

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 2.64 (CITY EMPLOYEES' PENSION FUND) CONCERNING THE APPOINTMENT OF TRUSTEES, CHANGING THE TERMS OF OFFICE FOR CERTAIN TRUSTEES, PRESCRIBING PROCEDURES FOR FILLING VACANCIES ON THE BOARD, IMPOSING EDUCATIONAL REQUIREMENTS ON TRUSTEES, PROVIDING FOR THE AUTOMATIC REMOVAL OF TRUSTEES AND CLARIFYING THE METHOD FOR BUYING BACK SERVICE CREDIT FOR MEMBERS WHO ARE RE-EMPLOYED**

**WHEREAS**, Section 2.64.080 of Chapter 2.64 entrusts the Board of Trustees of the City Employees' Pension Fund with the task of administering the City Employee's Pension Fund and directing the investment of its assets; and,

**WHEREAS**, the Board of Trustees and the City of El Paso believes that certain amendments to Chapter 2.64 are necessary to improve the operation and efficiency of the Pension Fund and its Board of Trustees; and,

**WHEREAS**, the Board of Trustees, in the exercise of its fiduciary responsibility believes that it would be in the best interest of the Pension Fund and the City of El Paso if Chapter 2.64 of the City Code is amended as described below; and,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT CHAPTER 2.64 BE AMENDED AS FOLLOWS:

a. That Section 2.64.020 of Chapter 2.64 of the El Paso City Code be amended to read as follows:

**Such fund shall be administered by a board of trustees comprised of two members of the City Council, two citizens of the city who are not officers or employees of the city and who have resided in the city for a period of at least two years immediately preceding their appointment, four city employees who are qualified to participate in the fund, and one retired city employee receiving pension benefits from the fund and who is a resident of the city.**

b. That the first two sentences in section 2.64.030(A) of Chapter 2.64 of the El Paso City Code be amended to read as follows:

**The two members of City Council, one of which may include the mayor, at his or her discretion, shall be appointed by the mayor to serve on the board. The mayor shall also appoint the two citizens who are not officers or employees and the retiree member.**

c. That section 2.64.030 (B) of Chapter 2.64 of the El Paso City Code be amended to read as follows:

**City Council and citizen appointees shall serve for a term of two (2) years, and City employee trustees shall serve for a term of four (4) years. City employee terms shall be staggered so that two (2) seats are filled by election every two (2) years. Commencing with the scheduled April 2017 election for City employee trustees, the employee trustee terms of four (4) years shall take effect. For City employees whose terms will expire in April 2018, their terms shall be extended by one (1) additional year and will expire in April 2019. A term will commence on the date of appointment by the mayor or date of election result posted by the City clerk.**

**There shall be no limitation as to the number of consecutive terms that a trustee may serve.**

d. That section 2.64.030(C) of Chapter 2.64 of the El Paso City Code be amended to read as follows:

**A member of the board who is not present at four (4) regularly-scheduled board meetings in a calendar year shall be automatically removed from serving as a member of the board.**

e. That section 2.64.030 of Chapter 2.64 of the City Code be amended by adding subsection (D) as follows:

**All board members shall comply with the education and service requirements of the Texas Pension Review Board and any other official governmental body which regulates the board. A member who fails to comply with such requirements shall be automatically removed as a member of the board.**

f. That section 2.64.040 be amended to read as follows:

**For appointed trustees, the mayor shall be notified by the board administrator no less than thirty (30) days prior to the expiration of a term of a need to appoint for a new term, or upon the receipt of a notice of resignation from service by a member. The mayor shall make an appointment within thirty (30) days of the date of term expiration or date of resignation, or the position shall be considered vacant.**

**A trustee position shall be considered vacant if an appointed or elected trustee has not completed the oath of office procedure within thirty (30) days of the commencement of a term, if a trustee has resigned by duly notifying the board, or if a trustee is removed from the board in accordance with Section 2.64.030(C) or 2.64.030(D) of this Chapter.**

**For any vacant position, the board shall be authorized to adopt a procedure to fill a vacancy for the remainder of the term at its sole discretion, including but not limited to re-appointing a trustee whose seat has become vacant, or considering an application for re-appointment from a member removed for excessive absences.**

