

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2010

COUNCIL BILL NO. \_\_\_\_\_  
COMMITTEE OF REFERENCE:  
Safety

**A BILL**

**for an Ordinance amending the Old Hire Firefighters Pension Plan to allow members whose status was active or undetermined, due to a line-of-duty injury, on October 2, 1998 to receive pension credit for their additional months of service.**

**BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

**WHEREAS**, on June 14, 2002, an Amended Settlement was reached in the case of Al Sundgren, individually and on behalf of others similarly situated, v. the City and County of Denver, the Fire and Police Pension Association, and the Denver Old Hire Fire Pension Board, U.S. District Court for the District of Colorado, Civil Action No. 98-S-2140;

**WHEREAS**, the Sundgren litigation matter concerned a class of old hire firefighters hired prior to age 25 who were on active status as of October 2, 1998;

**WHEREAS**, in the Amended Settlement agreement the City agreed to recalculate the pension benefits for the Class as if the fifty-year age requirement did not exist at the time any member of the Class reached twenty-five years of service.

Section 1. Section 18-572 of the Code is hereby amended to read as follows:

(a) As provided in C.R.S., section 31-30.5-604, any member who has served at least twenty-five (25) years of active duty and has attained the age of fifty (50) years shall be eligible to retire, and the member shall be retired within thirty (30) days after making application for retirement, except during periods of national emergency. Upon retirement, the member shall receive a monthly pension of fifty (50) percent of salary, which shall be increased under the terms and conditions of subsections 18-572(b), 18-572(c), and 18-573. Any member of said fire department who is otherwise eligible for retirement shall be separated from said fire department upon reaching his or her sixty-fifth birthday.

(b) The retirement benefit of subsection 18-572(a) shall be increased by an additional 0.3333 percent for each full month of active service after the eligibility date is reached,

1 provided each full month of service occurs after July 1, 1992. In no case shall the total  
2 benefit exceed seventy-four (74) percent of salary.

3  
4 (c) To the extent a member has worked more than twenty-five (25) years after reaching  
5 age fifty (50) during the period from February 1, 1986, but on or before July 1, 1992,  
6 then for those years the member shall be entitled to an additional two (2) percent per  
7 year for each full year of service worked after completion of twenty-five (25) years of  
8 active service and reaching age fifty (50). This two (2) percent per year amount is in  
9 addition to the retirement benefit of subsection 18-572(a). The 74 percent maximum  
10 shall apply to these members; in no case shall the total benefit exceed 74 percent of  
11 salary.

12  
13 (d) To the extent a member's status was active or undetermined, due to a line-of-duty  
14 injury, on October 2, 1998; the retirement benefit of subsection 18-572(a) shall be  
15 increased by an additional 0.3333 percent for each full month of active service beyond  
16 the member's 25 years of service. In no case shall the total benefit exceed seventy-four  
17 (74) percent of salary.

18  
19 COMMITTEE APPROVAL: \_\_\_\_\_, 2010.

20 MAYOR-COUNCIL DATE: \_\_\_\_\_, 2010.

21 PASSED BY THE COUNCIL \_\_\_\_\_ 2010

22 \_\_\_\_\_ - PRESIDENT

23 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2010

24 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
25 EX-OFFICIO CLERK OF THE  
26 CITY AND COUNTY OF DENVER

27 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2010

28 PREPARED BY: \_\_\_\_\_, ASSISTANT CITY ATTORNEY \_\_\_\_\_ 2010

29 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
30 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
31 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to §3.2.6 of  
32 the Charter.

33  
34 City Attorney

35 By: \_\_\_\_\_, \_\_\_\_\_ City Attorney - \_\_\_\_\_, 2010