

ORDINANCE NO. 64-1987

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE IN THE EMPLOYMENT OF THE CITY OF ABILENE; AND GRANTING THE ADDITIONAL RIGHTS, CREDITS AND BENEFITS AUTHORIZED BY THE 70TH LEGISLATURE; AND PRESCRIBING THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: Authorization of Updated Service Credits.

(a) On the terms and conditions set out in Sections 63.401 through 63.403 of Title 110B, Revised Civil Statutes of Texas, 1925, as amended, each member of the Texas Municipal Retirement System who has current service credit or prior service credit in said System in force and effect on the 1st day of January, 1988, by reason of service in the employment of the City of Abilene, and on such date has at least 36 months of credited service with said system, shall be and is hereby allowed "Updated Service Credit" (as that term is defined in subsection (d) of Section 63.402 of said title) in an amount that is 10% of the "base Updated Service Credit" of the member (calculated as provided in subsection (c) of Section 63.402 of said title). The Updated Service Credit hereby allowed shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(b) On the terms and conditions set out in Section 63.601 of said title, any member of the Texas Municipal Retirement System who is eligible for Updated Service Credits on the basis of service with this City, and who has unforfeited credit for prior service and/or current service with another participating municipality or municipalities by reason of previous service, and was a contributing member on January 1, 1987, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in said 63.601.

(c) In accordance with the provisions of subsection (d) of Section 63.401 of said title, the deposits required to be made to the Texas Municipal Retirement System by employees of the several participating departments on account of current service shall be calculated from and after the date aforesaid on the full amount of such person's earnings as an employee of the City.

PART 2: Pursuant to the provisions of Sections 64.204, 64.405, 64.406, and 64.410 of Subtitle G of Title 110B, Revised Civil Statutes of Texas, 1925, as amended by the 70th Legislature of the State of Texas, Regular Session, which Subtitle shall herein be referred to as the "TMRS Act," the City of Abilene, Texas adopts the following provisions affecting participation of its employees in the Texas Municipal Retirement System:

(a) Any employee of this City who is a member of the System is eligible to retire and receive a service retirement annuity, if the member has at least 25 years of credited service in that System performed for one or more municipalities that have participation dates after September 1, 1987, or have adopted a like provision under Section 64.202(f) of the TMRS Act.

(b) If a "vested member," as that term is defined in Section 64.204(b) of the TMRS Act, shall die before becoming eligible for service retirement and leaves surviving a lawful spouse whom the member has designated as beneficiary entitled to payment of the member's accumulated contributions in event of the member's death before retirement, the surviving spouse may by written notice filed with the System elect to leave the accumulated deposits on deposit with the System subject to the terms and conditions of said Section 64.204(b). If the accumulated deposits have not been withdrawn before such time as the member, if living, would have become entitled to service retirement, the surviving spouse may elect to receive, in lieu of the accumulated deposits, an annuity payable monthly thereafter during the lifetime of the surviving spouse in such amount as would have been payable had the member lived and retired at that date under a joint and survivor annuity (Option 1) payable during the lifetime of the member and continuing thereafter during the lifetime of the surviving spouse.

(c) At any time before payment of the first monthly benefit of an annuity, a surviving spouse to whom subsection (d) applies may, upon written application filed with the System, receive payment of the accumulated contributions standing to the account of the member in lieu of any benefits otherwise payable under this section. In the event such a surviving spouse shall die before payment of the first monthly benefit of an annuity allowed under this section, the accumulated contributions credited to the account of the member shall be paid to the estate of such spouse.

(d) The rights, credits and benefits hereinabove authorized shall be in addition to the plan provisions heretofore adopted and in force at the effective date of this ordinance pursuant to the TMRS Act.

(e) Any employee of this City who is a member of the System is eligible to retire and receive a "standard occupational disability annuity" under Section 64.408 of the TMRS Act or an "optional occupational disability retirement annuity" under Section 64.410 of the TMRS Act upon making application therefor upon such form and in such manner as may be prescribed by the Board of Trustees of the System, provided that the System's medical board has certified to said Board of Trustees: (1) that the member is physically or mentally disabled for further performance of the duties of the member's employment; (2) that the disability is likely to be permanent; and (3) that the member should be retired. Any annuity granted under this subsection shall be subject to the provisions of Section 64.409 of the TMRS Act.

(f) The provisions relating to the occupational disability program as set forth in section (e) above are in lieu of the disability program heretofore provided for under Sections 64.301 to 64.308 of the TMRS Act.

PART 3: This ordinance shall become effective on the first day of January, 1988, subject to the approval by the Board of Trustees of Texas Municipal Retirement System, and provided that it has previously been determined by the Actuary for the System that all obligations of the City to the municipality accumulation fund, including obligations hereby undertaken, can be funded by the City within its maximum contribution rate and within its amortization period.

PASSED ON FIRST READING on the 15th day of October, A.D. 1987.

PASSED ON SECOND READING on the 22 day of October, A.D. 1987.

ATTEST:

Patricia Hancock  
CITY SECRETARY

Dale Ferguson  
MAYOR

APPROVED:

Harry Cangel  
CITY ATTORNEY