

ORDINANCE NO. 801

AN ORDINANCE TO CREATE AND ESTABLISH AN EMPLOYEES PENSION FUND, TO CREATE A BOARD OF TRUSTEES TO ADMINISTER THE SAID FUND, AND TO PROVIDE FOR THE COLLECTION AND DISTRIBUTION OF THE SAME AND FOR THE MANAGEMENT OF THE SAID FUND.

WHEREAS, it will be to the benefit of the City of Grand Junction, Colorado, to establish a pension system for its employees for the purpose of rewarding efficiency, encouraging employees to remain in the service of the City, and to give assurance to the employees of a decent living upon retirement from old age;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. CREATION OF FUND. That there shall be created and established in the City of Grand Junction a pension fund to be known as "The Employees Pension Fund," hereinafter called the fund, which said fund shall be derived from the sources and in the manner hereinafter provided.

2. BOARD OF TRUSTEES. The general supervision, management and control of the said fund shall be vested in a board to be known as "The Board of Trustees of the Employees Pension Fund," hereinafter called the board, which board shall be composed of the City Treasurer, two members of the City Council of the City of Grand Junction, such members to be appointed by the President of the Council, and two employees of the City who have elected to come under the plan, such employees to be elected by the employees participating in the plan annually for a term of one year commencing on January 1st of each year. All board members shall serve without pay.

3. POWERS AND DUTIES OF BOARD. The board shall select from their number a President and a Secretary, and the City Treasurer shall be the Treasurer of said fund and custodian of all funds coming into its hands. The board is hereby empowered to take all necessary steps and pursue all necessary remedies for the preservation of said fund and to carry out all the purposes of this ordinance. The board shall also have the power to make all needful rules and regulations for the discharge of its duties, and it shall hear and decide all applications for retirement, pensions, withdrawals and benefits under this ordinance. Decisions of the board on such applications shall be final and conclusive, and not subject to revision or review except by said board. A record shall be kept of all the meetings of the board.

4. ASSESSMENTS. There is hereby assessed against each full time employee of the City of Grand Junction, except members of the Police Department and Fire Department who are covered by other plans, three per cent of his monthly salary, which amount shall be deducted and withheld from the monthly pay of each such employee so assessed, as a contribution to the fund, and it shall be placed to the credit of said fund.

5. TAX LEVIED FOR FUND. There shall be levied and set apart by the City Council, for the benefit of said fund, a tax sufficient to raise enough revenue each year to match the money withheld from the salaries of employees, which money shall be placed to the credit of the said fund.

6. CUSTODIAN OF FUNDS, -- BOOKS AND ACCOUNTS. The Treasurer of the Board, as provided above, shall be the custodian of said pension fund, and shall secure and safely keep the same, subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board, and the said books and accounts shall always be subject to the inspection of the Board or any member thereof or any other interested person. The Treasurer's bond as City Treasurer shall also be extended to cover this fund, and upon expiration of his term of office, the said Treasurer shall surrender and deliver to his successor all bonds, securities and all unexpended monies or other properties which may have come into his hands as Treasurer of said fund.

7. WITHDRAWALS AND INVESTMENTS. The Treasurer, with the approval of the board, shall have the power to make withdrawals from such fund and may invest the same or any part thereof, in the name of the board, in interest bearing bonds of the United States, the State of Colorado, or the City of Grand Junction, Colorado, or in any other investment which is made lawful for trustees and fiduciaries by Chapter 190 of the 1937 Session Laws of Colorado. Both the principal and interest of the said fund shall be applicable to the payment of pensions as hereinafter provided.

8. WARRANTS -- HOW SIGNED. All monies ordered to be paid from said pension fund to any person or persons shall be paid by the Treasurer only upon warrants signed by the President of said board and countersigned by the Treasurer thereof. No warrant shall be drawn except by order of the board, after having been duly entered on the records of the proceedings of the board.

9. REPORT OF BOARD. The board shall make an annual report to the City Council reporting the condition of the said fund, on the first of August in each and every year.

10. RETIREMENT PENSION. Any full time employee of the City of Grand Junction, except employees of the Police and Fire Departments, who shall have been steadily and continuously employed by the City of Grand Junction for twenty or more years, and who shall have attained the age of sixty-five years, shall be retired within thirty days after making application for retirement, and such person shall be paid a monthly pension of One Hundred Dollars (\$100.00) for the balance of his natural life, provided that the board finds that the fund is sufficient to make the payment. Steady and continuous employment shall mean full-time employment without any break except that which shall be caused by compulsory military service, leave of absence granted by the City Council, or involuntary temporary lay-offs which are caused by the City. Where full time service of an employee has been broken, his term of employment, so far as this pension plan is concerned, shall start with the date of the beginning of the most recent continuous full time service. Any employee whose service is broken by compulsory military service shall report back to work with the City within thirty days after his termination of military service.

11. APPLICATION TO PRESENT EMPLOYEES. This plan shall apply to present employees of the City of Grand Junction and they shall be given credit for previous full-time employment with the City, but no retirement payments shall be made or commenced before January 1, 1953. Former employees of the City who are not now employed by the City shall not be eligible for retirement, and it shall be necessary for every employee to contribute to the plan for a total of three years before he shall be eligible to receive retirement benefits. All present employees of the City shall be required to participate in the plan and to make the three per cent contribution to the fund, except that those persons who will become sixty-five years of age before completing twenty years of service with the City may elect not to participate in the plan. All present employees electing to participate in this pension plan, and all future full time employees of the City, shall sign a writing agreeing to the provisions of this plan and designating a beneficiary to receive the death benefits hereinafter provided.

12. CITY'S ADDITIONAL CONTRIBUTION FOR PRESENT EMPLOYEES. If any employee of the City becomes eligible for retirement because of years of service worked prior to January 1, 1950, the City shall contribute to the fund, at the time the retirement becomes effective, the sum of Five Dollars (\$5.00) per month for each year that the employee has worked prior to January 1, 1950; however, this payment shall only be made for the years of employment prior to January 1, 1950, which are necessary to bring the total years which the employee has worked up to the minimum of twenty years.

13. TERMINATION OF EMPLOYMENT. If any employee who is under this plan voluntarily ceases to work for the City of Grand Junction or is discharged, he shall receive an amount of money equal to the total contributions he has made to the fund, less the sum of One Dollar (\$1.00) per month for handling charge, such amount to be paid in a lump sum within thirty days after written demand therefor. If such cessation of employment is such that it will not interrupt his full time employment, as provided in paragraph 10 above, the employee may leave his contribution in the fund until such time as he is again employed, at which time his service will again count toward retirement.

14. DEATH OF EMPLOYEES. If any employee participating in this plan dies while he is employed by the City, there shall be paid to the beneficiary designated by him, or to his estate if no such beneficiary has been designated, a sum of money equal to the total contributions paid into the fund by such employee. If any employee should die while he is on the retired list and before he has received from the fund payments totaling as much as he has contributed to the fund, the excess of the amount he has contributed over and above the total amount of pension he has received, shall be paid to the designated beneficiary.

15. FUND NOT SUBJECT TO LEVY. No portion of said fund shall before or after its order for distribution by the board to the person entitled thereto, be held, seized, taken, subjected to, or detained, or levied upon by virtue of any attachment, execution, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this state for the payment or satisfaction, in whole, or in part, of any debt, demand, claim, or judgment against the beneficiary of said fund, and no pension or any part thereof shall be assignable by the beneficiary. And this provision is hereby found, determined, and declared to be a matter strictly of local and municipal concern to the City of Grand Junction.

16. COUNSEL BY CITY ATTORNEY. It shall be the duty of the City Attorney to give advice to the board in all matters pertaining to its duties and management of said fund whenever requested. He shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be required or determined upon by said board.

17. NO VESTED RIGHTS TO PENSION. Nothing in this plan is intended to nor shall it be construed to create a debt for any year which is a charge against the City's revenues for any future year. The possibility of obtaining a pension shall be a mere expectancy and no employee participating in this plan shall obtain or have any vested rights to a pension or to the continuation of his employment with the City. On January 1, 1953, the City Council shall review this plan and decide whether in its opinion the plan is workable. If it decides that the plan is not workable and that it should be discontinued, the money contributed by the employees shall be returned to them as soon as reasonably possible and the balance of the fund shall be returned to the City of Grand Junction. If the City Council determines that changes shall be made in the plan, it may make such changes by ordinance. And in the event that the plan is thought to be workable and it continues over a long period of years, the payment of pensions shall be contingent upon there being sufficient money in the fund, and the City shall only be responsible for the contributions hereinabove set forth. If the fund is not sufficient to pay the full pension to all of the retired employees, they shall be paid a pro rata amount which the board determines to be feasible, and the City of Grand Junction shall not in any way become liable for the full payment of the retirement benefits.

18. EMERGENCY CLAUSE. In the opinion of the City Council a special emergency exists, and this ordinance is necessary for the preservation of the public peace, health and safety, and it shall therefore be in full force and effect immediately after its passage and final publication.

Passed and adopted this 21st day of December, A. D. 1949.

/s/ F. A. Hoisington  
President of the Council

ATTEST:

/s/ Helen C. Tomlinson

I HEREBY CERTIFY that the foregoing emergency ordinance, entitled "AN ORDINANCE TO CREATE AND ESTABLISH AN EMPLOYEES PENSION FUND, TO CREATE A BOARD OF TRUSTEES TO ADMINISTER THE SAID FUND, AND TO PROVIDE FOR THE COLLECTION AND DISTRIBUTION OF THE SAME AND FOR THE MANAGEMENT OF THE SAID FUND," was introduced, read, passed, numbered 801 and ordered published by the unanimous vote of the members of the City Council of the City of Grand Junction, at a regular meeting of said body held on the 21st day of December, A. D. 1949.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 21st day of December, A. D. 1949.

/s/ Helen C. Tomlinson  
City Clerk

(Employee's Agreement)

I have read the terms and provisions of the above ordinance and agree thereto this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_. I hereby designate \_\_\_\_\_ my beneficiary hereunder until such time as I shall designate a different beneficiary in writing; the right to change beneficiary being hereby specifically reserved. I hereby authorize the City and its proper officers and employees to make payroll deductions from amounts due me by the City, necessary to meet my obligations under this system.

\_\_\_\_\_  
Employee