

ORDINANCE NO. 2319  
INTRODUCED BY: Mills

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTION 2-64-110 OF THE BRIGHTON MUNICIPAL CODE REGARDING ELIMINATION OF THE VESTING PERIOD FOR PARTICIPANTS' INTERESTS IN THE EMPLOYEE'S PENSION PLAN AND TRUST AGREEMENT

WHEREAS, the City and its employees are exempt from the requirements of the Federal Insurance Contributions Act ("FICA"); and

WHEREAS, in lieu of contributions to FICA, the City and its employees make contributions to the City's 401(a) Plan; and

WHEREAS, since FICA does not involve a vesting period, City Council has elected to eliminate the vesting period with the City's Pension Plan.

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

Section 1. Section 2-64-110 of the Brighton Municipal Code is hereby amended to read as follows:

Sec. 2-64-110. - Vesting of participants' interests.

- (a) A participant's interest in the contributions made by him or her and the earnings, losses and changes in fair market value thereof, shall be fully vested at all times.
- (b) The interest of a participant in the contributions made by the City, and the earnings, losses and changes in fair market value thereof, shall be vested **at all times.** ~~at the rate of thirty three and one third percent (33 1/3%) for each twelve (12) months a participant is employed by the City. An employee will be fully vested at the end of three (3) years of service. If any employee leaves service prior to three (3) years, then the employee will receive a pro-rata share of the contributions made by the City based on the number of years of service with the City.~~
- (c) Any interest in the trust fund shall be and become payable to a participant or his or her beneficiaries only as and to the extent provided in this plan; and a participant or former participant who dies having designated a beneficiary shall cease to have any interest hereunder or in his or her separate trust account; and his or her beneficiary shall become entitled to distribution thereof as provided in this Article by virtue of the terms of this plan and not as a result of any transfer of said interest or account.

Section 2. Validity. If any part or parts of this Ordinance are for any reason to be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the act that any one part or parts be declared invalid.

Section 3. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED  
THIS 15<sup>th</sup> DAY OF October, 2019.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY  
TITLE ONLY THIS 5<sup>th</sup> DAY OF November, 2019.

CITY OF BRIGHTON, COLORADO

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KENNETH J. KREUTZER, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

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JACK D. BAJOREK, City Attorney