

AN ORDINANCE AFFECTING PARTICIPATION OF CITY EMPLOYEES IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY: (1) GRANTING THE ADDITIONAL RIGHTS, CREDITS AND BENEFITS AUTHORIZED BY TEX. REV. CIV. STAT. ANN. TITLE 110B §62.105, §64.202 (VERNON PAMPHLET 1988); (2) AUTHORIZING AND ALLOWING "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE IN THE EMPLOYMENT OF THE CITY OF ABILENE; (3) GRANTING TO CITY EMPLOYEES ADDITIONAL RIGHTS AND CREDITS IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM AS AUTHORIZED BY §63.303; (4) ALLOWING CERTAIN EMPLOYEES OF THE CITY, WHO PERFORMED OR HEREAFTER PERFORM ACTIVE SERVICE IN THE ARMED FORCES (OR THEIR RESERVES OR AUXILIARIES) OF THE UNITED STATES UNDER HONORABLE CONDITIONS, TO APPLY AND MAKE DEPOSITS FOR, AND TO RECEIVE SPECIAL CREDIT WITH THE TEXAS MUNICIPAL RETIREMENT SYSTEM FOR LIMITED PORTIONS OF SUCH MILITARY SERVICE; AND (5) ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS.

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

1. Part 1. Authorization of 10 Year Vesting. Pursuant to the provisions of the above-described Statutes 62.105 and §64.202, the City of Abilene, Texas, adopts the following provisions affecting participation of its employees in the Texas Municipal Retirement System (hereinafter "TMRS"):

(a) An employee of the City who is a member of TMRS may terminate employment and remain eligible to retire and receive a service retirement annuity at any time after that member attains an applicable age and service requirement, if that member has at least ten (10) years of credited service performed for one or more municipalities that have authorized eligibility under Section 64.202(c) or are subject to Section 64.102(e).

(b) An employee of the City who is a member of TMRS may retire and receive a service retirement annuity if that member is at least sixty (60) years old and has at least ten (10) years of creditable service performed for one or more municipalities that either have authorized eligibility or are subject to Section 64.102(e).

(c) Any employee of this City who is a member of TMRS and who performed service for this City prior to September 1, 1987, for which service that employee did not receive credit because the employee was not at that time a member of TMRS due to his or her age at the date of his or her employment, is hereby granted service credit with TMRS for all of such service (performed after the date of his or her latest employment by the City) that is prior to September 1, 1987, for which the employee has not previously received credit with TMRS, pursuant to Section 62.105.

2. Part 2. Authorization of Updated Service Credits.

(a) On the terms and conditions set out in Tex. Rev. Civ. Stat. Ann. Title 110B, §63.401 et. seq. (Vernon Pamphlet 1988), 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, 1989, 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) in an amount that is 50% of the "base Updated Service Credit" of the member (calculated as provided in subsection (c) of Section 63.402). 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, any member of TMRS 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, 1989, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in Section 63.601.

(c) In accordance with the provisions of subsection (d) of Section 63.401, the deposits required to be made to TMRS 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.

(d) Updated service credits granted hereby are subject to approval by the Board of Trustees of TMRS.

3. **Part 3. Obtaining Service Credit for Probationary Time.** Any employee of this City who is a member of TMRS and who performed service as a probationary employee for this City prior to September 1, 1989, for which the employee did not receive credited service in the system because the person, as a probationary employee, was not enrolled as a member of the system during the period of probationary employment, is hereby allowed to obtain prior service credit for the period of such probationary service, not to exceed six months credit, pursuant to the provisions of Section 63.303, as amended by the 71st Legislature.

(a) To obtain prior service credit allowable, any employee entitled thereto shall file a detailed written statement of the service claimed with the Director of Administrative Services within one year from the effective date of this ordinance.

(b) As soon as practicable after the employee has filed a claim for prior service credit under Section 63.303, the Director of Administrative Services shall, if said director determines that such service was performed as claimed, verify the prior service allowable (not exceeding six months) and the average monthly compensation paid the member during the period of probationary employment, and shall certify to the Board of Trustees of the system the creditable prior service approved and the average monthly compensation paid to the person by the City during the period of probationary employment.

4. **Part 4. Special Credit for Military Service.** Pursuant to Section 63.502 of Title 110B, as amended, the City of Abilene hereby elects to allow eligible members in its employment to establish credit in TMRS for active military

service performed as a member of the armed forces or armed forces reserves of the United States or an auxiliary of the armed forces or armed forces reserves. Eligible members as used herein shall be those employees meeting the criteria set forth in Sections 63.502(b) and 63.503, and the amount and use of creditable military service shall be as further set forth in Section 63.505.

(a) In order to establish credit for military service hereunder, a member must deposit with TMRS, in that member's individual account in the Employees Saving Fund, an amount equal to the number of months for which credit is sought, multiplied by \$15.00. The City of Abilene agrees that its account in the Municipality Accumulation Fund is to be charged at the time of the member's retirement with an amount equal to the accumulated amount paid by the member for military service credit, multiplied by the City's current service matching ratio in effect at the date the member applies for such military service credit.

5. Part 5. Effective Date. This ordinance shall be and become effective on the 1st day of January, 1990.

PASSED ON FIRST READING THIS 16 day of November,

A. D., 19 89.

PASSED ON SECOND AND FINAL READING THIS 7 day of

December, A.D. 19 89.

ATTEST:

[Signature]
CITY SECRETARY

Dale E. Ferguson
MAYOR

APPROVED:

Claudia Clinton
CITY ATTORNEY

59-4