

DENVER BOARD OF WATER COMMISSIONERS
Acting as Trustee of Retirement Plan or Sponsor of 401(k) Plan

Meeting Date: June 27, 2012

Board Item: 2-A-1

Adoption of Restated Employees' Retirement (Pension) Plan Document

Action by Consent

Action

Information

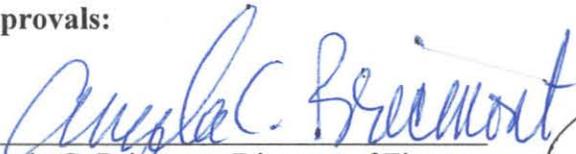
This Board item proposes that the Board adopt a restated Employees' Retirement Plan of the Denver Board of Water Commissioners (Plan) that accumulates all the changes made since the last restatement in 2009. The details of the changes are described in the memorandum prepared by Mary Brauer of Reinhardt Boerner and Van Dueren, Special Counsel to the Board for the Retirement Program, dated 06/22/2012. They fall into three categories, and are all highlighted in the attached Plan Document.

1. IRS changes. In December 2008, the Plan was submitted to the IRS requesting a determination of continuing qualification of the Plan under of the provisions of Sections 401A and 501A of the Internal Revenue Code. On May 4, 2012, the IRS issued a favorable determination letter for the Plan, subject to the Board's adoption of several clarifying amendments. The necessary amendments are included in this restated Plan Document.
2. Changes adopted since 2009. Since the last restatement, the CEO/Manager has approved several amendments needed to comply with federal law, pursuant to the Board's September 14, 2005 Delegation Resolution. The Board has also adopted several changes to the plan regarding sick and vacation leave payout and deletion of the pension purchase plan.
3. Plan reference to Personnel Policies. At its April 25, 2012 Board meeting, the Board adopted a change to the Personnel Policies to allow merit payments under the pay-for-performance system to be included in the definition of compensation under the Plan. The Plan language was somewhat ambiguous, and clarification in the Personnel Policies was deemed appropriate to maintain flexibility as the compensation system evolves over time. To insure that future flexibility is maintained, the restated Plan specifically refers to the Personnel Policies for the definitions of compensation and employee.

Recommendation:

It is recommended that the Board adopt the proposed restated Plan Document effective June 27, 2012.

Approvals:

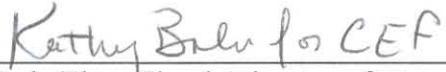


Angela C. Briemont, Director of Finance

Respectfully submitted,



James S. Lochhead
CEO/Manager



Carla Elam-Floyd, Director of Human
Resources



Patricia L. Wells, General Counsel