

## ORDINANCE O-2025-

A BILL FOR AN ORDINANCE AMENDING SECTION 3.04.885 OF THE LONGMONT

MUNICIPAL CODE, ADOPTING AMENDMENTS TO THE CITY OF LONGMONT

## GENERAL EMPLOYEES' RETIREMENT PLAN

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

## Section 1

The Council finds:

Pursuant to sections 4.9 and 4.10 of the Home Rule Charter, the Longmont City Council has, by section 3.04.885 of the Longmont Municipal Code, previously adopted certain pension plans and trust agreements for City employees promulgated by the City and its pension attorneys; and

The City, in consultation with the City Attorney's Office and its pension attorneys, has amended the City of Longmont General Employees' Retirement Plan; and

The Council has determined to adopt the amendments to the City of Longmont General Employees' Retirement Plan now before the Council.

## Section 2

In this Ordinance, ellipses indicate material not reproduced as the Council intends to leave that material in effect as it now reads.

## Section 3

The Council approves and authorizes execution of the amendments of the City of Longmont General Employees' Retirement Plan as described herein.

1    Section 4

2           Effective January 1, 2024, the Council amends Article 6, Section 14 of the City of  
3   Longmont General Employees' Retirement Plan by adding the italicized language and deleting the  
4   struck language to read as follows:

5           Section 14. Consent for Distribution. Notwithstanding any other provision of this  
6   plan, except as stated in this section, ~~effective January 1, 2012,~~ a member's  
7   written consent is required before any distribution in excess of \$~~5~~7,000 will be  
8   made. This \$~~5~~7,000 threshold does not apply to: Plan distributions that are not  
9   eligible for rollover, payments to a former spouse under a QDRO, payments to  
10   a surviving spouse or payments after the participant reaches the later of normal  
11   retirement age or age 62.

12   Section 5

13          Effective January 1, 2024, the Council amends Article 6, Section 15 of the City of  
14   Longmont General Employees' Retirement Plan by adding the italicized language and deleting the  
15   struck language to read as follows:

16          Section 15. Mandatory Distributions. The Plan shall make a mandatory lump  
17   sum distribution of a Member's benefit which has a total value of \$~~5~~7,000 or less  
18   at the time of distribution. Member consent to a mandatory distribution shall not  
19   be required. A mandatory distribution shall be made no earlier than 30 days from  
20   the date the Board provides notice of the right to elect payment in a direct  
21   rollover, pursuant to Section 3 of Article 10, and no later than an administratively  
22   feasible date following the end of the Plan Year in which the Member's

employment with the City terminates. Mandatory distributions shall be paid as follows:

(a) Mandatory Distributions of \$1,000 or Less. Mandatory distributions of \$1,000 or less shall be made in a single lump sum cash payment.

(b) Mandatory Distributions in Excess of \$1,000 but not in Excess of \$57,000. Mandatory distribution of an eligible rollover distribution (as defined in Article 10 Section 2.a) in excess of \$1,000, but not in excess of \$57,000, shall be made in the form of an automatic rollover to an individual retirement plan designated by the Retirement Board if the Member has not yet attained Normal Retirement Age. If the Member has attained Normal Retirement Age or if the distribution is not an eligible rollover distribution as defined in Article 10 Section 2.a, distribution shall be made in a single lump sum cash payment. If distribution is made in the form of an automatic rollover to an individual retirement plan, the Plan administrator shall notify the distributee that he or she may transfer the distribution to another individual retirement plan.

#### Section 6

Effective January 1, 2025 the Council amends Article 7, Section 6 of the City of Longmont General Employees' Retirement Plan by adding the italicized language and deleting the struck language to read as follows:

Section 6. Spousal Consent for Retirement Benefit. If a Member or Vested Member is married at the time his Retirement Benefits commence, and he elects any form of benefit other than the 50% Joint and Survivor Benefit *or 100% Joint and Survivor Benefit* option with his spouse named as Beneficiary, such election

1 will not become effective unless his spouse (if he has a spouse who can be  
2 located) consents in writing to such election, acknowledges the effect of such  
3 election and has such consent and acknowledgment witnessed by a Plan  
4 representative or notary public. A properly completed benefit election form  
5 (furnished by the Retirement Board) must be returned to the Retirement Board  
6 within the ninety (90) days prior to the Member's benefit commencement date.  
7 If the Member files another election form after the earlier form and prior to his  
8 benefit commencement date, the earlier form shall be deemed annulled.

9 Section 7

10 Effective January 1, 2025, the Council amends Article 9, Section 4 of the City of Longmont  
11 General Employees' Retirement Plan by adding the italicized language and deleting the struck  
12 language to read as follows:

13 Section 4. Vested Members.

14 (a) A Vested Member shall be entitled to a deferred Retirement Benefit,  
15 which shall be the Retirement Benefit accrued to him prior to his ceasing to be a  
16 Member. Such Retirement Benefit shall be paid to him upon his request after his  
17 attainment of normal retirement age; provided, however, that the amount of  
18 Retirement Benefit payable shall be no less than the benefit which his  
19 Accumulated Contributions at his normal retirement age would provide.

20 (b) If the deferred Retirement Benefit to which a Vested Member will be  
21 entitled to at his Normal Retirement Date is less than one-hundred dollars (\$100)  
22 per month, the Vested Member shall be paid, as of the date that membership  
23 terminated, a lump sum equal to the present value of such deferred Retirement

Benefit, provided; however, that *the mandatory distribution provisions in Article 6, Section 15 shall apply to amounts under \$7,000.*~~if, effective January 1, 1998, the present value of such deferred Retirement Benefit is greater than five thousand dollars (\$5,000) such lump sum payment shall be subject to the spousal consent requirements of Article 7, Section 6. Effective January 1, 1998, if the present value of such Retirement Benefit is less than or equal to five thousand dollars (\$5,000), then the Vested Member shall be paid, as of the date that membership terminated, a lump sum equal to the Actuarial Equivalent of such deferred Retirement Benefit.~~ Such lump sum payment shall be in lieu of all monthly benefit payments.

(c) In lieu of receiving the deferred Retirement Benefit upon Normal Retirement Date, the Vested Member may elect to receive an Early Retirement Benefit according to the rules described in Article 5, Section 2.

A Vested Member may elect at any time prior to his Normal Retirement Date to receive, in lieu of all other benefits, a refund of his Accumulated Contributions as of the date of the refund, subject to the spousal consent requirements of Article 7, Section 6.

## Section 8

The Council amends paragraph D of section 3.04.885 of the Longmont Municipal Code, by adding italicized material, to read as follows:

3.04.885 Pension plans adopted by reference.

Under sections 4.9 and 4.10 of the Charter, the city council adopts the following, all as promulgated by the city and its pension attorneys:

...

D. The City of Longmont General Employees' Retirement Plan, as amended and restated effective January 1, 2002, and further amended by Amendment No. One, effective June 9, 2003, and as amended by Amendment No. two, effective January 1, 2005, and as amended and restated effective January 1, 2006, by Ordinance No. 2005-101; and as amended in 2008, by Ordinance No. 2008-93, and as amended November 10, 2009. by Ordinance No. O-2009-77; and as amended and restated effective January 1, 2012, by Ordinance Nos. O-2011-92 and O-2011-93; and as amended and restated effective January 1, 2013, by Ordinance No. O-2012-78; and as amended and restated effective January 1, 2014, by Ordinance Nos. O-2013-54, O-2014-03 and O-2015-01; and as amended and restated effective January 1, 2015, by Ordinance No. O-2014-68; and as amended and restated effective January 1, 2017, by Ordinance No. O-2016-77; and as amended and restated effective January 1, 2018 by Ordinance O-2018-26; and as amended effective January 1, 2020, by Ordinance O-2020-54; and as amended effective January 1, 2022; by Ordinance O-2021-64; and as amended effective January 1, 2022 by Ordinance O-2022-26; and as amended effective January 1, 2024 by Ordinance O-2023-68; and as amended effective January 1, 2020 by Ordinance O-2024-08; *and as amended effective January 1, 2024 and January 1, 2025 by Ordinance O-2025-11.*

...

1 Section 9

2           To the extent only that they conflict with this ordinance, the Council repeals any conflicting  
3   ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of  
4   any part shall not affect the validity or effectiveness of the rest of this ordinance.

5 Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

6 Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

10 MAYOR

12 ATTEST:

16 CITY CLERK

19 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT  
20 7:00 P.M. ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, AT THE LONGMONT CITY  
21 COUNCIL MEETING.

24 APPROVED AS TO FORM:

28 ASSISTANT CITY ATTORNEY

DATE \_\_\_\_\_

32 PROOFREAD

DATE \_\_\_\_\_

35 APPROVED AS TO FORM AND SUBSTANCE:

39 ORIGINATING DEPARTMENT

DATE \_\_\_\_\_

41 CA File: 25-003298