

ORDINANCE/RESOLUTION REQUEST

Please email requests to milehighordinance@denvergov.org and copy stacie.loucks@denvergov.org by **NOON on Monday**.

****All fields must be completed.****

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: October 24, 2014

Please mark one: **Bill Request** or **Resolution Request**

1. Has your agency submitted this request in the last 12 months?

Yes **No**

If yes, please explain:

2. Title: *(Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)*

Amend Section 18-411(d) of the Revised Municipal Code to comply with the IRS regulation which requires that members who die while on active military duty are to be treated as if they had returned to active employment with the City or any sponsoring employer the day prior to their death, and are therefore entitled to death benefits in the same manner as an active employee.

In order to facilitate alternative delivery methods of specified Plan documents, amend Section 18-405(c)(2) of the Revised Municipal Code to remove the requirement that the Plan's annual report be mailed to a member requesting a copy, and amend Sections 18-413(b)(1)b and 18-413(b)(2) of the Revised Municipal Code to remove the requirement that a member must agree, in writing, to a delivery method offered by the Plan of the member's monthly retirement benefit notice.

3. Requesting Agency: DERP

4. Contact Person: *(With actual knowledge of proposed ordinance/resolution.)*

- **Name:** Steven E. Hutt, Executive Director
- **Phone:** 303-839-5419
- **Email:** shutt@derp.org

5. Contact Person: *(With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)*

- **Name:** Steven E. Hutt, Executive Director
- **Phone:** 303-839-5419
- **Email:** shutt@derp.org

6. General description of proposed ordinance including contract scope of work if applicable:

In order to comply with IRS regulations and maintain its qualified tax-exempt status, the Ordinance needs to be amended to explicitly provide that an employee who dies while on active duty with the military is to be considered an active employee of the City (or any sponsoring employer) at the time of death, and, accordingly is entitled to all related benefits, including active member retirement death benefits. The Plan staff has already been processing death benefits in the manner prescribed, however during its recent Determination Letter process the IRS requested, and the Retirement Board agreed, subject to Council's approval, to add explicit language regarding military related death benefits to Section 18-411(d).

Currently the Ordinance language restricts delivery of the annual report to a member who requests a copy to be done via U.S. Mail. Additionally, if a member wishes to receive their monthly retirement benefit notice in any manner, other than U.S. Mail, he/she must authorize such a delivery in writing. The proposed changes would expand the delivery options to include any other manner chosen by the Plan, including electronic delivery (e.g. via E-mail) or through secure portal/website access.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____

****Please complete the following fields:** (Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)

- a. **Contract Control Number:** N/A
- b. **Duration:** N/A
- c. **Location:** N/A
- d. **Affected Council District:** N/A
- e. **Benefits:** Maintains DERP's qualified status with the IRS and authorizes a variety of delivery methods for specified Plan documents to its members.
- f. **Costs:** None

7. Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) **Please explain.**

There is no controversy surrounding this ordinance.

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____