

1 **BY AUTHORITY**

2 ORDINANCE NO.  
3 SERIES OF 2014

COUNCIL BILL NO.  
COMMITTEE OF REFERENCE:

4  
5 **A BILL**

6 **For an ordinance amending the 1963 Retirement Plan with regard to**  
7 **the retirement board, death benefits, and the monthly payment of**  
8 **benefits.**  
9

10 **WHEREAS**, under Section 18-405(g) of the Code, the Retirement Board is  
11 responsible for making recommendations to the City for amendments to the Plan when  
12 in the judgment of the Board such changes are necessary; provided that such  
13 recommendations are accompanied by a report of the Plan's actuary setting forth the  
14 effect of such amendments; and,

15 **WHEREAS**, on February 27, 2014, the Denver Employees Retirement Plan was  
16 awarded a favorable Determination Letter from the Internal Revenue Service and, as  
17 part of the process, agreed to forward to the plan sponsor's legislative body a specific,  
18 technical language amendment to the Ordinance; and,

19 **WHEREAS**, in order to allow the Plan flexibility in the manner in which it is  
20 authorized to deliver various documents and materials to its members, including via  
21 electronic methods, it has been determined that additional, minor technical amendments  
22 need to be made to the Ordinance governing the Plan.

23  
24 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND**  
25 **COUNTY OF DENVER:**

26  
27 **Section 1.** That Section 18-405(c)(2) (sometimes known and cited as Section 405,  
28 Subsection (c)(2), Chapter 18) of the Revised Municipal Code, relating to retirement  
29 board meetings and notices be amended by deleting the language stricken as follows:

30  
31 **Sec. 18-405. Retirement board.**

32  
33 (c) Meetings and notices.  
34

1 (2) An annual meeting shall be held immediately following the regular meeting  
2 during the months of May or June at the discretion of the board. The annual report of  
3 the retirement board to the membership shall be made available to all members and  
4 shall be mailed directly to a member upon request of the member.  
5

6 **Section 2.** That Section 18-411(d) (sometimes known and cited as Section 411,  
7 Subsection(d), Chapter 18) of the Revised Municipal Code, relating to death benefits be  
8 amended by adding the language underlined as follows:  
9

10 **Sec. 18-411. Death benefits.**

11 (d) Death of an active member not incurred in the performance of service duty. Upon  
12 death not resulting from service duty, the active member's surviving spouse, if any,  
13 shall be entitled to receive seventy-five (75) percent of the benefit calculated in  
14 accordance with subsection (c) of this section. The active member shall be deemed  
15 to have retired on the first day of the month following the month in which death  
16 occurs. The retirement benefit payments to the surviving spouse shall cease upon  
17 the surviving spouse's death. The surviving spouse, if designated as beneficiary,  
18 may elect to receive in lieu hereof the benefit provided in subsection (a) of this  
19 section. Election and receipt of the benefit provided in subsection (a) shall be final  
20 and conclusive, and the surviving spouse shall have no right to later claim the  
21 benefit provided herein. If it is determined that, notwithstanding the above-listed  
22 calculation where additional service is credited to the member, the surviving spouse  
23 would have received a larger benefit under the 100% joint and survivor annuity  
24 option (with no additional service being credited to the member), then the surviving  
25 spouse shall receive the larger 100% joint and survivor benefit.  
26

27 A member who dies while performing qualified military service [defined in IRC  
28 Section 401(u)] shall be considered to have resumed employment on the day  
29 preceding the death, and then terminated employment due to the death on the  
30 actual date of death, and therefore said member's surviving spouse, if any, or other  
31 qualified beneficiary as set forth in this Section 411, shall be entitled to a death  
32 benefit calculated in accordance with this subsection (d).  
33

34 **Section 3.** That Sections 18-413(b)(1)b and 18-413(b)(2) (sometimes known and  
35 cited as Section 413, Subsection (b)(1)b and Subsection (b)(2), Chapter 18) of the  
36 Revised Municipal Code, relating to the delivery of monthly payment of benefits be  
37 amended by deleting the language stricken as follows:  
38

39 **Sec. 18-413. Monthly payment of benefits.**

40  
41 (b) *Delivery.*

42  
43 (1) For members who retire before January 1, 2011, the payments shall, at the  
44 request of the retired member, spouse or named beneficiary, either:

1  
2 a. Be placed in the mail of the United States Postal Service before the  
3 first business day of each month directed to either the last-known address of the  
4 payee shown on the records of the retirement plan or the address last designated  
5 in writing by the retired member, spouse or named beneficiary to which the  
6 payment is to be sent on record with the retirement plan, or  
7

8 b. Be deposited directly in an intermediary bank selected by the retirement  
9 board so as to be available to the payee on the first day of the month in the  
10 account of the payee at the payee's designated depository financial institution,  
11 and notice of such deposit shall be placed promptly in the mail of the United  
12 States Postal Service directed to the last-known address of the payee shown on  
13 the records of the retirement plan, or delivered in any other manner offered by  
14 the plan ~~and agreed upon, in writing, by the member.~~  
15

16 (2) For members who retire on or after January 1, 2011, or for beneficiaries who  
17 become eligible for a monthly retirement benefit on or after January 1, 2011, the  
18 payments shall be deposited directly in an intermediary bank selected by the  
19 retirement board so as to be available to the payee on the first day of the month  
20 in the account of the payee at the payee's designated depository financial  
21 institution, and notice of such deposit shall be placed promptly in the mail of the  
22 United States Postal Service directed to the last-known address of the payee  
23 shown on the records of the retirement plan, or delivered in any other manner  
24 offered by the Plan ~~and agreed upon, in writing, by the member.~~  
25

26 COMMITTEE APPROVAL DATE:

27 MAYOR-COUNCIL DATE:

28  
29 PASSED BY THE COUNCIL

30 \_\_\_\_\_ 2014

31 \_\_\_\_\_ -PRESIDENT

32 APPROVED: \_\_\_\_\_ -MAYOR \_\_\_\_\_ 2014

33 ATTEST: \_\_\_\_\_ -CLERK AND RECORDER,  
34 EX-OFFICIO CLERK OF THE  
35 CITY AND COUNTY OF  
36 DENVER  
37

38 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2014 \_\_\_\_\_ 2014  
39

40 PREPARED BY: Victoria A. Hale, GENERAL COUNSEL,  
41 DENVER EMPLOYEES RETIREMENT PLAN,  
42 October 7, 2014

1  
2 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the  
3 office of the City Attorney. We find no irregularity as to form, and have no legal objection  
4 to the proposed ordinance. The proposed ordinance is not submitted to the City Council  
5 for approval pursuant to §3.2.6 of the Charter.

6  
7 David Broadwell \_\_\_\_\_, City Attorney

8 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney

9 DATE: \_\_\_\_\_