

ORDINANCE NO. 17-027

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, EXCLUDING FROM PARTICIPATION IN THE UNIVERSITY PARK FIREMEN'S RELIEF AND RETIREMENT FUND ("FRRF") CERTAIN EMPLOYEES; CONTAINING PROVISIONS TO CAP THE CONTRIBUTION OF FIRE FIGHTERS, GUARANTEE PLAN BENEFITS, MAINTAIN QUALIFIED STATUS UNDER IRS REGULATIONS, CONTINUE TO CONTRACT FOR ACTUARIAL AND AUDIT SERVICES, AND CLOSE THE PLAN TO ALL NEW HIRES; SUBMITTING THIS ORDINANCE TO AN ELECTION OF THE PARTICIPATING MEMBERS OF THE FRRF; REQUESTING THE BOARD OF TRUSTEES OF THE FRRF TO AMEND THE FUND PLAN DOCUMENTS AS NECESSARY TO BE CONSISTENT WITH THIS ORDINANCE; PROVIDING WRITTEN NOTICE OF THE RESULTS OF THE ELECTION TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM; PROVIDING REPEAL OF ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 85th Legislature of the State of Texas has enacted House Bill 3056 amending the Texas Local Fire Fighters Retirement Act, Article 6243e, Vernon's Texas Civil Statutes (the "Act"), to authorize certain retirement systems to exclude certain persons from coverage, and also amending Subchapter A, Chapter 851 of the Texas Government Code (which is part of the statutes governing the Texas Municipal Retirement System (Government Code, Title 8, Subtitle G, Chapters 851-855, and commonly referred to as the "TMRS Act")) to add Section 851.0011 to the TMRS Act, effective September 1, 2017; and

WHEREAS, the City of University Park is a municipality of the State of Texas with a population of less than two hundred thousand; and

WHEREAS, the City of University Park is located in a county with a population of not less than two million and not more than four million; and

WHEREAS, the City of University Park has a regularly organized fire department for which a retirement system and fund have been established under Section 4 of the Act; and

WHEREAS, that before January 1, 2017, the City of University Park had one or more departments of the City participating in the Texas Municipal Retirement System ("TMRS"); **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS:

SECTION 1. That subject to the requirements of Section 31A of the Act, added by House Bill 3056 effective September 1, 2017, the City Council hereby excludes from participation in the FRRF employees of the Fire Department first hired on or after the "closure effective date". In this

Ordinance, “closure effective date” means the first day of the second month after the month in which the TMRS receives the FRRF retirement system plan documents required by Section 31A of the Act.

SECTION 2. The City Council and the fire fighters of the City of University Park have heretofore, in anticipation of the enactment of House Bill 3056, agreed to take the following actions with regard to the FRRF:

- a. Cap the contributions of the fire fighters who remain in the FRRF at ten percent (10%);
- b. The City shall guarantee the plan benefits as currently offered, provided the fire fighters remaining in the plan not implement any plan changes, including new benefits, unless required by law;
- c. Maintain the qualified status of the plan under IRS regulations;
- d. Continue to contract for actuarial and audit services as required by law; and
- e. Close the plan to all new hires.

That these actions were presented to and approved by the fire fighters of the City in the FRRF and by the City Council.

SECTION 3. Not later than the sixtieth day after the date this ordinance is adopted, the City, by and through the city manager and fire chief, shall submit this Ordinance to an election of the participating members of the FRRF. To be approved at the election, a majority of the participating members must vote in favor of this Ordinance.

SECTION 4. If the voting members of the FRRF approve this Ordinance, as soon as practicable after the date of that election, the city manager and fire chief will request the Board of Trustees of the FRRF to amend the FRRF plan documents as necessary to be consistent with this Ordinance. The City, by and through the city manager, will give written notice of the results of the

election to TMRS and include copies of relevant ordinances, including this Ordinance, and any amended FRRF plan documents as required by the Act. The city manager and fire chief are hereby authorized and directed to take all administrative actions necessary to give effect to this Ordinance.

SECTION 5. In the event that any prior ordinances of the City of University Park, Texas (“Prior Ordinances”) are in conflict with any provision of this Ordinance or any provision of the City ordinance contemporaneously adopted herewith authorizing Future Fire Employees (as defined in such ordinance) to become members of TMRS (the “Future Fire Employee Ordinance”) , then the conflicting provisions of such Prior Ordinances are hereby repealed only to the extent necessary to allow the actions authorized by this Ordinance and by the Future Fire Employee Ordinance to be given effect.

SECTION 6. The provisions of this Ordinance are severable and should any provision be declared unconstitutional or unenforceable, such declaration shall not affect any of the remaining provisions hereof.

SECTION 7. This Ordinance shall take effect immediately from and after its passage as the law and Charter in such cases provide.

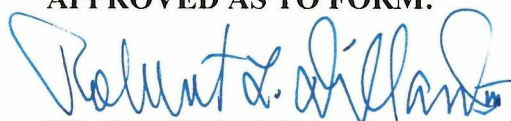
DULY PASSED by the City Council of the City of University Park, Texas, on the 5th day of September 2017.

APPROVED:



OLIN LANE, JR., MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY
(RLD 7/18/17)
TM 86912

ATTEST:



CHRISTINE GREEN, CITY SECRETARY