mayor and those traveling with him as they have limited funds. Mayor West thanked Ms. Pearce for everything she is doing.

If there is anyone wishing to speak to anything on the agenda other than the Public Hearings, please approached the podium.

Chris Smith, Zunizbar, approached Mayor and Council. Mr. Smith stated he will continue to be a good neighbor and work with Ms. Hay and Mr. Schmidt. Mayor West thanked Mr. Smith.

Deborah Young approached Mayor and Council. Ms. Young spoke positively regarding Zunizbar and said they are a good neighbor. Mayor West thanked Ms. Young.

Cindy Stevens approached Mayor and Council. Ms. Stevens stated she and her husband want to keep the business, Zunizbar, open and do not understand the problem. Mayor West thanked Ms. Stevens.

Kelly Jones approached Mayor and Council. Ms. Jones stated she lives directly behind Zunizbar and does not want to take away the live music. Mayor West thanked Ms. Jones.

Joe Schmidt approached Mayor and Council. Mr. Schmidt stated there are still issues with Zunizbar regarding noise (attached). Mayor West thanked Mr. Schmidt.

Julia Pearce approached Mayor and Council. Ms. Pearce stated she is in favor of the Mural on Tybrisa as Tybee is the playground of Georgia and history is important. Mayor West thanked Ms. Pearce.

Jenny Rutherford approached Mayor and Council. Ms. Rutherford spoke in favor of Zunizbar. Mayor West thanked Ms. Rutherford.

Monty Parks made a motion to approve the minutes as presented with the corrections and to deny the Ante Litem. **Nick Sears** seconded. Vote was unanimous to approve, 5-0.

Public Hearings

Final Major Subdivision Plat Approval: Christopher Koncul, 708 Butler Avenue. Ms. Owens stated this is the final approval of the subdivision plat. This is zoned residential, single-family homes. The Planning Commission approved 5-1 and Staff recommends approval. The City Engineer inspected the property and recommends approval. Mr. Parks asked if the Tree Plan was followed. Ms. Owens confirmed it has been and everything is in place. **Monty Parks** made a motion to approve. **Nick Sears** seconded. Vote was unanimous to approve, 5-0.

Site Plan Approval, Sec 5-080, Marine Science Center, 37 Meddin, Addition of solar panels to the roof of the building. Ms. Owens stated the applicant is asking for solar panels on the Marine Science Center and the property is zoned R-1 and in the North-end Cultural District. Staff recommended not approving until they receive a letter from an engineer/architect that will confirm the installation of solar panels will not cause

any damage to the structure or roof materials. There are many questions from not only Staff but from Mayor and Council. Ms. Owens stated the petitioner is present if there are questions. Ms. Williams confirm the Marine Science Center pays for all the insurance on the building. Mr. Hughes stated the Marine Science Center pays rent to the City, approximately \$900.00 per month. Mr. Parks stated he has questions, which he provided to Mayor and Council via email. He would like, in writing, confirmation from the manufacturer of the membrane that they will continue to guarantee the roof. His second concern is if the panels are attached to the building, does this become the City's material? He does not feel this is time sensitive and would like to put on the agenda for April 25, 2024 when questions can be addressed. Mr. Ploughe stated he did see the Engineering Report speaking to the attachment of the solar panels to the roof and seems as it is more focused on that. He is wanting to understand they also looked at the roof regarding the extra wind exposure, not cause any problems as well. This would include the roof system. Ms. Williams asked legal staff, is it their opinion the solar panels can be removed and therefore are going to be property of the Marine Science Center or considered permanent and therefore property of the City. Mr. Hughes shared his concerns with the procurement process and costs. Mr. Sears stated the question regarding the warranty is reasonable. Mark Reed approached Mayor and Council. Mr. Reed thanked Mayor, Council for all the questions sent to him and he tried to respond as quickly as he could. He prepared a power point presentation and shared with Mayor and Council. The first slide showed the electric bill for last year, \$19,200 and if divided by the charge for visitors, it takes 1600 visitors for them to be able to pay the bill. He continued with the presentation showing the benefits of the solar panels to include installation. Mr. Reed stated Mayor and Council was provided a letter from the engineer that worked on the building. She has confirmed the roof would be able to hold the structure and withstand the wind as stated in the local Code. Mr. Reed then explained the installation of the panels. He stated the cost estimate is \$125,000 and the Marine Science Center will fully fund this and grants may be available. Mr. Parks stated the City of Tybee receives a different rate from residential and asked if the Center is benefiting from that rate. Mr. Reed responded in the negative. Mr. Parks would like Mr. Hughes to reach out to GAF to confirm installation will not compromise the roof. **Chantal Audran** approached Mayor and Council. Ms. Audran stated she would like to speak on her support of the new solar project proposal. She continued the Staff likes to practice what they preach as educators. Ms. Audran thanked Mayor and Council for their "new home". She stated, as this is a trusted vendor, she did not get three bids for the project and will work on the proper procedure moving forward. Ms. Audran again thanked Mayor and Council and the City for their continued support. **Monty Parks** made a motion for this item to come back to the April 25, 2024 Council Meeting to revisit, to have the legal team address questions from Mayor and Council and check on lower pricing from Georgia Power. **Bill Garbett** seconded. **Discussion: Kathryn Williams** shared her concerns regarding funding. She stated, as the City is not a non-profit organization, they would not be qualified for a grant. The grants could be awarded to a non-profit but not to a municipality. This needs to be part of the consideration. Mr. Parks asked Mayor and Council to send all questions to the legal team. Voting in favor were Nick Sears,

Monty Parks, Tony Ploughe and Bill Garbett. Voting against was Kathryn Williams. Motion to approve, 4-1.

Consideration of Bids, Contracts, Agreements and Expenditures

MOU Mural on Tybrisa Street. Ms. Williams clarified that the design of the mural will come back to Mayor and Council for final approval. Ms. Owens confirmed and stated the agenda item is just for the approval of permission to use that wall. She continued, the design has not been approved and will go to the Planning Commission and then to Mayor and Council. Mr. Ploughe asked if there might be a time when the public could engage with Main Street so the community be more involved with their suggestions. Ms. Owens confirmed. **Bill Garbett** made a motion to approve. **Kathryn Williams** seconded. Vote was unanimous to approve, 5-0.

Consideration of Ordinances, Resolutions

First Reading, 2024-02, GMEBS-R, City of Tybee Island Defined Benefit Retirement Plan. Ms. O'Connell stated GMEBS-R had to put the Plan before the IRS for it to be vetted again to ensure it is compliance. These suggestions came back from the IRS to GMEBS-R who incorporated them into the City's Plan. This change makes the Plan consistent with the IRS guidelines and rules. The City needs to adopt as an ordinance. Mr. Sears asked Ms. O'Connell if the City would have to make changes to the forms as completed by GMA and approve what is before them tonight. Ms. O'Connell stated the forms before them tonight are consistent with what the City now uses. Ms. O'Connell further explained Congress passed a Secure Act, which waives the age which participants would start drawing retirement benefits. This is designed in her opinion, to give people more opportunity to work and to increase their potential retirement benefit. Ms. O'Connell stated the proposed ordinance is to be compliant with the Secure Act. **Monty Parks** made a motion to approve. **Bill Garbett** seconded. Vote was unanimous to approve, 5-0.

Council, Officials and City Attorney Considerations and Comments

Monty Parks stated the company that was assisting the City with **Glass Recycling** is no longer doing this. He is looking for other options, as this is very important to not only Tybee Island but to Savannah and Thunderbolt.

Kathryn Williams stated she would like to officially request Mayor and Council receive **Monthly Financial Reports**. She spoke with the Finance Director and she stated this is something she has done in the past. Ms. Williams continued, as she has shared, she has concerns that Mayor and Council are not hearing from the Department Heads. She would like a discussion regarding receiving the Financial Reports and hear from the department heads. Ms. Williams asked Ms. Owens to provide Staff Reports and Financial Reports on a regular basis. Ms. Owens confirmed that this could be part of a workshop once the budget is finalized.

Monty Parks made a motion to approve the consent agenda. **Nick Sears** seconded. Vote was unanimous to approve, 5-0.

Monty Parks made a motion to adjourn to executive session to discuss Real Estate, Litigation and Personnel. **Bill Garbett** seconded. Vote was unanimous to approve, 5-0.

Spec Hosti made a motion to adjourn to regular session. **Monty Parks** seconded. Vote was unanimous to approve, 5-0.

Spec Hosti made a motion to adjourn. **Bill Garbett** seconded. Vote was unanimous to approve, 6-0.

Meeting was adjourned at 9:45PM.

Janet LeViner, MMC
Clerk of Council

File Attachments for Item:

3. Attachments to Minutes

Council and Mayor, Good evening.

I am Joe Schmidt of 1111 Laurel Avenue.

I am a veteran who thought it might be fun to semi-retire on Tybee and start a business.

It hasn't been as fun as I thought, so here we are again to advocate for rights and code enforcement that have been challenged.

We spent some 8 months working with Zunzibar to eliminate the nuisance noise that penetrated our home for 10 – 14 hours per day, and even then, we were awakened repeatedly throughout the night as multiple dumpsters were emptied and delivery trucks dropped product. Looking back, it may have been naïve to think Zunzibar would really work with us, but that's what we did in the military. Work together for a mutually beneficial solution.

Some positives –

- The Laurel Avenue meth house was finally boarded and set for condemning after many months of focus as the squatter became increasingly aggressive and confrontational.
- The long-term squatters at another Laurel Avenue property with an absentee owner were finally evicted after a year of dog attacks and wild, drug-fueled behavior. I was subpoenaed by the city into that mess.
- A nuisance business that setup live concerts at a home's fence-line was put on notice after months of discretionary "please turn it down" finally resulted in city action, citations, and fines, but it appears to still be a mess.
- Neighbors across Tybee and this city council got dumpster tipping moved to after 7 am by code.
- Zunzibar removed speakers from the back of the open air structure where they aimed directly at homes.
- Zunzibar was also able to get most deliveries arriving near or after 7 am so their cold goods don't sit outside the cooler for too long. There are still occasional overnight deliveries, but far fewer than when we started down this path. The sleep deprivation of last year was maddening and makes me quite harsh.

The most frustrating thing is that we have spent too many hours working with Zunzibar to dial in their sound over and over and over. It has interfered with our business and lowered our quality of life. Zunzibar gives us an occasional win, but they regularly drop the ball as staff turns over. A solution has been demonstrated as possible, but Zunzibar hasn't fully embraced it.

Thomas S. Thompson

March 25, 2024

RE: An Open Letter About Short Term Vacation Rentals

"The only constant in life is change" - Heraclitus (Greek Philosopher 540-480 BCE)

City of Tybee website - City Council

Vision - "Our vision is to make Tybee Island the premier beach community in which to live, work and play."

Mission - "The City Council's mission is to provide a safe, secure and sustainable environment by delivering superior services through responsible planning, resources and partnership with our community to ensure economic opportunity, a vibrant quality of life, and a thriving future."

Instead of directly jumping into the Short Term Vacation Rental (STVR) "mud puddle", let's think about what makes a healthy, vibrant, economically stable community.

Characteristics, that are often taken for granted, ignored and/or missing from a discussion, about the elements of a healthy small-town community, are resilience, adaptability and inclusion. To prosper, a community must be dynamic, as opposed to static, and find ways to adapt to technological and social changes.

The following are only a small sample of some local properties, that are examples of dynamic change, over the years on Tybee:

(A) The upscale private residential development, now known as Lighthouse Landing, was a go-kart track, years ago.

(B) The building on the South-East corner of Butler Ave. & 16th St. (now renamed Tybrisa), was Miller's Soda Shop, that housed a bus station, misc. sundry items and a post office. Now it's a Waves beachwear /gift shop.

(C) The building across the street, was originally built as the new post office, replacing the one in the above mentioned, bus station, and functioned for many years as office space, after the newer post office was built on the North End of the island. The building now renovated and expanded, is the Pier 16 restaurant.

(D) A little farther South on Lovell Ave. near Inlet Ave., there is a yellow-ish painted home, that was formerly the ice house on Tybee. From Savannah, each week, a tractor-trailer load of 300 lbs. blocks of ice was trucked in, stored, processed, delivered to businesses, or sold to residents in smaller blocks or bags of crushed ice, from the loading dock, for their ice boxes at home. (before refrigeration was readily available on Tybee)

The above are only four, of innumerable, examples of how, private capital investment, property rights, in a free trade market have worked, on Tybee, to adapt to the technological and social changes over the past decades.

An example of change, in my neighborhood, are four homes that were once STVR's, are now single-family homes or long-term rentals again, due to the dynamics of the free market and property values.

One new owner wanted the home, formerly a STVR, as a full-time residence for their family. In another home, a couple had owned the home for a few years and used the STVR, as income, to off-set the carrying costs until they retired and now live there, full-time. In another home, the previous owner bought

Thomas S. Thompson

another, larger home on Tybee, and the new owners bought it to be their full-time home. Still another preferred long-term rental to STVR.

The above changes in ownership are examples of the voluntary, free market exchange, of real estate and not due to Local Government Officials thinking that they know better than the property owners and attempting, by rules, regulations and ordinances, to restrict free trade practices.

City Council's - Vision, "Our vision is to make Tybee Island the premier beach community in which to live, work and play," apparently it is working.

Tybee continues to be a vacation location of choice for visitors, vacationers, and day-trippers, that come here to enjoy the ocean, beaches, creeks, rivers, shops, restaurants, bars and laid-back atmosphere.

On a recent weekend in February, while driving through the Strand/So. End public parking lot, I noted license plates from; Illinois, Michigan, New York, Pennsylvania, Alabama, Nevada, Tennessee, New Jersey, Montana, South Carolina, North Carolina, Washington, Kentucky, Texas, New Hampshire, Massachusetts, Iowa, Ohio and one from Ontario Canada.

The income generated from non-residents substantially contribute to the revenues required to sustain the hotels, motels, bed & breakfasts, private lodging, restaurants, shops, that residents, guests, and visitors enjoy. They also generate tax revenues for Tybee to provide the necessary public services.

However, the Tybee City Council mission statement, noted above, may be in conflict with the proposed STVR Ordinance changes. The mission statement has, as one of its stated goals, a, "partnership with our community to ensure economic opportunity, a vibrant quality of life, and a thriving future."

I read through the mission statement several times and failed to find a stated goal to propose legislation, rules, regulations, or ordinances that attempt to manipulate the socioeconomic character of the island, where only some of the residents have economic opportunity...?

The property owners of Tybee have every right to make investments in their property, with the expectation that they, and/or, their heirs can benefit from such investments.

Let us not forget that Tybee is still just a small, island beach town at the end of US 80, surrounded by water, not a Home Owner's Association (HOA) or a 50 year-old-plus, age-restricted community.

Tybee has a healthy mix of residents and property owners, there are families with pre-school, school-age children, empty nesters, couples, retirees, single men and women of all ages, that live here by choice.

So far, I have not seen a preponderance of evidence that the STVR guests are disturbing the quiet enjoyment of the residents and property owners, to the extent, that are not manageable with the current rules, regulations, and ordinances, by enforcement.

Of course, there will be isolated exceptions and violations, but that is what the current rules regulations and ordinances, are intended to control.

Also, like in many communities, there will always be residents that have the NIMBY (Not In My Back Yard) syndrome, attitude, that would like to control everything.

In my opinion there are sufficient rules, regulations, and ordinances, currently in place, to control noise, protect against illegal or un-permitted activities, parking etc. The proposed changes to the STVR ordinance will negatively impact private property rights, discourage investments and are not in the best interest of either the residents, property owners, business owners, future investors, and/or guests and visitors.

Please read through the proposed changes to the STVR Ordinance, on the City of Tybee website, and express your opinion to the Mayor and City Council.

Sincerely,



2

33 Pulaski St. - P.O. Box 1413 - Tybee Island, GA 31328

Thomas S. Thompson

April 2, 2024

RE: Open Letter #2 - Proposed Short Term Vacation Rentals (STVR) Ordinance Changes

In my Open Letter #1 - Short Term Vacation Rental (STVR) Proposed Changes to the ordinance, I referred interested readers to the City of Tybee website, but several respondents were unable to locate the document, so the following is my summary of the "Preamble of the Outline of the Proposed Ordinance 2024":

PREAMBLE:

#1 WHEREAS - "it has been the policy of the City of Tybee Island (the City) to reduce the number of short term rentals in the "Residential Districts" (R1, R1B and R2)

*Questions: Is it documented that the policy of the City is to reduce short term rentals ?
Why, does the City have as a the goal, to eventually prohibit all STVR's ?
Does the City think that STVR's should be subordinate to other types of residential properties ?
How would they propose to make up for the lost revenues from the prohibited STVR,s ?
Would the City have to increase the property taxes for all properties ?*

#2 WHEREAS - "it is inequitable that under present ordinances specified grandfathered properties in the Residential Districts have a monopoly on the right to engage in short term rentals thereby increasing the value of the grandfathered properties at the expense of their neighbors."

*Questions: if one property has a permit to engage in short term rentals and a neighbor elected not to have a STVR permit, how is that a monopoly...?
If, as implied in the #2 WHERAS, a property with a STVR permit is assumed to be more valuable than a property without a STVR permit, will the action, as proposed by the City, constitute a "taking without compensation", when it arbitrarily de-values the STVR property, by non-renewal or non-transfer of a valid STVR permit ?*

#3 WHEREAS, "to reduce short term rentals in Residential Districts and to correct the inequity referred to above, the City considers the best course of action to be to prohibit transfer or re-issuance of STVR permits upon sale or other transfer of the properties to which they pertain."

*Question: in the #2 WHEREAS...it is implied that a property with a STVR Permit is more valuable than a property without a STVR Permit and that the City should de-value the property with the permit, by prohibiting the transfer or renewal, of the valid permit, when a property owner transfers ownership...?
What kind of logic is that ?
Doesn't that create another inequity for the properties with the valid STVR Permits ?*

The above is just a summary of my opinion of the proposed changes to the STVR ordinance, I encourage you to go on the City of Tybee website, review the entire document, of the proposed ordinance and reach your own conclusions...!

Prior to approval of this proposal, to change the STVR ordinance, one should give some serious thought about the slippery slope potential of such changes and how it could impact your property rights.

What could be the next possible infringement of property rights ?
If the City policy today is to limit Short Term Vacation Rentals, maybe tomorrow the City Council could put forward a proposal to limit or prohibit any new Long Term Rentals, in certain residential zones, because some residents are inconvenienced, uncomfortable, or simply don't want to live next to rental homes....?

Respectfully submitted,



1

33 Pulaski St. - P.O. Box1413 - Tybee Island, GA 31328

Thomas S. Thompson

April 5, 2024

RE: Open Letter #3 - Proposed STVR Changes.

My family moved to Tybee, full-time, in 1956 and this may come as a news flash, to some newer residents, but as long as we've lived here, this little spit of sand has had a seasonally large transient population in the summer from Memorial Day until Labor Day.

In decades past, there was not an organized home rental industry, like today, one might have called it a "cottage industry". The second-home, beach cottage owners, from Savannah, South GA and border states, would summer here and also let family, friends, neighbors and others stay at their beach cottages, when they were available.

Instead of calling a rental company, it was the Tybee telegraph....*call Aunt Rose and see if she knows anyone that has a Tybee cottage available for a certain week*. Also, families that split the season up into family time-shares, so each family group got their turn at the beach, added to the seasonal transient population. So, to say that STVR's are changing the character of the neighborhoods and the island is a gross mis-statement of facts.

Over the years, with the advances in technology, dependable autos, home refrigeration, central air-conditioning & heating, computers, social media, and etc., a few more families chose Tybee as their full-time homes, and it has also helped to make it a more accessible vacation destination.

However, the busy season is still the 99 days between Memorial Day and Labor Day.

For many, years right after Labor Day, Mike Hosti would change his Tybee Market, post sign, to read "BACK TO NORMAL"....! (with the "N" backwards)"

There is no dispute that Tybee takes on a different temperament, before and after the transient residents season, always has. However, it's also no dispute that Tybee could not support the more robust standard of living, we full-time residents have come to enjoy, such as, improvements to the infrastructure, professional police and fire departments, multiple restaurants to choose from, etc., without the revenues from the transient residents...!

Tybee was and still is a destination to have fun in the sun, to enjoy the ocean, beaches, creeks and rivers, for a vacation from the normal day-to-day life, for visitors and locals alike.

Do some visitors, guests, vacationers and even locals, get noisy, rowdy, drive over the speed limit, during the summer season....? Of course, but we already have rules, regulations, ordinances and the enforcement staff to control those nuisance or illegal activities.

Anyone that chooses to live on an island that is relatively comfortable for +/- 3,000 residents and thinks that when you add three or four times that many additional transient residents, day visitors periodically, on a seasonal basis, without the permanent residents being occasionally inconvenienced, is quite frankly, delusional...!

So, all of the "gnashing of teeth" about limiting the STVR's, because it's changing the character of the neighborhoods and the island, is a myth and not based on historical facts.

It's a myth, repeated by a minority of residents, that are trying to convince the City Council, to take control of your property rights, diminish the potential economic value of your home, while trying to re-make Tybee into something other than the quirky little beach town, that the majority of us love and enjoy....!

Respectively,



1

33 Putaski St. - P.O. Box 1413 - Tybee Island, GA 31328

File Attachments for Item:

5. Budget Amendments



City of Tybee Island

Memorandum

To: Mayor West and Members of City Council
 From: Jen Amerell, Finance Director
 Date: April 15, 2024
 Re: Budget Amendments

JRA

Overview

Attached are initial end of year budget amendments to align actual department expenditures within budget amounts and to fund significant projects as we begin to end fiscal year 2024. We are not expecting a surplus to end this fiscal year so fund balance will need to be used. An explanation for each amendment and a recap of fund balance as of 6/30/23 is listed below:

Amendment #1 – To use unassigned fund balance to cover the unexpected and/or additional costs related to information technology and legal. As we continue to sort out all outstanding invoices/agreements related to information technology, there may be additional expenses this year, however, we hope the attached budget amendment will be sufficient. We plan to mitigate these budget overages in the upcoming budget cycle by decentralizing IT related costs, including utilities and equipment, into the individual department budgets for improved department and budget management. In the FY24 budget process, the hope was the City would not need as many additional legal services as in FY23 but it has been the opposite and legal costs continue to increase. It is the hope legal costs will level out in FY25.

Amendment #2 – To use unassigned fund balance to cover three quarters of costs related to the City's dune monitoring project with Skidaway institute. This agreement was approved by Council in summer 2023, no budget amendment was done at the time to fund the project.

Amendment #3 – To use fund balance reserved for beach related projects to fund the City's planning work for the beach nourishment project with US Corps of Engineers.

| Fund Balance | Balance 6/30/23 |
|-----------------------------|----------------------|
| Nonspendable..... | \$ 237,759 |
| Restricted for: | |
| Capital Projects..... | \$ 2,407,298 |
| Economic Stabilization..... | \$ 5,552,136 |
| Beach Renourishment..... | \$ 2,752,989 |
| Unassigned..... | \$ 4,150,566 |
| Total | \$ 15,100,748 |

Recommendation

Approve budget amendments as indicated on attached budget amendment summaries.

File Attachments for Item:

6. Amendment #1: To use unassigned fund balance to cover the unexpected and/or additional costs related to information technology and legal.

**CITY OF TYBEE ISLAND, GEORGIA
BUDGET LINE ITEM TRANSFER REQUEST FORM**

AMENDMENT # 1

Department Submitted By: **Council, IT**

Date: **4/5/2024**

Purpose: **To use the City's fund balance to cover projected budget shortfalls related to legal and IT.**



Date Received by Finance: _____
FINANCE USE ONLY:
BA Ref No. _____

| Department | Account Description | Account Number | Current Budget | (Expenditures) | Budget Balance | Requested Budget Adjustment | Adjusted Budget Balance |
|--------------------------------------|---------------------|----------------|----------------|----------------|----------------|-----------------------------|-------------------------|
| LINE ITEM DECREASES | | | | | | | |
| | | | 0.00 | | 0.00 | 0.00 | 0.00 |
| | | | 0.00 | | 0.00 | 0.00 | 0.00 |
| | | | 0.00 | | 0.00 | 0.00 | 0.00 |
| | | | 0.00 | | 0.00 | 0.00 | 0.00 |
| | | | 0.00 | | 0.00 | 0.00 | 0.00 |
| SUBTOTAL LINE ITEM DECREASES: | | | \$ | - | | xx | |

| Department | Account Description | Account Number | Current Budget | (Expenditures) | Budget Balance | ... | INCREASE | Budget Balance |
|--------------------------------------|---------------------|------------------|----------------|----------------|----------------|------|----------------------|------------------------|
| LINE ITEM INCREASES | | | | | | | | |
| Council | Legal | 100-1110-52-1000 | 250,000.00 | 243,284.00 | 6,716.00 | 0.00 | 150,000.00 | 156,716.00 |
| IT | Contracts | 100-1535-52-1200 | 500,000.00 | 700,000.00 | (200,000.00) | | 275,000.00 | 75,000.00 |
| Clerk | Contracts | 100-1130-52-1200 | 8,750.00 | 24,601.00 | (15,851.00) | | 20,000.00 | 4,149.00 |
| General | Use of Fund Balance | 100-00-13-5500 | | | | | 445,000.00 | 445,000.00 |
| | | | | | | | | 0.00 |
| | | | | | | | | 0.00 |
| SUBTOTAL LINE ITEM INCREASES: | | | \$ | - | | | \$ 890,000.00 | |
| Net Change | | | \$ | - | | | \$ 890,000.00 | \$ (890,000.00) |

Signature: Jen Amerell Date: 4/1/24

Was the Budget Amendment Request approved by the City Council? YES NO N/A Signature of Finance Employee who Processed the Request: _____
If yes, please indicate the date approval was given: _____
Attach Copy of Agenda Item and minutes from the City Council Meeting Date: _____

Approved by: _____ Date: _____

File Attachments for Item:

7. Amendment #2: To use unassigned fund balance to cover three quarters of costs related to the City's dune monitoring project with Skidaway Institute

CITY OF TYBEE ISLAND, GEORGIA
BUDGET LINE ITEM TRANSFER REQUEST FORM

AMENDMENT # 2

Department Submitted By:

City Manager

Date: 4/5/2024

Purpose:

To use the City's fund balance to cover three quarters of costs related to the City's drone monitoring project with Skidaway Institute. This project was approved by Council in summer 2023 but not included in FY24 budget.



Date Received by Finance:

FINANCE USE ONLY:

BA Ref No.

| Department | Account Description | Account Number | Current Budget | (Expenditures) | Budget Balance | Requested Budget Adjustment | Adjusted Budget Balance |
|--------------------------------------|---------------------|----------------|----------------|----------------|----------------|-----------------------------|-------------------------|
| LINE ITEM DECREASES | | | | | | | |
| | | | 0.00 | | 0.00 | 0.00 | 0.00 |
| | | | 0.00 | | 0.00 | 0.00 | 0.00 |
| | | | 0.00 | | 0.00 | 0.00 | 0.00 |
| | | | 0.00 | | 0.00 | 0.00 | 0.00 |
| | | | 0.00 | | 0.00 | 0.00 | 0.00 |
| | | | 0.00 | | 0.00 | 0.00 | 0.00 |
| SUBTOTAL LINE ITEM DECREASES: | | | \$ | - | XX | | |

| Department | Account Description | Account Number | Current Budget | (Expenditures) | Budget Balance | INCREASE | Budget Balance |
|--------------------------------------|---------------------|------------------|----------------|----------------|----------------|------------|-----------------|
| LINE ITEM INCREASES | | | | | | | |
| CM | Contracts | 100-1320-52-1200 | 372,000.00 | 122,615.00 | 249,385.00 | 0.00 | 314,385.00 |
| General | Use of Fund Balance | 100-00-13-5500 | NA | NA | NA | 65,000.00 | 0.00 |
| | | | | | | | 0.00 |
| | | | | | | | 0.00 |
| | | | | | | | 0.00 |
| SUBTOTAL LINE ITEM INCREASES: | | | \$ | - | \$ | 130,000.00 | \$ (130,000.00) |
| Net Change | | \$ | - | \$ | 130,000.00 | \$ | (130,000.00) |

Signature: Jen Amerell Date: 4/1/24

Was the Budget Amendment Request approved by the City Council? YES NO N/A Signature of Finance Employee who Processed the Request: _____ Date: _____

Approved by: _____ Date: _____

File Attachments for Item:

8. Amendment #3: To use fund balance reserved for beach related projects to fund the City's planning work for the beach nourishment project with US Corps of Engineers

**CITY OF TYBEE ISLAND, GEORGIA
BUDGET LINE ITEM TRANSFER REQUEST FORM**

AMENDMENT #3

Department Submitted By: City Manager

Date: 4/5/2024

Purpose: To use the City's RESERVED fund balance for beach related projects to fund the City's portion of planning work for the beach nourishment project with US Corps of Engineers



Date Received by Finance: _____
FINANCE USE ONLY:
BA Ref No. _____

| Department | Account Description | Account Number | Current Budget | (Expenditures) | Budget Balance | Requested Budget Adjustment | Adjusted Budget Balance |
|--------------------------------------|---------------------|----------------|----------------|----------------|----------------|-----------------------------|-------------------------|
| LINE ITEM DECREASES | | | | | | | |
| | | | 0.00 | | 0.00 | DECREASE | 0.00 |
| | | | 0.00 | | 0.00 | | 0.00 |
| | | | 0.00 | | 0.00 | | 0.00 |
| | | | 0.00 | | 0.00 | | 0.00 |
| | | | 0.00 | | 0.00 | | 0.00 |
| | | | 0.00 | | 0.00 | | 0.00 |
| SUBTOTAL LINE ITEM DECREASES: | | | \$ | - | \$ | XX | 0.00 |

| Department | Account Description | Account Number | Current Budget | (Expenditures) | Budget Balance | INCREASE | Budget Balance |
|--------------------------------------|---------------------|------------------|----------------|----------------|----------------|-------------------|----------------|
| LINE ITEM INCREASES | | | | | | | |
| CM | Contracts | 100-1320-52-1200 | 372,000.00 | | 249,385.00 | 0.00 | 620,385.00 |
| General | Use of Fund Balance | 100-00-13-5416 | NA | NA | NA | 371,000.00 | 0.00 |
| | | | | | | | 0.00 |
| | | | | | | | 0.00 |
| | | | | | | | 0.00 |
| SUBTOTAL LINE ITEM INCREASES: | | | \$ | - | \$ | 742,000.00 | 0.00 |

Net Change \$ - \$ 742,000.00 \$ (742,000.00)

Signature: Jen Amerell Date: 4/1/24

Was the Budget Amendment Request approved by the City Council? YES NO N/A
 If Yes, please indicate the date approval was given: _____
 Attach Copy of Agenda Item and minutes from the City Council Meeting

Approved by: _____ Date: _____

File Attachments for Item:

9. Second Reading, 2024-02, GMEBS-R, City of Tybee Island Defined Benefit Retirement Plan



RISK MANAGEMENT AND
EMPLOYEE BENEFITS
SERVICES

BOARD OF TRUSTEES

Chair
Marcia Hampton
City Manager, Douglasville

Vice-Chair
Shelly Berryhill
Commissioner, Hawkinsville

Secretary-Treasurer
Larry H. Hanson
CEO and Executive Director

Trustees:

Chris Hobby
City Manager, Bainbridge

Jason Holt
Mayor, Fitzgerald

Meg Kelsey
Asst. City Manager, Newnan

Jessica O'Connor
City Manager, Griffin

W.D. Palmer, III
Councilmember, Camilla

James F. Palmer
Mayor, Calhoun

John Reid
Mayor, Eatonton

Julie Smith
Mayor, Tifton

JoAnne Taylor
Mayor, Dahlonega

Albert Thurman
Mayor, Powder Springs

Rebecca L. Tydings
City Attorney, Centerville

Clemontine Washington
Mayor Pro Tem, Midway

Vince Williams
Mayor, Union City

EXECUTIVE STAFF

Randy Logan
Deputy Executive Director

March 22, 2024

MEMORANDUM VIA E-MAIL
(jaime.spear@cityoftybee.gov)

TO: Ms. Jaime Spear
Human Resources Administrator

FROM: Mr. Kevin Jeselnik
Assistant General Counsel

SUBJECT: Action Required: Georgia Municipal Employees Benefit System
Defined Benefit Retirement Plan Restatement

The City of Tybee Island previously adopted the Georgia Municipal Employees Benefit System (“GMEBS”) Defined Benefit Retirement Plan (“Plan”), which is comprised of the Basic Plan Document, Adoption Agreement, and General Addendum. The Plan is considered a “qualified plan” under the Internal Revenue Code, which is important to ensure the tax-exempt status of the trust fund.

To protect the Plan’s tax-qualified status, GMEBS filed draft restated Plan documents, updated to include recent amendments and comply with changes in federal tax law, with the IRS on June 29, 2022. On August 31, 2023, the IRS issued a favorable opinion letter (“IRS opinion letter”) for the restated Plan documents. The IRS opinion letter provides assurance to employers providing retirement benefits for their employees through the GMEBS Plan that GMEBS is maintaining a qualified pension benefit program that allows employees to accrue benefits tax-free until retirement benefits are distributed to them.

To ensure continued tax-qualified status for all GMEBS-member retirement plans, all participating employers must readopt their plans using the most recent IRS-approved document templates. To that end, we have completed the attached Adoption Agreement and General Addendum, which include the benefit and eligibility provisions that you currently have in place, for the city’s approval.

If the draft documents are acceptable, please have the designated representatives sign and date where indicated (Adoption Agreement, p. 37, and General Addendum, p. 2). Next, please scan and email the documents to Gina Gresham at rgresham@gacities.com no later than **May 22, 2024**. We will then countersign the documents and return electronic copies to you. Please note, GMEBS will not execute documents that have been edited by the city. If the documents require revisions, please let us know before adopting them.

Ms. Jaime Spear
March 22, 2024
Page 2

The draft documents will take effect on the date of their approval by the city. **Please note that per O.C.G.A. § 47-5-40, the Adoption Agreement has been drafted in the form of an ordinance.**

We have also attached a copy of the restated Basic Plan Document and Amendment 1, which do not need to be adopted by the city. Finally, we have included a summary of key amendments to the Plan relating to the restatement.

If you have any questions about the information provided in this letter or require further information, please contact Gina Gresham.

Encl.

C: Mr. Edward Hughes, City Attorney, City of Tybee Island (w/ encl.)
Ms. Marinetty Bienvenu, Director, Retirement Quality Assurance (w/o encl.)
Ms. Michelle Warner, Director, GMEBS Retirement and DC Programs (w/o encl.)
Ms. Gwin Hall, Senior Associate General Counsel (w/o encl.)

**GENERAL ADDENDUM TO THE
GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM
DEFINED BENEFIT RETIREMENT PLAN
ADOPTION AGREEMENT**

This is an Addendum to the Adoption Agreement completed by the City of Tybee Island, Georgia, as follows (complete one or more sections, as applicable):

*** Items (1) through (11) of Pre-Approved Addendum – Not Applicable ***

(12) Minimum and Maximum Limits on Normal Retirement Benefit Amount for Regular Employees.

Check one or more as applicable:

- (a) The minimum monthly normal retirement benefit amount shall be: \$ _____, _____% of the Participant's Final Average Earnings (specify minimum monthly amount or percentage).

The minimum benefit amount elected above shall apply to (check one):

- All Participants who are Regular Employees.
 Only the following Participants (must specify) _____.

- (b) The maximum monthly normal retirement benefit amount shall be: \$ _____, 100% (specify maximum monthly amount or percentage) of: the highest monthly earnings used to calculate the Participant's Final Average Earnings, the Participant's Final Average Earnings. This maximum benefit limit shall apply in addition to and not in lieu of any applicable limits under Internal Revenue Code Section 415.

The maximum benefit amount elected above shall apply to (check one):

- All Participants who are Regular Employees.
 Only the following Participants (must specify) _____.

Note: The minimum or maximum limit elected above shall apply to the standard form of payment. If the Participant elects a different form

of benefit payment, the limit shall be actuarially adjusted based on the form of benefit payment elected.

*** Items (13) through (15) of Pre-Approved Addendum – Not Applicable ***

The terms of the foregoing Addendum to the Adoption Agreement are approved by the Mayor and Council of the City of Tybee Island, Georgia, this _____ day of _____, 20____.

Attest:

CITY OF TYBEE ISLAND, GEORGIA

City Clerk

Mayor

(SEAL)

Approved:

City Attorney

The terms of the foregoing Addendum are approved by the Board of Trustees of the Georgia Municipal Employees Benefit System.

IN WITNESS WHEREOF, the Board of Trustees of the Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officers to be affixed this _____ day of _____, 20____.

Board of Trustees
Georgia Municipal Employees
Benefit System

(SEAL)

Secretary

GEORGIA MUNICIPAL EMPLOYEES
BENEFIT SYSTEM

DEFINED BENEFIT RETIREMENT PLAN

AN ORDINANCE
and
ADOPTION AGREEMENT
for

City of Tybee Island

**Form Pre-approved Plan Adoption Agreement
Amended and Restated for Third Six-Year Cycle, 2020 Cumulative List**

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I. AN ORDINANCE

An Ordinance to amend and restate the Retirement Plan for the Employees of the City of Tybee Island, Georgia, in accordance with and subject to the terms and conditions set forth in the attached Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Basic Plan Document, and the GMEBS Trust Agreement. When accepted by the authorized officers of the City and GMEBS, the foregoing shall constitute a Contract between the City and GMEBS, all as authorized and provided by O.C.G.A. § 47-5-1 et seq.

BE IT ORDAINED by the Mayor and Council of the City of Tybee Island, Georgia, and it is hereby ordained by the authority thereof:

Section 1. The Retirement Plan for the Employees of the City of Tybee Island, Georgia, is hereby amended and restated as set forth in and subject to the terms and conditions stated in the following Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Basic Plan Document, and the GMEBS Trust Agreement.

Ordinance continued on page 37

II. GMEBS DEFINED BENEFIT RETIREMENT PLAN
ADOPTION AGREEMENT

1. ADMINISTRATOR

Georgia Municipal Employees Benefit System
201 Pryor Street, SW
Atlanta, Georgia 30303
Telephone: 404-688-0472
Facsimile: 404-577-6663

2. ADOPTING EMPLOYER

Name: **City of Tybee Island, Georgia**

3. GOVERNING AUTHORITY

Name: **Mayor and Council**
Address: **P.O. Box 2749, Tybee Island, GA 31328-2749**
Phone: **(912) 472-5080**
Facsimile: **(912) 786-5737**

4. PLAN REPRESENTATIVE

[To represent Governing Authority in all communications with GMEBS and Employees]
(See Section 2.49 of Basic Plan Document)

Name: **City Manager**
Address: **P.O. Box 2749, Tybee Island, GA 31328-2749**
Phone: **(912) 472-5080**
Facsimile: **(912) 786-5737**

5. PENSION COMMITTEE

[Please designate members by position. If not, members of Pension Committee shall be determined in accordance with Article XIV of the Basic Plan Document]

Position: Clerk of Council (City Clerk)

Position: City Manager

Position: Finance Officer of the City

Position: One (1) active City Employee appointed by the Mayor and Council

Position: One (1) active City Employee appointed by the Mayor and Council

Position: One (1) member of the Mayor and Council designated by the Mayor and Council

In the event the title of a position on the Pension Committee should change, an amendment to the Adoption Agreement shall not be necessary; rather, such position shall be held and filled by the individual with the most similar job description.

Pension Committee Secretary: Human Resources Administrator

Address: P.O. Box 2749, Tybee Island, GA 31328-2749

Phone: (912) 472-5029

Facsimile: (912) 786-5737

6. TYPE OF ADOPTION

This Adoption Agreement is for the following purpose (check one):

- This is a new defined benefit plan adopted by the Adopting Employer for its Employees. This plan does not replace or restate an existing defined benefit plan.
- This is an amendment and restatement of the Adopting Employer's preexisting non-GMEBS defined benefit plan.
- This is an amendment and restatement of the Adoption Agreement previously adopted by the Employer, as follows (check one or more as applicable):
 - To update the Plan to comply with the PATH Act, and other applicable federal laws and guidance under IRS Notice 2020-14 (the 2020 Cumulative List).
 - To make the following amendments to the Adoption Agreement (must specify below revisions made in this Adoption Agreement; all provisions must be completed in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____

7. EFFECTIVE DATE

NOTE: This Adoption Agreement and any Addendum, with the accompanying Basic Plan Document, is designed to comply with Internal Revenue Code Section 401(a), as applicable to a governmental qualified defined benefit plan, and is part of the GMEBS Defined Benefit

Retirement Plan. Plan provisions designed to comply with certain provisions of the Protecting Americans from Tax Hikes Act of 2015 ("PATH Act"); and Plan provisions designed to comply with certain provisions of additional changes in federal law and guidance from the Internal Revenue Service under Internal Revenue Service Notice 2020-14 (the 2020 Cumulative List) are effective as of the applicable effective dates set forth in the Adoption Agreement and Basic Plan Document. By adopting this Adoption Agreement, with its accompanying Basic Plan Document, the Adopting Employer is adopting a plan document intended to comply with Internal Revenue Code Section 401(a), as updated by the PATH Act and the 2020 Cumulative List with the applicable effective dates.

- (1) **Complete this item (1) only if this is a new defined benefit plan which does not replace or restate an existing defined benefit plan.**

The effective date of this Plan is _____.

(insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted).

- (2) **Complete this item (2) only if this Plan is being adopted to replace a non-GMEBS defined benefit plan.**

Except as otherwise specifically provided in the Basic Plan Document or in this Adoption Agreement, the effective date of this restatement shall be _____ **(insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted (unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance)).** This Plan is intended to replace and serve as an amendment and restatement of the Employer's preexisting plan, which became effective on _____ **(insert original effective date of preexisting plan).**

- (3) **Complete this item (3) only if this is an amendment and complete restatement of the Adopting Employer's existing GMEBS defined benefit plan.**

Except as otherwise specifically provided in the Basic Plan Document or in this Adoption Agreement, the effective date of this restatement shall be **the date of its approval by the Governing Authority** **(insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted (unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance)).**

This Plan is adopted as an amendment and restatement of the Employer's preexisting GMEBS Adoption Agreement, which became effective on **May 11, 2023** **(insert effective date of most recent Adoption Agreement preceding this Adoption Agreement).**

The Employer's first Adoption Agreement became effective **July 1, 2003** **(insert effective date of Employer's first GMEBS Adoption Agreement).** The Employer's GMEBS Plan was originally effective **May 1, 1987** **(insert effective date of Employer's original GMEBS Plan).** (If the Employer's Plan was originally a non-GMEBS Plan, then the Employer's non-GMEBS Plan was originally effective _____ **(if applicable, insert effective date of Employer's original non-GMEBS Plan).**)

8. PLAN YEAR

Plan Year means (check one):

- Calendar Year
- Employer Fiscal Year commencing _____.
- Other (must specify month and day commencing): May 1.

9. CLASSES OF ELIGIBLE EMPLOYEES

Only Employees of the Adopting Employer who meet the Basic Plan Document's definition of "Employee" may be covered under the Adoption Agreement. Eligible Employees shall not include non-governmental employees, independent contractors, leased employees, nonresident aliens, or any other ineligible individuals, and this Section 9 must not be completed in a manner that violates the "exclusive benefit rule" of Internal Revenue Code Section 401(a)(2).

A. Eligible Regular Employees

Regular Employees include Employees, other than elected or appointed members of the Governing Authority or Municipal Legal Officers, who are regularly employed in the services of the Adopting Employer. Subject to the other conditions of the Basic Plan Document and the Adoption Agreement, the following Regular Employees are eligible to participate in the Plan (check one):

- ALL - All Regular Employees, provided they satisfy the minimum hour and other requirements specified under "Eligibility Conditions" below.
- ALL REGULAR EMPLOYEES EXCEPT for the following employees (must specify; specific positions are permissible; specific individuals may not be named): Any City Manager who agrees in said City Manager's employment contract with the City not to participate in this Plan shall be ineligible to participate in this Plan with respect to such employment. In the event that a City Manager agrees in said City Manager's employment contract with the City not to participate in this Plan, the City shall provide GMEBS with written notice of such contract provision(s) within 180 days after the City Manager becomes employed with the City in such position; provided, however, that notwithstanding any provision in this Adoption Agreement or the Basic Plan Document to the contrary, the failure of the City to provide such written notice to GMEBS shall not make such a City Manager eligible to participate in this Plan (see Adoption Agreement p. 8 concerning participation in the Plan by City Managers).

B. Elected or Appointed Members of the Governing Authority

An Adopting Employer may elect to permit participation in the Plan by elected or appointed members of the Governing Authority and/or Municipal Legal Officers, provided they otherwise meet the Basic Plan Document's definition of "Employee" and provided they satisfy any other requirements specified by the Adopting Employer. Municipal Legal Officers to be covered must be specifically identified by position. Subject to the above conditions, the Employer hereby elects the following treatment for elected and appointed officials:

(1) Elected or Appointed Members of the Governing Authority (check one):

- ARE NOT eligible to participate in the Plan.
- ARE eligible to participate in the Plan.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date, or special waiting period provision): Each elected or appointed member of the Governing Authority who holds an office of the Employer on July 1, 2003, shall be qualified to participate in the Plan on such date. Each other elected or appointed member of the Governing Authority who holds an office subsequent to July 1, 2003, shall be qualified to participate in the Plan on the first day of the month immediately following or coinciding with the first date after July 1, 2003, that said member occupies any elective office of the Governing Authority (see Adoption Agreement p. 8 regarding participation in the Plan). In accordance with Section 4.03(b) of the Basic Plan Document, an elected or appointed member of the Governing Authority who initially takes office or returns to office on or after January 1, 2015, shall be qualified to participate in the Plan on the date said member initially takes such office or returns to office.

(2) Municipal Legal Officers (check one):

- ARE NOT eligible to participate in the Plan.
- ARE eligible to participate in the Plan. The term "Municipal Legal Officer" shall include only the following positions (must specify - specific positions are permissible; specific individuals may not be named): _____.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date) (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

10. ELIGIBILITY CONDITIONS

A. Hours Per Week (Regular Employees)

The Adopting Employer may specify a minimum number of work hours per week which are required to be scheduled by Regular Employees in order for them to become and remain "Eligible Regular Employees" under the Plan. **It is the responsibility of the Adopting Employer to determine whether these requirements are and continue to be satisfied.** The Employer hereby elects the following minimum hour requirement for Regular Employees:

- No minimum
- 20 hours/week (regularly scheduled)
- 30 hours/week (regularly scheduled)
- Other: 35 hours/week (must not exceed 40 hours/week regularly scheduled)

Exceptions: If a different minimum hour requirement applies to a particular class or classes of Regular Employees, please specify below the classes to whom the different requirement applies and indicate the minimum hour requirement applicable to them.

Class(es) of Regular Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): Eligible Regular Employees employed on or before October 10, 1996, provided said Employees are not Terminated and reemployed after such date.

Minimum hour requirement applicable to excepted Regular Employees:

- No minimum
- 20 hours/week (regularly scheduled)
- 30 hours/week (regularly scheduled)
- Other: _____ (must not exceed 40 hours/week regularly scheduled)

B. Months Per Year (Regular Employees)

The Adopting Employer may specify a minimum number of work months per year which are required to be scheduled by Regular Employees in order for them to become and remain "Eligible Employees" under the Plan. **It is the responsibility of the Adopting Employer to determine whether these requirements are and continue to be satisfied.** The Employer hereby elects the following minimum requirement for Regular Employees:

- No minimum
- At least 5 months per year (regularly scheduled)

Exceptions: If different months per year requirements apply to a particular class or classes of Regular Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Regular Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

The months to year requirement for excepted class(es) are:

- No minimum
- At least _____ months per year (regularly scheduled)

11. WAITING PERIOD

Except as otherwise provided in Section 4.02(b) of the Basic Plan Document, Eligible Regular Employees shall not have a waiting period before participating in the Plan. Likewise, elected or appointed members of the Governing Authority and Municipal Legal Officers, if eligible to participate in the Plan, shall not have a waiting period before participating in the Plan.

12. ESTABLISHING PARTICIPATION IN THE PLAN

Participation in the Plan is considered mandatory for all Eligible Employees who satisfy the eligibility conditions specified in the Adoption Agreement, except as provided in Section 4.03(e) of the Basic Plan Document. However, the Employer may specify below that participation is optional for certain classes of Eligible Employees, including Regular Employees, elected or appointed members of the Governing Authority, Municipal Legal Officers, City Managers, and/or Department Heads. If participation is optional for an Eligible Employee, then in order to become a Participant, the Employee must make a written election to participate within 120 days after employment, election or appointment to office, or if later, the date the Employee first becomes eligible to participate in the Plan. The election is irrevocable, and the failure to make the election within the 120 day time limit shall be deemed an irrevocable election not to participate in the Plan.

Classes for whom participation is optional (check one):

- None (Participation is mandatory for all Eligible Employees except as provided in Section 4.03(e) of the Basic Plan Document).
- Participation is optional for the following Eligible Employees (must specify - specific positions are permissible; specific individuals may not be named; all positions or classes specified must be Eligible Employees): If a former City Manager or other Employee waived or declined participation in the Plan prior to July 1, 2003, said City Manager or Employee shall not receive credit for any service with the City prior to July 1, 2003. Notwithstanding any provision to the contrary, since July 1, 2003, the City's Plan has operated and will continue to operate as follows with respect to participation in the Plan by the City Manager and by elected or appointed members of the Governing Authority. The City Manager is required to participate in the Plan, provided said City Manager meets the eligibility requirements for participation that are applicable to other Regular Employees; however, a City Manager who affirmatively agrees in said City Manager's employment contract with the City not to participate in this Plan is ineligible to participate in the Plan (see Adoption Agreement p. 5 relating to Eligible Regular Employees). Each elected or appointed member of the Governing Authority automatically participates in the Plan unless said member irrevocably elects in writing not to participate in the Plan within 120 days following the date on which said Member first takes office or returns to office, as applicable, and such election is submitted to the Pension Committee Secretary in the form and manner required by the City within said 120 day period.

13. CREDITED SERVICE

In addition to Current Credited Service the Adopting Employer may include as Credited Service the following types of service:

A. Credited Past Service with Adopting Employer

Credited Past Service means the number of years and complete months of Service with the Adopting Employer prior to the date an Eligible Employee becomes a Participant which are treated as credited service under the Plan.

(1) Eligible Employees Employed on Original Effective Date of GMEBS Plan.

With respect to Eligible Employees who are employed by the Adopting Employer on the original Effective Date of the Employer's GMEBS Plan, Service with the Adopting Employer prior to the date the Eligible Employee becomes a Participant (including any Service prior to the Effective Date of the Plan) shall be treated as follows (**check one**):

- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).
- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except for Service rendered prior to _____ (**insert date**).
- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except as follows (**must specify other limitation in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.
- No Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

(2) Previously Employed, Returning to Service after Original Effective Date. If an Eligible Employee is not employed on the original Effective Date of the Employer's GMEBS Plan, but returns to Service with the Adopting Employer sometime after the Effective Date, said Eligible Employee's Service prior to becoming a Participant (including any Service prior the Effective Date) shall be treated as follows (**check one**):

- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), subject to any limitations imposed above with respect to Eligible Employees employed on the Effective Date.
- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), provided that after returning to employment, the Eligible Employee performs Service equal to the period of the break in Service or one (1) year, whichever is less. Any limitations imposed above with respect to Eligible Employees employed on the Effective Date shall also apply.
- No Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

Other limitation(s) on Recognition of Credited Past Service (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): Notwithstanding any other provision, Credited Past Service shall not include any tenure of office as an elected or appointed member of the Governing Authority unless the Participant was serving as an elected or appointed member of the Governing Authority or Eligible Regular Employee on July 1, 2003.

(3) **Eligible Employees Initially Employed After Effective Date.** If an Eligible Employee's initial employment date is after the original Effective Date of the Employer's GMEBS Plan, said Employee's Credited Past Service shall include only the number of years and complete months of Service from the Employee's initial employment date to the date the Employee becomes a Participant in the Plan.

(4) **Newly Eligible Classes of Employees.** If a previously ineligible class of Employees becomes eligible to participate in the Plan, the Employer must specify in an addendum to this Adoption Agreement whether and to what extent said Employees' prior service with the Employer shall be treated as Credited Past Service under the Plan.

B. Prior Military Service

Note: This Section does not concern military service required to be credited under USERRA – See Section 3.02 of the Basic Plan Document for rules on the crediting of USERRA Military Service.

(1) **Credit for Prior Military Service.**

The Adopting Employer may elect to treat military service rendered prior to a Participant's initial employment date or reemployment date as Credited Service under the Plan. Unless otherwise specified by the Employer under "Other Conditions" below, the term "Military Service" shall be as defined in the Basic Plan Document. Except as otherwise required by federal or state law or under "Other Conditions" below, Military Service shall not include service which is credited under any other local, state, or federal retirement or pension plan.

Military Service credited under this Section shall not include any service which is otherwise required to be credited under the Plan by federal or state law. Prior Military Service shall be treated as follows (**check one**):

- Prior Military Service is **not** creditable under the Plan (**if checked, skip to Section 13.C. – Prior Governmental Service**).
- Prior Military Service shall be counted as Credited Service for the following purposes (check one or more as applicable):
 - Computing amount of benefits payable.
 - Meeting minimum service requirements for vesting.
 - Meeting minimum service requirements for benefit eligibility.

(2) **Maximum Credit for Prior Military Service.**

Credit for Prior Military Service shall be limited to a maximum of _____ years (**insert number**).

(3) **Rate of Accrual for Prior Military Service.**

Credit for Prior Military Service shall accrue at the following rate (**check one**):

- One month of military service credit for every _____ month(s) (**insert number**) of Credited Service with the Adopting Employer.

- One year of military service credit for every _____ year(s) (**insert number**) of Credited Service with the Adopting Employer.
 - All military service shall be creditable (subject to any caps imposed above) after the Participant has completed _____ years (**insert number**) of Credited Service with the Employer.
 - Other requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.
- (4) Payment for Prior Military Service Credit (check one):**
- Participants shall **not** be required to pay for military service credit.
 - Participants shall be required to pay for military service credit as follows:
 - The Participant must pay _____% of the actuarial cost of the service credit (as defined below).
 - The Participant must pay an amount equal to (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

Other Conditions for Award of Prior Military Service Credit (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(5) Limitations on Service Credit Purchases. Unless otherwise specified in an Addendum to the Adoption Agreement, for purposes of this Section and Section 13.C. concerning prior governmental service credit, the term "actuarial cost of service credit" is defined as set forth in the Service Credit Purchase Addendum. In the case of a service credit purchase, the Participant shall be required to comply with any rules and regulations established by the GMEBS Board of Trustees concerning said purchases.

C. Prior Governmental Service

Note: A Participant's prior service with other GMEBS employers shall be credited for purposes of satisfying the minimum service requirements for Vesting and eligibility for Retirement and pre-retirement death benefits as provided under Section 9.05 of the Basic Plan Document, relating to portability service. This Section 13(C) does not need to be completed in order for Participants to receive this portability service credit pursuant to Section 9.05 of the Basic Plan Document.

(1) Credit for Prior Governmental Service.

The Adopting Employer may elect to treat governmental service rendered prior to a Participant's initial employment date or reemployment date as creditable service under the Plan. Subject to any limitations imposed by law, the term "prior governmental service" shall be as defined by the

Adopting Employer below. The Employer elects to treat prior governmental service as follows **(check one)**:

- Prior governmental service is **not** creditable under the Plan **(if checked, skip to Section 13.D. – Unused Sick/Vacation Leave)**.
- Prior governmental service shall be counted as Credited Service for the following purposes under the Plan **(check one or more as applicable)**:
 - Computing amount of benefits payable.
 - Meeting minimum service requirements for vesting.
 - Meeting minimum service requirements for benefit eligibility.

(2) Definition of Prior Governmental Service.

Prior governmental service shall be defined as follows: **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

Unless otherwise specified above, prior governmental service shall include only full-time service (minimum hour requirement same as that applicable to Eligible Regular Employees).

(3) Maximum Credit for Prior Governmental Service.

Credit for prior governmental service shall be limited to a maximum of _____ years **(insert number)**.

(4) Rate of Accrual for Prior Governmental Service Credit.

Credit for prior governmental service shall accrue at the following rate **(check one)**:

- One month of prior governmental service credit for every _____ month(s) **(insert number)** of Credited Service with the Adopting Employer.
- One year of prior governmental service credit for every _____ year(s) **(insert number)** of Credited Service with the Adopting Employer.
- All prior governmental service shall be creditable (subject to any caps imposed above) after the Participant has completed _____ years **(insert number)** of Credited Service with the Adopting Employer.
- Other requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

(5) Payment for Prior Governmental Service Credit.

- Participants shall **not** be required to pay for governmental service credit.
- Participants shall be required to pay for governmental service credit as follows:

- The Participant must pay ____% of the actuarial cost of the service credit.
- The Participant must pay an amount equal to **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____.**

Other Conditions for Award of Prior Governmental Service Credit **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____.**

D. Leave Conversion for Unused Paid Time Off (e.g., Sick, Vacation, or Personal Leave)

(1) Credit for Unused Paid Time Off.

Subject to the limitations in Section 3.01 of the Basic Plan Document, an Adopting Employer may elect to treat accumulated days of unused paid time off for a terminated Participant, for which the Participant is not paid, as Credited Service. The only type of leave permitted to be credited under this provision is leave from a paid time off plan which qualifies as a bona fide sick and vacation leave plan (which may include sick, vacation or personal leave) and which the Participant may take as paid leave without regard to whether the leave is due to illness or incapacity. The Credited Service resulting from the conversion of unused paid time off must not be the only Credited Service applied toward the accrual of a normal retirement benefit under the Plan. The Pension Committee shall be responsible to certify to GMEBS the total amount of unused paid time off that is creditable hereunder.

Important Note: Leave cannot be converted to Credited Service in lieu of receiving a cash payment. If the Employer elects treating unused paid time off as Credited Service, the conversion to Credited Service will be automatic, and the Participant cannot request a cash payment for the unused paid time off.

The Employer elects the following treatment of unused paid time off:

- Unused paid time off shall **not** be treated as Credited Service **(if checked, skip to Section 14 – Retirement Eligibility).**
- The following types of unused paid time off for which the Participant is not paid shall be treated as Credited Service under the Plan **(check one or more as applicable):**
 - Unused sick leave
 - Unused vacation leave
 - Unused personal leave
 - Other paid time off **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____.**

(2) Minimum Service Requirement.

In order to receive credit for unused paid time off, a Participant must meet the following requirement at termination (**check one**):

- The Participant must be 100% vested in a normal retirement benefit.
- The Participant must have at least _____ years (**insert number**) of Total Credited Service (not including leave otherwise creditable under this Section).
- Other (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(3) Use of Unused Paid Time Off Credit. Unused paid time off for which the Participant is not paid shall count as Credited Service for the following purposes under the Plan (**check one or more as applicable**):

- Computing amount of benefits payable.
- Meeting minimum service requirements for vesting.
- Meeting minimum service requirements for benefit eligibility.

(4) Maximum Credit for Unused Paid Time Off.

Credit for unused paid time off for which the Participant is not paid shall be limited to a maximum of _____ months (**insert number**).

(5) Computation of Unused Paid Time Off.

Unless otherwise specified by the Adopting Employer under "Other Conditions" below, each twenty (20) days of creditable unused paid time off shall constitute one (1) complete month of Credited Service under the Plan. Partial months shall not be credited.

(6) Other Conditions (please specify, subject to limitations in Section 3.01 of Basic Plan Document; must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

14. RETIREMENT ELIGIBILITY

A. Early Retirement Qualifications

Early retirement qualifications are (**check one or more as applicable**):

- Attainment of age 55 (**insert number**)
- Completion of 10 years (**insert number**) of Total Credited Service

Exceptions: If different early retirement eligibility requirements apply to a particular class or classes of Eligible Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Eligible Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Early retirement qualifications for excepted class(es) are (**check one or more as applicable**):

- Attainment of age _____ (**insert number**)
- Completion of _____ years (**insert number**) of Total Credited Service

B. Normal Retirement Qualifications

Note: Please complete this Section and also list "Alternative" Normal Retirement Qualifications, if any, in Section 14.C.

(1) Regular Employees

Normal retirement qualifications for Regular Employees are (**check one or more as applicable**):

- Attainment of age **65** (**insert number**)
- Completion of **5** years (**insert number**) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): all Participants only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Exceptions: If different normal retirement qualifications apply to a particular class or classes of Regular Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Class(es) of Regular Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Normal retirement qualifications for excepted class(es) are (**check one or more as applicable**):

- Attainment of age _____ (**insert number**)
- Completion of _____ years (**insert number**) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets

minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: all Participants only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

(2) **Elected or Appointed Members of Governing Authority**

Complete this Section only if elected or appointed members of the Governing Authority or Municipal Legal Officers are permitted to participate in the Plan. Normal retirement qualifications for this class are **(check one or more as applicable)**:

- Attainment of age 65 (insert number)
- Completion of _____ years (insert number) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: all Participants only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Exceptions: If different normal retirement qualifications apply to particular elected or appointed members of the Governing Authority or Municipal Legal Officers, the Employer must specify below to whom the different requirements apply and indicate below the requirements applicable to them.

Particular elected or appointed members of the Governing Authority or Municipal Legal Officers to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Normal retirement qualifications for excepted elected or appointed members of the Governing Authority or Municipal Legal Officers are **(check one or more as applicable)**:

- Attainment of age _____ (insert number)
- Completion of _____ years (insert number) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without

first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: all Participants only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

C. Alternative Normal Retirement Qualifications

The Employer may elect to permit Participants to retire with unreduced benefits after they satisfy service and/or age requirements other than the regular normal retirement qualifications specified above. The Employer hereby adopts the following alternative normal retirement qualifications:

Alternative Normal Retirement Qualifications (check one or more, as applicable):

(1) Not applicable (the Adopting Employer does not offer alternative normal retirement benefits under the Plan).

(2) **Alternative Minimum Age & Service Qualifications (if checked, please complete one or more items below, as applicable):**

- Attainment of age _____ **(insert number)**
- Completion of _____ years **(insert number)** of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: all Participants only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ___.

This alternative normal retirement benefit is available to:

- All Participants who qualify.
- Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

A Participant (**check one**): is required is not required to be in the service of the Employer at the time the Participant satisfies the above qualifications in order to qualify for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

- (3) **Rule of _____ (insert number).** The Participant's combined Total Credited Service and age must equal or exceed this number. Please complete additional items below:

To qualify for this alternative normal retirement benefit, the Participant (**check one or more items below, as applicable**):

- Must have attained at least age _____ (**insert number**)
- Must not satisfy any minimum age requirement
- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets the minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): all Participants only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

This alternative normal retirement benefit is available to:

- All Participants who qualify.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

A Participant (**check one**): is required is not required to be in the service of the Employer at the time the Participant satisfies the Rule in order to qualify for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(4) **Alternative Minimum Service.** A Participant is eligible for an alternative normal retirement benefit if the Participant has at least _____ years (**insert number**) of Total Credited Service, regardless of the Participant's age.

In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets the minimum service requirement specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): all Participants only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): ___.

This alternative normal retirement benefit is available to:

- All Participants who qualify.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

A Participant (**check one**): is required is not required to be in the service of the Employer at the time the Participant satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(5) **Other Alternative Normal Retirement Benefit.**

Must specify qualifications (in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): all Participants only the following class(es) of Participants (**must specify -**

specific positions are permissible; specific individuals may not be named): _____.

This alternative normal retirement benefit is available to:

- All Participants who qualify.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

A Participant (**check one**): is required is not required to be in the service of the Employer at the time the Participant satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

- (6) **Other Alternative Normal Retirement Benefit for Public Safety Employees Only.**

Must specify qualifications (in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): Attainment of age 55 and completion of 20 years of Total Credited Service.

- In-Service Distribution to Eligible Employees who are Public Safety Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution Described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): all Participants only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

This alternative normal retirement benefit is available to:

- All public safety employee Participants who qualify.
- Only the following public safety employee Participants (**must specify - specific positions are permissible; specific individuals may not be named**): **Firefighters and Police Officers, as defined in Section 2.34 and 2.51 of the Basic Plan Document, respectively.**

A public safety employee Participant (**check one**): is required is not required to be in the service of the Employer at the time the Participant satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

Note: "Public safety employees" are defined under the Internal Revenue Code for this purpose as employees of a State or political subdivision of a State who provide police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision.

D. Disability Benefit Qualifications

Subject to the other terms and conditions of the Basic Plan Document and except as otherwise provided in an Addendum to this Adoption Agreement, disability retirement qualifications are based upon Social Security Administration award criteria or as otherwise provided under Section 2.23 of the Basic Plan Document. The Disability Retirement benefit shall commence as of the Participant's Disability Retirement Date under Section 2.24 of the Basic Plan Document.

To qualify for a disability benefit, a Participant must have the following minimum number of years of Total Credited Service (**check one**):

- Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).
- No minimum.
- _____ years (**insert number**) of Total Credited Service.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

15. RETIREMENT BENEFIT COMPUTATION

A. Maximum Total Credited Service

The number of years of Total Credited Service which may be used to calculate a benefit is (**check one or all that apply**):

- not limited.
- limited to _____ years for all Participants.
- limited to _____ years for the following classes of Eligible Regular Employees:
 - All Eligible Regular Employees.

- Only the following Eligible Regular Employees: _____.
- limited to _____ years as an elected or appointed member of the Governing Authority.
- limited to _____ years as a Municipal Legal Officer.
- Other (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

B. Monthly Normal Retirement Benefit Amount

(1) Regular Employee Formula

The monthly normal retirement benefit for Eligible Regular Employees shall be 1/12 of (check and complete one or more as applicable):

- (a) **Flat Percentage Formula.** _____% (insert percentage) of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- All Participants who are Regular Employees.
- Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____.

- (b) **Alternative Flat Percentage Formula.** _____% (insert percentage) of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee. This formula applies to the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____.

- (c) **Split Final Average Earnings Formula.** 1.5% (insert percentage) of Final Average Earnings up to the amount of **Covered Compensation** (see subsection (2) below for definition of Covered Compensation), plus 2.0% (insert percentage) of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- All Participants who are Regular Employees.
- Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____.

- (d) **Alternative Split Final Average Earnings Formula.** _____ % (insert percentage) of Final Average Earnings up to the amount of **Covered**

Compensation (see subsection (2) below for definition of Covered Compensation), plus _____% (insert percentage) of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- All Participants.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

[Repeat above subsections as necessary for each applicable benefit formula and Participant class covered under the Plan.]

(2) Covered Compensation (complete only if Split Formula(s) is checked above):

Covered Compensation is defined as (check one or more as applicable):

- (a) **A.I.M.E. Covered Compensation** as defined in Section 2.18 of the Basic Plan Document. This definition of Covered Compensation shall apply to (**check one**):
 - All Participants who are Regular Employees.
 - Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.
- (b) **Dynamic Break Point** Covered Compensation as defined in Section 2.19 of the Basic Plan Document. This definition of Covered Compensation shall apply to (**check one**):
 - All Participants who are Regular Employees.
 - Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.
- (c) **Table Break Point** Covered Compensation as defined in Section 2.20 of the Basic Plan Document. This definition of Covered Compensation shall apply to (**check one**):
 - All Participants who are Regular Employees.
 - Only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.
- (d) **Covered Compensation** shall mean a Participant's annual Earnings that do not exceed \$_____ (**specify amount**). This definition shall apply to (**check one**):
 - All Participants who are Regular Employees.
 - Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

(3) Final Average Earnings

Unless otherwise specified in an Addendum to the Adoption Agreement, Final Average Earnings is defined as the monthly average of Earnings paid to a Participant by the Adopting Employer for the **60 (insert number not to exceed 60)** consecutive months of Credited Service preceding the Participant's most recent Termination in which the Participant's Earnings were the highest, multiplied by 12. Note: GMEBS has prescribed forms for calculation of Final Average Earnings that must be used for this purpose.

This definition of Final Average Earnings applies to:

- All Participants who are Regular Employees.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

[Repeat above subsection as necessary for each applicable definition and Participant class covered under the Plan.]

(4) Formula for Elected or Appointed Members of the Governing Authority

The monthly normal retirement benefit for members of this class shall be as follows (**check one**):

- Not applicable (elected or appointed members of the Governing Authority or Municipal Legal Officers are not permitted to participate in the Plan).
- \$25.00 (insert dollar amount)** per month for each year of Total Credited Service as an elected or appointed member of the Governing Authority or Municipal Legal Officer (service of at least 6 months and 1 day is treated as a year of Total Credited Service; provided, however, than an elected or appointed member of the Governing Authority or Municipal Legal Officer may accrue a maximum of one year of Total Credited Service for every 12-month period of Service as an elected or appointed member of the Governing Authority or Municipal Legal Officer).

This formula applies to:

- All elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate.
- Only the following elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

[Repeat above subsection as necessary for each applicable formula for classes of elected or appointed members covered under the Plan.]

C. Monthly Early Retirement Benefit Amount

Check and complete one or more as applicable:

- (1) **Standard Early Retirement Reduction Table.** The monthly Early Retirement benefit shall be computed in the same manner as the monthly

Normal Retirement benefit, but the benefit shall be reduced on an Actuarially Equivalent basis in accordance with Section 12.01 of the Basic Plan Document to account for early commencement of benefits. This provision shall apply to:

- All Participants.
 - Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**):_____.
- (2) **Alternative Early Retirement Reduction Table.** The monthly Early Retirement benefit shall be computed in the same manner as the monthly Normal Retirement benefit, but the benefit shall be reduced to account for early commencement of benefits based on the following table. This table shall apply to:
- All Participants.
 - Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**):_____.

Alternative Early Retirement Reduction Table

| <u>Number of Years Before</u> <u>[Age (Insert Normal</u> <u>Retirement Age)]</u> (check as applicable) | <u>Percentage of</u> <u>Normal Retirement Benefit*</u> (complete as applicable) |
|---|---|
| <input type="checkbox"/> 0 | 1.000 |
| <input type="checkbox"/> 1 | 0.____ |
| <input type="checkbox"/> 2 | 0.____ |
| <input type="checkbox"/> 3 | 0.____ |
| <input type="checkbox"/> 4 | 0.____ |
| <input type="checkbox"/> 5 | 0.____ |
| <input type="checkbox"/> 6 | 0.____ |
| <input type="checkbox"/> 7 | 0.____ |
| <input type="checkbox"/> 8 | 0.____ |
| <input type="checkbox"/> 9 | 0.____ |
| <input type="checkbox"/> 10 | 0.____ |
| <input type="checkbox"/> 11 | 0.____ |
| <input type="checkbox"/> 12 | 0.____ |
| <input type="checkbox"/> 13 | 0.____ |
| <input type="checkbox"/> 14 | 0.____ |
| <input type="checkbox"/> 15 | 0.____ |

*Interpolate for whole months

D. Monthly Late Retirement Benefit Amount (check one):

- (1) The monthly Late Retirement benefit shall be computed in the same manner as the Normal Retirement Benefit, based upon the Participant's

Accrued Benefit as of the Participant's Late Retirement Date.

- (2) The monthly Late Retirement benefit shall be the greater of: (1) the monthly retirement benefit accrued as of the Participant's Normal Retirement Date, actuarially increased in accordance with the actuarial table contained in Section 12.05 of the Basic Plan Document; or (2) the monthly retirement benefit accrued as of the Participant's Late Retirement Date, without further actuarial adjustment under Section 12.06 of the Basic Plan Document.

E. Monthly Disability Benefit Amount

The amount of the monthly Disability Benefit shall be computed in the same manner as the Normal Retirement benefit, based upon the Participant's Accrued Benefit as of the Participant's Disability Retirement Date.

Minimum Disability Benefit. The Adopting Employer may set a minimum Disability Benefit. The Employer elects the following minimum Disability benefit (**check one**):

- Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).
- No minimum is established.
- No less than (**check one**): 20% 10% ____% (**if other than 20% or 10% insert percentage amount**) of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence) immediately preceding the Participant's Termination of Employment as a result of a Disability. (Unless otherwise specified in an Addendum to the Adoption Agreement, no minimum will apply to elected or appointed members of the Governing Authority or Municipal Legal Officers.)
- No less than (**check one**): 66 2/3 % ____% (**if other than 66 2/3%, insert percentage amount**) of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence) immediately preceding the Participant's Termination of Employment as a result of a Disability, less any monthly benefits paid from federal Social Security benefits as a result of disability as reported by the Employer. (Unless otherwise specified in an Addendum to the Adoption Agreement, no minimum will apply to elected or appointed members of the Governing Authority or Municipal Legal Officers.)

F. Minimum/Maximum Benefit For Elected Officials

In addition to any other limitations imposed by federal or state law, the Employer may impose a cap on the monthly benefit amount that may be received by elected or appointed members of the Governing Authority. The Employer elects (**check one**):

- Not applicable (elected or appointed members of the Governing Authority do not participate in the Plan).

- No minimum or maximum applies.
- Monthly benefit for Service as an elected or appointed member of the Governing Authority may not exceed 100% of the Participant's final salary as an elected or appointed member of the Governing Authority.
- Other minimum or maximum (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

G. Multiple Plans

In the event that the Employer maintains multiple plans, the following provisions will apply to the extent necessary to satisfy Code § 415.

16. SUSPENSION OF BENEFITS FOLLOWING BONA FIDE SEPARATION OF SERVICE; COLA

A. Re-Employment as Eligible Employee After Normal, Alternative Normal, or Early Retirement and Following Bona Fide Separation of Service (see Basic Plan Document Section 6.06(c) Regarding Re-Employment as an Ineligible Employee and Basic Plan Document Section 6.06(e) and (f) Regarding Re-Employment After Disability Retirement)

(1) Reemployment After Normal or Alternative Normal Retirement. In the event that a Retired Participant 1) is reemployed with the Employer as an Eligible Employee (as defined in the Plan) after the Participant's Normal or Alternative Normal Retirement Date and after a Bona Fide Separation from Service, or 2) is reemployed with the Employer in an Ineligible Employee class, and subsequently again becomes an Eligible Employee (as defined in the Plan) due to the addition of such class to the Plan after the Participant's Normal or Alternative Normal Retirement Date, the following rule shall apply (**check one**):

- (a) The Participant's benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document for as long as the Participant remains employed.
- (b) The Participant may continue to receive retirement benefits in accordance with Section 6.06(b) of the Basic Plan Document. This rule shall apply to (**check one**): all Retired Participants only the following classes of Retired Participants (**must specify (specific positions are permissible; specific individuals may not be named) - benefits of those Retired Participants not listed shall be suspended in accordance with Section 6.06(a) of the Basic Plan Document if they return to work with the Employer**): _____.

(2) Reemployment After Early Retirement. In the event a Participant Retires with an Early Retirement benefit after a Bona Fide Separation from Service 1) is reemployed with the Employer as an Eligible Employee before the Participant's Normal Retirement Date; or 2) is reemployed with the Employer in an Ineligible Employee class, and subsequently again becomes an Eligible Employee (as defined in the Plan) before the Participant's Normal Retirement Date due to the addition of such class to the Plan, the following rule shall apply (**check one or more as applicable**):

- (a) The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document for as long as the Participant remains employed.

This rule shall apply to (**check one**): all Retired Participants; only the following classes of Retired Participants (**must specify - specific positions are permissible; specific individuals may not be named**):

_____.

- (b) The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document. However, the Participant may begin receiving benefits after satisfying the qualifications for Normal Retirement or Alternative Normal Retirement, as applicable, and after satisfying the minimum age parameters of Section 6.06(a)(3) of the Basic Plan Document, in accordance with Section 6.06(b)(2)(B)(i) of the Basic Plan Document.

This rule shall apply to (**check one**): all Retired Participants; only the following classes of Retired Participants (**must specify - specific positions are permissible; specific individuals may not be named**):

_____.

- (c) The Participant's Early Retirement benefit shall continue in accordance with Section 6.06(b)(2)(B)(ii) of the Basic Plan Document.

This rule shall apply to (**check one**): all Retired Participants; only the following classes of Retired Participants (**must specify - specific positions are permissible; specific individuals may not be named**):

_____.

B. Cost Of Living Adjustment

The Employer may elect to provide for an annual cost-of-living adjustment (COLA) in the amount of benefits being received by Retired Participants and Beneficiaries, which shall be calculated and paid in accordance with the terms of the Basic Plan Document. The Employer hereby elects the following (**check one**):

- (1) No cost-of-living adjustment.
- (2) Variable Annual cost-of-living adjustment not to exceed **3.0%** (**insert percentage**).

- (3) Fixed annual cost-of-living adjustment equal to _____% (insert percentage).

The above cost-of-living adjustment shall apply with respect to the following Participants (and their Beneficiaries) (check one):

- All Participants (and their Beneficiaries).
- Participants (and their Beneficiaries) who terminate employment on or after **June 1, 1999** (insert date).
- Other (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)); specific positions are permissible; specific individuals may not be named): _____.

The Adjustment Date for the above cost-of-living adjustment shall be (if not specified, the Adjustment Date shall be January 1): _____.

**17. TERMINATION OF EMPLOYMENT BEFORE RETIREMENT;
VESTING**

A. Eligible Regular Employees

Subject to the terms and conditions of the Basic Plan Document, a Participant who is an Eligible Regular Employee and whose employment is terminated for any reason other than death or retirement shall earn a vested right in the Participant's accrued retirement benefit in accordance with the following schedule (check one):

- No vesting schedule (immediate vesting).
- Cliff Vesting Schedule.** Benefits shall be 100% vested after the Participant has a minimum of 5 years (insert number not to exceed 10) of Total Credited Service. Benefits remain 0% vested until the Participant satisfies this minimum.
- Graduated Vesting Schedule.** Benefits shall become vested in accordance with the following schedule (insert percentages):

| <u>COMPLETED YEARS OF TOTAL CREDITED SERVICE</u> | <u>VESTED PERCENTAGE</u> |
|--|--------------------------|
| 1 | % |
| 2 | % |
| 3 | % |
| 4 | % |
| 5 | % |
| 6 | % |
| 7 | % |
| 8 | % |
| 9 | % |
| 10 | % |

Exceptions: If a vesting schedule other than that specified above applies to a special class(es) of Regular Employees, the Employer must specify the different vesting schedule below and the class(es) to whom the different vesting schedule applies.

Regular Employees to whom exception applies (must specify - specific positions are permissible; specific individuals may not be named): _____.

Vesting Schedule for excepted class (Must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i). Must be at least as favorable as one of the following schedules: (i) 15-year cliff vesting, (ii) 20-year graded vesting, or (iii) for qualified public safety employees, 20-year cliff vesting.): _____.

B. Elected or Appointed Members of the Governing Authority

Subject to the terms and conditions of the Basic Plan Document, a Participant who is an elected or appointed member of the Governing Authority or a Municipal Legal Officer shall earn a vested right in the Participant's accrued retirement benefit for Credited Service in such capacity in accordance with the following schedule (check one):

- Not applicable (elected or appointed members of the Governing Authority are not permitted to participate in the Plan).
- No vesting schedule (immediate vesting).
- Other vesting schedule (Must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i). Must be at least as favorable as one of the following schedules: (i) 15-year cliff vesting, (ii) 20-year graded vesting, or (iii) for qualified public safety employees, 20-year cliff vesting.): Benefits shall be 100% Vested after the Participant has a minimum of 4 years of Total Credited Service. Benefits remain 0% Vested until the Participant satisfies this minimum. If the Participant holds office as an elected or appointed member of the Governing Authority or is employed as an Eligible Regular Employee on July 1, 2003, then Service with the City prior to July 1, 2003, will be taken into account in determining whether the Participant has satisfied the 4-year Vesting requirement. Otherwise, service prior to July 1, 2003, will not be taken into account.

18. PRE-RETIREMENT DEATH BENEFITS

A. In-Service Death Benefit

Subject to the terms and conditions of the Basic Plan Document, the Employer hereby elects the following in-service death benefit, to be payable in the event that an eligible Participant's employment with the Employer is terminated by reason of the Participant's death prior to Retirement (check and complete one):

(1) **Auto A Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, equal to the decreased monthly retirement benefit that would have otherwise been payable to the Participant, had the Participant elected a 100% joint and survivor benefit under Section 7.03 of the Basic Plan Document. In order to be eligible for this benefit, a Participant must meet the following requirements (**check one**):

- The Participant must be vested in a normal retirement benefit.
- The Participant must have _____ years (**insert number**) of Total Credited Service.
- The Participant must be eligible for Early or Normal Retirement.
- Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(2) **Actuarial Reserve Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, actuarially equivalent to the reserve required for the Participant's anticipated Normal Retirement benefit, provided the Participant meets the following eligibility conditions (**check one**):

- The Participant shall be eligible upon satisfying the eligibility requirements of Section 8.02(c) of the Basic Plan Document.
- The Participant must have _____ years (**insert number**) of Total Credited Service.
- Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

Imputed Service. For purposes of computing the actuarial reserve death benefit, the Participant's Total Credited Service shall include (**check one**):

- Total Credited Service accrued prior to the date of the Participant's death.
- Total Credited Service accrued prior to the date of the Participant's death, plus (**check one**): one-half (½) _____ (**insert other fraction**) of the Service between such date of death and what would otherwise have been the Participant's Normal Retirement Date. (**See Basic Plan Document Section 8.02(b) regarding 10-year cap on additional Credited Service.**)

Minimum In-Service Death Benefit for Vested Employees Equal to Terminated Vested Death Benefit. Unless otherwise specified under "Exceptions" below, if a Participant's employment is terminated by reason of the Participant's death prior to Retirement, and if as of the date of death

the Participant is vested but does not qualify for the in-service death benefit, then the Auto A Death Benefit will be payable, provided the Auto A Death Benefit is made available to terminated vested employees under the Adoption Agreement (see "Terminated Vested Death Benefit" below).

(3) **Exceptions:** If an in-service death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit (must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2) and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415): _____.

Participants to whom alternative death benefit applies (must specify - specific positions are permissible; specific individuals may not be named): _____.

Eligibility conditions for alternative death benefit (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

B. Terminated Vested Death Benefit

(1) **Complete this Section only if the Employer offers a terminated vested death benefit.** The Employer may elect to provide a terminated vested death benefit, to be payable in the event that a Participant who is vested dies after termination of employment but before Retirement benefits commence. Subject to the terms and conditions of the Basic Plan Document, the Employer hereby elects the following terminated vested death benefit (**check one**):

- Auto A Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, equal to the decreased monthly retirement benefit that would have otherwise been payable to the Participant had the Participant elected a 100% joint and survivor benefit under Section 7.03 of the Basic Plan Document.
- Accrued Retirement Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary which shall be actuarially equivalent to the Participant's Accrued Normal Retirement Benefit determined as of the date of death.

(2) **Exceptions:** If a terminated vested death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit (must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2)

and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415): _____.

Participants to whom alternative death benefit applies (must specify - specific positions are permissible; specific individuals may not be named): _____.

Eligibility conditions for alternative death benefit (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

19. EMPLOYEE CONTRIBUTIONS

(1) Employee contributions (check one):

- Are not required.
- Are required in the amount of _____ % (insert percentage) of Earnings for all Participants.
- Are required in the amount of _____ % (insert percentage) of Earnings for Participants in the following classes (must specify - specific positions are permissible; specific individuals may not be named): _____.

[Repeat above subsection as necessary if more than one contribution rate applies.]

(2) **Pre-Tax Treatment of Employee Contributions.** If Employee Contributions are required in Subsection (1) above, an Adopting Employer may elect to "pick up" Employee Contributions to the Plan in accordance with IRC Section 414(h). In such case, Employee Contributions shall be made on a pre-tax rather than a post-tax basis, provided the requirements of IRC Section 414(h) are met. If the Employer elects to pick up Employee Contributions, it is the Employer's responsibility to ensure that Employee Contributions are paid and reported in accordance with IRC Section 414(h). The Adopting Employer must not report picked up contributions as wages subject to federal income tax withholding.

The Employer hereby elects (check one):

- To pick up Employee Contributions. By electing to pick up Employee Contributions, the Adopting Employer specifies that the contributions, although designated as Employee Contributions, are being paid by the Employer in lieu of Employee Contributions. The Adopting Employer confirms that the executor of this Adoption Agreement is duly authorized to take this action as required to pick up contributions. This pick-up of contributions applies prospectively, and it is evidenced by this contemporaneous written document. On and after the date of the pick-up of contributions, a Participant does not have a cash or deferred election right (within the meaning of Treasury Regulation Section 1.401(k)-1(a)(3)) with respect to the designated Employee Contributions, which includes not having the option of receiving the amounts directly instead of having them paid to the Plan.

- Not to pick up Employee Contributions.

(3) Interest on Employee Contributions. The Adopting Employer may elect to pay interest on any refund of Employee Contributions.

- Interest shall not be paid.
 - Interest shall be paid on a refund of Employee Contributions at a rate established by GMEBS from time to time.
 - Other rate of interest **(must specify rate in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)):**
-

20. MODIFICATION OF THE TERMS OF THE ADOPTION AGREEMENT

If an Adopting Employer desires to amend any of its elections contained in this Adoption Agreement (or any Addendum), the Governing Authority by official action must adopt an amendment of the Adoption Agreement (or any Addendum) or a new Adoption Agreement (or Addendum) must be adopted and forwarded to the Board for approval. The amendment of the new Adoption Agreement (or Addendum) is not effective until approved by the Board and other procedures required by the Plan have been implemented.

The Administrator will timely inform the Adopting Employer of any amendments made by the Board to the Plan.

21. TERMINATION OF THE ADOPTION AGREEMENT

This Adoption Agreement (and any Addendum) may be terminated only in accordance with the Plan. The Administrator will inform the Adopting Employer in the event the Board should decide to discontinue this pre-approved plan program.

22. EMPLOYER ADOPTION AND AUTHORIZATION FOR AMENDMENTS

Adoption. The Adopting Employer hereby adopts the terms of the Adoption Agreement and any Addendum, which is attached hereto and made a part of this ordinance. The Adoption Agreement (and, if applicable, the Addendum) sets forth the Employees to be covered by the Plan, the benefits to be provided by the Adopting Employer under the Plan, and any conditions imposed by the Adopting Employer with respect to, but not inconsistent with, the Plan. The Adopting Employer reserves the right to amend its elections under the Adoption Agreement and any Addendum, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board of Trustees of GMEBS. The Adopting Employer acknowledges that it may not be able to rely on the pre-approved plan opinion letter if it makes certain elections under the Adoption Agreement or the Addendum, and

that the failure to properly complete the Adoption Agreement may result in a failure of the Adopting Employer's Plan to be a qualified plan.

The Adopting Employer hereby agrees to abide by the Basic Plan Document, Trust Agreement, and rules and regulations adopted by the Board of Trustees of GMEBS, as each may be amended from time to time, in all matters pertaining to the operation and administration of the Plan. It is intended that the Act creating the Board of Trustees of GMEBS, this Plan, and the rules and regulations of the Board are to be construed in harmony with each other. In the event of a conflict between the provisions of any of the foregoing, they shall govern in the following order:

- (1) The Act creating the Board of Trustees of The Georgia Municipal Employees' Benefit System, O.C.G.A. Section 47-5-1 *et seq.* (a copy of which is included in the Appendix to the Basic Defined Benefit Plan Document) and any other applicable provisions of O.C.G.A. Title 47;
- (2) The Basic Defined Benefit Plan Document and Trust Agreement;
- (3) This Ordinance and Adoption Agreement (and any Addendum); and
- (4) The rules and regulations of the Board.

In the event that any section, subsection, sentence, clause or phrase of this Plan shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions or the other section or sections, subsections, sentences, clauses or phrases of this Plan, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part hereof. The Governing Authority hereby declares that it would have passed the remaining parts of this Plan or retained the previously existing provisions if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

This Adoption Agreement (and any Addendum) may only be used in conjunction with Georgia Municipal Employees Benefit System Basic Defined Benefit Retirement Plan Document approved by the Internal Revenue Service under opinion letter Q705465a dated August 31, 2023. The Adopting Employer understands that failure to properly complete this Adoption Agreement (or any Addendum), or to operate and maintain the Plan and Trust in accordance with the terms of the completed Adoption Agreement (and any Addendum), Basic Plan Document and Trust, may result in disqualification of the Adopting Employer's Plan under the Internal Revenue Code. Inquiries regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the IRS opinion letter should be directed to the Administrator. The Administrator is Georgia Municipal Employees Benefit System, with its primary business offices located at: 201 Pryor Street, SW, Atlanta, Georgia, 30303. The business telephone number is: (404) 688-0472. The primary person to contact is: GMEBS Legal Counsel.

Authorization for Amendments. Effective on and after February 17, 2005, the Adopting Employer hereby authorizes the pre-approved plan provider who sponsors the Plan on behalf of GMEBS to prepare amendments to the Plan, for approval by the Board, on its behalf as provided under Revenue Procedure 2005-16, as superseded by Revenue Procedure 2015-36, Revenue Procedure 2011-49, and Announcement 2005-37. Effective January 1, 2013, Georgia Municipal Association, Inc., serves as the pre-approved plan provider for the Plan. Employer notice and

signature requirements were met for the Adopting Employer before the effective date of February 17, 2005. The Adopting Employer understands that the implementing amendment reads as follows:

On and after February 17, 2005, the Board delegates to the Provider the authority to advise and prepare amendments to the Plan, for approval by the Board, on behalf of all Adopting Employers, including those Adopting Employers who have adopted the Plan prior to the January 1, 2013, restatement of the Plan, for changes in the Code, the regulations thereunder, revenue rulings, other statements published by Internal Revenue Service, including model, sample, or other required good faith amendments (but only if their adoption will not cause such Plan to be individually designed), and for corrections of prior approved plans. These amendments shall be applied to all Adopting Employers. Employer notice and signature requirements have been met for all Adopting Employers before the effective date of February 17, 2005. In any event, any amendment prepared by the Practitioner and approved by the Board will be provided by the Administrator to Adopting Employers.

Notwithstanding the foregoing paragraph, no amendment to the Plan shall be prepared on behalf of any Adopting Employer as of either:

- the date the Internal Revenue Service requires the Adopting Employer to file Form 5300 as an individually designed plan as a result of an amendment by the Adopting Employer to incorporate a type of Plan not allowable in a pre-approved plan as described in Revenue Procedure 2017-41; or
- as of the date the Plan is otherwise considered an individually designed plan due to the nature and extent of the amendments.

If the Adopting Employer is required to obtain a determination letter for any reason in order to maintain reliance on the opinion letter, the Provider's authority to amend the Plan on behalf of the Adopting Employer is conditioned on the Plan receiving a favorable determination letter.

The Adopting Employer further understands that, if it does not give its authorization hereunder or, in the alternative, adopt another pre-approved plan, its Plan will become an individually designed plan and will not be able to rely on the pre-approved plan opinion letter.

Reliance on Opinion Letter. As provided in Revenue Procedure 2017-41, the Adopting Employer may rely on the Plan's opinion letter, provided that the Adopting Employer's Plan is identical to the GMEBS Plan, and the Adopting Employer has not amended or made any modifications to the Plan other than to choose the options permitted under the Plan, Adoption Agreement, and any Addendum.

AN ORDINANCE (continued from page 1)

Section 2. Except as otherwise specifically required by law or by the terms of the Basic Plan Document or Adoption Agreement (or any Addendum), the rights and obligations under the Plan with respect to persons whose employment with the City was terminated or who vacated office with the City for any reason whatsoever prior to the effective date of this Ordinance are fixed and shall be governed by such Plan, if any, as it existed and was in effect at the time of such termination.

Section 3. The effective date of this Ordinance shall be the date of its approval by the Governing Authority **(not earlier than the first day of the current Plan Year in which the Plan is adopted, unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance))**.

Section 4. All Ordinances and parts of ordinances in conflict herewith are expressly repealed.

Approved by the Mayor and Council of the City of Tybee Island, Georgia, this _____ day of _____, 20_____.

Attest:

CITY OF TYBEE ISLAND, GEORGIA

City Clerk

Mayor

(SEAL)

Approved:

City Attorney

The terms of the foregoing Adoption Agreement are approved by the Board of Trustees of Georgia Municipal Employees Benefit System.

IN WITNESS WHEREOF, the Board of Trustees of Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officers to be affixed this _____ day of _____, 20_____.

Board of Trustees
Georgia Municipal Employees
Benefit System

(SEAL)

Secretary

File Attachments for Item:

10. Resolution: Tybee Island Resilience Resolution

**A RESOLUTION OF THE CITY COUNCIL OF
TYBEE ISLAND, GEORGIA TO IMPROVE COMMUNITY RESILIENCE ON TYBEE
ISLAND**

WHEREAS, community resilience refers to the sustained ability of a community and its environment to withstand and recover from adverse situations or events while improving the community’s physical, social, and economic health and while protecting human life and property, and

WHEREAS, the City has made significant improvements in its resiliency, having adopted the first Sea Level Rise Adaptation Study in the State in 2016, worked closely with FEMA to lift houses out of the floodplain which continues today, worked closely with the US Army Corps of Engineers to include dune strengthening during the 2019 beach nourishment, undertaken an assessment of the flood risk and mitigation alternatives of the Back River, developed a Master Stormwater Improvement Program, developed a Natural Infrastructure Master Plan, developed the first Comprehensive Community Resiliency Plan in the State, and

WHEREAS, the City, in doing this work, has engaged a wide variety of Local, County, State, and Federal partners to assess, build, and monitor its resiliency features, and

WHEREAS, the City has determined that the public health, safety, and welfare of its residents will be significantly improved by placing a continued emphasis on increasing community resilience to natural hazards, environmental changes, issues of social vulnerability, and access to resources, and

WHEREAS, the City has acknowledged that there is scientific evidence that our climate is changing and, to meet this challenge, the City must enhance its consideration of climate change in land use decisions, infrastructure investments, housing investments, and City planning, and

WHEREAS, the City of Tybee Island recognizes it must continue to build upon its prior work to address the changing climate and incorporate community resilience in its decision-making through the collaboration of the City’s staff, local stakeholders, and the public.

NOW THEREFORE, BE IT RESOLVED BY THE TYBEE ISLAND CITY COUNCIL that the City will endeavor to promote equitable community resilience and reduce vulnerabilities to environmental threats by incorporating resilience considerations into its planning, development, and operational practices.

This _____ day of April, 2024.

Brian West, Mayor
City of Tybee Island, Georgia

Attested to:

Jan LeViner, Clerk of the Council

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
CHATHAM COUNTY, GEORGIA TO IMPROVE RESILIENCE AND FOCUS ON
CLIMATE CHANGE WITHIN CHATHAM COUNTY**

WHEREAS, Chatham County has committed to improving resilience through the formal establishment of the area’s first Resilience Program in 2022, and

WHEREAS, community resilience refers to the sustained ability of a community and its environment to withstand and recover from adverse situations or events while improving the community’s physical, social, and economic health and while protecting human life and property, and

WHEREAS, Chatham County is following the *Strengthening Coastal Counties’ Resilience Program*’s model formulized by the National Association of Counties (NACo), the Association of State Floodplain Managers (ASFPM), the Coastal States Organization (CSO) and the National Oceanic and Atmospheric Administration (NOAA) to support coastal counties as they work to strengthen their resilience, and

WHEREAS, Chatham County has determined that the public health, safety, and welfare of its residents will be significantly improved by placing a greater emphasis on increasing community resilience to natural hazards, environmental changes, issues of social vulnerability, and access to resources, and

WHEREAS, Chatham County has acknowledged that there is scientific evidence that our climate is changing; and, to meet this challenge, the County must enhance its consideration of, climate change in land use decisions, infrastructure investments, housing investments, and County planning, all of which should be guided by principles of equity and inclusion, and

WHEREAS, Chatham County recognizes it must continue to build upon its prior work to address the changing climate and incorporate equitable community resilience in its decision-making through the collaboration of the County’s government departments, local stakeholders, and the public, and

NOW THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS to promote equitable community resilience and reduce vulnerabilities to environmental threats by incorporating equity and resilience considerations into its planning, development, and operational practices.

This _____ day of **April**, 2024.

Chester A. Ellis, Chairman
Chatham County Board of Commissioners

Attested to:

Janice Bocook, Clerk of the Commission

A RESOLUTION OF THE TOWN COUNCIL OF THUNDERBOLT, GEORGIA TO IMPROVE RESILIENT FOCUS WITHIN THE TOWN LIMITS OF THUNDERBOLT

WHEREAS, Thunderbolt is located along the Wilmington River in beautiful coastal Georgia on the United States Intracoastal Waterway (US ICW),

WHEREAS, community resilience refers to the sustained ability of a community and its environment to withstand and recover from adverse situations or events while improving the community's physical, social, and economic health and while protecting human life and property, and

WHEREAS, Thunderbolt is working to strengthen resilience through the *Flooding Dynamic Modeling Tools for Optimized Planning of CORE MPO Transportation Infrastructure Systems* formulized by the Coastal Region Metropolitan Planning (CORE) for risk-decision making along with Chatham County's multi-jurisdictional *Hazard Mitigation Plan* as part of the Town's Community Rating System (CRS), and

WHEREAS, the Town has determined that the public health, safety, and welfare of its residents will be significantly improved by placing a greater emphasis on increasing community resilience to natural hazards, environmental changes, issues of social vulnerability, and access to resources, and

WHEREAS, Thunderbolt has acknowledged that there is scientific evidence that our climate is changing; and, to meet this challenge, the Town must enhance its consideration of protecting our resources in land use decisions, infrastructure investments, development planning, and

WHEREAS, Thunderbolt recognizes it must continue to build upon the work led by Chatham County to address the changing climate and incorporate community resilience in its decision-making through the collaboration of the Town's government departments, local citizen stakeholders, and the public, and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF THUNDERBOLT to promote equitable community resilience and reduce vulnerabilities to environmental threats by incorporating resilience considerations into its planning, development, and operational practices.

This 10TH day of April, 2024.



Dana Williams, Mayor

Attested to:



Matthew D. Walker, Town Clerk

File Attachments for Item:

11. Tracy O'Connell: 2024-07: Potential Amendment of Ordinance on the Temporary Use of Recreational Vehicles – For Discussion and Direction to Staff/Counsel

ORDINANCE NO. 2024-

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF TYBEE ISLAND, GEORGIA, TO PROVIDE FURTHER
DEFINITION OF RECREATIONAL VEHICLES THAT MAY BE USED
ON A TEMPORARY BASIS AS WELL AS THE DEFINITION OF
DWELLING PURPOSES FOR THE ORDINANCE ON TEMPORARY USE
OF RECREATIONAL VEHICLES**

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, (the “City”) is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, the City recognizes citizens or visitors may for a limited time use a recreational vehicle; and

WHEREAS, the City seeks to clarify the types recreational vehicles which may be used on a temporary basis under the ordinance as well as the purposes for which a recreational vehicle may be used;

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island that the Code of Ordinances will be amended as follows:

SECTION 1

Section 3-110(c) is revised as follows:

- (C) *Temporary use of recreational vehicles on private property for dwelling purposes.* No recreational vehicle shall be used for dwelling purposes on any lot in a residential district unless a temporary permit is acquired. Such permit shall be valid for up to seven days and the lot is only eligible for a permit three times per calendar year except as set forth below. Only one

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vehicle may be granted a permit for a lot during the duration of the permit. The temporary permit may be obtained from the zoning administrator during normal hours of operation at the city hall. There is no fee for this permit. However, violation of this clause will be subject to the same enforcement as all other regulations of this Land Development Code.

"Dwelling Purposes" means to "use for living space" and shall include, but not be limited to, acts of sleeping, cooking, bathing, occupying as a dwelling, or any stay within the recreational vehicle not directly related to its driving. The following factors may constitute acts to be considered indicative of "Dwelling Purposes":

1. Evidence of a person entering and exiting the vehicle;
2. Connection of the vehicle to sewer, water, or electrical systems;
3. Use of a power generator;
4. Accessory structures about the vehicle;
5. Illumination of the interior of the vehicle;
6. Window masking;
7. Expanded bays "pop-outs."

"Recreational vehicle" or "RV" means a vehicular-type unit up to and including 400 square feet primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle.

(D) For purposes of facilitating the work associated with elevating homes a part of the FEMA sponsored Hazard Mitigation Grant, the restrictions contained in Section (C) above shall not apply to a homeowner who needs to reside in a recreational vehicle while they are actively engaged in construction under the Grant. This special exemption shall be permitted for a period of no longer than one year. Placement of the recreational vehicle must meet all setback requirements and be approved by the City's Planning and Zoning Department.

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SECTION 2

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance. It is hereby declared as the intent of the City of Tybee Island Mayor and Council that this ordinance would have been adopted had such invalid or unconstitutional portion not been included herein.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

This Ordinance shall become effective on ____ day of _____, 2024.

ADOPTED THIS __ DAY OF _____, 2024.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

File Attachments for Item:

14. Minutes, Marine Science Center Board Meeting, March 25, 2024

Tybee Island Marine Science Center Board Meeting

Date: March 25, 2024

Called to Order: 6:05pm, End: 8:15pm

Present: Jim Alexander, Jim Bentley, Kathryn Craven, Nancy Daves, Doug Duch, Dave Makel, Harry Moses, Tim Mescon, Carol Pride, Mark Reed, Ruthie Wilson, Katie Wohlust, and Executive Director, Chantal Audran. **Absent:** Karen Robertson

Welcome/Introductions: President Duch welcome everyone.

Executive Director Update:

- Review new metric graphs and status of Center
- Exhibits Update –
 - Solar interpretations: estimated completion is end of April. Exhibit debut proposed early May. Invite donors from energy companies around the state that made it possible.
 - 5 Sea Turtles of Georgia: Ocean Odyssey Series debut mid May
 - Classroom exhibit: 3D pottery tiles cross section of marsh, estimated completion date May (debut with 5 Sea Turtles of GA exhibit)
 - Marine debris tubes: estimated completion in July
 - Marlinspike Seamanship interpretation signage – estimated completion in July
 - Gullah Geechee – estimated completion in fall (TBD)
- Turtle Trot registration update
 - 146 participants to date
 - Idea for next year – pair in house sea turtle release with turtle trot
- CRM – Bloomerang is live.
- New Fare Harbor website is live
 - Naturalist nook returns to our website
- Review proposed 2024 Financial Plan
 - Reviewed metrics – all numbers are up year over year (revenue & number of people)

Committee Updates:

Officers:

- Doug rolled out new/updated committees.

Communications & Marketing Committee:

- Nancy Daves informed Board about film “Whale Watchers” to be filmed on Georgia coast. More info coming.

Finance & Grants Committee:

- January financials review
- Motion to accept 2024 budget: Doug, Second: Ruthie, all in favor
 - Discussed hiring Toren Anderson for marketing and PR

Policy & Procedure Committee:

- No new news

Infrastructure Committee:

- Solar grant update – COTI planning commission approved solar addition and now goes to city council on April 11. Roofer selected. Discussed grant eligibility. Jim B to talk to USDA about grant eligibility.
- Bathroom update – discussion with COTI about North Beach parking lot public bathroom cooperation project.
- Whale exhibit update – plan to install new, better speakers
- Dave M – discussed plan to install new network hardware access points via labor donation

Exhibits Committee:

- **New Chair: need a volunteer to chair committee**

Fundraising, Membership & Donors Committee:

- **New Chair: need a volunteer to chair committee**

Strategic Planning Committee:

- Preview of April Strategic Plan Kickoff – April 13th 10:00am – 1:30pm @ Tim's house
 - All are invited. Tim to send out materials for review prior to meeting.