



## AGENDA

### City of Lucas

### Lucas Volunteer Firefighter Pension Board

**Monday, January 11, 2021**

**6:00 PM**

### Video Conference

*Notice is hereby given that a meeting of the Lucas Volunteer Firefighter Pension Board will be held on Monday, January 11, 2021 at 6:00 pm on Zoom Video Conference at which time the following agenda will be discussed.*

On March 16, 2020 Governor Abbott suspended some provisions of the Open Meetings Act in response to the COVID-19 emergency. Lucas Volunteer Firefighter Pension Board meetings will be available through Zoom from your computer or smartphone. To join the meeting, please click this URL:

<https://zoom.us/j/95020977460?pwd=VWxIRUdRVU5PWm4lakZnUFh5RGxmZz09>

Enter your name and e-mail address. You may also join by phone: 1 346 248 7799. When prompted, enter the meeting ID: 950 2097 7460 and password: 978911.

If the public desires to speak during a specific agenda item, they must email Assistant to the City Manager Kent Souriyasak at [kent@lucastexas.us](mailto:kent@lucastexas.us) by **2:00 pm on the day of the meeting**. The email must contain the person's name, address, phone number, and email address and the agenda item(s) for which comments will be made.

### Call to Order

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- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones

### Regular Agenda

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1. Consider approval of the minutes of the December 8, 2020 Lucas Volunteer Firefighter Pension Board meeting. **(Lucas Volunteer Firefighter Pension Board)**
2. Consider disbanding the Lucas Volunteer Firefighter Pension Board. **(Lucas Volunteer Firefighter Pension Board, Assistant to the City Manager Kent Souriyasak)**
3. Adjournment.

### Certification

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*I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002 and on the City's website at [www.lucastexas.us](http://www.lucastexas.us) on or before 5:00 p.m. on January 7, 2021.*

  
\_\_\_\_\_  
Kent Souriyasak, Assistant to the City Manager

*In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Stacy Henderson at 972.912.1211 or by email at [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us) at least 48 hours prior to the meeting.*



# City of Lucas Lucas Volunteer Firefighter Pension Board January 11, 2021

Item No. 01

Requester: Lucas Volunteer Firefighter Pension Board

## **Agenda Item Request**

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Consider approval of the minutes of the December 8, 2020 Lucas Volunteer Firefighter Pension Board meeting.

## **Background Information**

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NA

## **Attachments/Supporting Documentation**

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1. December 8, 2020 Lucas Volunteer Firefighter Pension Board minutes

## **Budget/Financial Impact**

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NA

## **Recommendation**

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NA

## **Motion**

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I make a motion to approve the minutes of the December 8, 2020 Lucas Volunteer Firefighter Pension Board meeting.



**Lucas Volunteer Firefighter Pension Board**  
**Tuesday, December 8, 2020**  
**6:00 PM**  
**City Hall Council Chambers**  
**and Video Conference**  
**665 Country Club Road – Lucas, Texas**  
**MINUTES**

**Call to Order**

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Meeting called to order at 6:18 pm.

Members Present:     Jamie Kilpatrick, Vice-Chairman  
                              Alejandro Contreras  
                              Wayne Millsap

City Staff Present:    Joni Clarke, City Manager  
                              Kent Souriyasak, Assistant to the City Manager

**Agenda**

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**1. Consider approval of the minutes of the September 8, 2020 Lucas Volunteer Firefighter Pension Board meeting.**

Vice-Chairman Jamie Kilpatrick announced there is a quorum present with the passing of Chairman Larry Bowman.

**MOTION:** A motion was made by Mr. Millsap and seconded by Mr. Contreras to approve the minutes of the September 8, 2020 Lucas Volunteer Firefighter Pension Board meeting.

The motion passed unanimously by a 3 to 0 vote.

**2. Review and certify the final Membership Reconciliation Report provided by the Texas Emergency Services Retirement System (TESRS) and provide an update on the revocation process.**

Assistant to the City Manager Kent Souriyasak indicated the final membership reconciliation report was sent out to the Board for review prior to the meeting and the Board will need to approve certifying the report as part of the revocation process.

The Board made no objections regarding the final membership reconciliation report.

Mr. Souriyasak indicated the Board would need to approve certifying the final membership reconciliation report and authorize Vice-Chairman Jamie Kilpatrick to execute the revocation amendment.

Mr. Souriyasak also indicated the final steps of the revocation process would require the City Council to approve the revocation amendment and authorize the City Manager and Fire Chief to execute the amendment. The revocation amendment has been added to the December 17, 2020 City Council meeting agenda. After City Council approval, the executed revocation amendment will be sent to the Texas Emergency Services Retirement System (TESRS).

**MOTION:** A motion was made by Mr. Millsap and seconded by Mr. Contreras to certify the final Membership Reconciliation Report provided by the Texas Emergency Services Retirement System (TESRS) and authorizing Vice-Chairman Jamie Kilpatrick to execute the revocation amendment between the City of Lucas and TESRS terminating the pension system participation contract between the City of Lucas and TESRS effective December 31, 2020.

The motion passed unanimously by a 3 to 0 vote.

### **3. Adjournment.**

**MOTION:** A motion was made by Mr. Millsap and seconded by Mr. Contreras to adjourn the meeting of the Lucas Volunteer Firefighter Pension Board at 6:23 pm.

The motion passed unanimously by a 3 to 0 vote.

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Jamie Kilpatrick, Vice-Chairman

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Kent Souriyasak, Assistant to the City Manager



# City of Lucas

## Lucas Volunteer Firefighter Pension Board

### January 11, 2021

Item No. 02

Requester: Lucas Volunteer Firefighter Pension Board  
Assistant to the City Manager Kent Souriyasak

#### **Agenda Item Request**

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Consider disbanding the Lucas Volunteer Firefighter Pension Board.

#### **Background Information**

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In 2020, the Lucas Volunteer Firefighter Pension Board worked towards terminating the City's pension system participation with the Texas Emergency Services Retirement System (TESRS). At the December 8, 2020 Pension Board meeting, the Board reviewed and approved to certify the final membership reconciliation report. The Pension Board also approved authorizing Vice-Chairman Jamie Kilpatrick to execute the revocation amendment.

At the December 17, 2020 City Council meeting, the City Council approved the revocation amendment terminating the pension system participation contract between the City and the TESRS effective December 31, 2020; and authorized the City Manager and Fire Chief to execute the revocation agreement. On December 18, 2020, the revocation amendment was fully executed between the City and the TESRS. The TESRS will send notifications of the revocation to the terminated members within 90 days after the revocation date.

Since the revocation amendment has been fully executed and the termination is effective, there is no longer a need to continue the Lucas Volunteer Firefighter Pension Board. The Pension Board was initially established by the City as a local board per Texas Government Code Chapter 865 Administration, Texas Emergency Services Retirement System. The City has met all the termination requirements as stated in the fully executed revocation amendment.

Below is a 2020 chronological timeline of the revocation process:

February 8, 2020 – The Pension Board discussed the potential steps to opt out of the pension plan from the Texas Emergency Services Retirement System.

July 21, 2020 – The Pension Board was informed that the Texas Emergency Services Retirement System requires a 120-day termination notice in writing to the Executive Director. The Pension Board discussed moving forward with opting out of the pension plan and approved a termination date of December 31, 2020.

August 12, 2020 – The Pension Board was informed of the next steps of the revocation process which included a Notice of Intent, certifying the accuracy of enrollment, voting to certify the membership reconciliation report, and payment of the final invoice.



# City of Lucas Lucas Volunteer Firefighter Pension Board January 11, 2021

August 13, 2020 – The City submitted the Notice of Intent to begin the revocation process where the City elects to no longer participate in the Texas Emergency Services Retirement System as of December 31, 2020.

September 8, 2020 – The Pension Board moved forward with the revocation process which included reviewing the previous two years of the Membership Reconciliation Reports to verify that all members of the Department who were eligible to be enrolled have been enrolled in the pension system, certifying the accuracy of enrollment, and approved signing the Local Board Attestation form to be submitted to the Texas Emergency Services Retirement System.

September 22, 2020 – The Texas Emergency Services Retirement System provided the City with the determined revocation charge in the amount of \$61,226 for the City's revocation of participation effective December 31, 2020.

October 1, 2020 – The City submitted a payment for the revocation charge in the amount of \$61,226 to the Texas Emergency Services Retirement System as part of the revocation process.

November 30, 2020 – The Texas Emergency Services Retirement System submitted the final Membership Reconciliation Report to be reviewed and certified by the Pension Board.

December 3, 2020 – The Texas Emergency Services Retirement System submitted the revocation amendment to be approved by the City Council and executed by the City.

December 8, 2020 – The Pension Board reviewed and certified the final Membership Reconciliation Report and authorized Vice-Chairman Jamie Kilpatrick to execute the revocation amendment.

December 10, 2020 – The Texas Emergency Services Retirement System submitted the final invoice in the amount of \$1,584 based on the final certified Membership Reconciliation Report.

December 14, 2020 – The City submitted membership termination forms per the revocation requirements to the Texas Emergency Services Retirement System.

December 17, 2020 – The City submitted a payment for the final invoice in the amount of \$1,584 to the Texas Emergency Services Retirement System. The City Council approved the revocation amendment terminating the pension system participation contract between the City and the TESRS effective December 31, 2020; and authorized the City Manager and Fire Chief to execute the revocation agreement.



# City of Lucas Lucas Volunteer Firefighter Pension Board January 11, 2021

Item No. 02

December 18, 2020 – The revocation amendment was fully executed between the City and the Texas Emergency Services Retirement effective December 31, 2020.

## **Attachments/Supporting Documentation**

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1. Fully Executed Revocation Amendment between the City of Lucas and the Texas Emergency Services Retirement System

## **Budget/Financial Impact**

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NA

## **Recommendation**

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City staff recommends the Lucas Volunteer Firefighter Pension Board vote to disband the Board because the Board is no longer needed following the termination of the City's pension system participation with the Texas Emergency Services Retirement System.

An agenda item will be placed on the City Council's consent agenda to consider approving a resolution to disband the Lucas Volunteer Firefighter Pension Board at the January 21, 2021 City Council meeting.

## **Motion**

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I make a motion to approve/deny disbanding the Lucas Volunteer Firefighter Pension Board.

Amendment Effective Date:  
December 31, 2020

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**AMENDMENT**  
Texas Emergency Services Retirement System and  
City of Lucas, Texas  
Lucas Fire-Rescue

The Texas Emergency Services Retirement System (TESRS) and the City of Lucas, Texas (Governing Entity), on behalf of Lucas Fire-Rescue (Department), entered into a Contract January 1, 2001. The parties agree to this amendment of the Contract as described below effective December 31, 2020.

**Departmental Revocation of Participation in the Pension System**

Effective December 31, 2020, the Department revokes its participation in the pension system in accordance with 34 TAC §304.2, Departmental Revocation of Participation in the Pension System. This amendment constitutes the termination of the pension system participation Contract between TESRS and the City of Lucas, Texas effective December 31, 2020.

- A. As of the effective date of this Amendment, the parties agree that requirements of §304.2(c) below are satisfied:
1. Requirements of §304.2(c)(1) regarding the Notice of Intent;
  2. Requirements of §304.2(c)(2) regarding Local Board Certifications;
  3. In accordance with the requirements of §304.2(c)(3), each current member of the Department who is listed on the roster certified by the Local Board and who has not commenced a retirement benefit prior to December 31, 2020 is fully vested in such member's accrued benefit as of December 31, 2020, regardless of the years of qualified service or age, and such member's accrued benefit shall be nonforfeitable as of December 31, 2020;
  4. Requirements of §304.2(c)(4) regarding the payment by the Governing Entity of all required contributions and the revocation charge have been met.
- B. As of the Effective Date of Revocation, the parties agree to the requirements of §304.2(f) below:
1. The Department is no longer considered a participating department in the pension system;
  2. Additional members of the Department shall not be enrolled in the pension system;
  3. Members of the Department shall not accrue additional qualified service or benefits in connection with the performance of emergency services or support services for the Department; and
  4. The Department and the Governing Entity have no further financial obligations to the pension system, except for outstanding invoices for pension system contributions issued by TESRS prior to December 31, 2020 that have not been paid remain due within 30 days of receipt, if any.
- C. In accordance with §304.2(k), neither the pension system nor the state board, nor any employee of the pension system, including, without limitation, the executive director, shall be liable to any person for any claim of loss of benefits resulting from the revocation of the Department's participation in the pension system.



Amendment Effective Date:  
December 31, 2020

D. Execution:

The parties, intending to be legally bound, agree, by the signatures of their duly authorized officers or other representatives, to the terms and conditions set forth in this amendment.

Lucas, Texas



Joni Clarke

Date: 12/18/20

Texas Emergency Services Retirement System

DocuSigned by:  
  
E223D8592CF64E2

Kevin Deiters, Executive Director

Date: 12/18/2020 | 10:58:32 CST

DocuSigned by:  
  
1A376BCE944E79E

Wayne Oberhoff, CPA, Chief Financial Officer

Date: 12/18/2020 | 10:43:28 CST

Lucas Fire-Rescue



Ted Stephens, Chief

Date: 12-18-2020

Local Board



Jamie Kilpatrick, Vice-chairman

Date: 12/18/20