

RESOLUTION NO. 09/04-1223A

A RESOLUTION OF THE ENGLEWOOD AREA FIRE CONTROL DISTRICT AMENDING THE ENGLEWOOD AREA FIRE CONTROL DISTRICT FIREFIGHTERS' PENSION TRUST FUND, ADOPTED PURSUANT TO RESOLUTION 600, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 8, DISABILITY; REPEALING ALL RESOLUTIONS IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE ENGLEWOOD AREA FIRE CONTROL DISTRICT;

SECTION 1: That the Englewood Area Fire Control District Firefighters' Pension Trust Fund, adopted pursuant to Resolution No. 600, as subsequently amended, is hereby further amended by amending Section 1, Definitions, to amend the definition of "Average Final Compensation", to read as follows:

Average Final Compensation means one-twelfth (1/12) of the average Salary of the ~~five (5)~~ two (2) best years of the last ten (10) years of Credited Service prior to retirement, termination, or death, or the career average as a full-time Firefighter, whichever is greater. A year shall be twelve (12) consecutive months.

SECTION 2: That the Englewood Area Fire Control District Firefighters' Pension Trust Fund, adopted pursuant to Resolution No. 600, as subsequently amended, is hereby further amended by amending Section 6, Benefit Amount and Eligibility, subsection 2, Normal Retirement Benefit, to read as follows:

2. Normal Retirement Benefit.

A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month next following his Retirement and be continued thereafter during Member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefit shall equal three and ~~one half twenty-five hundredths~~ percent (~~3.25~~ 3.5%) of Average Final Compensation, for each year of Credited Service.

**SECTION 3:** That the Englewood Area Fire Control District Firefighters' Pension Trust Fund, adopted pursuant to Resolution No. 600, as subsequently amended, is hereby further amended by amending Section 8, Disability, subsection 1, Disability Benefits In-Line of Duty, and subsection 3, Disability Benefits Not In-Line of Duty, to read as follows:

1. Disability Benefits In-Line of Duty.

Any Member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Firefighter, which disability was directly caused by the performance of his duty as a Firefighter, shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to three and ~~one half~~ twenty-five hundredths percent (~~3-25~~ 3.5%) of his Average Final Compensation multiplied by the total years of Credited Service, but in any event the minimum amount paid to the Member shall be forty-two percent (42%) of the Average Final Compensation of the Member. Terminated persons, either vested or non-vested, are not eligible for disability benefits, except that those terminated by the District for medical reasons may apply for a disability within thirty (30) days after termination.

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3. Disability Benefits Not-In-Line of Duty.

Any Member with ten (10) years or more Credited Service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Firefighter, which disability is not directly caused by the performance of his duties as a Firefighter shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to three and ~~one half~~ twenty-five hundredths percent (~~3-25~~ 3.5%) of his Average Final Compensation multiplied by the total years of Credited Service. Terminated persons, either vested or non-vested, are not eligible for disability benefits, except that those terminated by the District for medical reasons may apply for a disability within thirty (30) days after termination.

**SECTION 4:** All Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed.

**SECTION 5:** That this Resolution shall become effective upon adoption.

DONE AND ADOPTED on the 22<sup>nd</sup> day of April, 2009.

4/22/09

Date

Denise Hawkins  
Chairman

4/22/09

Date

Charles H. Bray  
Secretary/Treasurer

RESOLUTION NO. 09/04-1223 B

A RESOLUTION OF THE ENGLEWOOD AREA FIRE CONTROL DISTRICT AMENDING THE ENGLEWOOD AREA FIRE CONTROL DISTRICT FIREFIGHTERS' PENSION TRUST FUND, ADOPTED PURSUANT TO RESOLUTION 600, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 6, BENEFIT AMOUNT AND ELIGIBILITY; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE ENGLEWOOD AREA FIRE CONTROL DISTRICT;

**SECTION 1:** That the Englewood Area Fire Control District Firefighters' Pension Trust Fund, adopted pursuant to Resolution No. 600, as subsequently amended, is hereby further amended by amending Section 6, Benefit Amount and Eligibility, subsection 6, Retirement Window, to read as follows:

6. Retirement Window.

A. Any Member who completes at least twenty (20) years of Credited Service prior to November 1, 2005, may elect to retire and shall receive an unreduced monthly benefit calculated in accordance with subsection 2. above, plus an additional six and five-tenths percent (6.5%) of Average Final Compensation. This additional benefit is only applicable to those Members who meet the eligibility requirements provided for in the previous sentence and who retire and terminate employment on or before December 31, 2005.

B. Any Member who completes at least twenty (20) years of Credited Service prior to November 30, 2009, may elect to retire and shall receive an unreduced monthly benefit calculated in accordance with subsection 2. above, plus an additional seven percent (7%) of Average Final Compensation. This additional benefit is only applicable to those Members who meet the eligibility requirements provided for in the previous sentence and who make an irrevocable written election to retire on or before June 30, 2009. Any eligible Member so electing must retire and terminate employment on or before November 30, 2009.

**SECTION 2:** All Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed.

**SECTION 3:** That this Resolution shall become effective upon adoption.

DONE AND ADOPTED on the 22<sup>nd</sup> day of APRIL, 2009.

4/22/09  
Date

4/22/09  
Date

Denise Hawkins  
Chairman

Charles H. Bray  
Secretary/Treasurer