

# BOARD OF TRUSTEES OF THE GUNNISON FIREMEN'S PENSION FUND

## BY-LAWS CREATING AND PROVIDING FOR ADMINISTRATION OF THE GUNNISON FIREMEN'S PENSION FUND

### ARTICLE I

#### Name and Scope

Section 1. Name: Pursuant to the laws of the State of Colorado, these by-laws establishing and providing for the administration of the Gunnison Firemen's Pension Fund ("Pension Fund") are adopted by and on behalf of, the Gunnison Firemen's Pension Fund Board of Trustees ("Board of Trustees"), and become effective this 22<sup>nd</sup> day of January, 2004.

Section 2. Subject to Statutes: These by-laws are supplemental to, and subject to, the statutes of the State of Colorado pertaining to pension funds and fire districts, and conflict between these by-laws and such statutes shall be governed by the statutes then in effect.

Section 3. Beneficiaries: This Pension Fund, as provided by Colorado law, is for the use of, and the benefit of, volunteer members, their surviving spouses, dependent children, and dependent parents.

Section 4. Assets of the Pension Fund: The Pension Fund shall consist of all contributions or matching funds by the State of Colorado, the City of Gunnison, and the Gunnison County Fire Protection District; all present funds held by the Pension Fund; all monies, fees, rewards, or emoluments of every nature and description that may be paid or given to the Pension Fund; any money, personal property, or real estate, or interest therein, taken by gift, grant devise, or bequest; payments from any supplemental contracts now or hereafter in effect; any and all gifts or monies contributed by any persons for, and on behalf of, said Pension Fund; the proceeds of any tax which may be levied on behalf of said Pension Fund; and any proceeds of any insurance policies purchased using monies of the Pension Fund.

### ARTICLE II

#### Definitions and Construction

Section 1. Definitions: Where the following words and phrases appear in the Plan, they shall have the respective meanings set forth below, unless their content clearly indicates to the contrary:

- A. Plan: The Gunnison Firemen's Pension Plan set forth herein, as amended from time to time.
- B. City: The City of Gunnison.
- C. Department: The Gunnison Volunteer Fire Department.
- D. District: The Gunnison County Fire Protection District.
- E. Board of Trustees: The persons who are to administer the Plan, pursuant to Part 11 of Article 30, Title 31, Colorado Revised Statutes.

- F. Member: Any person who is determined by the Board of Trustees to be a qualified volunteer firefighter of the Department, or properly entitled to benefits under these by-laws.
- G. Service: The number of years, or portions thereof, expressed as “quarters”, for which a Member has qualified pension credit, as outlined herein, and by applicable Colorado statutes. A year of service shall be 12 full calendar months, but the months need not be consecutive.
- H. Agreement Trustee: Any trustee or successor trustee approved by the Board of Trustees through creation of a trust agreement to provide for the investment and administration of plan contributions.

Section 2. Construction: The masculine gender, where appearing in the Plan, shall be deemed to include the feminine gender, unless the context clearly indicates to the contrary.

Section 3. Titles: Section and article titles or captions are for reference only and shall not be used for interpretation of provisions.

### ARTICLE III

#### Board of Trustees

Section 1. Members: The Board of Trustees shall consist of the Fire Chief of the Gunnison Volunteer Fire Department, two (2) members of the Gunnison City Council, two (2) members of the Gunnison Volunteer Fire Department, and two (2) members of the Gunnison County Fire Protection District Board of Directors

Section 2. Terms: The Board of Trustees shall serve terms of office as follows:

- A. The Fire Chief shall serve for the same term of office as the term as Fire Chief.
- B. The two (2) Gunnison City Council members shall serve for two (2) year terms and be appointed at the Council's reorganization meeting held in May of odd years.
- C. The two (2) members of the Gunnison Volunteer Fire Department shall serve for two (2) year terms of office, which terms are staggered.
- D. The two (2) members of the Gunnison County Fire Protection District Board of Directors shall serve for two (2) year terms of office, which terms are staggered.

### ARTICLE IV

#### Officers

Section 1. President: The President shall be the Fire Chief.

Section 2. Secretary/Treasurer: The Secretary/Treasurer shall be the Finance Director of the City of Gunnison and shall serve for the same term of office as the term as Finance Director for the City of Gunnison.

Section 3. Bond: The Secretary/Treasurer shall furnish bond in the initial amount of \$5,000, and in such future amounts as may be designated by the Board of Trustees. The Board of Trustees, at their discretion in lieu of a separate bond, may accept the bond furnished by the Secretary/Treasurer as Finance Director of the City.

Section 4. Custodians: The Secretary/Treasurer shall be the custodian of the Pension Fund, and shall keep the books and accounts concerning the same in such a manner as may be prescribed by the Board of Trustees. The Board of Trustees may appoint a third-party to maintain all or a portion of the assets.

Section 5. Payments: All moneys ordered to be paid from the Pension Fund to any person shall be paid by the Secretary/Treasurer upon approval by the Board of Trustees. The Board of Trustees may appoint a third-party to make payments upon approval by the Board.

## ARTICLE V

### Powers of the Board of Trustees

Section 1. General Powers: The Board of Trustees shall be vested with all powers, and charged with all duties, provided by the laws of the State of Colorado. The Board of Trustees shall have the power to make all the necessary rules and regulations in connection therewith, and for the preservation and protection of the Pension Fund. If the Board of Trustees adopts a trust agreement, it is hereby made part of this document.

Section 2. Decide Applications: The Board of Trustees shall hear and decide all applications for relief, pensions, annuities, retirement, and other benefits under the Colorado laws and these by-laws, and shall maintain a record of all matters properly coming before the Board of Trustees.

Section 3. Receive and Invest Funds: The Board of Trustees shall have the power to receive State, District and City funds, to accept taxes levied on behalf of the Pension Fund as provided by law, to accept any and all other funds, and to invest as provided by statute any or all of funds contributed to the Pension Fund for the benefit of the Pension Fund. The Board of Trustees may appoint an investment manager for any and all assets.

Section 4. Agents and Employees: The Board of Trustees may adopt such rules and actuarial tables as deemed advisable, and may employ such agents, attorneys, actuaries, agreement trustees, or clerical assistants as deemed necessary. When making a determination or calculation, the Board of Trustees shall be entitled to rely upon information furnished by actuaries, agents (such as banks acting in fiduciary capacities), accountants and attorneys.

Section 5. Uniform Decisions: All rules and decisions of the Board of Trustees shall be uniformly and consistently applied to all members in similar circumstances. All changes in benefits shall be uniformly applied to all firefighters covered by the Plan. Any rule or decision which is not inconsistent with the provisions of the Plan shall be conclusive and binding upon all persons affected by it.

Section 6. Semi-Annual Reports: The Board of Trustees shall report to the City Council of the City and the Board of Directors of the District on the condition of the Pension Fund not less than semi-annually, once in February, and again in August of each calendar year.

## ARTICLE VI

### Meetings

Section 1. Regular Meetings: The regular meetings of the Board of Trustees shall be held at 6:30 p.m. on the fourth Thursday of January and July of each year.

Section 2. Special Meetings: Special meetings may be called from time to time by the President, upon due notice of each Board of Trustees member at least twenty-four (24) hours in advance of such meeting. Notice requirements shall be deemed waived by attendance at a special meeting without making an objection based on lack of notice.

Section 3. Quorum: In order to conduct business at either a regular or special meeting of the Board of Trustees, a quorum must be present. A quorum shall consist of a majority of the total number of members currently serving on the Board of Trustees.

Section 4. Conducting Meetings: The President shall call all meetings to order and conduct such meetings.

Section 5. Minutes: The Secretary shall keep all records and minutes of meetings.

## ARTICLE VII

### Insurance Benefits

Section 1. Insurance Policies: The Pension Fund shall be authorized and empowered, in its discretion, and with the consent in writing of 65% of both the active and retired members of the Department, to insure the Members by insurance policies of individual, group or blanket life, endowment or annuity insurance, variable annuity insurance, disability or liability insurance, in and from companies authorized to do business in Colorado, and to expend any portion of the Pension Fund for the purpose of paying the premiums on any such policies. The expending of such funds, however, shall not impair the ability of said Pension Fund to pay the annuities to a member, surviving spouse, dependent children, or dependent parent receiving such annuities.

Section 2. Beneficiary: The Board of Trustees shall be the beneficiary of any insurance policies purchased pursuant to Section 1, Article VII above.

## ARTICLE VIII

### Retirement Benefits

Section 1. Normal Retirement: The Board of Trustees may pension any volunteer member having twenty (20) years of active service and being above the age of fifty (50) years, such pension not to exceed the amount established at the semi-annual meetings of said Board of Trustees, and in

no case shall the pension exceed the amount allowed by state law. Any member with twenty years service may apply for retirement benefits to commence on the first day of the month immediately following his fiftieth birthday. Benefits will be calculated monthly with actual payments made quarterly on January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup>, and October 1<sup>st</sup> of each year.

Section 2. Annual Certification: The information for retirement eligibility shall come from the Department's records, and shall be certified by the Department. On or before March 1<sup>st</sup> of each year, the Chief shall provide to the Board of Trustees certification of the names of the members and the accumulated credited service for each such member, such information to be effective as of December 31<sup>st</sup> of the previous year.

Section 3. Application for Retirement: Any member requesting retirement and pension shall apply to the Board of Trustees in writing at least ninety (90) days before the date upon which such retirement pension is requested to begin. After filing an application for retirement, a member will continue to serve as a firefighter until the actual date approved for retirement. Failure to so apply and notify the Board of Trustees shall entitle the Board of Trustees to postpone any payments to the member until after ninety (90) days from the application. An application for retirement benefits shall contain such information as the Board of Trustees requires in order to verify eligibility for benefits, including but not limited to, date of birth, and years of service.

Section 4. Commencement of Benefits: A member who meets the requirements for retirement pension and whose application therefore has been approved by the Board of Trustees shall receive a monthly annuity, for the remainder of this life, paid quarterly. Benefits shall commence as of the first day of the month coinciding with, or next following, the member's fiftieth birthday and retirement. The last payment shall be made as of the first day of the month in which death of the retired member occurs.

Section 5. Return to Active Service: A retired firefighter shall be eligible to serve as a volunteer firefighter if the Department, by resolution, determines that the Department is in need of additional volunteer firefighters. Any retired member who serves as an active volunteer firefighter shall continue to receive pension benefits but shall not receive service credit for the purpose of increasing such pension.

## ARTICLE IX

### Death Benefits

Section 1. Line of Duty: If any member dies in the line of duty as a firefighter, where such death occurs after the effective date of these bylaws, the Board of Trustees shall pay a monthly annuity not to exceed \$150 as follows:

A. To the member's surviving spouse, so long as such spouse remains unmarried. No dissolution of a subsequent marriage shall have the effect of reinstating such spouse on the pension or benefit roll, authorizing the granting of a pension or benefit.

B. If there is no surviving spouse, as limited and described above, but there is a surviving child or children under eighteen (18) years of age, to the guardian of such child or children for such child or children, to continue until each such child reaches the age of eighteen (18) years, not to exceed an aggregate of \$150 per month.

C. In the event there is no surviving spouse or children as limited and described above, but there is a surviving dependent parent of such deceased member, to such dependent parent, so long as the dependent parent remains unmarried, not to exceed \$150 per month. No dissolution of a subsequent marriage shall have the effect of reinstating such dependent parent on the pension or benefit roll or authorizing the granting of a pension or benefit.

Section 2. Survivor's Death Benefit: A death benefit of \$100 dollars shall be paid to the surviving spouse or family upon the death of any active or retired firefighter, where such death occurs after the effective date of these bylaws.

Section 3. Survivor's Annuity Benefit: Upon the death of a pensioned firefighter, where such death occurs after the effective date of these bylaws, a monthly annuity of up to fifty percent (50%) of the current retirement benefit may be paid to the surviving spouse if the Pension Fund is actuarially sound. Such annuity shall continue so long as the surviving spouse remains unmarried. No dissolution of a subsequent marriage shall have the effect of reinstating such spouse on the pension or benefit roll, or authorize the granting of a pension or benefit.

## ARTICLE X

### Disability

Section 1. In the event of an injury to a member of the department while in the line of duty as a firefighter, where such disability occurs after the effective date of these bylaws, the Board of Trustees shall pay a monthly annuity to said firefighter in an amount that is proper and equitable, the financial condition of the funds considered, but not to exceed \$150 per month, for a period of up to, but not to exceed, one (1) year. Disabilities of such character and magnitude as to deprive the firefighter of his earning capacity, and which extend beyond one (1) year, shall be compensated for by the Board of Trustees in monthly annuities in such an amount as the Board of Trustees determine proper and necessary.

Section 2. All applicants for disability pensions shall be examined by one or more physicians selected for the purpose by the Board of Trustees, the expenses for which shall be paid by the Board of Trustees.

## ARTICLE XI

### Contributions

Section 1. The City and the District make contributions to the Pension Fund.

Section 2. The State of Colorado annually contributes to the Pension Fund an amount equal to ninety percent (90%) of all amounts levied, appropriated, and contributed by the City and District, not to exceed an amount equal to one-half mill on the current valuation for assessment of the City and District, assuming one hundred percent (100%) collection. The State contribution will be added to the City and District contribution to the Pension Fund.

ARTICLE XII

Determination of Benefits and Eligibility

Section 1. Semi-Annual Determination of Benefits: The Board of Trustees, at its semi-annual meetings in January and July of each year, shall determine the amount of retirement benefits, death benefits, disability benefits, and other benefits payable from the Pension Fund for the upcoming six month period within the limits provided by statute and consistent with the provisions of these by-laws, whether or not there are any claims then pending. Nothing herein shall prevent the Board of Trustees from increasing or decreasing payments during any year or for any subsequent years on account of the availability or unavailability for such payments.

Section 2. Determinations of Eligibility: The Board of Trustees shall hear and decide all applications for relief, pensions, annuities, retirement or other benefits payable hereunder. All actions on such application shall be final and conclusive, except that the Board of Trustees may reconsider its decision if, in its opinion, justice demands. A record of such applications and actions thereon shall be kept and preserved.

Section 3. Basis of Determination of Eligibility: The Board of Trustees may make determinations of eligibility based upon Department records, the results of medical examinations, and other factors deemed necessary or appropriate.

ARTICLE XIII

Amendment Procedure

Section 1. These By-Laws may be amended from time to time by the majority vote of the Board of Trustees to conform to any amendments to the Colorado laws, or for any other reason, at the discretion of the Board of Trustees.

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*President*

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*Secretary/Treasurer*

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*City Council Member*

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*City Council Member*

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*Volunteer Firefighter*

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*Volunteer Firefighter*

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*District Member*

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*District Member*