

# CITY OF WILLOW PARK

ORDINANCE NO. 584-08

**AN ORDINANCE PROVIDING FOR THE PARTICIPATION IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM AND THE SUPPLEMENTAL DEATH BENEFITS FUND BY THE CITY OF WILLOW PARK, TEXAS; AND TO MAKE CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS TO THE CITY'S ACCOUNT IN THE MUNICIPAL ACCUMULATION FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM AT THE ACTUARIALLY DETERMINED RATE OF TOTAL EMPLOYEE COMPENSATION.**

**WHEREAS**, the City of Willow Park, Texas ("City"), is a municipal corporation duly and legally formed in the State of Texas; and

**WHEREAS**, the City is a general law municipality with specific powers delegated to it to protect the health, safety and general welfare of its citizens; and,

**WHEREAS**, Subtitle G of Title 8 of TEX. GOVERNMENT CODE, as amended (herein after referred to as the "TMRS Act"), relating to the Texas Municipal Retirement System (the "System"), authorizes the governing body of each city or town to elect, at its option, to have one or more of the city departments participate in such System; and

**WHEREAS**, the City Council of the City of Willow Park, Texas, finds that it will be in the public interest for the City to have its employees participate in the System as hereinafter provided; now, therefore,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:**

## SECTION 1. AUTHORIZATION

The Mayor, or appropriate City Official or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

## SECTION 2. TMRS ELECTION

The City Council of the City of Willow Park, Texas, on behalf of said City, hereby exercises its option and elects to have this City and all of the employees of all departments now existing and those hereafter created participate in the System as provided in the TMRS Act.

## SECTION 3. TMRS NOTICE

The Mayor, or Mayor's designee, hereby directed to notify the Board of Trustees of the System that this City has elected to participate and have the employees of this City covered in said System.

## SECTION 4. PARTICIPATION

Each person who becomes an employee of this City on or after the effective date herein whose job or position shall require more than 1,000 hours of work per year shall become a member of the System as a condition of their employment.

## SECTION 5. SERVICE CREDIT

Each 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 5 years of credited service in the System to the City or 20 years of credited service performed for one or more municipalities that have adopted a provision under pursuant to §854.202(g) of the TMRS Act.

## SECTION 6. EMPLOYEE CONTRIBUTION

In accordance with the provisions of the TMRS Act, the deposits to be made to the System on account of current service of the employees of the several participating departments are hereby fixed at the rate of five percent (5%) of the full earnings of each employee of said departments.

## SECTION 7. CREDIT CALCULATION

Each employee who qualifies for such credit shall be allowed "prior service credit" (as defined in §853.101 of the TMRS Act) at the rate of one hundred percent of the "base credit" of such member,

calculated in the manner prescribed in §853.105 of said Act.

#### SECTION 8. CITY CONTRIBUTION

For each month of current service rendered to this City by each of its employees who are members of the System, the City will contribute to the current service annuity reserve of each such member at the time of his or her retirement, a sum that is One Hundred Percent (100%) of such member's accumulated deposits for such month of employment; and said sum shall be contributed from this City's account in the municipality accumulation fund.

#### SECTION 9. REMITTANCE

The City Secretary is hereby directed to remit to the Board of Trustees of the System, at its office in Austin, Texas, the city contributions to the System and the amounts which shall be deducted from the compensation or payroll of employees, as required by the TMRS Act, and the said official is hereby authorized and directed to ascertain and certify officially on behalf of this City the prior service rendered to the said municipality by each of the employees of the participating departments, and the average prior service compensation received by each of the employees of the participating departments and make and execute all prior service certifications and all other reports and certifications which may be required of the City under the provisions of the TMRS Act, or in compliance with the rules and regulations of the Board of Trustees of the System.

#### SECTION 10. DEATH BENEFIT

The City hereby elects to participate in the Supplemental Death Benefits Fund of the System for the purpose of providing in-service death benefits for each of this City's employees who are members of said System, and for the purpose of providing post-retirement death benefits for annuitants whose last covered employment was as an employee of this City, in the amounts and on the terms provided for in §852.004, §854.601 through §854.605, §855.314, §855.408, and §855.502 of Title 8 Subtitle G, of the TEX. GOVERNMENT CODE.

#### SECTION 11. NOTICE

The City is hereby authorized and directed to notify the Director of the System of adoption of this ordinance, and of the participation of this City in said Fund.

#### SECTION 12. ANNUAL CONTRIBUTION

Pursuant to §855.407(g) of the TMRS Act, the City hereby elects to make future normal and prior service contributions to its account in the municipal accumulation fund of the System at such combined rate of the total compensation paid by this City to employees who are members of the System, as the System's actuary shall annually determine as the rate necessary to fund, within the amortization period determined as applicable to this City under the TMRS Act, the costs of benefits adopted by vote of the City which are or may become chargeable to or are to be paid out of this City's account in said accumulation fund, regardless of other provisions of the TMRS Act limiting the combined rate of City contributions.

#### SECTION 13. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

#### SECTION 14. EFFECTIVE DATE

This Ordinance shall be effective on or after its adoption by action of the City Council.

PASSED AND APPROVED this 22nd day of September, 2008.

/s/ Maria Platon  
Mayor

ATTEST:

/s/ Condie J. Scott  
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]  
City Attorney

The Willow Park City Council in acting on Ordinance No. 584-08, did on the 22<sup>nd</sup> day of September, 2008 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Marvin Glasgow, Mayor	_____	_____
Barry K. Tatum, Place 1	<u>✓</u>	_____
J. Teresa Welch, Place 2	_____	_____
Barry Brown, Place 3	<u>✓</u>	_____
Kenneth Hawkins, Place 4	<u>✓</u>	_____
Hale Alderman, Place 5	<u>✓</u>	_____