

ORDINANCE NO. 719

AN ORDINANCE AMENDING ARTICLE X OF THE CODE OF THE CITY OF ROSWELL, NEW MEXICO 1952 ENTITLED "RETIREMENT PLAN FOR CITY EMPLOYEES": THE INTENT OF THIS ORDINANCE BEING TO BAR, WITHDRAW AND TERMINATE FROM THE OPERATION OF SAID RETIREMENT PLAN AND TO EXCLUDE FROM ANY AND ALL PARTICIPATION AND/OR COVERAGE THEREIN OR THEREUNDER, ALL MUNICIPAL EMPLOYEES OF SAID CITY WHO HAVE NOT BEEN RETIRED FOR SUPERANNUATION AND WHO ARE NOT ENTITLED TO RECEIVE ANY ANNUITY OR OTHER MONETARY RETIREMENT BENEFIT BY VIRTUE OF SUCH RETIREMENT UNDER THE PROVISIONS OF SAID RETIREMENT PLAN, PROVIDED HOWEVER, THAT THE ORDINANCE SHALL IN NOWISE AFFECT, DIVEST, VITIATE OR PREJUDICE IN ANY RESPECT WHATSOEVER THE VESTED RIGHT OR INTEREST OF ANY SUCH MUNICIPAL EMPLOYEE WHO HAS BEEN RETIRED UNDER SAID PLAN AND, WHO IS ENTITLED BY VIRTUE OF SUCH RETIREMENT TO RECEIVE AN ANNUITY OR OTHER VESTER RETIREMENT BENEFIT UNDER THE PROVISIONS OF SAID RETIREMENT PLAN PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE: AND PROVIDING FURTHER, THAT THE PARTICIPATION AND/OR COVERAGE OF SUCH RETIRED EMPLOYEES SO COVERED AND SO ENTITLED, TOGETHER WITH THEIR RESPECTIVE VESTED RIGHTS AND INTERESTS ACCRUED UNDER SAID RETIREMENT PLAN SHALL BE AND REMAIN VALID AND IN FULL FORCE AND EFFECT: PROVIDING FOR THE REFUND BY SAID CITY OF THE AMOUNT OF THE MONIES BY EACH OF SAID EMPLOYEES CONTRIBUTED AND PLACED IN SAID RETIREMENT FUND FOR HIS BENEFIT, SUCH EMPLOYEES BEING EXCLUDED BY THIS ORDINANCE: PROVIDING FOR THE REPEAL OF ALL SUCH ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND DECLARING THIS ORDINANCE TO BE SEVERABLE AND AN EMERGENCY.

WHEREAS, retirement coverage for municipal employees under Federal Social Security Laws has been approved and granted through proper instrumentalities of the State of New Mexico pursuant to law in such case made and provided, such participation and/or retirement coverage for old age survivor benefits being effective thereunder as of the 7th day of August, 1956.

WHEREAS, in order to become eligible for such coverage thereunder said municipal employees may not be included for coverage under any City retirement plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROSWELL, NEW MEXICO:

That it is the intent of this ordinance to bar, withdraw, exclude and terminate from the operation of Article X of The Code of the City of Roswell, 1952, entitled "Retirement Plan For City Employees", and, to exclude from any and all participation and/or retirement coverage therein or thereunder, all full time municipal employees of said City who have not been retired for superannuation and, who are not entitled to receive any annuity or other monetary retirement benefit by virtue of such retirement under the provisions of said City retirement plan, provided however, that this ordinance shall in nowise effect, divest, vitiate or prejudice, in any respect whatsoever, the vested right or interest of

any such municipal employee who has been heretofore retired under said City retirement plan and, who is entitled by virtue of such retirement to receive an annuity or other vested retirement benefit under the provisions of said retirement plan prior to the effective date of this ordinance; and providing further, that the participation and/or coverage of such retired employee or employees so covered and so entitled together with their respective vested rights and interests accrued under said City retirement plan shall be, and they hereby are, declared to be and remain valid, and in full force and effect.

2. That said City by its proper officers be, and it hereby is, directed, authorized and empowered to refund and repay the respective amounts of the monies so contributed and placed in the retirement fund for his benefit by each of such municipal employees so terminated and/or excluded hereunder.

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

That this ordinance is declared to be severable and in the event any part thereof be declared invalid, the remaining part or parts thereof shall be and remain in full force and effect.

That this ordinance is hereby declared to be an emergency measure on the ground of urgent public need, and therefore, upon its final passage and approval, shall be recorded in the Book of Ordinances of such City kept for that purpose, authenticated by the signatures of the Mayor and the City Clerk, shall be published as provided by law, and shall be in full force and effect five (5) days after such publication.

PASSED, ADOPTED AND APPROVED this 11th day of September, 1956.

SEAL

ATTEST:

E. C. Tucker
E. C. Tucker, Mayor.

L. G. Link
L. G. Link, City Clerk.