

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 37**

4
5 **Series, 2017**

6
7 **INTRODUCED BY COUNCILMEMBERS:**

8
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**
10 **COLORADO, ADOPTING AND ENTERING INTO THE**
11 **TRUST AGREEMENT FOR THE COLORADO**
12 **FIREFIGHTER HEART AND CANCER BENEFITS TRUST**
13 **AND TAKING OTHER ACTIONS IN CONNECTION**
14 **THEREWITH**

15
16 **WHEREAS**, under state law, specifically, Part 3 of Article 5 of Title 29,
17 Colorado Revised Statutes (C.R.S.), an employer as defined therein is required to maintain
18 certain firefighter heart and circulatory malfunction benefits in accordance with and subject to
19 the requirements and limitations of said Part 3; and

20
21 **WHEREAS**, under state law, specifically, Part 4 of Article 5 of Title 29,
22 Colorado Revised Statutes (C.R.S.), an employer as defined therein may participate in the
23 voluntary firefighter cancer benefits program to provide certain cancer benefits in accordance
24 with and subject to the requirements and limitations of said Part 4; and

25
26 **WHEREAS**, in order to provide such benefits, an employer, which includes The
27 City of Littleton is authorized to participate in a multiple employer health trust; and

28
29 **WHEREAS**, the city council of the City of Littleton has authority under Article
30 XIV, Section 18(2)(a) of the Colorado Constitution, and Sections 10-3-903.5, 29-1-201, et seq.,
31 29-5-302, and 29-5-402, C.R.S., as amended, to participate with other employers in a multiple
32 employer health trust for the provision of such benefits and for related claims handling, risk
33 management, and other functions and services related to such benefits; and

34
35 **WHEREAS**, the city council has reviewed the Trust Agreement for the
36 Colorado Firefighter Heart and Cancer Benefits Trust, a copy of which is attached hereto as
37 Exhibit A, by and through which the Members (as defined therein) desire to establish a trust (the
38 "Trust") and provide a benefit plan that provides firefighter heart and circulatory malfunction
39 benefits and a benefit plan that provides cancer benefits consistent with the provisions of Part 3
40 and Part 4 of Article 5 of Title 29, C.R.S., as specified in the Colorado Firefighter Heart and
41 Circulatory Malfunction Benefits Plan and Colorado Firefighter Cancer Benefits Plan
42 (collectively, the "Plan"); and

43
44 **WHEREAS**, the Members intend that the Trust, together with the Plan, shall
45 constitute an irrevocable trust exempt from taxation under Internal Revenue Code Section 115;
46 and

47
48 **WHEREAS**, the city council finds that membership and participation in the
49 Trust and Plan would be in the best interests of the City of Littleton its employees and its

1 taxpayers; and

2
3 **WHEREAS,** the city council by this enactment desires to adopt and enter into
4 the Trust Agreement for the Colorado Firefighter Heart and Cancer Benefits Trust, and to take
5 other actions in connection therewith.

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7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
8 **THE CITY OF LITTLETON, COLORADO, THAT:**
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10 **Section 1:** Approves the Trust Agreement for the Colorado Firefighter
11 Heart and Cancer Benefits Trust (the “Trust Agreement”).
12

13 **Section 2:** Authorizes and directs the mayor to execute the Trust
14 Agreement on behalf of the City of Littleton.
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16 **Section 3:** Directs that staff transmit to the Colorado Firefighter Heart and
17 Cancer Benefits Trust (the “Trust”), McGriff, Seibels & Williams Inc., PO Box 1539,
18 Portland, OR 97207-1539, executed and attested copies of this ordinance and such Trust
19 Agreement.
20

21 **Section 4:** Designates Julie Lanier, Acting HR Director as its initial
22 Member Representative to the Trust and designates Melissa Saghy, HR Generalist II as
23 its initial Alternate Representative to the Trust, at the mailing address of 2255 W. Berry
24 Avenue, Littleton, CO 80120.
25

26 **Section 5:** Understands that, with the adoption of this Ordinance and
27 subject to the terms of the Trust Agreement, The City of Littleton becomes a Member of
28 the Trust, with its participation to commence effective as of the date determined in
29 accordance with the Trust Agreement.
30

31 **Section 6:** Severability. If any part, section, subsection, sentence, clause or
32 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
33 validity of the remaining sections of this ordinance. The City Council hereby declares that it
34 would have passed this ordinance, including each part, section, subsection, sentence, clause or
35 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
36 clauses or phrases may be declared invalid.
37

38 **Section 7:** Repealer. All ordinances or resolutions, or parts thereof, in
39 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the
40 repealer clauses of such ordinance nor revive any ordinance thereby.
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43 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
44 of the City of Littleton on the 5th day of December, 2017, passed on first reading by a vote of ____

FOR and ____ AGAINST; and ordered published by posting at Littleton Center, Bemis Library,
the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 19th day of December,
2017, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of _____FOR
and _____ AGAINST on the 19th day of December, 2017 and ordered published by posting at
Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Wendy Heffner
CITY CLERK

Debbie Brinkman
MAYOR

APPROVED AS TO FORM:

Lena McClelland
ASSISTANT CITY ATTORNEY