

**BY AUTHORITY**

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

COUNCIL BILL NO. CB10-0556  
COMMITTEE OF REFERENCE:  
Safety

**A BILL**

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

**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.

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

Section 1. Section 18-572 of the Code is hereby amended by adding the under-lined language 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, provided each full month of service occurs after July 1, 1992. In no case shall the total

1 benefit exceed seventy-four (74) percent of salary.

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

10 (d) Members, who retired or will retire as part of the City and County of Denver, Old Hire  
11 Fire Plan, whose status was active on October 2, 1998 and who were hired prior to age  
12 25, shall have the retirement benefit of subsection 18-572(a) increased by an additional  
13 0.3333 percent, for each full month of active service beyond the member's 25 years of  
14 service excluding any years of service completed while in DROP. This calculation shall  
15 be made from July 25, 2002 or the member's retirement date, whichever is later.  
16 Further, the spouse of the aforementioned qualifying member, who becomes a surviving  
17 spouse on or after January 1, 2000, will have the surviving spouse's benefit recalculated  
18 in accordance with this section using two-thirds (2/3rds) of the recalculated amount.  
19 There shall be no payments made in accordance with this section to any deceased  
20 members' or surviving spouses' estate or beneficiaries. The 74 percent maximum shall  
21 apply to these members; in no case shall the total benefit exceed seventy-four (74)  
22 percent of salary. Any disputes arising from this section shall be adjudicated according  
23 to the rules promulgated by the Board in accordance with C.R.S. § 31-30.5-204.  
24

1 COMMITTEE APPROVAL: (by consent) July 8, 2010  
2 MAYOR-COUNCIL DATE: (by consent) July 13, 2010  
3 PASSED BY THE COUNCIL: \_\_\_\_\_, 2010  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2010  
6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER  
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2010; \_\_\_\_\_, 2010  
10 PREPARED BY: Max Taylor, ASSISTANT CITY ATTORNEY July 22, 2010  
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
12 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
14 §3.2.6 of the Charter.  
15 David R. Fine, City Attorney  
16 By: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2010