ORDINANCE NO. _____
INTRODUCED BY: Fiedler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, TO AMEND ARTICLE 2-64 OF THE BRIGHTON MUNICIPAL CODE RELATED TO THE EMPLOYEES' RETIREMENT PLAN

WHEREAS, the City of Brighton Municipal Code ("BMC") references an Employee Pension Plan that is not offered while employees are required to participate in a qualified deferred money purchase retirement plan; and

WHEREAS, the BMC contains sections and references to practices no longer followed and needs to be updated to reflect the current plan qualified under Section 401(a) of the Internal Revenue Code; and

WHEREAS, attracting and retaining highly qualified employees promotes greater efficiency and productivity within the City of Brighton ("City") and having a robust retirement plan will help the City with this goal; and

WHEREAS, the City's Retirement Board has met and reviewed these changes and recommends the possibility of adding more members to the Board by allowing up to five elected members from participating employees and participants; and

WHEREAS, the updates to the BMC will provide clarity and consistency, follows best practices, and is in the best interests of the City and its employees.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:

Section 1. Article 2-64 shall hereafter be amended to be titled as "Employees' Retirement Plan and Trust Agreement," and all Division headers shall be removed.

Section 2. Section 2-64-10 is amended to read as follows:

> The City does hereby restate its qualified deferred money purchase retirement plan known as the City of Brighton Employees' Retirement Plan. The plan is created for the exclusive benefit of the City's eligible employees who qualify as participants and their beneficiaries. The plan is intended to qualify under Section 401(a) of the Internal Revenue Code, the trust created pursuant to the plan is intended to be exempt under Section 501(a) of such Code, and all provisions of this plan shall be constructed in accordance with this intention.

Section 3. Section 2-64-50 is amended to read as follows:

The City shall contribute and pay into the trust fund monthly, or more frequently as the City may determine, to the credit of each employee's account, an amount equal to at least eleven percent (11%) of the employee's compensation, or such greater amount as established by the City Manager and appropriated by City Council in the annual budget process.

Section 4. Section 2-64-60 is amended to read as follows:

The contribution of the City for any month shall be paid in cash to the trustee within ten business (10) days following the end of the pay date.

Section 5. Section 2-64-70(a) is amended to read as follows:

(a) Mandatory contributions. Each employee must contribute to the trust fund at least nine percent (9%) of their compensation for each month and such may be increased by City Council resolution but may not exceed the City's contribution. Each regular full-time and part-time employee of the City who is eligible to participate in this plan, as a condition to their employment, shall be deemed to have authorized the City to make a payroll deduction of such amount from each paycheck and to transmit such amount directly to the trustee.

Section 6. Section 2-64-130 is deleted in its entirety and reserved for future use.

Section 7. Section 2-64-140 is amended to read as follows:

The normal retirement age for each participant shall be as defined in the retirement plan. Until actual retirement, a participant shall continue to participate in the plan.

Section 8. Section 2-64-260 is amended to read as follows:

The Retirement Board shall consist of five (5) members; one (1) shall be the currently acting Finance Director, one (1) shall be appointed by the City Manager to serve at his or her pleasure, and a minimum of three (3) and up to five (5) shall be participants elected by the participating employees. The three (3) to five (5) shall be elected for three-year staggered terms, with terms as set forth in the bylaws. After the first year, the election procedures shall be

established by the Board and set forth in their bylaws. The Human Resources Director shall attend Retirement Board meetings and act as the Plan Administrator, carrying out the direction of the Board and the duties described in the plan for the Plan Administrator.

Section 9. Section 2-64-270 (b) is amended as follows.

(b) The Board shall, from time to time, direct the trustee concerning the payments to be made out of the trust fund pursuant to this plan. The Board shall also have the power to direct the trustee with respect to all investments and reinvestments of the trust fund, and shall have such other powers respecting the administration of the trust fund as may be conferred upon it hereunder. The Board may employ for the trust fund an investment advisor and may rely on such advisor's recommendation with respect to the investment of all or a portion of the trust fund. If the Board shall employ an investment advisor, it shall execute any letters or agreements necessary for the employment of such advisor, or it may direct the trustee to execute any such letters or agreement. The fees of such investment advisor shall be paid from the trust fund as an expense of the trust.

Section 10. Section 2-64-270(c) is deleted in its entirety

Section 11. Section 2-64-280 is amended to read as follows:

The Board may adopt such procedures as it deems necessary for the conduct of its affairs, appoint one (1) of its own members chairperson, and appoint a secretary or other agents, none of whom need be a member of the Board, but any of whom may be, but need not be, an officer or employee of the City. It may delegate to any agent such duties and powers, both ministerial and discretionary, as it deems appropriate, excepting only that all matters involving investment of funds, interpretation of the plan and settlement of disputes shall be determined by the Board. Any determination of the Board shall be made by a majority of the Board at a meeting thereof, and shall be final and conclusive on the City, the trustee, all participants and beneficiaries claiming any rights hereunder, and as to all third parties dealing with the Board or with the trustee. All notices, directions, information and other communications from the Board to the trustee shall be in writing.

Section 12. Section 2-64-310 is amended to read as follows:

The Board shall keep track of all of its proceedings and shall keep or cause to be kept all such books of account, records and other data as may be necessary or advisable in its judgment for the

administration of this plan and trust and properly to reflect the affairs thereof, and to determine the amount of vested and/or forfeitable interests of the respective participants in the trust fund, and the amount of all benefits hereunder. Any person dealing with the Board may rely on, and shall incur no liability in relying on, a decision voted upon by the Board and recorded in Board minutes as evidence of any action taken or resolution adopted by the Board.

Section 13. Section 2-64-340 is deleted in its entirety.

Section 14. Section 2-64-410 is amended to read as follows:

The Board shall select the trustee who shall keep all records and accounts which may be necessary in the administration and conduct of this trust.

Section 15. All sections, subsections, and definitions of Article 2-64 not expressly amended or modified herein remain in full force and effect.

Section 16. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 3rd DAY OF March 2026.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 17th DAY OF March 2026.

CITY OF BRIGHTON, COLORADO

_____
GREGORY MILLS, Mayor

ATTEST:

_____
NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*
First Publication: March 12, 2026
Final Publication: March 26, 2026

APPROVED AS TO FORM:

_____
ALICIA CALDERÓN, City Attorney