

A G E N D A

A regular meeting of the Board of Trustees of the Waxahachie Firemen's Relief and Retirement (FR&R) Fund to be held at Waxahachie Fire Station No. 1, 407 Water Street, Waxahachie, Texas, on ***Monday, April 14, 2025 at 8:30 a.m.***

BOARD MEMBERS: Scott Safford, Chairman
 Jeff Aycock, Vice Chairman
 Shane Petty, Secretary
 Chris Wright, Mayor Pro Tem
 Chad Tustison, Senior Finance Director
 Lee Statham
 Phillip Young

1. Call to Order
2. ***Public Comments:*** Persons may address the Waxahachie Firemen's Relief and Retirement (FR&R) Fund on any issues. This is the appropriate time for citizens to address the Board on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Board may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
3. Review and accept the nomination and election results for Scott Safford's seat on the Board
4. Elect Civilian Board member for Phillip Young's seat on the Board
5. Administer the Oath of office to the Firefighter and Civilian Board members
6. Reorganize the Board
7. Consent Agenda

All matters listed under Item 7, Consent Agenda, are considered to be routine by the Board Members and will be enacted by one motion. Approval of the Consent Agenda authorizes the Chairman to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any Board Member.

- a. Minutes of the regular Firemen's Relief & Retirement Fund meeting of March 10, 2025
 - b. Amended annuity check for FR&R Retirees and other disbursements for March 2025
 - c. Annuity checks for FR&R Retirees and other disbursements for the month of April 2025
8. Discuss and consider the amended Annual Report dated 3/20/2025
9. Discuss and consider the invoice from Marnier for 1st quarter investment consulting
10. Discuss and consider the invoice from Gary Myers for 1st quarter fund administration

11. Discuss and consider the invoice from YWRD for 2024 Audit
12. Discuss and consider the invoice from Jackson Walker for Spiking Amendment
13. Discuss and consider the refund of contributions for Timothy Stone in the amount of \$4,394.31
14. Discuss and consider 1st quarter investment returns and rebalancing investments with Tony Kay from Marnier
15. Discuss and consider 2024 Actuary Study with David Sawyer with Definiti
16. Discuss and consider 2024 Audit
17. Discuss and consider potential Plan Document changes and amendments
18. Set next meeting date and time of Firemen's Relief and Retirement Fund Board for May 12, 2025
19. Adjourn

The Board reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

<i>Notice of Potential Quorum</i> <i>One or more members of the Waxahachie City Council may be present at this meeting.</i> <i>No action will be taken by the City Council at this meeting.</i>

A regular meeting of the Board of Trustees of the Waxahachie Firemen's Relief and Retirement (FR&R) Fund was held at Waxahachie Fire Station No. 1, 407 Water Street, Waxahachie, Texas, on Monday, March 10, 2025, at 8:30 a.m.

Members Present: Scott Safford, Chairman
 Jeff Aycock Vice Chairman
 Chris Wright, Mayor Pro Tem
 Chad Tustison, Senior Finance Director
 Phillip Young

Members Absent: Shane Petty Secretary
 Lee Statham

1. Call to Order

Chairman Scott Safford called the meeting to order at 8:28 am.

2. Public Comments

None.

3. Consent Agenda

- a. Minutes of the regular Firemen's Relief & Retirement Fund meeting of February 10, 2025
- b. Amended annuity checks for FR&R Retirees and other disbursements for the month of February 2025
- c. Annuity checks for FR&R Retirees and other disbursements for the month of March 2025

Action

Jeff Aycock moved to approve all items on the consent agenda. Motion was seconded by Phillip Young and carried unanimously (5-0).

4. Discuss and consider potential changes to the Plan Document, Section 603a and others

The proposed Plan change 602.a and other amendments were discussed. No action taken.

5. Discuss and consider refund of contribution for Todd Gifford

Action:

Jeff Aycock moved to approve the refund of contribution for Todd Gifford in the amount of \$61.63. Motion was seconded by Chris Wright and carried unanimously (5-0).

6. Discuss and consider refund of contribution for Trever Walker

Action:

Jeff Aycock moved to approve the refund of contribution for Todd Gifford in the amount of \$3,549.92. Motion was seconded by Chad Tustison and carried unanimously (5-0).

7. Discuss and consider retirement benefits for Jeff Marrs

Action:

Jeff Aycock moved to approve retirement benefits for Jeff Marrs in the amount of \$6,426.78 per month. No DROP was requested. Motion was seconded by Phillip Young and carried unanimously (5-0).

8. Discuss and consider Mariner invoices dated 3/8/2024 and 12/27/2024

Action:

Phillip Young moved to accept and pay both of Manier invoices dated 3/8/2024 and 12/27/2024. Motion was seconded by Chris Wright and carried unanimously (5-0).

9. Set next meeting date and time of Firemen's Relief and Retirement Fund Board

The next meeting is scheduled to be held at Waxahachie Fire Station No. 1, 407 Water Street, Waxahachie, Texas, on Monday, April 14, 2025, at 8:30 a.m.

10. Adjourn

There being no further business, the meeting adjourned at 8:43 a.m.

Respectfully submitted,

Gary Myers
Administrator

MEMORANDUM

(7b)

TO: FR&R Board Members
FROM: Gary Myers, Plan Administrator
DATE: Monday, April 14, 2025
SUBJECT: Amended Annuity Payments for the Month of March 2025 for Retirees/Beneficiaries

Alexander	Donald
Alexander	Jeffery
Banks	Dwight
Bennett	Don
Bratcher	Billy
Carrington	Paul
Chenault	John
Cobb	Sharon
Crecelius	Dennis
Creed	Lori
Crow	Len
Evans	Karen
Fuller	Donald
Gilley	Dorothy
Hamilton	Denise
Hamilton	Steven
Irvin	James
Johnston	Randy
Junkin	Pam
Kuykendall	Terry
Lewis	Sammy
Lindsey	Kylie
Lindsey	Karsyn
Lindsey	Kallen
Maecker	David
Marrs	Jeffery
Martin	J
Morgan	Alan
Muirhead	Randal
Myers	Gary
Nunn	Carol
Ogletree	Billy
Potter	Randall
Rodgers	John
Rust	Paul
Skipper	Terry
Slay	Mike
Sport	Jeffery
Sykes	Jerry
Tillery	Daryl Anne
Turner	John Olin
Turner	Sharon
Warren	Lisa
Williams	Sidney
Wilson	Darla
Wilson	Kaleb

\$127,958.30

MEMORANDUM

(7c)

TO: FR&R Board Members
FROM: Gary Myers, Plan Administrator
DATE: Monday, April 14, 2025
SUBJECT: Annuity Payments for the Month of April 2025 for Retirees/Beneficiaries

Alexander	Donald
Alexander	Jeffery
Banks	Dwight
Bennett	Don
Bratcher	Billy
Carrington	Paul
Chenault	John
Cobb	Sharon
Crecelius	Dennis
Creed	Lori
Crow	Len
Evans	Karen
Fuller	Donald
Gilley	Dorothy
Hamilton	Denise
Hamilton	Steven
Irvin	James
Johnston	Randy
Junkin	Pam
Kuykendall	Terry
Lewis	Sammy
Lindsey	Kylie
Lindsey	Karsyn
Lindsey	Kallen
Maecker	David
Marrs	Jeffery
Martin	J
Morgan	Alan
Muirhead	Randal
Myers	Gary
Nunn	Carol
Ogletree	Billy
Potter	Randall
Rodgers	John
Rust	Paul
Skipper	Terry
Slay	Mike
Sport	Jeffery
Sykes	Jerry
Tillery	Daryl Anne
Turner	John Olin
Turner	Sharon
Warren	Lisa
Williams	Sidney
Wilson	Darla
Wilson	Kaleb

\$127,958.30



Texas Local Fire Fighters' Retirement Act Annual Report

Waxahachie Firemen's Relief & Retirement Fund

September 30, 2024

(8)

REGISTRATION

Department Name	Waxahachie Firemen's Relief & Retirement Fund
Department Address	407 Water St. PO Box 1045
City, State, Zip	Waxahachie, TX 75165
Business Phone #	(469) 309-4200
Business Fax #	
Fiscal Year End	September 30, 2024

BOARD OF TRUSTEES

#	Statutory Position	Name	Email Address	Phone Number	Board Title	Beginning Term Date	Ending Term Date
1	Mayor or Designee	Chris Wright		(469) 309-4000	Trustee/ Mayor Designee	N/A	N/A
2	CFO or Designee	Chad Tustison	Chad.tustison@waxahachie.com	(469) 309-4000	Trustee/City Finance Director	N/A	N/A
3	Elected Member	Shane Petty	GMyers@waxahachieFire.org	(469) 309-4200	Secretary	July-24	January-26
4	Elected Member	Jeff Aycock	Jaycock@waxahachiefire.org	(469) 309-4200	Vice Chairman	January-24	January-27
5	Elected Member	Scott Safford	SSafford@waxahachieFire.org	(469) 309-4200	Chairman	January-22	January-25
6	Citizen Member	Lee Stratham		(469) 309-4000	Trustee	March-24	March-26
7	Citizen Member	Phillip Young		(469) 309-4000	Trustee	March-23	March-25

Administrator

#	Position	Name	Email Address	Phone Number	Board Title	Beginning Term Date	Ending Term Date
1	Administrator	Gary Myers	GMyers@waxahachieFire.org	(469) 309-4200	Chairman	N/A	N/A
2							



Texas Local Fire Fighters' Retirement Act Annual Report

Waxahachie Firemen's Relief & Retirement Fund

September 30, 2024

(8)

REGISTRATION

Department Name: **Waxahachie Firemen's Relief & Retirement Fund**

Fiscal Year End: **September 30, 2024**

Gary, please see if you agree with the list of managers

CONTRACTORS

#	Service Provided	Firm Name	Contact	Address	City	State	Zip Code	Email	Phone	Fax
1	Administrator	Gary Myers	Gary Myers	1560 Birchwood Cir	Franklin	TN	97064	WaxaFRR@gmail.com	(832) 620-0424	(281) 754-4580
2	Accountant	Helen R Duvall CPA	Helen Duvall	117 Misty Morning	League City	TX	77573	helen.duvall@cpa.com	(281) 296-1100	(281) 296-1118
3	Actuary	Retirement Horizons	David Sawyer	2201 Timberloch, Suite 150	The Woodlands	TX	77380	dsawyer@retirement-horizons.com	(806) 783-8700	(806) 783-8710
4	Attorney	Jackson Walker	Chuck Campbell	P. O. Box 130989	Dallas	TX	75313	ccampbell@iw.com	(972) 878-2611	(972) 878-2220
5	Auditor	Yeldell, Wilson, Wood & Reeve, PC	Greer Yeldell	611 S Clay Street	Ennis	TX	75119	contact@ywr.com	(817) 420-5626	(817) 420-5106
6	Investment Custodian	Frost Bank	Alex Tarver	4200 South Hulen Street	Fort Worth	TX	76109	Ed.Peschke@frostbank.com	(817) 420-5626	(817) 420-5106
7	Investment Manager	TA Realty	Alex Tarver	4200 South Hulen Street	Fort Worth	TX	76109	Alex.Tarver@frostbank.com	(817) 420-5626	(817) 420-5106
8	Investment Manager	DFA International	Alex Tarver	4200 South Hulen Street	Fort Worth	TX	76109	Alex.Tarver@frostbank.com	(817) 420-5626	(817) 420-5106
9	Investment Manager	Baird Aggregate	Alex Tarver	4200 South Hulen Street	Fort Worth	TX	76109	Alex.Tarver@frostbank.com	(817) 420-5626	(817) 420-5106
10	Investment Manager	Apollo Total Return Fund	Alex Tarver	4200 South Hulen Street	Fort Worth	TX	76109	Alex.Tarver@frostbank.com	(817) 420-5626	(817) 420-5106
11	Investment Manager	Fidelity Total Market	Alex Tarver	4200 South Hulen Street	Fort Worth	TX	76109	Alex.Tarver@frostbank.com	(817) 420-5626	(817) 420-5106
12	Investment Manager	WCM International	Alex Tarver	4200 South Hulen Street	Fort Worth	TX	76109	Alex.Tarver@frostbank.com		
13	Investment Manager									
14	Investment Manager									
15	Investment Manager									
16	Investment Manager									
17	Investment Manager									



Texas Local Fire Fighters' Retirement Act Annual Report

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Waxahachie Firemen's Relief & Retirement Fund

September 30, 2024

Asset Class	October 1, 2023		September 30, 2024	
	Market Value	%	Market Value	%
a Cash and equivalents	886,415.70	4.1%	3,060,992.68	11.0%
b Mutual funds - fixed income	6,175,376.08	28.5%		0.0%
c Mutual funds - alternatives		0.0%		0.0%
d Mutual funds - equities domestic	8,033,561.55	37.1%		0.0%
e Mutual funds - equities international	1,932,272.30	8.9%		0.0%
f Mutual funds - real estate	1,395,320.87	6.4%		0.0%
g Common stock - domestic	164,100.15	0.8%		0.0%
h Common stock - international	1,570,090.05	7.2%		0.0%
i Alternatives - bond fund		0.0%		0.0%
j Alternatives - equities international	1,516,040.38	7.0%		0.0%
k Real estate				0.0%
l Domestic equities			* 11,224,483.77	40.4%
m International equities			* 4,075,587.26	14.7%
n Fixed income			* 9,392,509.90	33.8%
o Mutual funds		0.0%	*	0.0%
p				0.0%
	21,673,177.08	100.0%	27,753,573.61	100.0%

Cash Equivalents	886,415.70	4.1%	3,060,992.68	11.0%
Fixed Income	6,175,376.08	28.5%	9,392,509.90	33.8%
Equities	13,095,344.92	60.4%	15,300,071.03	55.1%
Alternatives	1,516,040.38	7.0%	-	0.0%
	21,673,177.08	100.0%	27,753,573.61	100.0%

Other Assets

Other				
Receivables	75,235.21		106,921.84	
Accrued Income	24,015.20		31,115.59	
Payables (enter negative amount)	(3,766.68)		(25,925.34)	
Total Assets	21,768,660.81		27,865,685.70	



Texas Local Fire Fighters' Retirement Act Annual Report

Waxahachie Firemen's Relief & Retirement Fund

September 30, 2024

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Revenues for Reporting Year

A Contributions			Percent of Salary	Amount	\$2,483,372.30
Fire Fighters' Contribution			12.00%	1,033,523.39	
City Matching Contributions as a Percent of Salary			16.83%	1,449,848.91	
Total Contributions			28.83%	2,483,372.30	
B Interest or Dividends on:					\$5,402,101.51
Securities - equity and debt				729,436.01	
Securities - gains/(losses)				4,671,721.95	
Other income				943.55	
Total Interest or Dividends				5,402,101.51	
C Miscellaneous Revenues					\$0.00
(i.e transfers, refunds, etc)					
Total Revenue					\$7,885,473.81



Texas Local Fire Fighters' Retirement Act Annual Report
Waxahachie Firemen's Relief & Retirement Fund
September 30, 2024

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Disbursements (or Expenses) for Reporting Year

Benefit Expenditures		Count	Amount	
Monthly Payments for Service & Early Ret. Benefits		29.00	1,164,035.33	
Paid on Disability (On-Duty)		1.00	47,247.08	
Paid on Spouses Benefits		6.00	95,133.36	
QDRO Payments		5.00	41,551.68	
Paid on Children's Benefits		-	-	
Paid on Disability (Off-Duty)		-		
"DROP" Lump Sum distributions		1.00	290,170.04	
Refund of Contributions		5.00	59,128.87	
Lump Sum Death Benefit		-		
Total Benefits		47.00	1,697,266.36	\$1,697,266.36
Non-Benefit Expenditures			Amount	
Actuarial Fees			2,000.00	
Audit Fees			16,910.50	
Investment Custodial Fees			8,814.05	
Investment Consultant Fees			30,000.00	
Investment Managers' Fees			15,839.36	
Travel Expense				
Conference & Training			2,263.91	
Professional Memberships				
Fiduciary Insurance				
Administrative Services			2,000.00	
Legal Fees			5,022.00	
Accounting Fees			6,400.00	
Dues and Subscriptions			333.74	
Bank Charges			1,599.00	
Miscellaneous (postage, checks, etc.)				
Other (indicate type of expense)				
Total Non-Benefit Expenditures			91,182.56	\$91,182.56
Total Disbursements				\$1,788,448.92



Texas Local Fire Fighters' Retirement Act Annual Report

Waxahachie Firemen's Relief & Retirement Fund

September 30, 2024

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Net Income

Total Revenue	\$7,885,473.81
Total Expenses	\$1,788,448.92
Net Income (Total Revenues - Total Expenses)	\$6,097,024.89

Comparing End of Year Assets

Generated By FFPC (A)	\$27,865,685.70
End of Year Assets September 30, 2023 (B)	\$21,768,660.81
Difference (A-B)	\$6,097,024.89
	Match

Approximate Rate of Return for the Year

23.96%

Number of Active Fire Fighters During the Reporting Year

78

Financial Information Attested By:

Date

Signed:

Scott Safford, Chairman

Signed:

Jeff Aycock, Vice-Chairman

Signed:

Shane Petty, Secretary 3

Report Prepared By

Date

Signed:

Helen R. Duvall CPA

11/14/2024

Mariner Institutional, LLC

531 W Morse Blvd Ste 200
Winter Park, FL 32789
+18444426326
institutionalAR@mariner.com

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MARINER

INVOICE

BILL TO
Waxahachie Fire

INVOICE 47716
DATE 03/08/2024

DESCRIPTION	AMOUNT
Consulting Services and Performance Evaluation, Billed Quarterly (January, 2024)	2,500.00
Consulting Services and Performance Evaluation, Billed Quarterly (February, 2024)	2,500.00
Consulting Services and Performance Evaluation, Billed Quarterly (March, 2024)	2,500.00

It is our honor and privilege to provide excellent service. If this is not your experience, please contact us immediately.

BALANCE DUE \$7,500.00

Gary Myers

1560 Birchwood Cir.
Franklin, TN 37064
972-849-0095
WaxaFRR@gmail.com

Waxahachie Firefighter's Relief and Retirement Fund

407 Water St.
Waxahachie TX 75165

Invoice

Invoice Date	3/31/2025
Invoice Number	002

	# of Items	Rate	Amount
Administrative Services for January 1/2025 thru March 31,2025	3	\$1,000.00	\$3,000.00
Total for Invoice			\$3,000.00



YWRD, P.C.

CERTIFIED PUBLIC ACCOUNTANTS

611 S. Clay St. | P.O. Box 1087 | Ennis, Texas 75120
405 Sycamore St. | Waxahachie, Texas 75165
P: 972.878.2611 | ywrd.cpa | F: 972.878.2220

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Invoice

Waxahachie Firemen's Relief and Retirement Fund
407 Water St
Waxahachie, TX 75165

ID: 123
Invoice: 116790
Date: 03/31/2025
Due: Upon Receipt

For professional service rendered as follows:

Progress billing on September 30, 2024 audit	\$7,037.85
Additional time spent to reconcile investments to supporting documentation and propose entries to generate auditable balances.	\$2,875.00

Billed Time & Expenses	\$9,912.85
Invoice Total	<u>\$9,912.85</u>

Please return this portion with payment.

ID: 123
Waxahachie Firemen's Relief and Retirement Fund

Invoice: 116790
Date: 03/31/2025
Amount Due: \$9,912.85

Amount Enclosed: \$ _____

YWRD, P.C.
P.O. Box 1087
Ennis, TX 75120

PAY ONLINE AT
<https://secure.cpacharge.com/pages/ywrdcpa/creditcard>





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Remit by mail to:
P. O. Box 130989
Dallas, TX 75313-0989

Remit by wire or ACH to:
Bank of America, N.A. Acct # 0180472852
Wire Routing # 026009593
ACH Routing # 111000025
Int'l use only: Swift Code: BOFAUS3N

Federal Tax ID: 75-0764921

**Payment due upon receipt. Please
include Invoice No. with remittance.**

Ref No.: 167060-00001-CHC1
(214)953-6145/jzieren@jw.com

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Invoice No: 2041004
Invoice Date: 03/25/2025

Waxahachie Firemen's Relief and Retirement Fund
Attention: Gary Myers
gmyers@waxahachiefire.org
Waxahachie, TX

Re: Plan Administrative Matters

FOR LEGAL SERVICES RENDERED and expenses incurred in connection with the above-referenced matter for the period ending March 24, 2025:

INVOICE SUMMARY

Total Fees	\$3,949.00
Total Expenses	0.00
Total Due This Invoice:	\$3,949.00

TIME DETAIL:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Description</u>
12/03/24	C. Campbell	N/C	Review e-mail regarding deployment pay and related follow up correspondence with client.
12/04/24	C. Campbell	N/C	Conference with A. Stevens to discuss deployment overtime issue.
12/04/24	A. Stevens	0.4	Review compensation definition in plan document; conference with C. Campbell regarding the same.
12/05/24	C. Campbell	N/C	Prepare for and attend call with client regarding proposed plan amendment,
12/05/24	A. Stevens	0.4	Conference with client regarding overtime on deployment pay amendment.
02/06/25	A. Stevens	0.8	Prepare deployment pay spiking amendment.
02/11/25	C. Campbell	0.3	Conference with A. Stevens regarding compensation of deployment pay and amendment to compensation definition.
02/11/25	A. Stevens	1.3	Continue to prepare overtime on deployment pay amendment; conference with C. Campbell regarding the same; revise the same with C. Campbell comments.
02/17/25	C. Campbell	N/C	Call with client to discuss possible plan changes.
02/17/25	A. Stevens	0.7	Prepare for meeting with client; conference with client regarding deployment overtime amendment and city TMRS match.
03/03/25	A. Stevens	1.6	Prepare letter to city regarding overtime on deployment amendment.
03/04/25	C. Campbell	0.2	Conference with A. Stevens regarding compensation on deployment pay and amendment and letter to city regarding same.
03/04/25	A. Stevens	1.7	Continue to prepare letter to the city regarding deployment overtime compensation amendment; conference with C. Campbell regarding the same; prepare revisions to amendment and letter with C. Campbell comments.
03/07/25	C. Campbell	0.3	Conference with A. Stevens regarding revisions to overtime on deployment pay amendment and letter to city regarding the same.
03/07/25	A. Stevens	0.6	Continue to revise draft letter to city and plan amendment language; conference with C. Campbell regarding the same.
03/10/25	A. Stevens	1.2	Prepare revisions to proposed deployment pay amendment and letter to city regarding the same with C. Campbell comments.
03/11/25	C. Campbell	0.4	Finalize amendment and draft of letter to City and conference with A. Stevens
03/11/25	A. Stevens	0.2	Conference with C. Campbell regarding proposed deployment overtime amendment and letter to city; prepare correspondence to client regarding the same.
Total Hours		10.1	

Total Fees \$3,949.00

SUMMARY BY TIMEKEEPER

	<u>Hours</u>	<u>Rate</u>	<u>Fees</u>
Partner:			
C. Campbell	1.20	695.00	\$ 834.00
Total Partner	1.20		\$ 834.00
Associate:			
A. Stevens	8.90	350.00	\$ 3,115.00
Total Associate	8.90		\$ 3,115.00
TOTAL	<u>10.10</u>		<u>\$ 3,949.00</u>

TOTAL DUE THIS INVOICE: \$3,949.00

(17)

April 14, 2025

Michael Scott
City Manager
City of Waxahachie
408 S. Rogers

Re: Waxahachie Firemen's Relief and Retirement Fund—Deployment Overtime Pay Amendment

Dear Michael Scott,

The Board of Trustees (the "Board") of the Waxahachie Firemen's Relief and Retirement Fund (the "Fund") has proposed an amendment (attached) to the Fund's plan document related to contributions made to the Fund as a result of a Firefighter's performance of overtime while on deployment duty (the "Amendment"). The purpose of this letter is to inform the City of Waxahachie (the "City") of the proposed Amendment and notify the City that the Amendment will not affect the City's contributions to the Fund. The capitalized terms not defined in this letter are as defined in the Fund's plan document.

The proposed Amendment will exclude from the definition of Compensation any overtime pay earned by a Firefighter during deployment for the performance of disaster response services for any federal, state, or local agency, including the Texas Intrastate Fire Mutual Aid System, Texas Emergency Management Assistance Team, Texas Task Force, Texas A&M Forest Service, and any other disaster relief services pursuant to a deployment request or contract ("Deployment Duties").

However, notwithstanding the above exclusion, for the purpose of determining Compensation for the City's contribution, a Firefighter's Compensation will continue to include overtime pay that is earned by a Firefighter during deployment for the performance of such Deployment Duties. The continued inclusion of overtime pay earned for Deployment Duties for purposes of determining the City contribution has been discussed and confirmed with City staff.

Please note that for all purposes under the Fund, Compensation will continue to include all overtime pay that is earned from the Waxahachie Fire Department (the "Department") even if such overtime pay is earned as a result of a Firefighter covering or filling-in for another Firefighter who is performing Deployment Duties.

The Fund will hold an election among the active members of the Fund in accordance with the Texas Local Fire Fighters Retirement Act to approve the proposed Amendment.

If you have any questions regarding the attached proposed Amendment or the above, please email me at SSafford@waxahachiefire.org.

Sincerely,

Scott Safford
Chairman of the Waxahachie Firemen's Relief
and Retirement Fund

**Proposed Overtime on Deployment Pay
Amended Plan Document Language**

Section 1.05 of the Plan Document:

“Compensation” shall mean a Firefighter’s total pay. Total pay includes all elements of pay including regular, longevity, pay for Deployment Duties (as defined below), ~~and~~ overtime pay and pay received during a period of sick leave or vacation but excluding lump sum distributions for unused sick leave or vacation upon termination. If a Firefighter’s total pay has been offset (reduced) by Worker’s Compensation benefits, then total pay shall also include the amount by which the total pay was offset (reduced) as required by the Texas Labor Code. The annual Compensation of each Firefighter taken into account under the Plan for any year shall not exceed the limitations of Code §401(a)(17). In determining benefit accruals in plan years beginning after December 31, 2001, the annual compensation limit for determination periods before January 1, 2002, shall be \$200,000. For Plan Years beginning on or after January 1, 2002, Compensation in excess of \$200,000 shall be disregarded for all purposes. Such amount shall be adjusted by the Commissioner for increases in the cost- of-living in accordance with Code §401(a)(17)(B). The cost-of-living adjustment in effect for a calendar year applies to any determination period beginning with or within such calendar year. If a determination period consists of fewer than twelve (12) months, the \$200,000 annual compensation limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period and the denominator of which is twelve (12). For years beginning after December 31, 2008: (i) an individual receiving a differential wage payment, as defined by Code §3401(h)(2), is treated as an employee of the employer making the payment; and (ii) the differential wage payment is treated as Compensation.

Effective [DATE], overtime ~~on deployment~~ pay ~~received~~ earned by a Firefighter during deployment for the performance of disaster response services for a federal, state, or local agency (such as the Texas Emergency Management Assistance Team, Texas Task Force, Texas A&M Forest Service, Texas Intrastate Fire Mutual Aid System, etc.) and any other disaster relief services pursuant to a deployment request or contract (“Deployment Duties”)⁺ will not be treated as Compensation for the purposes of the Fund, except as otherwise provided in Section 8.03. For the avoidance of doubt, Compensation will continue to include any overtime pay that is earned from the Waxahachie Fire Department, even if such overtime pay is earned as a result of a Firefighter taking the shift of, or otherwise filling in for, another Firefighter who is performing Deployment Duties.

Section 8 of the Plan Document:

⁺ ~~To discuss whether exclusion of overtime on deployment pay is intended to only apply to TIMAS deployments or is intended to apply to the performance of any disaster response services outside of Waxahachie, or for other agencies such as the Texas Task Force and Texas A&M Forest Service.~~

- 8.01 Each Firefighter will make contributions of twelve percent (12%) of his total Compensation. A Firefighter's contributions shall be "picked up" by the City as permitted under Code §414(h), and excluded from the taxable income of the Firefighter. The contributions "picked up" by the City shall continue to be considered as contributions by the Firefighter for purposes of the relevant provisions of the Fund. Any reduction in Compensation of a Firefighter corresponding to the Firefighter's contribution being picked up by the City shall continue to be taken into consideration in determining the Firefighter's Highest 60-Month Average Salary for purposes of relevant provisions of the Fund.
- 8.02 The City will make contributions of the greater of twelve percent (12%) of each Firefighter's total Compensation or if the City agrees the same percentage of pay that the City contributes to the Texas Municipal Retirement System for other employees.
- 8.03 ~~For~~Notwithstanding as otherwise provided herein, solely for purposes of determining the City contribution under this section, overtime pay that is earned by a Firefighter ~~as a result of~~during deployment for the performance of Deployment Duties will be considered Compensation.

Summary report: Litera Compare for Word 11.11.0.158 Document comparison done on 3/11/2025 5:09:48 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: iw://imanagework.jw.com/jwdocs/43646622/2 - Proposed Plan Language Overtime on Deployment Pay.docx	
Modified DMS: iw://imanagework.jw.com/jwdocs/43646622/5 - Proposed Plan Language Overtime on Deployment Pay.docx	
Changes:	
<u>Add</u>	12
~~Delete~~	11
~~Move From~~	0
<u>Move To</u>	0
<u>Table Insert</u>	0
~~Table Delete~~	0
<u>Table moves to</u>	0
~~Table moves from~~	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	23

**Proposed Overtime on Deployment Pay
Amended Plan Document Language**

Section 1.05 of the Plan Document:

“Compensation” shall mean a Firefighter’s total pay. Total pay includes all elements of pay including regular, longevity, pay for Deployment Duties (as defined below), and overtime pay and pay received during a period of sick leave or vacation but excluding lump sum distributions for unused sick leave or vacation upon termination. If a Firefighter’s total pay has been offset (reduced) by Worker’s Compensation benefits, then total pay shall also include the amount by which the total pay was offset (reduced) as required by the Texas Labor Code. The annual Compensation of each Firefighter taken into account under the Plan for any year shall not exceed the limitations of Code §401(a)(17). In determining benefit accruals in plan years beginning after December 31, 2001, the annual compensation limit for determination periods before January 1, 2002, shall be \$200,000. For Plan Years beginning on or after January 1, 2002, Compensation in excess of \$200,000 shall be disregarded for all purposes. Such amount shall be adjusted by the Commissioner for increases in the cost-of-living in accordance with Code §401(a)(17)(B). The cost-of-living adjustment in effect for a calendar year applies to any determination period beginning with or within such calendar year. If a determination period consists of fewer than twelve (12) months, the \$200,000 annual compensation limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period and the denominator of which is twelve (12). For years beginning after December 31, 2008: (i) an individual receiving a differential wage payment, as defined by Code §3401(h)(2), is treated as an employee of the employer making the payment; and (ii) the differential wage payment is treated as Compensation.

Effective [DATE], overtime pay earned by a Firefighter during deployment for the performance of disaster response services for a federal, state, or local agency (such as the Texas Emergency Management Assistance Team, Texas Task Force, Texas A&M Forest Service, Texas Intrastate Fire Mutual Aid System, etc.) and any other disaster relief services pursuant to a deployment request or contract (“Deployment Duties”) will not be treated as Compensation for the purposes of the Fund, except as otherwise provided in Section 8.03. For the avoidance of doubt, Compensation will continue to include any overtime pay that is earned from the Waxahachie Fire Department, even if such overtime pay is earned as a result of a Firefighter taking the shift of, or otherwise filling in for, another Firefighter who is performing Deployment Duties.

Section 8 of the Plan Document:

- 8.01 Each Firefighter will make contributions of twelve percent (12%) of his total Compensation. A Firefighter’s contributions shall be “picked up” by the City as permitted under Code §414(h), and excluded from the taxable income of the Firefighter. The contributions “picked up” by the City shall continue to be considered as contributions by

the Firefighter for purposes of the relevant provisions of the Fund. Any reduction in Compensation of a Firefighter corresponding to the Firefighter's contribution being picked up by the City shall continue to be taken into consideration in determining the Firefighter's Highest 60-Month Average Salary for purposes of relevant provisions of the Fund.

- 8.02 The City will make contributions of the greater of twelve percent (12%) of each Firefighter's total Compensation or if the City agrees the same percentage of pay that the City contributes to the Texas Municipal Retirement System for other employees.
- 8.03 Notwithstanding as otherwise provided herein, solely for purposes of determining the City contribution under this section, overtime pay that is earned by a Firefighter during deployment for the performance of Deployment Duties will be considered Compensation.