

AN ORDINANCE REVOKING THE CITY OF ABILENE'S 2001 ELECTION TO NOT PROVIDE FIVE-YEAR VESTING FOR EMPLOYEES OF THE CITY OF ABILENE, TEXAS, WHO ARE MEMBERS OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM AND AMENDING SECTION 2-99 OF THE ABILENE MUNICIPAL CODE

WHEREAS, the City of Abilene, Texas has elected to participate in the Texas Municipal Retirement System (the "System") pursuant to the provisions of Subtitle G of Title 8 of the Government Code, as amended (the "TMRS Act"); and

WHEREAS, Subsection 854.205 of the TMRS Act, as amended effective September 1, 2001, provided that, unless a participating municipality's governing board filed with the Board of Trustees of the System before December 31, 2001, an election to not provide five-year vesting for its employees who are members of the System, such employees may, if they have at least five years of credited service with cities that do provide five-year vesting, terminate covered employment and remain eligible to retire and receive a service retirement annuity when they have attained an applicable retirement age as provided by law; and

WHEREAS, by ordinance approved prior to December 31, 2001, the City of Abilene elected to opt out or not provide five-year vesting under section 854.205 of the TMRS Act, but said section allows a city to revoke that election; and

WHEREAS, The City Council of the City of Abilene, Texas finds that it will be in the public interest to revoke the election not to provide for such five-year vesting; now, therefore

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

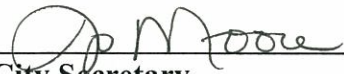
Section 1. The City Council of Abilene, Texas elects to revoke the prior election not to provide five-year vesting under section 854.205 for its employees and amend section 2-99 of the Abilene Municipal Code as set forth in Exhibit A. The City shall promptly notify the Board of Trustees of the System of this action.

Section 2. The provisions of this ordinance shall become effective the **first day of January 2006**.

Passed and approved on first reading this the 3rd day of November, 2005.

Passed and approved on second reading this the 17th day of November, 2005.

ATTEST:




City Secretary



Mayor

APPROVED:



City Attorney

EXHIBIT A

ORDINANCE NO. 58-2005

Amend Section 2-99 as follows:

Sec. 2-99. Vesting Provisions.

Pursuant to the provisions of Subtitle G of Title 8, Government Code, §§ 852.105 and 854.202, the City of Abilene, Texas, adopts the following provisions affecting participation of its employees in the Texas Municipal Retirement System (hereinafter "TMRS"):

- (1) 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 five (5) years of credited service performed for one or more municipalities that have authorized eligibility under section 854.202(c) or are subject to section 854.102(e).
- (2) 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 five (5) years of creditable service performed for one or more municipalities that either have authorized eligibility or are subject to section 854.102(e).
- (3) 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 that is prior to September 1, 1987, for which the employee has not previously received credit with TMRS, pursuant to section 852.105.