

TYLER COUNTY COMMISSIONERS' COURT  
EMERGENCY MEETING  
AUGUST 16, 1994 --- 8:30 A.M.

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THE STATE OF TEXAS

COUNTY OF TYLER ON THIS THE 16TH DAY OF AUGUST, A.D.1994

the Commissioners' Court in and for Tyler County, Texas convened in a  
Emergency Meeting at the Commissioners' Courtroom in Woodville,  
Texas, the following members of the Court present, to wit:

JEROME OWENS	COUNTY JUDGE, Presiding
MAXIE RILEY	COMMISSIONER, PCT.#1
PETE BARNES	COMMISSIONER, PCT.#2
HENRY EARL SAWYER	COMMISSIONER, PCT.#4
WANDA JOHNSTON	CHIEF DEPUTY COUNTY CLERK

the following were absent: NONE thereby constituting a quorum. In  
addition to the above were:

JOYCE MOORE	COUNTY AUDITOR
TINA BUMP	COUNTY TREASURER
GARY HENNIGAN	SHERIFF

Commissioner Riley made a motion to revise the request concerning the  
Texas Department of Transportation Enhancement Award application to a  
total of \$695,200, which Tyler County would be responsible for 20% or  
\$173,800. This funding will be used for restoration of the bell  
tower to the courthouse. Commissioner Barnes seconded the motion.  
All voted yes and none no. SEE ATTACHED RESOLUTION

A motion to accept Endorsements A & D(Rule of 75) of the Retirement  
Plan on employees was made by Commissioner Sawyer and seconded by  
Commissioner Riley. All voted yes and none no. SEE ATTACHED PLAN.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED.

SIGNED:

Jerome Owens

Jerome Owens, County Judge

Maxie L. Riley

Maxie L. Riley, Comm. Pct. #1

A. M. Barnes

A. M. Barnes, Comm. Pct. #2

Jerry Mahan

Jerry Mahan, Comm. Pct. #3

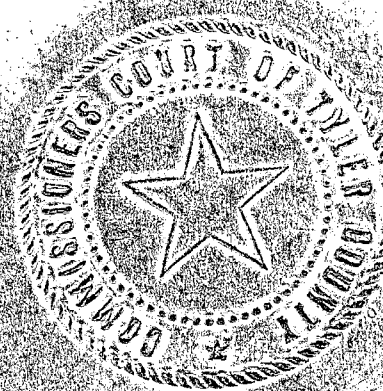
Henry Earl Sawyer

Henry Earl Sawyer, Comm. Pct. #4

ATTEST:

Wanda Johnston

Wanda Johnston, Deputy County Clerk



RESOLUTION

THE STATE OF TEXAS § IN THE COMMISSIONERS COURT  
STATE OF TEXAS § OF TYLER COUNTY, TEXAS

WHEREAS, the COUNTY OF TYLER has invested in the redevelopment of the Courthouse through the development of the County Courthouse Complex, including renovation and landscaping, and

WHEREAS, the COUNTY OF TYLER needs to restore the historic exterior of the Courthouse, and

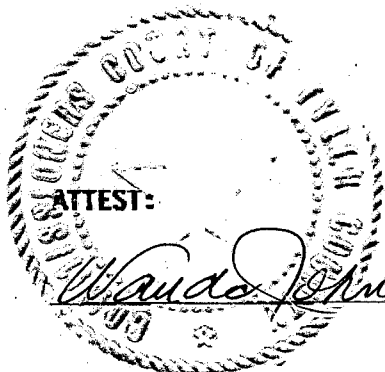
WHEREAS, the Tyler County Courthouse is adjacent to U.S. Highway 69 and U.S. Highway 190;

THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF TYLER COUNTY, TEXAS:

1. That a nomination for Statewide Transportation Enhancement Program funds be submitted to the Texas Department of Transportation for the preservation of the Courthouse.
2. That the County's request be for \$695,200.00 of which 80% will be reimbursed by the Statewide Transportation Enhancement Program.
3. That the County will provide 20% (\$173,800.00) of total allowable cost through local cash contribution.
4. That the Court confirms that Statewide Transportation Enhancement Program funds will be utilized, in part, to meet local, state and federal codes and regulations pertaining to ADA Fire, Safety and Health requirements.
5. That the County Commissioners Court directs and designates the County Judge as the County's Chief Executive Officer and Authorized Representative to act in all matters in connection with the application and the County's participation in the Texas Department of Transportation Enhancement Program.

PASSED AND APPROVED AT A MEETING OF THE COUNTY COMMISSIONERS COURT OF THE COUNTY OF TYLER, TEXAS ON THE 8th DAY OF AUGUST, 1994.

*Jerome Owens*  
\_\_\_\_\_  
JEROME P. OWENS, JR., COUNTY JUDGE  
COUNTY OF TYLER, TEXAS



TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM  
 SUGGESTED FORM OF COMMISSIONERS COURT ORDER ADOPTING  
 THE ANNUALLY DETERMINED CONTRIBUTION RATE PLAN

THE STATE OF TEXAS §  
 COUNTY OF TYLER §

On this the 15th day of August, 1994, the Commissioners Court of

Tyler County, Texas was convened in Special session of said

Court with the following members present, to wit:

- |                             |                             |
|-----------------------------|-----------------------------|
| <u>Jerome P. Owens, Jr.</u> | , County Judge              |
| <u>Maxie L. Riley</u>       | , Commissioner, Precinct #1 |
| <u>A. M. Barnes</u>         | , Commissioner, Precinct #2 |
| <u>M. Jerry Mahan</u>       | , Commissioner, Precinct #3 |
| <u>Henry E. Sawver</u>      | , Commissioner, Precinct #4 |
| <u>Donece Gregory</u>       | , County Clerk              |

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and at such session, among other proceedings had, the following order was passed:

"Whereas, by virtue of an order of the Commissioners Court of Tyler

County, Texas, said County (hereinafter called "the County") became a participating subdivision in the Texas County and District Retirement System (hereinafter called "TCDRS" or "System") effective on the first day of January, 1995; and

Whereas, under the plan heretofore adopted, finding contributions by the employer-county are a fixed rate of the compensation paid monthly to employee members, with no reduction in contributions permitted in event of favorable actuarial experience, and no increase allowed for unfavorable experience; and

Whereas, the TCDRS Act (Subtitle F, Title 8, Government Code) now authorizes the governing body of a participating subdivision to adopt the "Annually Determined Contribution Rate Plan" provided for in Subchapter H of Chapter 844, of said Code, under which plan the employer's cost of employee benefits selected by the governing body is to be funded over a period of twenty-five years by monthly contributions made by the employer-county at such rate or percentage of the compensation paid to its employee-members, as is annually determined, from year to year, by the actuary for the System, and approved by the Board of Trustees of the System; and

Whereas, the Commissioners Court has determined, and hereby determines, that it is in the public interest that the plan provisions of the "Annually Determined Contribution Rate Plan" be adopted by the County, it is accordingly,

ORDERED BY THE COMMISSIONERS COURT OF Tyler County, Texas

I. ADOPTION OF ADCR PLAN. Pursuant to the provisions of Subtitle F, Title 8, Government Code, as amended (hereinafter called the "TCDRS Act"), the County hereby makes the plan selections authorized by Subchapter H of Chapter 844 of the said TCDRS Act, and, effective January 1, 1995, adopts the plan provisions of the Annually Determined Contribution Rate Plan provided for in said Subchapter H.

II. EMPLOYEE DEPOSIT RATE. For each payroll period from and after the 1st day of January 1995, member deposits of each employee of the County shall be made to the Texas County and District Retirement System at the rate of seven per centum (7 %)<sup>1</sup> of compensation; and such deposits shall be withheld by the County Treasurer (Payroll Officer) and transmitted to the System for deposit to the individual account of the employee as provided in Sections 845.402 and 845.403 of the TCDRS Act.

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III. CURRENT SERVICE CREDIT PERCENTAGE. For service performed for the County from and after January 1, 1995, each TCDRS member shall be allowed "multiple-matching credit" which when added to the rate employed in determining the "current service credit" allowable to the member under Section 843.403 of the TCDRS Act, will total 190 %<sup>2</sup> of the member's deposits. Current service credit for periods ending prior to January 1, 1995, shall be at the greater of the rate currently in effect December 31, 1994, or the rate to become effective January 1, 1995.

IV. PRIOR SERVICE CREDIT PERCENTAGE. Allocated (special) prior service credits heretofore allowed to any member by the County and in effect December 31, 1994, shall be recomputed at 145 %<sup>3</sup> of the maximum (special) prior service credit of each member affected.

V. OPTIONAL BENEFIT ELIGIBILITY PLAN ONE (10 year length of service requirement for vesting, service and disability retirement and deferred service retirement eligibility). If not already adopted, by this Order the County hereby adopts the Optional Benefit Eligibility Plan One described in Section 844.207 of the TCDRS Act.

Effective, January 1, 1995:

- (a) Unless Optional Benefit Eligibility Plan Two is hereinafter adopted under Section 844.210<sup>4</sup>, any person who on or after January 1, 1995, is a TCDRS member and has attained the age of sixty (60), and who shall have accumulated ten (10) or more years of credited service with this County and other subdivisions that have adopted the provisions

<sup>1</sup>Four, five, six or seven percent.

<sup>2</sup>The percentage may be 100%, 125%, 150%, 175%, 200%, 225% or 250% or the percentage currently in effect.

<sup>3</sup>Must be a multiple of 5%; may be the same as, but cannot be a lesser percentage than the percentage heretofore adopted by the County.

<sup>4</sup>See Endorsement C.

of Section 844.207 of the TCDRS Act, shall have the right to retire and receive a service retirement annuity.

- (b) Unless Optional Benefit Eligibility Plan Two is hereinafter adopted under Section 844.210<sup>4</sup>, any person who on or after January 1, 1995, is a TCDRS member who shall have accumulated ten (10) or more years of credited service with this County and other subdivisions which have adopted the provisions of Section 844.207 of the TCDRS Act, may retire and receive a disability retirement annuity if the member is certified as disabled in accordance with Section 844.303(b)(2) of the TCDRS Act.
- (c) Unless Optional Benefit Eligibility Plan Two is hereinafter adopted under Section 844.210<sup>4</sup>, any person who on or after January 1, 1995, is a TCDRS member who shall have accumulated twenty (20) or more years of credited service with this County and other subdivisions that have adopted twenty (20) year deferred service eligibility or who shall have accumulated ten (10) or more years of credited service with this County and other subdivisions that have adopted ten (10) year deferred service eligibility and has attained the age of sixty (60) shall have the right of "deferred service retirement" under the terms and conditions prescribed in Sections 844.203 and 844.207 of the TCDRS Act.
- (d) Unless Optional Benefit Eligibility Plan Two is hereinafter adopted under Section 844.210<sup>4</sup>, any person who on or after January 1, 1995, is a TCDRS member and who shall have accumulated at least ten (10) years of credited service with this County and other subdivisions which have adopted ten (10) year vesting, shall have the right, despite withdrawal from service prior to attainment of age sixty (60), to remain a member and to retire at or after age sixty (60), conditioned that he lives to date of retirement and that he shall not have withdrawn his accumulated deposits with the System.
- (e) Unless Optional Benefit Eligibility Plan Three is hereinafter adopted under Section 844.211<sup>5</sup>, any person who on or after January 1, 1995, is a TCDRS member who shall have accumulated sufficient years of credited service with this County and other subdivisions which have adopted the provisions of Section 844.207 of the TCDRS Act such that, when the years of such credited service is added to the member's years of attained age produces a sum equal to or in excess of eighty (80), shall have the right to retire and receive a service retirement annuity.

**VI. SELECTION AND ADOPTION OF OTHER OPTIONAL CREDITS AND BENEFITS.**

Pursuant to Section 844.704 of the TCDRS Act, the County selects and adopts and allows the following additional rights, credits and benefits, effective January 1, 1995, by reference and attachment to this Order, and as described in Endorsements C, A, D, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, each of which is

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<sup>4</sup>See Endorsement C.

<sup>5</sup>See Endorsement D.

verified by the signature of the County Judge. Please list in the spaces immediately above and by reference to appropriate endorsements the additional optional rights, credits and benefits authorized by this Order, e.g., endorsements A, B, C, etc., and attach the listed endorsements to the Order.

VII. EMPLOYER CONTRIBUTION RATE. The County hereby undertakes to make monthly normal contributions and prior service contributions to the System at the annual rates determined from year to year by the actuary of the System, and approved by the Board of Trustees as provided by Subchapter H of Chapter 844 of the TCDRS Act; such rates (excluding those for "picked-up" contributions under Section 845.403(i) of the TCDRS Act and those, if any, to the Supplemental Death Benefits Fund) not to exceed the maximum prescribed by Section 844.703(c) of said Act, and to total 7 %<sup>6</sup> for the year 1995.

VIII. OTHER PARTICIPATION PROVISIONS CONTINUED. Except as modified by this Order, the Orders heretofore adopted by the governing body relating to participation of the County in the System and in effect on December 31, 1994, are continued in effect.

The above Order being read, it was moved and seconded that the same do pass and be adopted.

Thereupon, the question being put, the following members voted Aye: Honorable Jerome P. Owens, Jr.  
County Judge

Hon. Maxie L. Riley, Com. Prct. I, Hon. A. M. Barnes, Com. Prct. II,

Hon. M. Jerry Mahan, Com. Prct. III, Hon. Henry E. Sawyer, Com. Prct. IV

and \_\_\_\_\_; and the following voted

No: None

Whereupon, the Order was declared adopted.

Witness our hands officially on this 15th day of August, 19 94.

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Jerome P. Owens, Jr.  
County Judge

Maxie L. Riley  
Commissioner, Precinct #1

A.M. Barnes  
Commissioner, Precinct #2

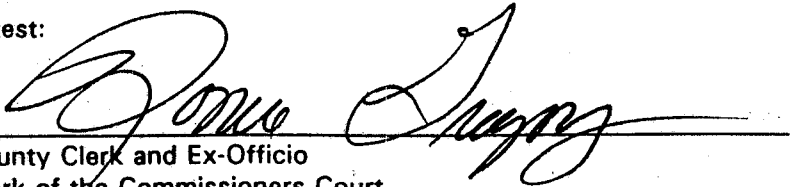
Jerry Mahan  
Commissioner, Precinct #3

Henry E. Sawyer  
Commissioner, Precinct #4

<sup>6</sup>Include:

- 1) rate for adopted ADCR Plan (Line 8, Exhibit A); plus
- 2) rate for COLA annuity increase, if authorized (Line 19, Exhibit A); plus
- 3) rate for 8-year vesting and retirement eligibility with 8 years credited service at age 60, if authorized (Line 16, Exhibit A); plus
- 4) rate for Rule of 75 early retirement eligibility, if authorized (Line 17, Exhibit A); plus
- 5) rate for reinstatement ("Buy-Back") of previously forfeited service credit, if authorized (Line 14 of Supplemental Exhibit A); plus
- 6) rate for pre-membership credit, if authorized (Line 14 of Supplemental Exhibit A); plus
- 7) rate for "full salary" adjustment, if authorized (Line 14 of Supplemental Exhibit A).

Attest:



County Clerk and Ex-Officio  
Clerk of the Commissioners Court,

Tyler

County, Texas



**IMPORTANT NOTE:**

**PLEASE ATTACH TO THIS ORDER ALL ENDORSEMENTS (A-I) RELATED TO OPTIONAL RIGHTS, CREDITS OR BENEFITS ADOPTED BY THIS ORDER AND REFERENCED IN SECTION VI OF THIS ORDER.**

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## ENDORSEMENT A

Optional Benefit for Surviving Beneficiary of Vested Member Under Section 844.209.

- (1) If a member, who has the credited service required under Section 844.209 of the TCDRS Act, shall die before becoming eligible for deferred service retirement and leaves surviving a person whom the member has designated as beneficiary entitled to payment of the member's accumulated contributions in the event of the member's death before retirement, the designated beneficiary may by written notice filed with the System elect to receive, in lieu of the member's accumulated deposits, an annuity payable monthly during the lifetime of the designated beneficiary in such amount as would have been payable to the surviving beneficiary had the member retired on the last day of the month preceding the month in which death occurred under a joint and survivor annuity (Option #1) payable during the lifetime of the member and continuing thereafter during the lifetime of the surviving beneficiary.
- (2) At any time before payment of the first monthly benefit of the Option #1 annuity, a surviving beneficiary to whom this subsection applies may, upon written application filed with the System, receive payment of the accumulated contributions standing to the account of the member in lieu of any benefits otherwise payable under this section. In the event such a surviving beneficiary shall die before payment of the first monthly benefit of the Option #1 annuity allowed under this section, the accumulated contributions credited to the account of the member shall be paid to the estate of such beneficiary.

I certify that this endorsement was adopted as part of the Order on this 16<sup>th</sup> day of

August, 1994.

Tyler County

Name of Subdivision

[Signature]

Signature of County Judge

**IMPORTANT NOTE:**

This endorsement should only be signed and attached to your Order if you are authorizing Vested Survivor Death Benefits for the first time. It is not necessary to attach this endorsement to your Order if you have previously authorized Vested Survivor Death Benefits on earlier adoption of the Annually Determined Contribution Rate Plan.



ENDORSEMENT C

OPTIONAL BENEFIT ELIGIBILITY PLAN TWO  
8-YEAR VESTING/RETIREMENT ELIGIBILITY

- (1) Any person who on or after January 1, 1995, is a TCDRS member and has attained the age of sixty (60), and who shall have accumulated eight (8) or more years of credited service with this subdivision and other subdivisions that have adopted the provisions of Section 844.210 of the TCDRS Act, shall have the right to retire and receive a service retirement annuity.
- (2) Any person who on or after January 1, 1995, is a TCDRS member who shall have accumulated eight (8) or more years of credited service with this subdivision and other subdivisions which have adopted the provisions of Section 844.210 of the TCDRS Act, may retire and receive a disability retirement annuity if the member is certified as disabled in accordance with Section 844.303(b)(2) of the TCDRS Act.
- (3) Any person who on or after January 1, 1995, is a TCDRS member who shall have accumulated twenty (20) or more years of credited service with this subdivision and other subdivisions that have adopted twenty (20) year deferred service eligibility or who shall have accumulated eight (8) or more years of credited service with this subdivision and other subdivisions that have adopted eight (8) year deferred service eligibility and has attained the age of sixty (60) shall have the right of "deferred service retirement" under the terms and conditions prescribed in Sections 844.203 and 844.210 of the TCDRS Act.
- (4) Any person who on or after January 1, 1995, is a TCDRS member and who shall have accumulated at least eight (8) years of credited service with this subdivision and other subdivisions which have adopted eight (8) year vesting, shall have the right, despite withdrawal from service prior to attainment of age sixty (60), to remain a member and to retire at or after age sixty (60), conditioned that he lives to date of retirement and that he shall not have withdrawn his accumulated deposits with the System.

I certify that this endorsement was adopted as part of the Order on this 15 day of August, 1994

Tyler County  
Name of Subdivision

[Signature]  
Signature of County Judge

**IMPORTANT NOTE:**

This endorsement should only be signed and attached to your Order if you are adopting an 8-year length of service eligibility requirement for service retirement, disability retirement, deferred service retirement, and vesting.

OPTIONAL BENEFIT ELIGIBILITY PLAN THREE  
"RULE-OF-75" RETIREMENT ELIGIBILITY

A member who shall have accumulated sufficient years of credited service with this subdivision and other subdivisions which have adopted the provisions of Section 844.211 of the TCDRS Act such that, when the years of such credited service is added to the member's years of attained age produces a sum equal to or in excess of seventy-five (75), shall have the right to retire and receive a service retirement annuity.

I certify that this endorsement was adopted as part of the Order on this 16<sup>th</sup> day of August, 1998.

Tyler County  
 Name of Subdivision

[Signature]  
 Signature of County Judge

**IMPORTANT NOTE:**

This endorsement should only be signed and attached to your Order if you are adopting the "Rule-of-75" as an early retirement requirement.